

The next sentence in Wharton's deals with treason and de facto government; but the very next paragraph reads as follows:

"Under the Roman law, when a subordinate acts in obedience to a superior's lawful commands, the defense respondeat superior applies. With us, also, a command, to be a defense, must be lawful. 'In all cases,' says Sir J. F. Stephen, 'in which force is used against the person of another, both the person who orders such force to be used and the person using that force are responsible for its use, and neither of them is justified by the circumstance that he acts in obedience to orders given him by a civil or military superior; but the fact that he did so act, and the fact that the order was apparently lawful, are in all cases relevant to the question whether he believed, in good faith and on reasonable grounds, in the existence of a state of facts which would have justified what he did apart from such orders.' But unless the order were one which the subaltern was required by the law of the land to obey, or unless physical compulsion were applied, the superior's orders is no defense."

Defense counsel has also included a quotation from Wharton, immediately following the one which we have discussed, in which he cites Wharton's Section 384 "Coercion". The last sentence of this quotation indicates the applicability of the provisions, but we must read the following portion of the same paragraph, which is omitted by counsel, if we are to understand the true application: "It would be a most dangerous rule if a defendant could shield himself from prosecution for crime by merely setting up a fear from or because of a threat of a third person. But in the case of a married woman a different rule prevails. Where she commits a crime in the presence of her husband except the crimes of treason, murder, and certain other crimes male in se, she is presumed to have acted under his direction and by his coercion, and his will constitute a complete defense to the prosecution for the crime. But there is no presumption of coercion of an infant by a parent."

Perhaps it is unnecessary to cite additional law with regard to the question of compulsion and coercion and necessity, but it is desirable to point out that in the instant case, there is no evidence of any actual coercion or any actual compulsion having been applied. All that we have is Teraki's fear that possibly Matoba might take such certain actions against him. Whether this fear was a fear of death to Teraki or not is completely irrelevant, because the law does not permit one to commit murder of another individual through a fear of injury to one's self. 2 Stephen's "History of Criminal Law" (1873), pp 107-108, contains the following: "Criminal law is itself a system of compulsion on the widest scale. It is a collection of threats of injury to life, liberty and property if people do commit crimes. Are such threats to be withdrawn as soon as they are encountered by opposing threats? The law says to a man intending to commit murder, if you do it I will hang you. Is the law to withdraw its threat if someone else says, 'If you do not do it I will shoot you?'"

"Surely it is at the moment when temptation to commit to crime is strongest that the law should speak most clearly and emphatically to the contrary. It is of course a misfortune for a man that he should be placed between two fires, but it would be a much greater misfortune for society at large if criminals could confer impunity upon their agents by threatening them with death of violence if they refused to execute their commands. If impunity could be so secured a wide door would be open to collusion, and encouragement would be given to associations of malefactors, secret or otherwise. No doubt the moral guilt of a person who commits a crime under compulsion is less than that of a person who commits it freely, but any effect which is thought proper may be given to this circumstance by a proportional mitigation of the offender's punishment."

There is no need to dwell on that phase of defense counsel's arguments any more. We need merely refer the commission back to the main issues as presented by the facts.

Participation of Teraki has been established in two distinct manners. First, the direct participation. Such participation, as is indicated by the testimony of Sato and of Nakamura, consisted of the verbal encouragement "do the act quickly" and secondly by the added participation of instructing the guard in how to slit the prisoner for his beheading and his comments to Sato with regard thereto. This evidence and the related facts have been contested by defense counsel. The commission must weigh the conflicting evidence and make their determination as to which is the reliable and the credible evidence.

There is another phase of participation and that is the phase which the accused has not contested, which he has not sought to say is unreliable; and that is the fact that the accused and others knew that there was a series of incidents planned to occur at that place, time, and on that date. Whether they knew it three days before, or on the morning of the incident is clearly immaterial. There was the knowledge that the prisoner was to be executed and that the prisoner was to be dissected and that the liver and flesh was to be removed from the prisoner. They were all part and parcel of the same chain of events.

It is not necessary to further consider the presence of Teraki for the known purpose of removing the flesh and liver as constituting an encouragement of the execution because we have already deduced the direct evidence of the participation - in the verbal request to speed up the execution and the verbal orders regarding seating of the prisoner for execution; and the encouragement of Teraki's presence for removal of liver, etc is merely another part of that direct participation, and one which may be considered in that connection.

Independent of the aspect of encouragement, there is the fact that there was a known series of events, that Teraki's participation could not occur and was not designed to occur until after the execution had occurred, that Teraki was there for the purpose of carrying out his part of that plan, and Sato was there for the purpose of carrying his part of that plan, and that it was all one known intended and planned series of events. The commission must determine whether the presence of Teraki for the purpose of carrying out his part of that series of events constituted a participation in the first step of that series, namely in the execution.

There is little more to be said except once more to point out that the frailties of an individual man or group of men under circumstances of brutality or bestiality or fear is perhaps something to be considered in mitigation but is not anything which would be considered in determining the evidence of their responsibility for failure to perform their duties under international law. For such persons are similarly held criminally responsible to perform those duties under their own domestic law; and it is not necessary for me to cite per example, the Japanese law which is the same as our own in that regard.

Respectfully,

*David Bolton*

David Bolton,  
Lieutenant, USN,  
Judge Advocate.

It is perhaps desirable to look at some of the specific cases cited in Wharton's, section 384, in the footnotes to the paragraphs which we have previously discussed, portions of which were omitted by defense counsel: "Actual presence of party threatening, necessary. Thus, where one who had threatened to take the life of defendant he refused to kill another was a mile away at the time of the commission of the crime, but defendant, believing the threat would be executed, to save his own life, killed a man, as directed, he was held guilty of deliberate murder." (State v. Fisher (1899) 23 Mont. 540, 59 Pac. 919; State v. Nergashian (1904) 26 R.I. 299, 106 Am.St.Rep. 715, 58 Atl. 953, 3 Ann. Cas. 1026; Paris v. State (1895) 35 Tex. Crim. Rep. 82, 31 S.W. 855.) "Threat made three days before the deed, that party would kill defendant if he did not go with and assist in the crime, held to be no defence." (People v. Repke (1895) 103 Mich. 459, 61 N.W. 861.) "Fear as an excuse for crime has never been received by the law. No man, from fear of circumstances to himself, has the right to make himself a party to committing mischief on mankind." (Lord Denman in Reg. v. Tyler (1838) 8 Car & P (Eng.) 616. See Reg. v. Dudley, L.R. 14 Q.B. Div (Eng) 273, 560, 54 L.J. Mag. Cas. N.S. 32, 52 L.T.N.S. 107, 33 Week. Rep. 347, 15 Cox, C.C. 624, 49 J.P. 69, 5 Am.Crim.Rep. 559.) (pages 15 and 16).

This is merely one source of citation of pertinent case material. The law is clear and there is no need to burden the commission with further citation on that score. It might be pointed out that defense counsel have made no citations of any case precedents or law under Japanese law, international law, or domestic law, which would justify the actions of the accused under the circumstances present in the instant case.

Defense counsel have sought to deny the direct participation of the accused in the murder and have chosen to take issue with the evidence that Teraki requested Sato and Nakamura to perform the execution quickly. Defense Counsel have said that if that was so, then Teraki would not have waited fifteen or twenty minutes after the prisoner had been beheaded; therefore, they conclude he did not say to Sato or Nakamura "do it quickly". The reasoning of defense counsel is, of course, specious upon its face. There is nothing inherently inconsistent in those facts. Teraki could have desired to have the execution performed quickly even though he had intended to wait fifteen or twenty minutes. If he did anticipate waiting then he would have had only a double reason to increase the speed of the execution. By speeding up the execution he would not have had to wait fifteen or twenty minutes plus the additional time of a delayed execution.

But aside from the fact that there is no conflict between the testimony that Teraki urged Sato and Nakamura to "do it quickly" and his testimony that he delayed 15 or 20 minutes, we should note the inherent improbability of this entire story of Teraki, that he wanted to wait fifteen or twenty minutes until the body got cold. The story is improbable from the very nature of the man's profession as a medical man, from his ability in handling patients, from his position, skill, and background and disposition. The fact that he has positively stated under oath that he performed no previous operations on human bodies, is of little consequence, even if we believed him. It is probably that he was present at them, and it is apparent that in his military duties he had performed some minor operations as he on cross-examination finally admitted. But the amusing part of his testimony, if such a thing can be considered amusing because of its ridiculous nature, the amusing part of this is the fact that here Teraki has testified as to this third incident that he did not wish to dissect the body while it was warm; yet on February 25th, immediately after a prisoner of war had been stabbed, Teraki removed the flesh and liver from that prisoner, apparently with no compunction and with no qualms about the heat of the body. We have the testimony of eyewitnesses Matsui to that incident. Matsui was asked question: "How long after the execution did Teraki begin his dissection?" Answer "At once."

TERAKI, TADASHI (4 MAR 1949)

(VOL. II)

(167855)

E 550

Case of [redacted]  
TERAKI, Tadashi  
March 4, 1949

REPORT OF THE BOARD OF INVESTIGATION  
CONDUCTED BY THE JUDGE ADVOCATE GENERAL  
ACTION BY COMMANDER IN CHIEF, PACIFIC FLEET,  
REVIEWING AUTHORITY  
ACTION OF THE SECRETARY OF THE NAVY

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

RECEIVED  
24 MAY 1949  
OFFICE OF JUDGE  
ADVOCATE GENERAL  
G.C.M. SECTION

C-N

167855

VOLUME II

0554

EXHIBIT 1 consisting of the following certified excerpts from the record of the trial of Lieutenant General Yoshio Tachibana, IJA, et al:

CHARGES AND SPECIFICATIONS  
FINDINGS OF THE MILITARY COMMISSION  
ACTION OF COMMANDER MARIANAS, CONVENING AUTHORITY  
ACTION OF COMMANDER IN CHIEF, PACIFIC FLEET,  
REVIEWING AUTHORITY  
ACTION OF THE SECRETARY OF THE NAVY

RECORD OF PROCEEDINGS

of a

MILITARY COMMISSION

convened at

General Headquarters, Pacific Fleet

at the Hotel New Yorker, Honolulu

from 1945 to 1946

by order of

The Honorable Earl Warren, President

Exhibit 1

0555

And Refer to  
JAG:I:RAS:fld  
17-10/OQ (6/25/47)  
154578

NAVY DEPARTMENT  
Washington 25, D. C.

18 JUL 1947

From: The Secretary of the Navy.  
To: Commander Marianas Area.  
Via: Commander in Chief, United States Pacific Fleet.  
Subject: Military Commission case of Lieutenant General Tachibana, Yoshio, I.J.A., Captain Yoshii, Shizuo, I.J.N., and Major Matoba, Sueo, I.J.A., tried in joinder with Vice Admiral Mori, Kunizo, I.J.N., Captain Sato, Kesakichi, I.J.A., Lieutenant Suyeyoshi, Jitsuro, I.J.N., Surgeon Lieutenant Sasaki, Mitsuyoshi, I.J.N., Surgeon Lieutenant Matsushita, Kanehisa, I.J.N., First Lieutenant Isogai, Gunji, I.J.A., Lieutenant (jg) Hayashi, Minoru, I.J.N., Lieutenant (jg) Masutani, Shinichi, I.J.N., Mori, Yasamasu, sergeant, I.J.A., Nakamura, Shigenobu, corporal, I.J.A., and Kido, Matsutaro, superior private, I.J.A., by your order on 15 August 1946.

1. The Military Commission before which Lieutenant General Tachibana, Yoshio, I.J.A., Captain Yoshii, Shizuo, I.J.N., and Major Matoba, Sueo, I.J.A., were tried in joinder with Vice Admiral Mori, Kunizo, I.J.N., Captain Sato, Kesakichi, I.J.A., Lieutenant Suyeyoshi, Jitsuro, I.J.N., Surgeon Lieutenant Sasaki, Mitsuyoshi, I.J.N., Surgeon Lieutenant Matsushita, Kanehisa, I.J.N., First Lieutenant Isogai, Gunji, I.J.A., Lieutenant (jg) Hayashi, Minoru, I.J.N., Lieutenant (jg) Masutani, Shinichi, I.J.N., Mori, Yasamasu, sergeant, I.J.A., Nakamura, Shigenobu, corporal, I.J.A., and Kido, Matsutaro, superior private, I.J.A., under date of 15 August 1946, found Lieutenant General Tachibana, Yoshio, I.J.A., Captain Yoshii, Shizuo, I.J.N., and Major Matoba, Sueo, I.J.A., guilty of Charges I, Murder, II, Violation of the Laws and Customs of War, and III, Neglect of Duty in Violation of Laws and Customs of War, and the specifications thereunder as follows:

Charge I As to Tachibana, specification 1, 3 and 4 proved, specification 2 proved in part - not charged with specifications 5 and 6; as to Yoshii, specification 6 proved, specification 2 proved in part - not charged with specifications 1, 3, 4 and 5; as to Matoba, specification 4 proved, specification 5 proved in part - not charged with specifications 1, 2, 3 and 6.

Charge II As to Tachibana, specification 2 proved, specification 1 proved in part - not charged with specifications 3, 4, 5, 6, 7 and 8; as to Yoshii, specifications 4 and 5 proved in part - not charged with specifications 1, 2, 3, 6, 7 and 8; as to Matoba, specification 1 proved, specifications 3 and 6 proved in part - not charged with specifications 2, 4, 5, 7 and 8.

Certified to be a true copy

*Walter H. Cullen*  
Commander, U.S. Navy

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JAG:I:RAS:fld  
A17-10/OQ (7/15/47)  
154578

Charge III

As to Tachibana, specifications 1, 2, 3, and 4 proved, specification 5 proved in part - not charged with specifications 6 to 24 inclusive; as to Yoshii, specifications 12, 13, 14, 15, 16 and 17 proved - not charged with specifications 1 to 11 inclusive and 18 to 24 inclusive; as to Matoba, specifications 19, 20 and 22 proved, specification 18 proved in part, specification 21 not proved - not charged with specifications 1 to 17 inclusive and 23 and 24.

The following sentences were adjudged:

"The commission, therefore, sentences him Tachibana, Yoshii, lieutenant general, Imperial Japanese Army, to be hanged by the neck until dead, two-thirds of the members concurring."

"The commission, therefore, sentences him Yoshii, Shizuo, captain, Imperial Japanese Navy, to be hanged by the neck until dead, two-thirds of the members concurring."

"The commission, therefore, sentences him, Matoba, Sueo, major, Imperial Japanese Army, to be hanged by the neck until dead, two-thirds of the members concurring."

2. The Commander Marianas Area, the convening authority, on 21 December 1946, subject to remarks, approved the proceedings, findings of guilty and sentences in this case.

3. The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 2 January 1947, subject to remarks, approved the proceedings, findings of guilty and sentences in this case, and the action of the convening authority thereon.

4. The Acting Secretary of the Navy, on 18 July 1947, approved the remarks and recommendations of the Judge Advocate General in this case. Accordingly, the findings on specifications 1 (as to Matoba only), 4 and 6 of Charge II and specifications 1, 2, 3, 4, 5, 7, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of Charge III and the action of the convening and reviewing authorities thereon were set aside.

5. In accordance with the provision of Section D-14, Naval Courts and Boards, 1937, the Acting Secretary of the Navy on 18 July 1947, confirmed the sentences of death adjudged by the Military Commission as to Lieutenant General Tachibana, Yoshio, I.J.A., Captain Yoshii, Shizuo, I. J.N., and Major Matoba, Sueo, I.J.A.

6. Subject to any directives issued by the Commander in Chief, United States Pacific Fleet, the Commander Marianas Area is hereby directed to effect the execution of the sentences as confirmed. It is further directed that a report of the execution of the death sentence in each instance be submitted to the Secretary of the Navy.

John L Sullivan  
Acting Secretary of the Navy.

Copy to:  
Chief of Naval Operations.

Certified to be a true copy

*Robert H. [Signature]*  
Commander, U.S. Navy

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# United States of America



## NAVY DEPARTMENT

I hereby certify that the annexed are true copies of the charges and specifications in the military commission case of Lieutenant General Yoshio Tachibana, IJA, et al, case number 154578, which is on file

in this Department.

In testimony whereof, I have hereunto set my hand and caused the Seal of the Navy Department of the United States to be affixed, at the City of Washington, this twenty-fifth day of February in the year of our Lord one thousand nine hundred and forty-nine, and of the independence of the United States the one hundred and seventy-third.

*E. S. Woods*  
E. S. WOODS

ACTING JUDGE ADVOCATE GENERAL OF THE NAVY  
FOR THE SECRETARY OF THE NAVY.

*Secretary*

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117-25/FF12  
13-JUL-46

UNITED STATES PACIFIC FLEET  
COMMANDER MARIANAS

Serial:

22 July 1946

From: The Commander Marianas Area.  
To : Lieutenant Daniel FLYNN, USNR, and/or  
Lieutenant Edward L. FIELD, USNR, and/or  
Lieutenant Fredric T. SUSS, USNR,  
Judge Advocates, Military Commission, Commander Marianas.

Subject: Charges and Specifications - in the case of:  
  
Lieutenant General TACHIBANA, Yoshio, Imperial Japanese Army.  
Vice Admiral MORI, Kunizo, Imperial Japanese Navy.  
Captain YOSHII, Shisuo, Imperial Japanese Navy.  
Major MATOBA, Sueo, Imperial Japanese Army.  
Captain SATO, Kesakichi, Imperial Japanese Army.  
Lieutenant SUYEYOSHI, Jitsuro, Imperial Japanese Navy.  
Surgeon Lieutenant SASAKI, Mitsuyoshi, Imperial Japanese Navy.  
Surgeon Lieutenant MATSUSHITA, Kanehisa, Imperial Japanese Navy.  
First Lieutenant ISOGAI, Gunji, Imperial Japanese Army.  
Lieutenant (jg) HAYASHI, Minoru, Imperial Japanese Navy.  
Lieutenant (jg) MASUTANI, Shinichi, Imperial Japanese Navy.  
Sergeant MORI, Yasumasu, Imperial Japanese Army.  
Corporal NAKAMURA, Shigenobu, Imperial Japanese Army.  
Superior Private KIDO, Matsutaro, Imperial Japanese Army.

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

CHARGE I

MURDER

SPECIFICATION 1.

In that TACHIBANA, Yoshio, then a major general, IJA, Commanding General of the First Mixed Brigade, and KIDO, Matsutaro, then a superior private, IJA, attached to the Headquarters First Mixed Brigade, both attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving at said military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, acting jointly with ITO, Kikuji, then a lieutenant colonel, IJA, HIGASHIGI, Seiji, then a captain, IJA, SHIMURA, Hisao, then a leading private, IJA, IKAWA, Shigeo, then a first lieutenant, IJA, and others unknown in pursuance of a common intent, did, each and together, on or about 7 August 1944, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, without justifiable cause, and without proper trial or other due process, assault, strike and kill, by bayoneting with fixed bayonets and by beheading with a sword, two American prisoners of war, namely, one Lloyd Richard WOELLSHOFF and one whose name is to the relater unknown, both taken and there held captive by the armed forces of Japan, this in violation of the laws and customs of war and the moral standards of civilized society.

(A)



CHARGE I (continued)

SPECIFICATION 2

EEW  
In that TACHIBANA, Yoshio, then a major general, IJA, Commanding General of the First Mixed Brigade, YOSHII, Shizuo, then a commander, IJN, Commanding Officer of the YOAKE wireless station, MASUTANI, Shinichi, then an ensign, IJN, attached to the YOAKE wireless station, and HAYASHI, Minoru, then an ensign, IJN, attached to the YOAKE wireless station, all attached to the military installations of the Imperial Japanese armed forces, Chichi Jima, Bonin Islands, and while so serving at said military installations, Chichi Jima, Bonin Islands, acted jointly and in pursuance of a common intent, did, each and together, on or about 24 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, without justifiable cause, and without proper trial or other due process, assault, strike, and kill, by beheading with swords, an American prisoner of war, namely, one James Wesley DYE, junior, aviation radioman third class, U. S. Navy, then and there held captive by the armed forces of Japan, in aggravation of which the said YOSHII did, after the death of the said DYE, eat the flesh and viscera of the body of the said DYE, all this in violation of the laws and customs of war and the moral standards of civilized society.

CHARGE I (continued)

SPECIFICATION 3

In that TACHIBANA, Yoshio, then a major general, IJA, Commanding General of the First Mixed Brigade, attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving at said military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, acting jointly with KATO, Takemune, then a Colonel, IJA, YAMASHITA, Masao, then a first lieutenant, IJA, MORITO, Shoichi, then a superior private, IJA, OSHIDA, Takekazu, then a superior private, IJA, TANIYAMA, Shinosuke, then a leading private, IJA, and others unknown in pursuance of a common intent, did, on or about 25 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, without justifiable cause, and without proper trial or other due process, assault, strike and kill by spearing with bamboo spears and by bayoneting with fixed bayonets, an American prisoner of war, name to the relator not definitely known, but believed to be Grady Alvan YORK, aviation ordnanceman third class, U.S. Navy, then and there held captive by the armed forces of Japan, this in violation of the laws and customs of war and the moral standards of civilized society.

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CHARGE I (continued)

SPECIFICATION 4

In that TACHIBANA, Yoshio, then a lieutenant general, IJA, Commanding General of the 109th Division, MATOBA, Sueo, then a major, IJA, Commanding Officer of the 308th Independent Infantry Battalion, SATO, Kesakichi, then a First lieutenant, IJA, attached to the 308th Independent Infantry Battalion, and NAKAMURA, Shigenobu, then a corporal, IJA, attached to the 308th Independent Infantry Battalion, all attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving at said army installations, Chichi Jima, Bonin Islands, acting jointly and in pursuance of a common intent, did, each and together, on or about 26 March 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, without justifiable cause, and without proper trial or other due process, assault, strike and kill, by beheading with a sword, an American prisoner of war, namely, Floyd Ewing HALL, ensign, U. S. Naval Reserve, then and there held captive by the armed forces of Japan, in aggravation of which the said MATOBA did, after the death of the said HALL, eat the flesh and viscera of the body of the said HALL, all this in violation of the laws and customs of war and the moral standards of civilized society.

CHARGE I (continued)

SPECIFICATION 5

In that MATOBA, Sueo, then a major, IJA, Commanding Officer of the 308th Independent Infantry Battalion and SUEYOSHI, Jitsuro, then a lieutenant (jg), IJN, Commanding Officer of the Eighth Naval Antiaircraft Battery, both attached to the military installation of the Imperial Japanese armed forces, Chichi Jima, Bonin Islands, and while so serving at said installations Chichi Jima, Bonin Islands, acting jointly and in pursuance of a common intent with one MORISHITA, Hironobu, then a lieutenant (jg), IJN, now deceased, did, each and together, on or about 23 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, without justifiable cause, and without proper trial or other due process, assault, strike and kill, by beheading with a sword, an American prisoner of war, name to the relator not definitely known, but believed to be one Marvie William MERSHON, aviation readman third class, U. S. Navy, then and there held captive by the armed forces of Japan, in aggravation of which the said MATOBA did, after the death of the said American prisoner of war believed to be MERSHON, eat the flesh and viscera of the body of said prisoner, all this in violation of the laws and customs of war and the moral standards of civilized society.

CHARGE I (continued)

SPECIFICATION 6

In that YOSHII, Shisuo, then a commander, IJN, Commanding Officer of the YOAKE wireless station, attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at said military installations, Chichi Jima, Bonin Islands, acting jointly with KURASAKI, Yasuo, then a lieutenant, IJN, now deceased, KOYAMA, Takao, then an ensign, IJN, now deceased, and others to the relator unknown, in pursuance of a common intent, did, on or about 5 March 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, without justifiable cause, and without proper trial or other due process, assault, strike and kill, by beheading with a sword, an American prisoner of war, namely, one Warren Earl VAUGHN, second lieutenant, U. S. Marine Corps Reserve, then and there held captive by the armed forces of Japan, this in violation of the laws and customs of war and the moral standards of civilized society.

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CHARGE II

VIOLATION OF THE LAWS AND CUSTOMS OF WAR

SPECIFICATION 1

In that TACHIBANA, Yoshio, then a major general, IJA, Commanding General of the First Mixed Brigade and MATOBA, Sueo, then a major, IJA, Commanding Officer of the 308th Independent Infantry Battalion, both attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving at said military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, did, each and together, on or about 23 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire wilfully, and unlawfully prevent the honorable burial of an American prisoner of war, name to the relator not definitely known but believed to be one Marvie William MERSHON, aviation radioman third class, U. S. Navy, who died in captivity of the Japanese armed forces, by removing and causing to be removed and eating the flesh and viscera of the body of the said prisoner of war believed to be MERSHON, and the said TACHIBANA and the said MATOBA thereby violated the laws and customs of war and the moral standards of civilized society.

CHARGE II (continued)

SPECIFICATION 2.

In that TACHIBANA, Yoshio, then a major general, IJA, Commanding General of the First Mixed Brigade, attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, did, during the period 1 August 1944 to 25 March 1945 on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully and unlawfully mistreat and cause to be mistreated by his orders four American prisoners of war, names to the relator unknown, then and there held captive by the Armed forces of Japan, by denying them food, water and shelter and by tying them to trees, exposing them to inclement weather and the danger of fire and bombing of a combat zone, and he, the said TACHIBANA, thereby violated the laws and customs of war.

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CHARGE II (continued)

SPECIFICATION 3

In that MORI, Kunizo, then a rear admiral, IJN, Commander of all Naval Forces on Chichi Jima, Bonin Islands, MATOBA, Sueo, then a major, IJA, Commanding Officer of the 308th Independent Infantry Battalion, First Mixed Brigade, and ISOGAI, Gunji, then a second lieutenant, IJA, attached to the 308th Independent Infantry Battalion, First Mixed Brigade, all attached to the military installations of the Imperial Japanese Armed Forces, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Armed Forces, Chichi Jima, Bonin Islands, did, each and together, on or about 28 March 1945, at the Navy base headquarters on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully prevent the honorable burial of an American prisoner of war, name to the relator unknown, who died in captivity of the Japanese Armed Forces, by eating the flesh and viscera of the body of the said prisoner of war, and the said MORI, the said MATOBA, and the said ISOGAI thereby violated the laws and customs of war and the moral standards of civilized society.

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CHARGE II (continued)

SPECIFICATION 4

In that YOSHII, Shisuo, then a commander, IJN, Commanding Officer of the YOAKE wireless station, attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at said military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, did, on or about 24 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully and unlawfully prevent the honorable burial of an American prisoner of war, namely, one James Wesley DYE, junior, aviation radioman third class, U. S. Navy, who died in captivity of the Japanese armed forces, by removing, and causing to be removed, offering and distributing to members of his command and eating the flesh and viscera of the body of the said American prisoner of war, and the said YOSHII thereby violated the laws and customs of war and the moral standards of civilized society.

0568

CHARGE II (continued)

SPECIFICATION 5

In that YOSHII, Shizuo, then a commander, IJN, Commanding Officer of the YOAKE wireless station, and MATSUSHITA, Kanehisa, then a lieutenant, IJN, attached to the Second Motor Torpedo Boat Squadron, both attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, acting jointly and in pursuance of a common intent, did, each and together, on or about 5 March, 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully and unlawfully prevent the honorable burial of an American prisoner of war, namely, one Warren Earl VAUGHN, second lieutenant, U. S. Marine Corps Reserve, who died in captivity of the Japanese armed forces, by mutilating and improperly removing and causing to be removed, the flesh and viscera of the body of the said VAUGHN, and the said YOSHII and the said MATSUSHITA thereby violated the laws and customs of war.

0569

CHARGE II (continued)

SPECIFICATION 6

In that MATOBA, Sueo, then a major, IJA, Commanding Officer of the 308th Independent Infantry Battalion, and ISOGAI, Gunji, then a second lieutenant, IJA, attached to the 308th Independent Infantry Battalion, both attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, did, each and together, on or about 26 March 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully and unlawfully prevent the honorable burial of an American prisoner of war, namely, one Floyd Ewing HALL, ensign, U. S. Naval Reserve, who died in captivity of the Japanese armed forces, by removing and causing to be removed and eating the flesh and viscera of the body of the said HALL, and the said MATOBA and the said ISOGAI thereby violated the laws and customs of war and the moral standards of civilized society.

CHARGE II (continued)

SPECIFICATION 7

In that SASAKI, Mitsuyoshi, then a surgeon lieutenant (j.g.), IJN, attached to the Special Navy Base Headquarters of the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at the YOAKE wireless station, a part of the said military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, did, on or about 24 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully and unlawfully prevent the honorable burial of an American prisoner of war, namely, one James Wesley DYE, junior, aviation radioman third class, U. S. Navy, who died in captivity of the Japanese armed forces, by mutilating and improperly removing the flesh and viscera of the body of the said DYE, and the said SASAKI thereby violated the laws and customs of war.

CHARGE II (continued)

SPECIFICATION 8

In that SATO, Kesakichi, then a first lieutenant, IJA, attached to the 308th Independent Infantry Battalion, First Mixed Brigade, and MORI, Yasumasu, then a sergeant, IJA, attached to the 308th Independent Infantry Battalion, First Mixed Brigade, both attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, acting jointly and in pursuance of a common intent, did, each and together, on or about 26 March 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully and unlawfully prevent the honorable burial of an American prisoner of war, namely, one Floyd Ewing HALL, ensign, U. S. Naval Reserve, who died in captivity of the Japanese armed forces, by bayoneting, mutilating and causing to be bayoneted and mutilated, the body of the said HALL, and the said SATO and the said MORI thereby violated the laws and customs of war.

0572

CHARGE III

NEGLECT OF DUTY IN VIOLATION OF LAWS AND CUSTOMS OF WAR.

SPECIFICATION 1

In that TACHIBANA, Yoshio, then a major general, IJA, Commanding General of the First Mixed Brigade, attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving at said military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, did, during the period about 7 August 1944, to about 25 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding General of the said First Mixed Brigade, to control and restrain members of his command and other persons, then subject to his control, namely, ITO, Kikuji, then a lieutenant colonel, IJA, HIGASHIGI, Saji, then a captain, IJA, IKAWA, Shigeo, then a first lieutenant, IJA, SHIMURA, Hisao, then a leading private, IJA, KATO, Takemune, then a colonel, IJA, YAMASHITA, Masao, then a first lieutenant, IJA, TANIYAMA, Shinsouke, then a leading private, IJA, MORITO, Shoichi, then a superior private, IJA, and OSHIDA, Takekasu, then a superior private, IJA, and other persons unknown, as it was his duty to do, in that he permitted and allowed the aforesaid persons and persons unknown to unlawfully kill, and unlawfully cause to be killed during said period on said island, by bayoneting with fixed bayonets, spearing with bamboo spears and by beheading with swords, three American prisoners of war, namely, one Lloyd Richard WOELLHOF, aviation radioman second class, U. S. Navy, one whose name is to the relator unknown, and one whose name is to the relator not definitely known, but believed to be Grady Alvan YORK, aviation ordnanceman third class, U. S. Navy, said American prisoners of war then and there held captive by the armed forces of Japan on said island, this in violation of the laws and customs of war.

CHARGE III (continued)

SPECIFICATION 2

In that TACHIBANA, Yoshio, then a major general, IJA, Commanding General of the First Mixed Brigade, attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving at said military installations of the Imperial Japanese Army, Chiohi Jima, Bonin Islands, did, during the period about 7 August 1944 to about 25 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding General of the said First Mixed Brigade, to properly protect American prisoners of war, then and there held captive by the armed forces of Japan on said island, as it was his duty to do, in that he did neglect and fail to take steps to prevent, and to prevent the unlawful killing by members of the armed forces of Japan, then subject to his control, with bayonets, with bamboo spears and with swords, during said period, of three (3) American prisoners of war, namely, one Lloyd Richard WOELLHOF, aviation radioman second class, U. S. Navy, one whose name is to the relator unknown, and one whose name is to the relator not definitely known, but believed to be Grady Alvan YORK, aviation ordnanceman third class, U. S. Navy, which unlawful killings he knew and should have known to be taking place during said period on said island; and he, the said TACHIBANA, through said neglect and failure, did suffer the said American prisoners of war to be unlawfully killed during the period and place aforesaid, in violation of the laws and customs of war.

0574

CHARGE III (continued)

SPECIFICATION 3

In that TACHIBANA, Yoshio, then a lieutenant general, IJA, Commanding General of the 109th Division, attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving at said military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, did, on or about 26 March 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding General of the said 109th Division, to control and restrain members of his command, and other persons, then subject to his control, namely, MATOBA, Sueo, then a major, IJA, SATO, Kesakichi, then a first lieutenant, IJA, TERAOKI, Tadashi, then a first lieutenant, IJA, NAKAMURA, Shigenobu, then a corporal, IJA, and other persons unknown, as it was his duty to do, in that he permitted and allowed the aforesaid persons and persons unknown to unlawfully kill, and unlawfully cause to be killed, on said date on Mikasuki Hill on said island, by beheading with a sword, an American prisoner of war, namely one Floyd Ewing HALL, ensign, U.S. Naval Reserve, then and there held captive by the armed forces of Japan, this in violation of the laws and customs of war.

CHARGE III (continued)

SPECIFICATION A

In that TACHIBANA, Yoshio, then a lieutenant general, IJA, Commanding General of the 109th Division, attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, did, on or about 26 March 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding General of the said 109th Division, to properly protect an American prisoner of war held captive by the armed forces of Japan on said island, as it was his duty to do, in that he did neglect and fail to take steps to prevent, and to prevent the unlawful killing by members of the armed forces of Japan, then subject to his control, by beheading with a sword, on said date on said island, of an American prisoner of war, namely, one Floyd Ewing HALL, ensign, U. S. Naval Reserve, which unlawful killing he knew and should have known to be taking place on said date on said island; and he, the said TACHIBANA, through said neglect and failure, did suffer the said American prisoner of war to be unlawfully killed at the time and place aforesaid, in violation of the laws and customs of war.

0576

CHARGE III (continued)

SPECIFICATION 5

In that TACHIBANA, Yoshio, then a major, general, IJA, Commanding General of the First Mixed Brigade, attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving at said military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, did, on or about 23 February 1945, at the headquarters of the 307th Independent Infantry Battalion, First Mixed Brigade, Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully and unlawfully disregard, neglect and fail to discharge his duty as Commanding General of the said First Mixed Brigade, to control and restrain a member of his command, then subject to his control, namely, MATOBA, Sueo, then a major, IJA, as it was his duty to do, in that he permitted and allowed the aforesaid MATOBA to unlawfully prevent the honorable burial of an American prisoner of war, name to the relator not definitely known, but believed to be Marvie William MERSHON, aviation radioman third class, U. S. Navy, who died in captivity of the Japanese armed forces, by removing and causing to be removed, and eating the flesh and viscera of the body of said prisoner of war in the said TACHIBANA's presence, at the time and place aforesaid, all this in violation of the laws and customs of war and the moral standards of civilized society.

CHARGE III (continued)

SPECIFICATION 6

In that MORI, Kunizo, then a rear admiral, IJN, Commander Naval Forces, Chichi Jima, Bonin Islands, attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands; did, during the period 1 February to 10 March 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty, as commander of the said naval forces on said island, to control and restrain members of his command and other persons, then subject to his control, namely, YOSHII, Shisuo, then a commander, IJN; MASUTANI, Shinichi, then an ensign, IJN; HAYASHI, Minoru, then an ensign, IJN, and other persons unknown, as it was his duty to do, in that he permitted and allowed the aforesaid persons and persons unknown to unlawfully kill, and unlawfully cause to be killed, during said period on said island, by beheading with swords, three American prisoners of war, namely, one James Wesley DYE, junior, aviation radioman third class, U. S. Navy, one Warren Earl VAUGHN, second lieutenant, U. S. Marine Corps Reserve, and one whose name is to the relator not definitely known, but believed to be one Marvie William MERSHON, aviation radioman third class, U. S. Navy, said American prisoners of war then and there held captive by the armed forces of Japan on said island, this in violation of the laws and customs of war.

0578

CHARGE III (continued)

SPECIFICATION 7

In that MORI, Kunizo, then a rear admiral, IJN, Commander Naval Forces, Chichi Jima, Bonin Islands, attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, did, during the period 1 February to 10 March 1945 on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commander of said naval forces, to properly protect American prisoners of war, held captive by units under his command, as it was his duty to do, in that he did neglect and fail to take steps to prevent, and to prevent the unlawful killing by members of the armed forces of Japan, then subject to his control, of beheading with swords during said period, of three American prisoners of war, namely, one James Wesley M.E. junior, aviation radioman third class, U. S. Navy, Warren Earl VAUGHN, second lieutenant, U. S. Marine Corps Reserve, and one whose name is to the relator not definitely known, but believed to be Marvie William MERSHON, aviation radioman third class, U. S. Navy, then and there held captive by the armed forces of Japan on said island; and he, the said MORI, through said neglect and failure, did suffer the said American prisoners of war to be unlawfully killed at the times and place aforesaid, in violation of the laws and customs of war.

CHARGE III (continued)

SPECIFICATION 8

In that MORI, Kuniso, then a rear admiral, IJN, Commander Naval Forces, Chichi Jima, Bonin Islands, attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, did, during the period 1 February to 10 March 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commander of said naval forces on said island, to control and restrain members of his command and other persons, then subject to his control, namely, YOSHII, Shizuo, then a commander, IJN, SASAKI, Mitsuyoshi, then a surgeon lieutenant (jg), IJN, KURASAKI, Yasuo, then a lieutenant, IJN, now deceased, MATSUSHITA, Kanehisa, then a surgeon lieutenant, IJN, and other persons unknown, as it was his duty to do, in that he permitted and allowed the aforesaid persons and persons unknown to unlawfully prevent the honorable burial of two (2) American prisoners of war by mutilating and causing to be mutilated, during said period on said island, the bodies of the said two (2) American prisoners of war, namely, one James Wesley DYE, junior, aviation radioman third class, U. S. Navy, and one Warren Earl VAUGHN, second lieutenant, U. S. Marine Corps Reserve, who died in captivity of the Japanese armed forces, and the said MORI thereby violated the laws and customs of war.

0580

CHARGE III (continued)

SPECIFICATION 9

In that MORI, Kunizo, then a rear admiral, IJN, Commander of Army and Naval Forces on Chichi Jima, Bonin Islands, senior Japanese officer present on Chichi Jima, Bonin Islands, attached to the military installations of the Imperial Japanese armed forces, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese armed forces, Chichi Jima, Bonin Islands, did, during the period about 7 August 1944 to about 25 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commander of Army and Naval Forces and senior officer present on said island, to control and restrain members of his command and other persons, then subject to his control, namely, TACHIBANA, Yoshio, then a major general, IJA, KATO, Takemune, then a colonel, IJA, ITO, Kikuji, then a lieutenant colonel, IJA, HIGASHIGI, Seiji, then a captain, IJA, IKAWA, Shigeo, then a first lieutenant, IJA, YAMASHITA, Masao, then a first lieutenant, IJA, SHIMURA, Hisao, then a leading private, IJA, TANIYAMA, Shinosuke, then a leading private, IJA, MORITO, Shoichi, then a superior private, IJA, OSHIDA, Takekazu, then a superior private, IJA, and other persons unknown, as it was his duty to do, in that he permitted and allowed the aforesaid persons and persons unknown to unlawfully kill, and unlawfully cause to be killed during said period on said island, by bayoneting with fixed bayonets, spearing with bamboo spears and beheading with swords, three American prisoners of war, namely, one Lloyd Richard FOELLHOF, aviation radioman second class, U. S. Navy, one whose name is to the relator unknown, and one whose name is to the relator not definitely known, but believed to be Grady Alvan YORK, aviation ordnanceman third class, U.S. Navy, said American prisoners of war then and there held captive by the armed forces of Japan on said island, this in violation of the laws and customs of war.

CHARGE III (continued)

SPECIFICATION 10

In that MORI, Kunizo, then a rear admiral, IJN, Commander of Army and Naval Forces on Chichi Jima, Bonin Islands, senior Japanese officer present on Chichi Jima, Bonin Islands, attached to the military installations of the Imperial Japanese armed forces, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese armed forces, Chichi Jima, Bonin Islands, did, during the period about 7 August 1944 to about 25 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commander of Army and Naval Forces and senior officer present on said island, to properly protect American prisoners of war, then and there held captive by the armed forces of Japan on said island, as it was his duty to do, in that he did neglect and fail to take steps to prevent, and to prevent the unlawful killing by members of the armed forces of Japan, then subject to his control, with fixed bayonets, with bamboo spears and with swords, during said period, of three American prisoners of war, namely, one Lloyd Richard WOELLHOF, aviation radioman second class, U.S. Navy, one whose name is to the relator unknown, and one whose name is to the relator not definitely known, but believed to be Grady Alvan YORK, aviation ordnanceman third class, U.S. Navy, which unlawful killings he knew and should have known to be taking place during said period on said island; and he, the said MORI, through said neglect and failure, did suffer the said American prisoners of war to be unlawfully killed during the period and at the place aforesaid, in violation of the laws and customs of war.

CHARGE III (continued )

SPECIFICATION 11

In that MORI, Kunizo, then a rear admiral, IJN, Commander Naval Forces, Chichi Jima, Bonin Islands, attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, did, on or about 28 March 1945, at his headquarters on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commander Naval Forces on said island, to control and restrain persons, then subject to his control, namely, MATOBA, Sueso, then a major, IJN, and ISOGAI, Gunji, then a second lieutenant, IJA, as it was his duty to do, in that he permitted and allowed the aforesaid MATOBA and ISOGAI to unlawfully prevent the honorable burial of an American prisoner of war, name to the relator unknown, who died in captivity of the Japanese armed forces, by eating the flesh and viscera of the body of the said prisoner of war in the said MORI'S presence, at the time and place aforesaid, this in violation of the laws and customs of war and the moral standards of civilized society.

CHARGE III (continued)

SPECIFICATION 12

In that YOSHII, Shisuo, then a commander, IJN, Commanding Officer of the YOAKE wireless station, attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, did, on or about 24 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding Officer of the said YOAKE wireless station, to control and restrain members of his command, namely, one MASUTANI, Shinichi, then an ensign, IJN, HAYASHI, Minoru, then an ensign, IJN, and other persons unknown, as it was his duty to do, in that he permitted and allowed the aforesaid persons and persons unknown to unlawfully kill, and unlawfully cause to be killed, on said date at said YOAKE wireless station, by beheading with swords, an American prisoner of war, namely, one James Wesley DYE, junior, aviation radioman third class, U. S. Navy, said American prisoner of war, then and there held captive by the armed forces of Japan at the said YOAKE wireless station, this in violation of the laws and customs of war.

0584

CHARGE III (continued)

SPECIFICATION 13

In that YOSHII, Shizuo, then a commander, IJN, Commanding Officer of the YOAKE wireless station, attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, did, on or about 24 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding Officer of the said YOAKE wireless station, to properly protect an American prisoner of war, held captive by the armed forces of Japan at the said YOAKE wireless station, as it was his duty to do, in that he did neglect and fail to take steps to prevent, and to prevent the unlawful killing by members of his command, by beheading with a sword, on said date in an area of said YOAKE wireless station, an American prisoner of war, namely, one James Wesley DYE, junior, aviation radioman third class, U. S. Navy, which unlawful killing he knew and should have known to be taking place on said date in said area, and he, the said YOSHII, through said neglect and failure, did suffer the said American prisoner of war to be unlawfully killed at the time and place aforesaid, in violation of the laws and customs of war, and the moral standards of civilized society.

0585

CHARGE III (continued)

SPECIFICATION 14

In that YOSHII, Shisuo, then a commander, IJN, Commanding Officer of the YOAKE wireless station, Senior Officer Present at a place in the Kiyose Area, Chichi Jima, Bonin Islands, attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at the said Kiyose Area and military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, did, on or about 5 March 1945, in the Kiyose Area, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding Officer of the said YOAKE wireless station and Senior Officer Present at the scene of an unlawful execution in the said Kiyose Area on said island, to control and restrain persons, then subject to his control, namely, KURASAKI, Yasuo, then a lieutenant, IJN, now deceased, KOYAMA, Takao, then an ensign, IJN, now deceased, and other persons unknown, as it was his duty to do, in that he permitted and allowed the aforesaid persons and persons unknown to unlawfully kill, and unlawfully cause to be killed, in his presence on said date in said Kiyose Area, by beheading with a sword, an American prisoner of war, namely, one Warren Earl VAUGHN, second lieutenant, U. S. Marine Corps Reserve, said American prisoner of war, then and there held captive by the armed forces of Japan in the said Kiyose Area, this in violation of the laws and customs of war.

0586

CHARGE III (continued)

SPECIFICATION 15

133  
In that YOSHII, Shizuo, then a commander, IJN, Commanding Officer of the YOAKE wireless station, senior officer present at a place in the Kiyose area, Chichi Jima, Bonin Islands, attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at the said Kiyose area and military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, did, on or about 5 March 1945, in the Kiyose area on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding Officer of the said YOAKE wireless station and senior officer present at the scene of an unlawful execution in the Kiyose area on said island, to properly protect an American prisoner of war held captive by the armed forces of Japan in the said Kiyose area, as it was his duty to do, in that he did neglect and fail to take steps to prevent, and to prevent the unlawful killing in his presence, by members of the armed forces of Japan, by beheading with a sword, on said date in said area, of an American prisoner of war, namely, one Warren Earl VAUGHN, second lieutenant, U. S. Marine Corps Reserve, which unlawful killing he knew and should have known to be taken place on said date in the said Kiyose area; and he, the said YOSHII, through said neglect and failure, did suffer the said American prisoner of war to be unlawfully killed at the time and place aforesaid, in violation of the laws and customs of war.

0587

CHARGE III (continued)

SPECIFICATION 16

133  
In that YOSHII, Shizuo, then a commander, IJN, Commanding Officer of the YOAKE wireless station, attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, did, on or about 24 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding Officer of the said YOAKE wireless station, to control and restrain a member of his command, then subject to his control, namely, SASAKI, Mitsuyoshi, then a surgeon lieutenant (jg), IJN, as it was his duty to do, in that he permitted and allowed the aforesaid SAKAI, to unlawfully prevent the honorable burial of an American prisoner of war by mutilating on said date in an area of the said YOAKE wireless station, the body of the said American prisoner of war, namely, one James Wesley DYE, junior, aviation radioman third class, U.S. Navy, who died in captivity of the Japanese armed forces at the said YOAKE wireless station, and the said YOSHII thereby violated the laws and customs of war.

0588

CHARGE III (continued)

SPECIFICATION 17

834  
In that YOSHII, Shizuo, then a commander, IJN, Commanding Officer of the YOAKE wireless station attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, did, on or about 5 March 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding Officer of the YOAKE wireless station and senior officer present at the scene of an unlawful execution in the Kiyose area on said island, to control persons, then subject to his control, namely, KURASAKI, Yasuo, then a lieutenant, IJN, now deceased, and MATSUSHITA, Kanehisa, then a surgeon lieutenant, IJN, as it was his duty to do, in that he permitted and allowed the aforesaid persons to unlawfully prevent the honorable burial of an American prisoner of war by mutilating and unlawfully causing to be mutilated, on said date in said Kiyose area, the body of the said American prisoner of war, namely, one Warren Earl AVUGHN, second lieutenant, U. S. Marine Corps Reserve, who died in captivity of the Japanese armed forces, and the said YOSHII thereby violated the laws and customs of war.

CHARGE III (continued)

SPECIFICATION 18

In that MATOBA, Sueso, then a major, IJA, Commanding Officer of the 308th Independent Infantry Battalion, First Mixed Brigade, attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving as Commanding Officer of the said 308th Independent Infantry Battalion, and in command of the Northern Defense Sector of Chichi Jima, Bonin Islands, did, during the period about 23 February to about 25 March 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding Officer of the said 308th Independent Infantry Battalion, and the Commander of the said Northern Defense Sector, to control and restrain members of his command and other persons, then subject to his control, namely, SATO, Kesakichi, then a first lieutenant, IJA, SUYEYOSHI, Jitsuro, then a lieutenant, IJN, MORISHITA, Hironobu, then a lieutenant (jg) IJN, now deceased, and NAKAMURA, Shigenobu, then a corporal, IJA, and other persons unknown, as it was his duty to do, in that he permitted and allowed the aforesaid persons and persons unknown, under his command and subject to his control, to unlawfully kill, and unlawfully cause to be killed, during said period in said Northern Defense Sector, by beheading with swords, two American prisoners of war, namely, one Floyd Ewing HALL, ensign, U. S. Naval Reserve, and one whose name is to the relator not definitely known, but believed to be one Marvie William MERSHON, aviation radioman third class, U. S. Navy, said American prisoners of war then and there held captive by the armed forces of Japan in the said Northern Defense Sector, this in violation of the laws and customs of war.



CHARGE III (continued)

SPECIFICATION 20

654  
224  
224  
284

In that MATOBA, Sueo, then a major, IJA, Commanding Officer of the 308th Independent Infantry Battalion, First Mixed Brigade, attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving as Commanding Officer of the said 308th Independent Infantry Battalion and in command of the Northern/Defense Sector of Chichi Jima, Bonin Islands, did, during the period about 23 February to about 26 March 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding Officer of the said 308th Independent Infantry Battalion and Commander of the said Northern/Defense Sector, to control and restrain members of his command, then subject to his control, namely, SATO, Kesakichi, then a first lieutenant, IJA, TERAOKI, Tadashi, then a surgeon first lieutenant, IJA, MORI, Yasumasu, then a sergeant, IJA, and other persons unknown, as it was his duty to do, in that he permitted and allowed the aforesaid persons and persons unknown, under his command and subject to his control, to unlawfully prevent the honorable burial of two American prisoners of war by mutilating and causing to be mutilated during said period in said Northern/Defense Sector, the bodies of the said two American prisoners of war, namely, one Floyd Ewing HALL, ensign, U. S. Naval Reserve, and one whose name is to the relator not definitely known, but believed to be one Marvie William MERSHON, aviation radioman third class, U. S. Navy, who died in captivity of the Japanese armed forces in the said Northern/Defense Sector, when unlawful mutilations he, the said MATOBA, knew and should have known to be taking place on said dates in said area; and he, the said MATOBA, thereby violated the laws and customs of war.

CHARGE III (continued)

SPECIFICATION 21

*EEA*  
In that MATOBA, Sueso, then a major, IJA, Commanding Officer of the 308th Independent Infantry Battalion, First Mixed Brigade, attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, did, on or about 23 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding Officer of the said 308th Independent Infantry Battalion, to control and restrain a member of his command, then subject to his control, namely NAKAJIMA, Noboru, then a captain, IJA, as it was his duty to do, in that he permitted and allowed the aforesaid NAKAJIMA to unlawfully kill, by beating to death with a stick, at the Headquarters of the said 308th Independent Infantry Battalion, an American prisoner of war, name to the relator not definitely known, but believed to be one Glenn Junior FRAZIER, aviation ordnanceman second class, U.S. Navy, said American prisoner of war then and there held captive by the armed forces of Japan on said island, this in violation of the laws and customs of war.

0593

CHARGE III (continued)

SPECIFICATION 22

In that MATOBA, Sueso, then a major, IJA, Commanding Officer of the 308th Independent Infantry Battalion, First Mixed Brigade, attached to the military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Army, Chichi Jima, Bonin Islands, did, on or about 23 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding Officer of the said 308th Independent Infantry Battalion, to properly protect an American prisoner of war held captive by the armed forces of Japan on said island, as it was his duty to do, in that he did neglect and fail to take steps to prevent, and to prevent the unlawful killing by a member of his command, by beating to death with a stick on said date, at the headquarters of the said 308th Independent Infantry Battalion, of an American prisoner of war, name to the relator not definitely known, but believed to be one Glenn Junior FRAZIER, aviation ordnanceman second class, U. S. Navy, then and there held captive by the armed forces of Japan at the headquarters of the said 308th Independent Infantry Battalion, and he, the said MATOBA, through said neglect and failure, did suffer the said American prisoner of war to be unlawfully killed at the time and place aforesaid, in violation of the laws and customs of war.

CHARGE III (continued)

SPECIFICATION 23

In that SUYEYOSHI, Jitsuro, then a lieutenant (jg), IJN, Commanding Officer of the Eighth Naval Antiaircraft Battery, attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, did, on or about 23 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregarded, neglect and fail to discharge his duty as Commanding Officer of the said Eighth Naval Antiaircraft Battery, to control and restrain members of his command, namely, MORISHITA, Hironobu, then a lieutenant (jg), IJN, now deceased, and other persons unknown, as it was his duty to do, in that he permitted and allowed the aforesaid MORISHITA and persons unknown to unlawfully kill, on said date in the Omura Cemetery on said island, by beheading with a sword, an American prisoner of war, name to the relator not definitely known, but believed to be one Marvie William MERSHON, aviation radioman third class, U. S. Navy, then and there held captive by the armed forces of Japan on said island, this in violation of the laws and customs of war.

CHARGE III (continued)

SPECIFICATION 24

In that SUYEYOSHI, Jitsuro, then a lieutenant (jg), IJN, Commanding Officer of the Eighth Naval Antiaircraft Battery, attached to the military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, and while so serving at the said military installations of the Imperial Japanese Navy, Chichi Jima, Bonin Islands, did, on or about 23 February 1945, on Chichi Jima, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, unlawfully disregard, neglect and fail to discharge his duty as Commanding Officer of the said Eighth Naval Antiaircraft Battery, to properly protect an American prisoner of war held captive by the armed forces of Japan as it was his duty to do, in that he did neglect and fail to take steps to prevent, and to prevent the unlawful killing by members of his command, then subject to his control, by beheading with a sword, on said date in the Omura Cemetery on said island, of the said American prisoner of war, name to the relator not definitely known, but believed to be one Marvie William MERSHON, aviation radioman third class, U.S. Navy, which unlawful killing he knew and should have known to be taking place on said date in said cemetery and he, the said SUYEYOSHI, through said neglect and failure, did suffer the said American prisoner of war to be unlawfully killed at the time and place aforesaid, in violation of the laws and customs of war.

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

0596

# United States of America



## NAVY DEPARTMENT

I hereby certify that the annexed are true copies of the findings in the military commission case of Lieutenant General Yoshio Tachibana, IJA, et al, case number 154578, which is on file \_\_\_\_\_

in this Department.



In testimony whereof, I have hereunto set my hand and caused the Seal of the Navy Department of the United States to be affixed, at the City of Washington, this twenty-fifth day of February in the year of our Lord one thousand nine hundred and forty-nine, and of the independence of the United States the one hundred and seventy-third.

*H. E. Woods*  
H. E. WOODS

ACTING JUDGE ADVOCATE GENERAL OF THE NAVY  
FOR THE SECRETARY OF THE NAVY.

*Secretary*

The judge advocate was recalled and directed to record the following findings:

As to the accused, TACHIBANA, Yoshio:

The first specification of the first charge proved.

The second specification of the first charge proved in part, proved except the words "flesh and", which words are not proved.

The third specification of the first charge proved.

The fourth specification of the first charge proved.

And that the accused, TACHIBANA, Yoshio, Lieutenant General, Imperial Japanese Army, is of the first charge guilty.

The first specification of the second charge proved in part, proved except the words "removing and causing to be removed and", which words are not proved.

The second specification of the second charge proved.

And that the accused, TACHIBANA, Yoshio, Lieutenant General, Imperial Japanese Army, is of the second charge guilty.

The first specification of the third charge proved.

The second specification of the third charge proved.

The third specification of the third charge proved.

The fourth specification of the third charge proved.

The fifth specification of the third charge proved in part, proved except the words "wilfully and", which words are not proved.

And that the accused, TACHIBANA, Yoshio, Lieutenant General, Imperial Japanese Army, is of the third charge guilty.

As to the accused, MORI, Kunizo:

The third specification of the second charge not proved.

And that the accused, MORI, Kunizo, Vice Admiral, Imperial Japanese Navy, is of the second charge not guilty; and the commission does therefore acquit the said MORI, Kunizo, Vice Admiral, Imperial Japanese Navy, of the second charge.

The sixth specification of the third charge proved.

The seventh specification of the third charge proved.

The eighth specification of the third charge not proved.

The ninth specification of the third charge not proved.

The tenth specification of the third charge not proved.

And that the accused, MORI, Kunizo, Vice Admiral, Imperial Japanese Navy, is of the third charge guilty.

As to the accused, YOSHII, Shizuo:

The second specification of the first charge proved in part, proved except the words "flesh and", which words are not proved.

The sixth specification of the first charge proved.

And that the accused, YOSHII, Shizuo, Captain, Imperial Japanese Navy, is of the first charge guilty.

The fourth specification of the second charge proved in part, proved except the words "flesh and", which words are not proved.

The fifth specification of the second charge proved in part, proved except the words "mutilating and" and the words "flesh and", which words are not proved.

And that the accused, YOSHII, Shizuo, Captain, Imperial Japanese Navy, is of the second charge guilty.

The twelfth specification of the third charge proved.

The thirteenth specification of the third charge proved.

The fourteenth specification of the third charge proved.

*The seventh specification of the third charge not proved.*



The fifteenth specification of the third charge proved.  
The sixteenth specification of the third charge proved.  
The seventeenth specification of the third charge proved.  
And that the accused, YOSHII, Shisuo, Captain, Imperial Japanese Navy, is of the third charge guilty.

As to the accused, MATOBA, Sueo:  
The fourth specification of the first charge proved.  
The fifth specification of the first charge proved in part, proved except the words "and Suyeyoshi, Jitsuro, then a lieutenant (j.g.), IJN, Commanding Officer of the Eighth Naval Antiaircraft Battery, both" and the words "each and together," which words are not proved.  
And that the accused, MATOBA, Sueo, Major, Imperial Japanese Army, is of the first charge guilty.

The first specification of the second charge proved.  
The third specification of the second charge proved in part, proved except the words "Mori, Kunizo, then a rear admiral, Imperial Japanese Navy, Commander of all Naval Forces on Chichi Jima, Bonin Islands," and the words "and Isogai, Gunji, then a second lieutenant, Imperial Japanese Army, attached to the 308th Independent Infantry Battalion, First Mixed Brigade, all" and the words "each and together," and the words "flesh and" and the words "the said Mori," and the words "and the said Isogai", which words are not proved.

The sixth specification of the second charge proved in part, proved except the words "and Isogai, Gunji, then a second lieutenant, Imperial Japanese Army, attached to the 308th Independent Infantry Battalion, both" and the words "each and together," and the words "and the said Isogai", which words are not proved.  
And that the accused, MATOBA, Sueo, Major, Imperial Japanese Army, is of the second charge guilty.

The eighteenth specification of the third charge proved in part, proved except the words "Suyeyoshi, Jitsuro, then a lieutenant, Imperial Japanese Navy", which words are not proved.

The nineteenth specification of the third charge proved.  
The twentieth specification of the third charge proved.  
The twenty-first specification of the third charge not proved.  
The twenty-second specification of the third charge proved.  
And that the accused, MATOBA, Sueo, Major, Imperial Japanese Army, is of the third charge guilty.

As to the accused, SATO, Kesakichi:  
The fourth specification of the first charge proved.  
And that the accused, SATO, Kesakichi, Captain, Imperial Japanese Army, is of the first charge guilty.

The eighth specification of the second charge proved.  
And that the accused, SATO, Kesakichi, Captain, Imperial Japanese Army, is of the second charge guilty.

As to the accused, SUYEYOSHI, Jitsuro:  
The fifth specification of the first charge not proved.  
And that the accused, SUYEYOSHI, Jitsuro, Lieutenant, Imperial Japanese Navy, is of the first charge not guilty; and the commission does therefore acquit the said SUYEYOSHI, Jitsuro, Lieutenant, Imperial Japanese Navy, of the first charge.

The twenty-third specification of the third charge proved.

The twenty-fourth specification of the third charge proved.  
And that the accused, SUYEYOSHI, Jitsuro, Lieutenant, Imperial Japanese Navy, is of the third charge guilty.

As to the accused, SASAKI, Mitsuyoshi:  
The seventh specification of the second charge proved in part, proved except the words "mutilating and" and the words "flesh and", which words are not proved.  
And that the accused, SASAKI, Mitsuyoshi, Surgeon Lieutenant, Imperial Japanese Navy, is of the second charge guilty.

As to the accused, MATSUSHITA, Kanehisa:  
The fifth specification of the second charge proved in part, proved except the words "mutilating and" and the words "flesh and", which words are not proved.  
And that the accused, MATSUSHITA, Kanehisa, Surgeon Lieutenant, Imperial Japanese Navy, is of the second charge guilty.

As to the accused, ISOGAI, Gunji:  
The third specification of the second charge not proved.  
The sixth specification of the second charge not proved.  
And that the accused, ISOGAI, Gunji, First Lieutenant, Imperial Japanese Army, is of the second charge not guilty; and the commission does therefore acquit the said ISOGAI, Gunji, First Lieutenant, Imperial Japanese Army, of the second charge.

As to the accused, HAYASHI, Minoru:  
The second specification of the first charge proved in part, proved except the words "flesh and", which words are not proved.  
And that the accused, HAYASHI, Minoru, Lieutenant (junior grade), Imperial Japanese Navy, is of the first charge guilty.

As to the accused, MASUTANI, Shinichi:  
The second specification of the first charge proved in part, proved except the words "flesh and", which words are not proved.  
And that the accused, MASUTANI, Shinichi, Lieutenant (junior grade), Imperial Japanese Navy, is of the first charge guilty.

As to the accused, MORI, Yasamasu:  
The eighth specification of the second charge proved.  
And that the accused, MORI, Yasamasu, Sergeant, Imperial Japanese Army, is of the second charge guilty.

As to the accused, NAKAMURA, Shigenobu:  
The fourth specification of the first charge proved.  
And that the accused, NAKAMURA, Shigenobu, Corporal, Imperial Japanese Army, is of the first charge guilty.

As to the accused, KIDO, Matsutaro:  
The first specification of the first charge proved.  
And that the accused, KIDO, Matsutaro, Superior Private, Imperial Japanese Army, is of the first charge guilty.

# United States of America



## NAVY DEPARTMENT

I hereby certify that the annexed are true copies of the action by Commander, Marianas, in the military commission case of Lieutenant General Yoshio Tachibana, IJA, et al, case number 154578, dated 21 December 1946, which is on file \_\_\_\_\_

*in this Department.*



In testimony whereof, I have hereunto set my hand and caused the Seal of the Navy Department of the United States to be affixed, at the City of Washington, this twenty-fifth day of February in the year of our Lord one thousand nine hundred and forty-nine, and of the independence of the United States the one hundred and seventy-third.

*E. P. Woods*  
E. P. WOODS  
ACTING JUDGE ADVOCATE GENERAL OF THE NAVY *Secretary*  
FOR THE SECRETARY OF THE NAVY.

UNITED STATES PACIFIC FLEET  
COMMANDER MARIANAS

FF12/A17-10/  
13-JDM

Serial: 19969

21 DEC 1946

The military commission, composed of Army, Navy and Marine Corps officers, in the foregoing case, was convened 2 August 1946 by the Commander Marianas Area pursuant to his inherent authority as a Military Commander and the specific authorization of the Commander in Chief United States Pacific Fleet (CinCPac conf. serial 0558 of 8 March 1946) and Pacific Ocean Area, and Military Governor of the Pacific Ocean Area. The commission was authorized and directed to take up the present case and such others, the trial of which had not commenced, which had been ordered tried before the military commission convened by precept dated 5 April 1946. The order for trial (charges and specifications) was issued 22 July 1946, and served on the accused on 25 July 1946. The trial was held under authority of Naval Courts and Boards, except that the commission was authorized by the precept to relax the rules of Naval Courts to meet the necessities of the trial and to use the rules of evidence and procedure promulgated by the Supreme Commander for the Allied Powers in his Regulations Governing the Trials of Accused War Criminals, dated 5 December 1945, as necessary to obtain justice.

The proceedings, findings of guilty, and sentences in the foregoing case of Lieutenant General Tachibana, Yoshio, IJA, Vice Admiral Mori, Kunize, IJN, Captain Yoshii, Shizuo, IJN, Major Matoba, Sueo, IJA, Captain Sato, Kesakichi, IJA, Lieutenant Suyeyoshi, Jitsuro, IJN, Surgeon Lieutenant Sasaki, Mitsuyoshi, IJN, First Lieutenant Isogai, Gunji, IJA, Lieutenant (junior grade) Hayashi, Minoru, IJN, Lieutenant (junior grade) Masutani, Shinichi, IJN, Sergeant Mori, Yasumasu, IJA, Corporal Nakamura, Shigenobu, IJA, and Superior Private Kido, Matsutaro, IJA, are approved.

Lieutenant General Tachibana, Yoshio, IJA, Captain Yoshii, Shizuo, IJN, and Major Matoba, Sueo, IJA, will be retained in confinement at the Island Command Stockade, Guam, pending instructions from higher authority. Vice Admiral Mori, Kunize, IJN, Captain Sato, Kesakichi, IJA, Lieutenant Suyeyoshi, Jitsuro, IJN, Surgeon Lieutenant Sasaki, Mitsuyoshi, IJN, Lieutenant (junior grade) Hayashi, Minoru, IJN, Lieutenant (junior grade) Masutani, Shinichi, IJN, Sergeant Mori, Yasumasu, IJA, Corporal Nakamura, Shigenobu, IJA, and Superior Private Kido, Matsutaro, IJA, will be transferred to Japan via the first available United States ship, to serve their respective terms of confinement.

Lieutenant Isogai, Gunji, IJA, who was acquitted, was repatriated to Japan 6 October 1946.

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

To: Commander in Chief United States Pacific Fleet and Pacific Ocean Area.  
Re: Record of Proceedings of Military Commission - case of  
General Yoshio TACHIBANA, IJA, et al.

Copy to:  
Island Commander, Guam.

0602

# United States of America



## NAVY DEPARTMENT

I hereby certify that the annexed are true copies of the action by Commander in Chief, Pacific Fleet, in the military commission case of Lieutenant General Yoshio Tachibana, IJA, et al, case number 154578, dated 2 January 1947, which is on file \_\_\_\_\_

*in this Department.*

In testimony whereof, I have hereunto set my hand and caused the Seal of the Navy Department of the United States to be affixed, at the City of Washington, this twenty-fifth day of February in the year of our Lord one thousand nine hundred and forty-nine, and of the independence of the United States the one hundred and seventy-third.



*E. E. Woods*  
E. E. WOODS

ACTING JUDGE ADVOCATE GENERAL OF THE NAVY  
FOR THE SECRETARY OF THE NAVY.

*Secretary*

THE PACIFIC COMMAND  
and United States Pacific Fleet  
Headquarters of the Commander in Chief

CinCPacFLT File  
A17-25

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

Serial 3

2 JAN 1947

In reviewing the record of proceedings it is noted that in line three page, one, of the index it is stated that Captain YOSHII, Shizuo was in the Imperial Japanese Army. This is in error as he was in the Imperial Japanese Navy. This error does not, however, affect the record.

Several clerical errors and errors of punctuation are noted throughout the record, and in some instances where objections were made the record does not show that the opposite party replied. These are not considered to be material errors, nor were the rights of any defendant prejudiced thereby.

Subject to the foregoing, the proceedings, findings of guilty, sentences, and the action of the convening authority thereon in the foregoing case of Lieutenant General TACHIBANA, Yoshio, IJA, Vice Admiral MORI, Kunizo, IJN, Captain YOSHII, Shizuo, IJN, Major MATOBA, Sueo, IJA, Captain SATO, Kesakichi, IJA, Lieutenant SUYEOSHI, Jitsuro, IJN, Surgeon Lieutenant SASAKI, Mitsuyoshi, IJN, First Lieutenant ISOGAI, Gunji, IJA, Lieutenant (junior grade) HAYASHI, Minoru, IJN, Lieutenant (junior grade) MATSUTANI, IJN, Sergeant MORI, Yasumasu, IJA, Corporal NAKAMURA, Shingenobu, IJA, and Superior Private KIDO, Matsuro, IJA, are approved.

68A  
Prior to the execution of the death sentences adjudged in the case of Lieutenant General TACHIBANA, Yoshio, IJA, Captain YOSHII, Shizuo, IJN, and Major MATOBA, Sueo, IJA, the record is, in conformity with section D-14, Naval Courts and Boards, respectfully referred to the Secretary of the Navy.

J. H. TOWERS  
Admiral, U. S. Navy,  
Commander in Chief, Pacific,  
and United States Pacific Fleet,  
and Military Governor of the Marianas Area.

to: Judge Advocate General.  
Re: Record of proceedings of Military Commission - case of General Yoshio Tachibana, IJA, et al.

Copies to:  
COMARIANAS  
War Crimes Officer GUAM  
IsComGuam.

(D)

0604

TERAKI, TADASHI (4 MAR 1944)

(VOL. III)

(167855)  
PART 1 OF 2

5090

Case of  
TERAKI, Tadashi  
March 4, 1949

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

RECEIVED  
24 MAY 1949  
OFFICE OF JUDGE  
ADVOCATE GENERAL  
G.C.M. SECTION

C-N  
VOLUME III  
167855

0606

訊問事項

アメリカ合衆国  
対  
寺不中心

証人 中村重信

訊問。場所及日時

日本東京巣鴨監獄  
昭和二十四年三月三十一日

合衆国海軍予備中佐 マーティン・ロカールソン 合衆  
国海軍大尉 デビット・ボルトン 及 合衆国海軍予  
備中尉 フレデリック・フトレタンの側からして

コリア方面海軍司令部より召喚せられたる証人  
委員会に於て未決の書記訴訟に於ける積事例  
証人、現在巣鴨監獄の拘禁中の元日本帝國陸  
軍佐長中村重信に對する合衆国海軍大尉デ  
ビット・ボルトン積事の直接訊問及合衆国海軍予備  
中佐マーティン・ロカールソンの反訊問は書記  
積事及予備人主會の上、向當時者の同意に従ひ、  
委員会召喚に先立ち異議及抗告の服する條件で、  
書記召喚命令及書状五枚及その内言に従つて、又証  
據として供する口述書其他に署名せられたる陳述書も  
用ゐることも認可し、連合軍最高司令部より召  
せられたる証人法即ちSOP書翰A400、五〇三(昭  
二〇、三、五附)「戰爭犯罪被害者の裁判に関する規程」特  
に同五A(一)に依つて行はれり。

日本帝國陸軍軍医少尉寺不中心の裁判に於ける積  
事、合衆国海軍大尉デビット・ボルトンによる訊問

昭和二十四年三月二十六日於于巢鴨拘置所  
余中村重信ヨリ質問書ヲ讀ミ別紙ニ  
返答ヲ書ク

於巢鴨拘置所  
中村重信

第一問 姓名、年、と現住所を述べて下さい。

第二問 巢鴨に收容された期間はどの位ですか。

第三問 收容を宣告された期間はどの位ですか。

第四問 戦争中日本軍隊に勤務した事がありますか。

Exhibit 2(2)

中村重信

0608

第五問 父島に配属した事がありますか。

第六問 そこに配属された<sup>期間</sup>はどの位ですか。

第七問 昭和二十年二三四月頃貴方の配属して居る部隊  
の名称は何でしたか。

第八問 その当時の階級は何でしたか。

第九問、簡単にその当時の任務を言ってお下さい。

第十問 この師團は何と云ふ師團ですか。

第十一問 三〇八大隊は一九師團の隷下でしたか。

第十二問 貴方の配属された三〇八大隊の部隊長の名  
前は何でしたか。

第十三問 昭和二十年の三月頃捕虜関係の普通で  
無い事件の起る事を覚えますか。

第十四問 この事件はどこで起ったんですか。

②  
第十五問 何時起つたんですか。

第十六問 その当時の起つた事を簡単に述べて下さい。

第十七問 貴方が處刑の現場に居りましたか。

第十八問 貴方の外に誰かが處刑の現場に居りましたか。

第十九問 佐藤尉と寺木軍医の外の將校が居つてどうか覚えますか。

第二十問 處刑の時人が何名位居りましたか。

第二十一問 處刑現場で起つた事を自分の言葉で簡単に述べて下さい。

第千二問 寺木軍医がどうふう通に捕虜に坐ら  
せましたか。

第千三問 あぐらをかけて坐せる爲に寺木軍医が  
どうしましたか。

第千四問 寺木軍医の歩哨に話した言葉を  
自分の耳で聞きましたか。

第千五問 それからどうなりましたか。

第千六問 寺木軍医の佐藤大尉に話した言葉  
を自分の耳で聞きましたか。

第千七問 貴方の切腹前寺木軍医が又何か  
話した事ありますか。

第千八問 それからどうなりましたか。

第千九問 捕虜を屠處刑してからどう  
なりましたか。

⑤  
第三問 この處刑に關係しを為し貴方が裁判されましたか。

第三問 どこでそれからどの裁判に衣を裁いたんですか

第三問 何時裁きましたか。

第三問 この犯罪に關係しを為し有罪と判決されましたか。

寺木軍医 辨濟士 豫備米海軍マヂニイ、カルソ、中佐  
の 反対訊問

第三四問 寺木軍医の人相について説明して下さい。

第三五問 この軍医はどの部隊に配屬されましたか。

第三六問 寺木軍医の部隊長はなれどしたか。

第三七問 處刑の時迄この軍医を知り居る期間  
はどの位ですか。

第八問 釣場小佐が處刑現場に居りましたか。

第九問 佐藤大尉の部隊長はなれどしたか。

第十問 處刑の日付は昭和十年三月二十七日と覚えて居りますか。

第十一問 處刑の當日命令受領して居りましたか。

第十二問 處刑された人の名前を知道吗。

第十三問 何う言ふ通にホールと言ふ名刺を覚えて來ましたか。

第十四問 佐藤大尉はこの捕虜の首を切る  
と命じましたか。

第十五問 何時この命令を下された事んどすか。

第十六問 處刑現場で軍刀を持つ人は何方  
を指すか。

第七次の人達が處刑の現場に居るかどうかを  
まうか

山下北長、山本伍長和田北長破野寧兵衛  
と鹿軍北

第十八寺木軍医が歩哨に話した時佐藤大尉は  
ここに居りましたか。

第十九寺木軍医が貴方と歩哨に話した前貴  
方はもう佐藤大尉から處刑する命令  
を受けましたか。

第二十寺木軍医が貴方に早くやせ下さいと  
言った時貴方はどこに立って居りました  
か。

第二十一寺木軍医が早くやせ下さいと言った時  
佐藤大尉又切るを命令しましたか。

⑤  
第五二問 鮎場小佐も貴方にこの捕虜を殺すと命令  
しましたか。

第五三問 この處刑は大隊本部のどこで行いましたか。

第五四問 何時頃處刑現場に来ましたか。

第五五問 貴方は何の現場を言っていますか。

第五六問 貴方の去った時寺木軍医がまだ居りまし  
ましたか。

第五七問 イン・シニイラウと言ふ伍長が處刑現場  
に居りましたか。

第五八問 佐藤大尉が貴方に捕虜の首を切ると  
命令した時反対しましたか。

第五九問 断った時佐藤大尉は貴方にこの處刑  
を行ふ故は鮎場小佐が命令したからと  
言傳えましたか。

第六〇問 貴方、記オクニデ貴方、寺木軍医ニ何カ云リシ  
リデ首ヲ切リマシタカ。

昭和三十三年三月三十一日 奈良県鴨取置所 中村重信

半稼働海軍マーサニ・カルソニ中尉

半稼働海軍デーヴィッドボルトニ大尉

フレデリック・エフ・ツリメイニ中尉

三名之会ニテ證明ヲ記ス。

余 中村重信半海軍デーヴィッドボルトニ大尉ニ依テ宣誓答  
ニ以上ノ尋問ニ対シ次ノ釋ニ答フ。

半海軍校尉デーヴィッドボルトニ大尉ノ尋問ニ対スル事

第一問

姓名 中村重信、三六号 奈良鴨取置所ニ收容サレテ  
居ル。

第二問

昭和三十三年三月二十四日 奈良鴨取置所ニ收容サレテ現在  
ニ在ル。

第三問

十年 重学勳。

第四問

有リマス

第五問

有リマス。

第六問

昭和十六年九月二十五日ウラニキ年一月十五日迄

第七問

独立歩兵第三〇六大隊本部

第八問

日本陸軍少佐

第九向

師団司令部命令受領(第三〇一大隊ニ伝達スル命令)

第一〇向

第一〇大連隊

第一一向

ト下デアツタ

第一二向

日本陸軍少佐的場未尋

第一三向

和ツキキマス

第一四向

第三〇一大隊本部

第一五向

昭和三十年三月二十七日ト思フ

第一六向

捕虜ガ処刑サシタ

第一七向

居リマシタ

第一八向

佐藤大尉、奇木号医、金森号医「アト」ト云ヒマシタ

第一九向

居リマシタ、外ノ將校ハ居リマシタ

第二〇向

ニ名位居ツタト思フ

第二一向

佐藤大尉、指摺ニ依リ捕虜ハ奇木号医ガ  
スワラセ自介ガ首ヲ切リマシタ

第二二向

アグラヲカキテスワラセマシタ

第二三向

米喰ニ命ジテスワラセマシタ

第三四問

用マシタ自介デ。

第三五問

悠イ容態デハ切リニクイカラ高クスハラセロト佐藤大尉ガホツタノデ、寺本号医ハ外女ハ高クスバルヲ、出来ヌカラゴトデ切ツテクシト云イマシタ。

第三六問

用マシタ、自介自身デ。

第三七問

オソクナルト空龍ガ来ルカラ早クヤツテ呉シト自介ニ寺本号医ハ云イマシタ。

第三八問

ソノマ、逃刑ニコシタ。

第三九問

直ニ現場ヲ去ツタノデ何が起キタカ知リマセシ

第三〇問

ソウデス。

第三一問

グアム島ノ号法会議ニ裁判サシマシタ。

第三二問

昭和三年二月十五日—十月四日判決。

第三三問

其ノ外、爲ニ判決サシマシタ。

寺本号医辯護士予備米海号マーケニカルソニ中佐、

反对訊問。

第三四問

任ハ中佐テ顔ハ細ク旧鏡ヲ撒ケヤセ型。

第三五回

三〇、独立歩兵大隊ニ配属せしヲ居リマシク

第三六回

日本陸軍少佐的囀未勇デシク

第三七回

初半年位ト思フ

第三八回

居リマセシ

第三九回

日本陸軍少佐的囀未勇デシク

第四〇回

日記ニ書キテマツタカラ

第四一回

ニテ居リマシク

第四二回

ホールト記オクニテ居リマシク

第四三回

的囀部隊ニテニテ居リマシク

第四四回

命ジマシク

第四五回

ソ、現場デス

第四六回

ソウデス

第四七回

山下新長 山本恒長 和田洋長 磯野、居リマシクト

思フガ古魔ニ居リマシクデシク

第四八回

直グ亦ニ居リマシク

第四九回

返ケマシタ。

第五〇回

捕虜ヨリニロ半程、ナシテ居リマシタ

第五一回

又、功ル程ニ佐藤大尉ニ云ハシマシタ

第五二回

命令サシマセシ

第五三回

大隊本部近ク、松林、中テ本部ヨリ一ロ半程  
地点

第五四回

午前九時三十分頃

第五五回

午前十時頃ガツト思フ

第五六回

後ニ返リテ居リマシタ

第五七回

居リマシタ

第五八回

最初一度、断リマシタガ直ニテ云ハシテ目  
テ実行シマシタ

第五九回

云ハシマセシ

第六〇回

ソニテ、アリマセシ奇木音匠、自命ニ命令ス  
權利、アリマセシカラ

以上、返答、訊問ヲ讀ニテ、私、真実、答テ

中村重信

中村重信

Exhibit 2(14)

I swear that I have truthfully transmitted the above information by Lt David Bolton - ~~Exhibitor~~ J. J. Monaghan LTJG USNR  
subscribed and sworn to before me this 28th day of February 1949 David Bolton, Lt JG, Judge Advocate  
Witness - Martin E. Cullem, Commander USNRP Defense Counsel

0620

Interrogatories

United States of America

v.

Teraki, Tadashi

Witness:

Nakamura, Shigenobu.

Place and Date of Interrogation:  
Sugamo Prison, Tokyo, Japan.  
February 21, 1949.

IN THE PRESENCE OF Commander Martin E. Carlson, United States Naval Reserve; Lieutenant David Bolton, United States Navy; and Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve.

The following direct interrogation by Lieutenant David Bolton, United States Navy, judge advocate, and cross-interrogation by Commander Martin E. Carlson, United States Naval Reserve, counsel for the accused, of Nakamura, Shigenobu, former corporal, Imperial Japanese Army, now confined in Sugamo Prison, a witness for the prosecution in the above entitled case now pending and to be tried before a Military Commission convened by Commander Naval Forces Marianas, was held in the presence of the aforementioned judge advocate and defense counsel, pursuant to agreement by both parties, in advance of the assembling of the Commission and subject to objections and exceptions, in accordance with paragraph 5 of said precept and the authority contained therein and the rules of evidence promulgated by the Supreme Commander for the Allied Powers, SCAP ltr AG 000.5 (5 Dec 45) LS, subject "Regulations Governing the Trials of Accused War Criminals," especially section 5d(1)(c) thereof, which authorizes the use in evidence of affidavits, depositions, and other signed statements.

Interrogation by Lieutenant David Bolton, United States Navy, judge advocate, trial of Surgeon Second Lieutenant Teraki, Tadashi, Imperial Japanese Army.

First interrogatory:	State your name, age, and present address.
Second interrogatory:	How long have you been confined at Sugamo Prison?
Third interrogatory:	How long a term of confinement have you been sentenced to serve?
Fourth interrogatory:	Did you serve in the armed forces of Japan during the war?
Fifth interrogatory:	Were you ever stationed on Chichi Jima?
Sixth interrogatory:	During what period of time were you stationed there?
Seventh interrogatory:	What was the name of the unit to which you were attached during the months of February and March and April, 1945?
Eighth interrogatory:	What was your rate at that time?
Ninth interrogatory:	Briefly, what were your duties at that time?

/s/ Nakamura, Shigenobu

-1-

Exhibit 2 (a)(1)

0621

Tenth interrogatory: What was the title of this division?

Eleventh interrogatory: Was the Three Hundred Eighth Battalion attached to the One Hundred Ninth Division?

Twelfth interrogatory: What was the name of the commanding officer of the Three Hundred Eighth Battalion to which you were attached?

Thirteenth interrogatory: Do you recall any unusual incident relating to prisoners of war, which occurred in March, 1945?

Fourteenth interrogatory: Where did this incident occur?

Fifteenth interrogatory: When did it occur?

Sixteenth interrogatory: Briefly, what happened at that time?

Seventeenth interrogatory: Were you present at the scene of the execution?

Eighteenth interrogatory: Who else was present at the scene of the execution?

Nineteenth interrogatory: Do you remember if any officers besides Captain Sato and Surgeon Teraki were present?

Twentieth interrogatory: Approximately how many persons were present at the time of the execution?

Twenty-first interrogatory: State briefly, in your own words, what occurred at the scene of the execution?

Twenty-second interrogatory: In what manner did Surgeon Teraki sit the prisoner down?

Twenty-third interrogatory: What did Surgeon Teraki do to make the prisoner sit down cross-legged?

Twenty-fourth interrogatory: Did you personally hear Surgeon Teraki when he spoke to the guards?

Twenty-fifth interrogatory: What happened after that?

Twenty-sixth interrogatory: Did you personally hear Surgeon Teraki when he spoke to Captain Sato?

Twenty-seventh interrogatory: Did Teraki say anything else before you decapitated the prisoner?

Twenty-eighth interrogatory: What happened after that?

/s/ Nakamura, Shigenobu

-2-

Exhibit 2(a)(2)

0622

Twenty-ninth interrogatory: What happened after you executed the prisoner?

Thirtieth interrogatory: Have you been tried for your participation in this execution?

Thirty-first interrogatory: Where and by what court were you tried?

Thirty-second interrogatory: When were you tried?

Thirty-third interrogatory: Were you found guilty of your participation in this crime?

Cross-interrogation by Commander Martin E. Carlson, United States Naval Reserve, defense counsel for Surgeon Teraki, Tadashi, Imperial Japanese Army.

Thirty-fourth interrogatory: Describe this Medical Officer Teraki.

Thirty-fifth interrogatory: To what unit was this doctor attached?

Thirty-sixth interrogatory: Who was Doctor Teraki's commanding officer?

Thirty-seventh interrogatory: How long had you known Doctor Teraki up to the time of the execution?

Thirty-eighth interrogatory: Was Major Matoba present at the scene of the execution?

Thirty-ninth interrogatory: Who was Captain Sato's commanding officer?

Fortieth interrogatory: How do you remember the date of the execution as being March 27, 1945?

Forty-first interrogatory: Were you on duty as a receiver of orders on the day of the execution?

Forty-second interrogatory: Do you know the name of the person you executed?

Forty-third interrogatory: How did you learn his name was Hall?

Forty-fourth interrogatory: Did Captain Sato order you to behead this flier?

Forty-fifth interrogatory: When did he give you this order?

Forty-sixth interrogatory: Were you the only person at the scene with a sword?

Forty-seventh interrogatory: Can you remember if any of the following persons were present at the scene of the execution: Sergeant Major Yamashita, Corporal Yamamoto, Sergeant Major Fada, Lance Corporal Isono, Sergeant Furushika?

/s/ Nakamura, Shigenobu

-3-

Exhibit 2(a)(3)

0623

Forty-eighth interrogatory:	Where was Captain Sato when Surgeon Teraki spoke to the guards?
Forty-ninth interrogatory:	Before Surgeon Teraki spoke to the guards, had you received your orders from Captain Sato to execute?
Fiftieth interrogatory:	Where were you standing when Teraki spoke to you and said please do it quickly?
Fifty-first interrogatory:	After Teraki said please do it quickly, did Captain Sato again order you to cut the prisoner?
Fifty-second interrogatory:	Did Major Matoba also give you orders to execute this prisoner of war?
Fifty-third interrogatory:	Where at Battalion Headquarters was this execution carried out?
Fifty-fourth interrogatory:	At what time of the day did you arrive at the scene of this execution?
Fifty-fifth interrogatory:	At what time did you leave the scene?
Fifty-sixth interrogatory:	Was Doctor Teraki still there when you left?
Fifty-seventh interrogatory:	Was Iso, Shunichiro, present at the scene of the execution?
Fifty-eighth interrogatory:	When Captain Sato ordered you to decapitate the prisoner, did you oppose it?
Fifty-ninth interrogatory:	When you refused, did Captain Sato then tell you that the execution was to be carried out because of Major Matoba's orders?
Sixtieth interrogatory:	So far as you recall did you behave because you were told something by Surgeon Teraki?

On February 28, 1949 at Sugamo Prison, I, Nakamura, Shigenobu, have read these interrogatories and have written the answers thereto on separate sheets.

At Sugamo Prison.

/s/ Nakamura, Shigenobu

/s/ Nakamura, Shigenobu

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Exhibit 2(a)(4)

0624

February 21, 1949.  
Sugamo Prison.

Nakamura, Shigenobu.

IN THE PRESENCE OF Commander Martin E. Carlson, United States Naval Reserve; Lieutenant David Bolton, United States Navy; and Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve.

I, Nakamura, Shigenobu, being duly sworn by Lieutenant David Bolton, United States Navy, answer as follows the above interrogatories:

Interrogation by Lieutenant David Bolton, United States Navy, judge advocate.

To the first interrogatory: Full name: Nakamura, Shigenobu; thirty-six years old; Sugamo Prison.

To the second interrogatory: I was confined in Sugamo Prison on February 24, 1947, and have been here to the present.

To the third interrogatory: Ten years at heavy labor.

To the fourth interrogatory: Yes, I did.

To the fifth interrogatory: Yes, I was.

To the sixth interrogatory: From September 25, 1941, to August 15, 1946.

To the seventh interrogatory: Three Hundred Eighth Independent Infantry Battalion Headquarters.

To the eighth interrogatory: Corporal, Imperial Japanese Army.

To the ninth interrogatory: I was receiver of division headquarters order (orders to be delivered to the Three Hundred Eighth Battalion).

To the tenth interrogatory: One Hundred Ninth Division.

To the eleventh interrogatory: It was attached to it.

To the twelfth interrogatory: Matoba, Suso, major, Imperial Japanese Army.

To the thirteenth interrogatory: I know about it.

To the fourteenth interrogatory: At the headquarters of the Three Hundred Eighth Battalion.

To the fifteenth interrogatory: I recall that it was on March 27, 1945.

To the sixteenth interrogatory: A prisoner was executed.

/s/ Nakamura, Shigenobu

-5-

Exhibit 2(a)(5)

0625

To the seventeenth interrogatory: I was present.

To the eighteenth interrogatory: Captain Sato, Medical Officer Teraki, and Sergeant Kanemori. I have forgotten the rest.

To the nineteenth interrogatory: No, there weren't. There were no other officers there.

To the twentieth interrogatory: I believe there were about twenty.

To the twenty-first interrogatory: In accordance with the orders of Captain Sato, Medical Officer Teraki sat the prisoner down and I decapitated him.

To the twenty-second interrogatory: He sat the prisoner down cross-legged.

To the twenty-third interrogatory: He gave orders to the guards and had them sit him down.

To the twenty-fourth interrogatory: I heard him myself.

To the twenty-fifth interrogatory: As Captain Sato said, "As it is difficult to cut when the position is low, sit him up high," Medical Officer Teraki said, "Because it is difficult for foreign people to sit up high, please cut with him as he is."

To the twenty-sixth interrogatory: I heard him myself.

To the twenty-seventh interrogatory: Medical Officer Teraki said to me, "As it is late and the air raids will come, please do it quickly."

To the twenty-eighth interrogatory: With that, he [T.N.: the prisoner] was executed.

To the twenty-ninth interrogatory: As I left the scene immediately, I don't know what happened.

To the thirtieth interrogatory: Yes.

To the thirty-first interrogatory: I was tried by a military commission on Guam.

To the thirty-second interrogatory: August 25, 1946 - decision on October 4.

To the thirty-third interrogatory: I was sentenced on account of this incident.

/s/ Nakamura, Shigenobu

-6-

Exhibit 2 (a)(6)

0626

Cross-interrogation by Commander Martin E. Carlson, United States Naval Reserve, counsel for Medical Officer Teraki.

To the thirty-fourth interrogatory: He was of medium height, had a long, thin face, wore glasses and was slender.

To the thirty-fifth interrogatory: He was attached to the Three Hundred Eighth Independent Infantry Battalion.

To the thirty-sixth interrogatory: Matoba, Sueo, major, Imperial Japanese Army.

To the thirty-seventh interrogatory: I believe about half a year.

To the thirty-eighth interrogatory: He was not present.

To the thirty-ninth interrogatory: Matoba, Sueo, major, Imperial Japanese Army.

To the fortieth interrogatory: Because it was written in my diary.

To the forty-first interrogatory: Yes, I was.

To the forty-second interrogatory: I recall that it was Hall.

To the forty-third interrogatory: I asked the Battalion Commander.

To the forty-fourth interrogatory: Yes.

To the forty-fifth interrogatory: At the scene.

To the forty-sixth interrogatory: Yes.

To the forty-seventh interrogatory: I recall that Sergeant Major Yamashita, Corporal Yamamoto, Sergeant Major Wade and Isono were there, but Furushika was not there.

To the forty-eighth interrogatory: He was right nearby.

To the forty-ninth interrogatory: I had received them.

To the fiftieth interrogatory: About twenty meters away from the prisoner.

To the fifty-first interrogatory: I was again told by Captain Sato to cut.

To the fifty-second interrogatory: He did not give me orders.

To the fifty-third interrogatory: At a spot about one hundred meters away from headquarters in the middle of a pine grove.

/s/ Nakamura, Shigenobu

-7-

Exhibit 2 (a)(7)

0627

To the fifty-fourth interrogatory: About nine-thirty in the morning.  
To the fifty-fifth interrogatory: I recall that it was about ten o'clock.  
To the fifty-sixth interrogatory: He was still there afterwards.  
To the fifty-seventh interrogatory: He was present.  
To the fifty-eighth interrogatory: I refused the first time; but when I was told again, I carried it out.  
To the fifty-ninth interrogatory: He did not say so.  
To the sixtieth interrogatory: No, there was no such thing, because Surgeon Teraki had no right to give me an order.

I have read the interrogatories and gave the above true answers.

/s/ Nakamura, Siigenobu.

I swear that I have truly translated the oath administered by Lieutenant David Bolton.

/s/ Frederick F. Tremayne,  
Lieutenant (jg), USNR.

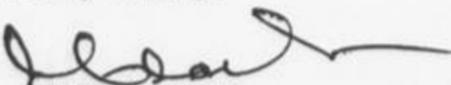
Subscribed and sworn to before me this 28th day of February 1949.

Witness:

/s/ David Bolton, Lieutenant, USN,  
Judge Advocate.

/s/ Martin E. Carlson,  
Commander, USNR,  
Defense Counsel.

I certify that the foregoing is a true and complete translation of the original in Japanese to the best of my ability.

  
EUGENE F. CLARK,  
Lieutenant (jg), USN,  
Interpreter.

訊問事次

及方合永國  
寺不忠心

証人 佐々木朝吉  
訊問の場所及日時

日本東京巣鴨監獄  
昭和二十五年二月二十一日

合永國海軍予備中佐マーソン・E・カーリンソン 合永國海軍大尉デビッド・ボルトン及合永國海軍予備中尉フレッド・トーマスの図示に依り

アメリカ合衆國海軍司令部より召喚せられたる証人等及合衆國未決の前記訴訟に於ける横書側証人等在巣鴨監獄に拘禁中の元日本帝國陸軍大尉佐々木朝吉の對する合永國海軍大尉デビッド・ボルトン・横書の通譯訊問及合永國海軍予備中佐マーソン・E・カーリンソン譯人の反對訊問は前記横書及弁護人之會同の上兩當時者同意に從り、本委員合召喚の先立ち、異議及抗告の服すに條件とし前記召喚命令書第五款及その内三に從り、又証人の供書(其他若し召せられたる譯書を用ひしことを認可しし)を連合軍取立司令部より卷七十七証據証即ちSCAP書翰A4000.505(昭和二十五年四月)の戰爭犯罪報告の裁判に關する規程、特に同五及(一)節に從りて行はれり。

日本帝國陸軍予備中佐の寺不忠心の裁判に依りて横書、合永國海軍大尉デビッド・ボルトンによる訊問

昭和二十四年三月二十日 佐藤今朝吉 左記尋問  
者と談んで承知致しました  
別紙に依り解答致します

佐藤今朝吉

第一問 姓名、年、と現住所を述べて下さい。

第二問 《果嶋ニ收容された期間はどの位ですか。

第三問 收容を宣告された期間はどの位ですか。

第四問 露戦中日本軍隊に勤務した事  
がありますか。

第五問 父島に配属した事がありますか。

第六問 そこに配属された期間はどの位ですか。

第七問 昭和十年三二月頃貴方の配属して居た部隊の名称は何でしたか。

第八問 その当時の階級は何でしたか。

第九問 簡単にその当時の任務を言之下さい。

第十問 三〇八大隊はどの部隊の隷下でしたか。

第十一問 その当時二九師團長の名前は  
何でしたか。

第十二問 その当時三〇八大隊長は誰でしたか。

第十三問 昭和十年の三月頃捕虜関係の普通  
な無い事件の起った事を覚えて居ますか。

第十四問 この事件はどこで起ったか。

第十五問 何時起ったか。

第十六問 その当時の起った事を箇單に述べて下さい。

第十七問 貴方が処刑現場に居りましたか。

第十八問 貴方の外をれが処刑現場に居りましたか。

第十九問 貴方と寺木の外將森が居りましたか。

第二十問 処刑の時 人が何処に居りましたか。

第二十一問 処刑現場で起った事を自分の言葉で箇單に述べて下さい。

第二十二問 貴方が現場に来る時 寺木はもう居りましたか。

第二十三問 貴方の現場に来る時 捕虜はどこの~~所~~風~~に~~坐して居りましたか。

第三問 その捕虜はどういふ風に処刑されましたか。

第五問 首を切るときに捕虜はどういふ風に坐せ居りましたか。

第六問 水が首を切るときか。

第七問 首を切るときからどうなりましたか。

第八問 貴方がその解剖を見ましたか。

第九問 大隊長に何を報告しましたか。

第十問 この処刑に關係した為には貴方が裁判されましたか。

第十一問 どこでそれからの裁判に依て裁いたん  
びますか。

第十二問 何時裁判されましたか。

第十三問 この犯罪に關係した為には有罪と判決さ  
れましたか。

寺木軍医兼藤又士稼備米海軍少イカルツ中佐  
の反文訊問

第三十四問 中村伍長もこの犯罪に関係した為、裁判  
されて有罪と判決されましたか。

第三十五問 船場小佐もこの犯罪に関係した為、裁判さ  
れて有罪と判決されましたか。

第三十六問 この捕虜に何故処刑するかと貴方が  
説明しましたか。

第三十七問 船場小佐が貴方へこの捕虜を処刑  
すると命乞いしましたか。

第三十八問 何時命乞いしましたか。それで貴方へ何  
を言いましたか。

第三十九問 捕虜の首を切る様に船場小佐が言いま  
したか。

第百四問 的場小佐が処刑すると言えから処刑を實行する迄の間はどの位でしたか。

第百五問 的場小佐が寺本軍医に処刑後解剖する様に命令した事を的場小佐が虫真方に言傳へたんですか。

第百六問 貴方は現場に居た千名位の人達に現場に来る様に命令しましたか。

第百七問 止むを得ず中村に命令して処刑を實施したといふと止むを得ずといふのは丁度どういふ意味ですか。

第百八問 寺本軍医の外の軍医が処刑現場に居りましたか。

第百九問 衛生兵は何名位処刑現場に居りましたか。

②  
第百六問 貴方が処刑現場を去るが、この処刑  
された捕虜の死體を見ましたか。

第百七問 この処刑された捕虜の死體が埋葬  
された報告を受けましたか。

第百八問 この捕虜の名前を知っています  
か。

第百九問 この処刑された捕虜の死體が埋葬  
されたか知っていますか。

第百問 的場小佐はどうか、将校を  
特別に自分の下した命令の實行  
に關して。

第百一問 寺本軍医が的場小佐の直接の部下  
をどうか。

昭和二十四年二月二十三日米鶴岡偵査所 佐藤今朝吉  
米豫備海軍少佐、イ、カ、ル、ン、中佐、米海軍デューグイト  
ホルト大尉、米豫備海軍フレッド、エ、フ、ツ、リ、メイ、中尉  
三名之合ニ證明ヲ記ス

余佐藤今朝吉、米海軍デューグイトホルト大尉ニ依リ  
宣誓、以上、尋向ニ対シ、後ニ返事ス

米海軍検事、デューグイトホルト大尉、尋向ニ対スル  
返事、

第一問ニ就テ、佐藤今朝吉、五十三歳、米鶴岡監  
獄ニ収容スルニ由リ

第二問ニ就テ、二年四月

第三問ニ就テ、終身刑

第四問ニ就テ、有りませぬ

第五問ニ就テ、有りませぬ

第六問ニ就テ、自昭和九年六月十五日  
至昭和二十年七月二十六日

第七問ニ就テ、独逸歩兵第三百八大隊本部

第八問ニ就テ、日本陸軍中尉

第九問ニ就テ、独逸歩兵第三百八大隊内全取の陣地  
構築の指導監督者其に戦手に関  
する教習訓練



- 第一〇句に就て 陸軍独立第九師団
- 第一一句に就て 陸軍中將 立花芳夫
- 第一二句に就て 陸軍歩兵少佐 的場末男
- 第一三句に就て 覚えぬ母と母
- 第一四句に就て 父島独立歩兵第三百八大隊本部附近
- 第一五句に就て 昭和二十二年三月二十四日
- 第一六句に就て 一名の捕虜を処刑しました。
- 第一七句に就て 居りました。
- 第一八句に就て 青木見羽吉官、中村伍長兼森林軍務  
隊伍長、森林軍務其他衛生兵と外に  
大勢母りましたがそれを記憶して居る人  
外に将校の記憶ありません
- 第一九句に就て 約二十名位居りました。
- 第二〇句に就て 現場に行きました。捕虜は既に生かして居  
ました。待つと約十五分ほどして、傳令が  
来り古原軍務が居りました。云々来り、  
其時青木大空襲警報有るし教育にも  
支障があるから早く処刑しろと申して  
来り。と止むを得ず中村伍長に命じて  
実施しました。
- 第二一句に就て 居りました。
- 第二二句に就て あらとをかくして居りました。
- 第二三句に就て 軍力で頭を叩きました。
- 第二四句に就て あらとをかくして腹を前にたいて居りました。

第二六回は就之

中村伍長

第二七回は就之

寺本は大隊長から補助衛生兵に対して  
明日の戦争に役立つ様は解剖をして實際  
的教育をせよと命ぜられたから寺本が  
今から解剖をせよと云って着身しました。

第二八回は就之

解剖に着身すると私から本都に帰り  
大隊長に報告をいたしました。

第二九回は就之

處刑を遂行しました其のあと寺本が解  
剖に着身しました。

第三〇回は就之

さうでありました。

第三一回は就之

クマ島憲法裁判所

第三二回は就之

裁判所は昭和三年八月十五日

判決同日 年十月四日

第三三回は就之

さうでありました。

第三四回は就之

さうでありました。 二つは及対尋問に對する返事

第三五回は就之

さうでありました。

第三六回は就之

さうでありました。

第三七回は就之

私には話さず

第三八回は就之

三月二十四日午前十時頃私を真珠大隊長  
室に呼んで捕虜として刑を命ぜられた  
事。

第三九回は就之

首を叩くとは云はれず久が處刑を命ぜ  
られた。

第四〇回は就之

約一時間

第四一回は就之

處刑後解剖する様寺本に命令をされた  
と云ふことは御少佐から聞きました。

第四二回は就之

さうです。一切命令はさす。

第四三句は就

在廣軍需倉庫より受と報告を吾等在  
此の考へ居りしに在る者木加空襲後  
ありし教育を以ては乃り其受から厚くと之を  
りて止む作事現場に居りて中將佐長は命  
令し居りたり

第四四句は就

陣中に居りて受

第四五句は就

約六七名は居り居り居り

第四六句は就

現場に居りて之を見たり

第四七句は就

受たりて受

第四八句は就

受たりて受

第四九句は就

士がこれより見たり

第五〇句は就

一度命を乞ふに之を十分実行し居り居り  
居り居り又日々に居り居り居り居り  
の持て居り居り居り  
大塚内中隊長は其の場を依り依り  
居り居り居り居り居り居り居り  
一度居り居り居り居り居り居り居り  
部を打て一特意識不明となり居り

第五一句は就

居り居り居り

以上は私の証言であるが其の真向に對する事實  
原/野/七/二/〇/三/四

I swear that I have Truly translated the oath administered by Lt. David Bolton  
Subscribed and sworn to before me, this 28<sup>th</sup> day of February 1949.

David Bolton, Lt. USN.  
Judge Advocate

Witness:  
Martin Carlson  
Commander, USN.R.  
Defense Counsel

Exhibit 3(12)

佐藤今朝子



Interrogatories

United States of America

v.

Teraki, Tadashi

Witness:

Sato, Kosakichi.

Place and Date of Interrogation:  
Sugamo Prison, Tokyo, Japan.  
February 23, 1949.

IN THE PRESENCE of Commander Martin E. Carlson, United States Naval Reserve; Lieutenant David Bolton, United States Navy; and Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve.

The following direct interrogation by Lieutenant David Bolton, United States Navy, judge advocate, and cross-interrogation by Commander Martin E. Carlson, United States Naval Reserve, counsel for the accused, of Sato, Kosakichi, former captain, Imperial Japanese Army, now confined in Sugamo Prison, a witness for the prosecution in the above entitled case now pending and to be tried before a Military Commission convened by Commander Naval Forces Marianas, was held in the presence of the aforementioned judge advocate and defense counsel, pursuant to agreement by both parties, in advance of the assembling of the Commission and subject to objections and exceptions, in accordance with paragraph 5 of said precept and the authority contained therein and the rules of evidence promulgated by the Supreme Commander for the Allied Powers, SCAP ltr AG 000.5 (5 Dec 45) LS, subject "Regulations Governing the Trials of Accused War Criminals," especially section 5d(1)(c) thereof, which authorizes the use in evidence of affidavits, depositions, and other signed statements.

Interrogation by Lieutenant David Bolton, United States Navy, judge advocate, trial of Surgeon Lieutenant Teraki, Tadashi, Imperial Japanese Army.

First interrogatory:	State your name, age, and present address.
Second interrogatory:	How long have you been confined at Sugamo Prison?
Third interrogatory:	How long a term of confinement have you been sentenced to serve?
Fourth interrogatory:	Did you serve in the armed forces of Japan during the war?
Fifth interrogatory:	Were you ever stationed on Chichi Jima?
Sixth interrogatory:	During what period of time were you stationed there?

/s/ Sato, Kosakichi

-1-

Exhibit 3 (a)(1)

0641

Seventh interrogatory:	What was the name of the unit to which you were attached during the months of February and March, 1945?
Eighth interrogatory:	What was your rank at that time?
Ninth interrogatory:	Briefly, what were your duties at that time?
Tenth interrogatory:	To what organization was the Three Hundred Eighth Battalion subordinate?
Eleventh interrogatory:	Who was the commanding officer of the One Hundred Ninth Division at this time?
Twelfth interrogatory:	Who was the commanding officer of the Three Hundred Eighth Battalion at this time?
Thirteenth interrogatory:	Do you recall any unusual incident relating to prisoners of war, which occurred in March, 1945?
Fourteenth interrogatory:	Where did this incident occur?
Fifteenth interrogatory:	When did it occur?
Sixteenth interrogatory:	State briefly what occurred.
Seventeenth interrogatory:	Were you present at the scene of the execution?
Eighteenth interrogatory:	Who else was present at the scene of the execution?
Nineteenth interrogatory:	Were there any officers present in addition to Teraki and you?
Twentieth interrogatory:	Approximately how many persons were present at the time of the execution?
Twenty-first interrogatory:	State briefly, in your own words, what occurred at the scene of the execution?
Twenty-second interrogatory:	Was Teraki already at the scene of the execution when you arrived?
Twenty-third interrogatory:	How was the prisoner seated when you arrived at the scene?
Twenty-fourth interrogatory:	In what manner was the prisoner executed?
Twenty-fifth interrogatory:	In what position was he seated when he was decapitated?
Twenty-sixth interrogatory:	Who performed the decapitation?

/s/ Sato, Kesakichi

-2-

Exhibit 3 (a)(2)

0642

Twenty-seventh interrogatory: What happened after the decapitation?

Twenty-eighth interrogatory: Did you see the dissection?

Twenty-ninth interrogatory: What did you report to the Battalion Commander?

Thirtieth interrogatory: Have you been tried for your participation in this execution?

Thirty-first interrogatory: Where and by what court were you tried?

Thirty-second interrogatory: When were you tried?

Thirty-third interrogatory: Were you found guilty of your participation in this crime?

Cross-interrogation by Commander Martin E. Carlson, United States Naval Reserve, defense counsel for Surgeon Lieutenant Teraki, Tadashi, Imperial Japanese Army.

Thirty-fourth interrogatory: Was Corporal Nakamura also tried and convicted for his participation in this crime?

Thirty-fifth interrogatory: Was Major Matoba also tried and convicted for his participation in this crime?

Thirty-sixth interrogatory: Did you tell the prisoner why he was being executed?

Thirty-seventh interrogatory: Did Major Matoba order you to execute this prisoner?

Thirty-eighth interrogatory: When did he give you this order, and what did he say to you?

Thirty-ninth interrogatory: Did Major Matoba tell you to behead the prisoner?

Fortieth interrogatory: How soon after Major Matoba told you to execute the prisoner did you carry out the execution?

Forty-first interrogatory: Did Major Matoba inform you that he had ordered Teraki to dissect the prisoner after the prisoner of war was executed?

Forty-second interrogatory: Did you order the twenty persons who were present at the scene to be present at the execution?

Forty-third interrogatory: When you said, "As there was nothing else to do, I gave orders to Nakamura and the execution was carried out," what did you mean by "As there was nothing else to do"?

/s/ Sato, Kesakichi

-3-

Exhibit 3 (a)(3)

0643

Forty-fourth interrogatory: Were there any medical officers besides Teraki at the scene of the execution?

Forty-fifth interrogatory: How many corpsmen were at the scene of the execution?

Forty-sixth interrogatory: Did you ever see the body of the executed prisoner after you left the scene of the execution?

Forty-seventh interrogatory: Did you receive any report that the body of the executed prisoner had been buried?

Forty-eighth interrogatory: Do you know the name of this prisoner?

Forty-ninth interrogatory: Do you know whether the body of this executed prisoner was buried?

Fiftieth interrogatory: What kind of an officer was Major Matoba, particularly with regard to the carrying out of his orders?

Fifty-first interrogatory: Was Doctor Teraki immediately subordinate to Major Matoba?

I, Sato, Kesakichi, have read and understand the above interrogatories on February 28, 1949 and have given answers thereto on separate sheets.

/s/ Sato, Kesakichi

/s/ Sato, Kesakichi

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Exhibit 3A(4)

0644

February 23, 1949.  
Sugamo Prison.

Sato, Kesakichi.

IN THE PRESENCE OF Commander Martin E. Carlson, United States Naval Reserve; Lieutenant David Bolton, United States Navy; and Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve.

I, Sato, Kesakichi, being duly sworn by Lieutenant David Bolton, United States Navy, answer as follows to the above interrogatories:

Answers to the interrogation by Lieutenant David Bolton, United States Navy, judge advocate.

To the first interrogatory:	Sato, Kesakichi; fifty-three years old; confined in Sugamo Prison.
To the second interrogatory:	Twenty-eight months.
To the third interrogatory:	Life imprisonment.
To the fourth interrogatory:	Yes, I did.
To the fifth interrogatory:	Yes, I was.
To the sixth interrogatory:	From June 15, 1944, to November 26, 1945.
To the seventh interrogatory:	Three Hundred Eighth Independent Infantry Battalion Headquarters.
To the eighth interrogatory:	First Lieutenant, Imperial Japanese Army.
To the ninth interrogatory:	Supervision and direction of the construction of all positions within the Three Hundred Eighth Independent Infantry Battalion and education and training for battle.
To the tenth interrogatory:	The One Hundred Ninth Division.
To the eleventh interrogatory:	Tachibana, Yoshio, lieutenant general, Imperial Japanese Army.
To the twelfth interrogatory:	Matoba, Suso, major, Imperial Japanese Army.
To the thirteenth interrogatory:	I remember it.
To the fourteenth interrogatory:	Close to the headquarters of the Three Hundred Eighth Independent Infantry Battalion.
To the fifteenth interrogatory:	On March 24, 1945.

/s/ Sato, Kesakichi

-5-

Exhibit 3(a)(5)

0645

To the sixteenth interrogatory:	One prisoner was executed.
To the seventeenth interrogatory:	I was present.
To the eighteenth interrogatory:	Probationary Officer Teraki, Corporal Nakamura, Sergeant Kanemori, Corporal Iso and Sergeant Mori. Besides these, medical corpsmen and a large number of other people were there, but I do not remember their names.
To the nineteenth interrogatory:	I do not recall any other officers.
To the twentieth interrogatory:	About twenty were present.
To the twenty-first interrogatory:	When I went to the scene, the prisoner was already sitting down. After waiting about fifteen minutes, a messenger came and said that Sergeant Furushika was not around. At that time Teraki came and said, "Please execute quickly as there will be air raids and they will interfere with the instruction"; so, as there was nothing else to do, I gave orders to Corporal Nakamura and carried out the execution.
To the twenty-second interrogatory:	He was there.
To the twenty-third interrogatory:	He was sitting cross-legged.
To the twenty-fourth interrogatory:	He was decapitated by a sword.
To the twenty-fifth interrogatory:	He was sitting cross-legged with his head bowed forward.
To the twenty-sixth interrogatory:	Corporal Nakamura.
To the twenty-seventh interrogatory:	Teraki said: "As I was ordered by the Battalion Commander to perform a dissection and give some practical training to the auxiliary corpsmen which would be of use in future battles, I will now perform the dissection," and commenced.
To the twenty-eighth interrogatory:	When the dissection had begun, I immediately returned to headquarters and reported to the battalion commander.
To the twenty-ninth interrogatory:	"The execution has been carried out. Afterwards Teraki commenced the dissection."
To the thirtieth interrogatory:	Yes.
To the thirty-first interrogatory:	In the courtroom of the military commission on Guam.
To the thirty-second interrogatory:	The trial started on August 15, 1946; the decision was given on October 4, 1946.
To the thirty-third interrogatory:	Yes.

Answers to cross-interrogation by Commander Martin E. Carlson,  
United States Naval Reserve, counsel for Medical Officer Teraki:

- To the thirty-fourth interrogatory: Yes.
- To the thirty-fifth interrogatory: Yes.
- To the thirty-sixth interrogatory: I did not tell him.
- To the thirty-seventh interrogatory: Yes.
- To the thirty-eighth interrogatory: About ten o'clock in the morning on March 24, I was called to the Battalion Commander and ordered to execute that prisoner.
- To the thirty-ninth interrogatory: I was not told to behead the prisoner but was just ordered to execute him.
- To the fortieth interrogatory: About one hour.
- To the forty-first interrogatory: I heard from Major Matoba, "I have ordered Teraki to perform a dissection after the execution."
- To the forty-second interrogatory: I didn't order any such thing.
- To the forty-third interrogatory: I received the report that Sergeant Furushika was not around, and while I was thinking over the situation Teraki said that as there would be air raids and as he had to give his educational course to please do it quickly. Therefore, as there was nothing else to do, I gave orders to Corporal Nakamura who was on the scene.
- To the forty-fourth interrogatory: There were no other doctors.
- To the forty-fifth interrogatory: There were about six or seven.
- To the forty-sixth interrogatory: I did not see it after I left the scene.
- To the forty-seventh interrogatory: I did not receive any.
- To the forty-eighth interrogatory: I have forgotten it.
- To the forty-ninth interrogatory: I saw the place where it was covered over with earth.
- To the fiftieth interrogatory: He was a man with a rough character and would become angry and beat anyone if he did not carry out his orders immediately the first time he gave them. Most of the company commanders in the battalion were beaten. I was also beaten once by Major Matoba, fell down, struck the back of my head against a stone and became unconscious for a time.

/s/

0647

To the fifty-first interrogatory: Yes.

The foregoing are true answers to the interrogatories which I have read and understand.

/s/ Sato, Kosakichi.

I swear that I have truly translated the oath administered by Lieutenant David Bolton.

/s/ Frederick F. Tremayne,  
Lieutenant (jg), USNR.

Subscribed and sworn to before me this 28th day of February 1949.

Witness:

/s/ David Bolton,  
Lieutenant, USN,  
Judge Advocate.

/s/ Martin E. Carlson,  
Commander, USNR,  
Defense Counsel.

I certify that the foregoing is a true and complete translation of the original in Japanese to the best of my ability.

  
EUGENE F. CLARK,  
Lieutenant (jg), USN,  
Interpreter.

6790

(1) 先子... 高坂... 寺末... 忠... (見習士官)

高坂軍進 坂部大郎 (見習士官)

次級軍進 寺末 忠 (見習士官)

衛生軍曹 兼森 一 敏

衛生伍長 磯俊 一 郎

衛生兵 十 (兵馬)

以上人員の成立して... 衛生兵が欠員のため

各中隊に三名宛、補助衛生兵の補充を各中隊に

た。之は二回に分けて坂部軍進が教育したもので

あり。之等の中二名宛を一週間交代で、馬場宿

勤務として使った。従って、上記四名の

勤務を勤務看、他に三名の兵が一週間交代で、馬場宿

に勤務して居たのである。

坂部軍進の私生活、論断を平等に含括する事には、

つづいて、即ち午前中は三人共、馬場宿に居り、

一日は一日交代で、各中隊に、診察に出かけた。

一月、水金日は坂部大木、土日は坂部軍進が

交代するとの事と合致した。此際には、亦、補助衛生兵を

互に交代してゆくのを常としていた。

扱て、坂部軍進に、就て申す。之は、昭和二十二年二月

某日、硫黄岳に陸戦の始末、長直捷の事と記憶し

て、其の、多分十八日頃、坂部軍進、其の、

午後、坂部軍進、診察の日、坂部軍進、

坂部軍進、其の、坂部軍進、其の、

坂部軍進、其の、坂部軍進、其の、

44014





2590

統制人として、大略（馬場）にて、  
 集り、たゞ、私達は私達の仕事、念中、  
 事下見、おれ、私達、心に、あなたを、  
 ため、三、伍、部隊、帰り、  
 44619  
 此、時、は、能、兵、上、守、止、も、来、て、お、れ、私、の、解、割、状、態  
 の、證、人、に、な、る、事、と、信、じ、ま、す。  
 第二、例、は、一、日、お、れ、の、日、（即、ち、三、日、）の、矢、張、り、午、迄、  
 した、彼、の、言、は、れ、此、日、も、伍、部隊、軍、進、の、新、日、有、味、彼  
 は、冷、新、出、出、け、留、守、で、し、た、私、は、運、務、室、で、統、計、の、任  
 事、と、し、て、居、り、ま、し、た、（此、頃、的、場、隊、長、余、令、に、中、隊、長、  
 の、月、別、發、給、金、名、の、統、計、報、告、を、出、し、て、居、り、ま、し、た、が、  
 部、隊、軍、進、の、余、令、に、私、が、之、を、擔、當、し、て、居、り、ま、し、た、）他、  
 以、兼、表、破、及、び、能、兵、が、居、り、ま、し、た、その、時、刻、定、ま、り、使  
 じ、か、来、下、軍、進、に、ま、る、杯、に、と、し、ま、す、存、存、下、私、が、行、  
 才、し、た、副、官、日、部、隊、長、余、令、に、が、今日、授、命、書、  
 捕、虜、の、一、部、同、同、杯、に、手、元、に、取、り、杯、に、と、し、た、  
 した、比、も、私、は、固、く、新、り、才、し、た、が、強、引、に、余、令、に、  
 ま、し、た、私、は、運、務、室、へ、引、返、し、下、さ、旨、を、兼、表、に、  
 伝、へ、才、し、た、然、れ、に、兼、表、備、を、難、め、ま、し、た、私、は、や、り、  
 統、計、の、任、事、と、し、て、居、り、ま、し、た、  
 暫、し、才、と、一、人、の、身、前、兵、が、叫、び、来、ま、し、た、私、  
 現、場、へ、行、き、ま、し、た、道、に、私、は、その、兵、から、中、隊、大、尉  
 が、捕、虜、と、し、て、居、り、ま、し、た、破、り、長、兼、と、し、て、私、が、  
 各、名、の、衛、兵、連、が、銃、剣、を、突、いた、と、し、ま、す、兼、表、に、  
 した、私、が、行、つ、て、才、と、し、た、捕、虜、は、完、全、に、死、ん、で、居、  
 上、の、胸、部、に、左、右、の、銃、剣、に、依、り、刺、劍、を、

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Exhibit 4 (1)

0653

(5) 確認しました。そこで私は前回の合と同様に肝腹  
 取しました。同時に兼森君の腹内を切取つて検査  
 大。結果の自着病が来つて居ましたが、全く夫等を受  
 取つて居ました。私は全くに這務室へ戻り、自ら  
 洗ひました。後で此事は坂部軍医に報告しました。  
 此時も能くは見ておたと思ひますから、證人となる  
 事と思ひます。

カニ例は暫く経つた日(五月頃か?)の矢張り肝  
 の事でした。丁度此頃、我々は才三回目的補助衛生  
 の教育中でありました。有坂軍医の計画に依る  
 もつた。今回は私が教育主任を坂部軍医が余が  
 うちました。そこで午前中は私の一人に教育主任を  
 与つて居た。日は坂部軍医が兼森が教育主任を  
 務めた。時の割は組分けでありました。愈々、今頃の  
 教育の始まつた子日の朝、坂部軍医に命ぜられ、私  
 は的場主任(報告)に行きました。彼が隊長長室で、大  
 朝食中でありました。愈々、今頃の補助衛生の教  
 育主任の報告しました。すると彼は並の内に又捕房  
 に入殺す筈だが、どうも又才三と内を取つて貰  
 子(た)の時の時、才三に解剖して、補助衛生兵連に  
 見せよとせよと才三に言ひました。句論私は内心は嫌な事  
 だと思ひました。たが、この時、才三は引下り、世に  
 せんとした。歸つてから坂部軍医にその事を報告



11) 兵達へ解制を見せよと云ふ所の場々統率の  
要り直に彼が報復する事は明かしく、その時  
私は余金達友としての場々統率の責を承け  
必定に思ふが如し。殊に當時に於ては常々不利  
且堅守迫して居りしに、一層彼の狂暴性は増強し  
て来し。又佐藤大尉は隣に兵隊長室を隣室  
に常々起展して居りしに、その隊長補佐と云ふ地位  
の場々統率の佐藤大尉の間に、その事柄が燃起し、その事  
は自明の事下りし。是れ故に私は佐藤大尉の  
見ても、以ては解制をせしむべきに思ふ。  
遂に解制をせしむべきに決心し、その時  
に私は、情を以ての未教育中の補助衛生兵達(補  
給一等兵、板垣上等兵等。他は有る。皆付思ひ出さず)  
に向つて、此の内の解制をせしむべきに  
之を、先づ腹部、次に胸部の順に用いて、内部を  
略者の名將を説明し、此際私は通帝、病室  
解制の場々統率と云ふに、金く同様に、敬虔な嚴肅な  
気持に、能く及ぶ以下術を通じて、概して之を  
斯くして説明を終つて、次に再び腹部及び胸部を  
用ひ、之を捕虜の如く、一片を以て散り埋葬  
させし。私付、大連格室へ戻り、手紙を以てした。  
予のこの場合、私は解制を最も能くせしむべきに、  
胸腹部の内部を略者の名將を以て、之を以て、  
場々統率及び少将として、又他人にも金く之を融氷  
せよと云ふ。この事、その時情を以て、他人の例

(1) 正服部光衛也其長或曰何紀清在桓桓界が  
擧人々有る者之儀也。  
以上三例其れが余念のべらざる者也。殊に長  
が擧人々有る者之儀也。又福地此の二方其後  
部軍迄の留村の時、然して其の歴々日であるに  
事也之れ殊に擧人々有る者之儀也。

7590





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Exhibit 4 (2)

0660

To begin at the beginning, I shall first describe the conditions prevailing at the time in the medical office of the 308th Independent Infantry Battalion.

The personnel were:

Ranking Medical Officer \*\* SAKABE, Taro. (Probationary Officer);  
Second ranking Medical Officer \*\* TERAKI, Tadashi (Probationary Officer);  
Sergeant KANEMORI, Kazutoshi (Corpsman);  
Corporal ISO, Shunichiro (Corpsman).  
Medical enlisted men: none (vacancy).

Since there were no medical personnel assigned, there were three men called assistant medical personnel (trained in two groups by Medical Officer SAKABE) assigned to each company. Two of these men worked at the medical office by turn in one week shifts. This meant that besides the four regular personnel mentioned above, there were two enlisted men on duty at the medical office for one week shifts.

Medical Officer SAKABE and I shared the work of medical examinations equally. That is, both of us were usually at the medical office during the mornings and we alternated in going to the various companies for medical examinations in the afternoons. For example, I would go out on Mondays, Wednesdays, and Fridays; while Medical Officer SAKABE would go on Tuesdays, Thursdays, and Saturdays. It was the rule to take along an assistant medical man on these occasions.

Now, I shall describe the first case. It was in the afternoon one day in February, 1945. (I believe that it was probably around the eighteenth because I remember that it was soon after the landing operation on Iwo Jima had started.) Since it was Medical Officer SAKABE's medical examination day, he was out with an assistant medical man. Consequently, the previously mentioned noncommissioned officers, KANEMORI, and ISO; Superior Private KUMAZAWA, Shozo, who was an assistant medical man; and I were left in the medical office. At this time a messenger came from the office at Battalion Headquarters, which was a short distance from the medical office, and told me that the Adjutant wanted a medical officer to come right away. When I went to headquarters, the Adjutant, KANMURI, Yoshiharu (first lieutenant at that time), came out and told me that Commanding Officer Matoba, who was at the 307th Independent Infantry Battalion, had just telephoned him to order a medical officer to remove the liver and about one kamme [T.N. 8.27 lbs.] of flesh from the prisoner of war who had been killed the day before at the SUEYOSHI Unit of the Navy. The Adjutant said he was to have them delivered by messenger without any less of time to the 307th Battalion, and that I was to go immediately and get the liver and flesh. I thought it was such a brutal thing to do that I refused by saying that the ranking medical officer was out. Then the Adjutant said to do it right away because the Battalion Commander was in a great rush. I thought about the terribly severe punishment Major MATOBA would give on the charge of disobeying orders. Major MATOBA, a very violent person to begin with, had been showing signs of increased ferocity since the landing operation at Iwo Jima. He believed that nothing was more important than an order. Therefore, I firmly believed that as an example to the entire army and as a means of raising morals, he would not have hesitated to give me the extreme penalty, that is the death sentence, for disobeying orders. He was in the habit of saying that he would do this. I therefore consented reluctantly, having no alternative. When I returned to the medical office and told the two noncommissioned officers about it, Sergeant KANEMORI said he would accompany me and immediately began to get the

scalpels and scissors ready. Meanwhile, several orderlies with shovels, etc., and a man from the SUEYOSHI Unit who was to show us the place of burial appeared. We started out with this man as our guide. On the way, we met Medical Officer SAKABE returning from his medical examination rounds. I was overjoyed and, walking up to him, reported the orders of the Commanding Officer as relayed by the Adjutant. He told me to go ahead with it because he had just climbed the hill, was very tired, and hated to go out again for such a long distance. I firmly refused two or three times, but SAKABE would not listen to me and there was nothing left for me to do but obey SAKABE's order.

Since the place [T.N. of burial] was quite far away, I realized why Medical Officer SAKABE had not wanted to come. (He knew every inch of this northern district, while I knew practically nothing about the neighborhood.) The orderlies excavated at the scene. The corpse was clad in shirt and trousers and was buried lying on its back. On the neck was a wound made by a Japanese sword, and on the left and right sides of the chest there were several wounds from bayonets. I cut open the shirt with the scissors, baring the abdomen, and made an incision under the lowest right rib with the same reverent and respectful feeling I would have had in performing a pathological dissection. I removed the liver, trying my best not to leave unnecessary scars on the corpse. As soon as I started, KANEMORI, saying he would cut off the flesh, began slicing off a piece of flesh about twelve or thirteen centimeters wide from near the middle of the left thigh. We finished our tasks at about the same time.

Then, Sergeant SUGIYAMA of headquarters took what we had removed and wrapped it in paper. He immediately departed on a truck, saying that he would deliver it to the 307th Battalion. He had arrived while we were in the midst of our work and had been watching us. We carefully reburied the corpse and returned to our forces by twos and threes.

Since Superior Private KUMAZAWA was present at this scene, I believe that he will be willing to testify as to the manner of my dissection.

The second case occurred two days later (that is, on the twentieth (?) [T.N. sig]), again in the afternoon. This meant that Medical Officer SAKABE was again out on his medical examination tour. I was in the medical office working on statistics. (At that time, by order of Unit Commander MATOBA, a statistical report of the monthly number of patients in each company was being prepared and Medical Officer SAKABE had ordered me to take charge of it.) KANEMORI, ISO, and KUMAZAWA were there in the office. While I was working, a messenger from the Adjutant arrived and said that a Medical officer was to report to the Adjutant, so I went. The Adjutant told me that by order of the force commander I was to remove the liver and some flesh, as I had done in the previous case, from a prisoner of war who was to be killed that day.

I again firmly refused but was strongly ordered to do it. I returned to the medical office and told KANEMORI, who started to make the preparations; I resumed work on my unfinished statistical reports.

After a while, one of the orderlies came to call me and I went to the place of execution. On the way I heard from this orderly how Captain NAKAJIMA had struck the prisoner of war violently with a cane and how several sentries had bayoneted him. When I arrived at the scene, the prisoner of war was definitely dead. I verified several bayonet wounds on the left and right sides of the chest and took out the liver in the same manner as I had done the previous time. At the same time, KANEMORI

was removing flesh from the thigh. Several orderlies who were present immediately took the liver and the flesh away. I returned at once to the medical office and washed my hands. Later I reported the matter to Medical Officer SAKABE. I think that KUMAZAWA watched this time also and will be a witness.

The third instance was again in the afternoon of a day sometime later (probably around May). At that time, we were engaged in training the third class of assistant medical personnel. This was a plan of Medical Officer SAKABE and I had been ordered by him to take charge of the training of this class. The training schedule was made up so that I carried on practically alone in the mornings and also in the afternoons on days when I was there. On my medical examination days when I went to give medical examinations and was not there, Medical Officer SAKABE or KANEMORI took over. On the morning of the day when the training was to begin I was ordered by Medical Officer SAKABE to report to Major MATOBA. He was alone in the unit commander's office and was having breakfast. I reported that the training of the assistant medical personnel was to begin on that day and reported briefly on the substance of the training. When I finished, he said that as another prisoner of war would be killed soon and as he wanted the liver and flesh removed again, the occasion should be taken for a dissection in order to have the assistant medical personnel observe it. Inwardly, of course, I felt distaste, but at that time there was nothing I could do but reluctantly take my departure. I naturally reported the matter to Medical Officer SAKABE on my return.

On the day in question, I was giving a lecture to the assistant medical personnel in the medical office. Medical Officer SAKABE was away visiting patients and only two noncommissioned officers, KANEMORI and ISO, and a senior assistant medical man were in the anteroom. At this time, a messenger from the Adjutant appeared and said a medical officer was wanted immediately. Since SAKABE was away, I went to the Adjutant. He said that an order had come from the force commander to the effect that again a prisoner of war was to be killed and, as on the two previous occasions, his flesh and liver were to be removed. The Adjutant told me to do it right away. I firmly refused, as I had done twice before, but the Adjutant ignored the refusals and finally gave me a strict order to do it. I went back to the medical office and told KANEMORI about it. KANEMORI made the usual preparations. When we arrived at the scene of execution, Corporal NAKAMURA, Shigenobu was just on the point of beheading the prisoner of war. He almost severed the head at one blow, and the prisoner of war fell to the ground. I inspected the pulse and heart of the prisoner of war to see if the prisoner of war was really dead, since I was determined not to wield my scalpel if he showed the slightest sign of life. Both his heart and pulse were unmistakably stopped and I knew that he was definitely dead. I thereupon removed the liver as I had done twice before and KANEMORI cut flesh from the thigh of the prisoner of war. Several orderlies, who were present there as before, waited for me to remove the liver. As soon as I removed it, they immediately took it and returned toward the orderly room. I wanted to quit, then and there but at that time became aware of Captain SATO, Kesakichi, observing me nearby. Captain SATO was a very honest man of inflexible principles. It was clear that if I did not conduct a demonstration for the benefit of the assistant medical personnel, as ordered by the battalion commander, he would make an honest report to Major Matoba to that effect. I realized that I would necessarily be reprimanded for disobeying orders by Major MATOBA who was displaying even greater frenzy with the worsening war situation and the resulting pressure. Furthermore, Captain SATO stood in the most intimate position with respect to the unit commander. He lived in a room next to the unit commander's room, and the two rooms were separated by only a paper partition. Also, since SATO held a position as assistant to the unit

commander, it was obvious that any contrary behaviour on my part would be discussed between SATO and MATOBA. Reasoning that I had to carry out the dissection so long as Captain SATO was watching, I finally decided to dissect. I, therefore, told the trainee assistant medical personnel standing by (Private First Class SEIMIYA, Superior Private ITAGAKI, and others whose names I cannot recall) that I was going to dissect and that they were to watch me. I cut open the abdomen and the chest and identified the internal organs. I conducted the dissection, just as I would a pathology dissection, in an orderly fashion by medical rules and with a respectful, solemn dignified manner and attitude. After finishing, I immediately closed the abdomen and chest, covered them with a piece of the prisoner of war's shirt, and had the corpse buried. I returned immediately to the medical office and washed my hands. I had tried to limit the dissecting to a minimum. I identified only the internal organs of the chest and abdomen, and did not touch any other parts. Nor did I allow anyone else to touch the body. I believe that on this point the people who were then watching me (Leading Private HATTORI (med.), the previously named SEIMIYA, and ITAGAKI), will testify on my behalf.

I believe that Corporal ISO will bear witness to the fact that I was acting under orders in all three cases described above, and to the fact that all three cases happened at times when Medical Officer SAKABE happened to be absent, that is, on days when I was there.

In conclusion, I wish to state the reasons I did not give myself up.

I had always hated the military, the army in particular. I considered myself a freedom loving and peace loving man and was so considered by others. It was natural, therefore, that for three years I refused the demand of the military authorities that I volunteer as a medical reserve officer.

As a result, on 28 September 1944, I was conscripted as a disciplinary conscript and sent to Iwo Jima as a private second class (medic). Later I was sent to Chichijima where I was under, of all people, an officer who was the very prototype of tyrannical, professional soldiers, Major MATOBA. I cursed my fate. In addition, by force of circumstances, on three separate occasions I had to do things which were against my whole philosophy -- surely an ironic trick of fate.

On the other hand, I was afraid that the United States, because of excessive hatred against the Japanese, might punish even trivial acts by death. Accordingly, I believed that the circumstances -- the philosophy and doctrines I had always held, my whole personality and character, the fact that the Japanese military tolerated no disobedience to its orders, and the brutality shown by the tyrannical Major MATOBA which had become even more pronounced after the landing on Iwo Jima -- would be given no consideration whatsoever. Consequently, I was convinced that I would be sentenced to death. That I should be sentenced to death as a war criminal was, I felt, an utterly ridiculous contradiction; I thought that I would become far more miserable than I deserved.

Although I acknowledge my deeds, I believe that I am innocent since they were entirely against my will and were done in self defense, so to speak. I felt that to be sentenced to death despite these considerations would be unreasonable. It was for these reasons that I failed to surrender myself.

However, I was constantly goaded by the strain of living in hiding and by a guilty conscience over my cowardly behavior; and, as I gradually began to understand the impartial attitude of the Americans, I realized that my first ideas about them had been mistaken. Consequently, I thought many times of giving myself up and facing a fair trial rather than spending my life in such a distasteful state of mind. Each time, however, I thought of the grief of my wife, my four children, and my aged mother and also of the fact

that the punishment would be aggravated because of my failure to surrender myself. My resolution then weakened, and I let the days pass.

I believe that HARA, Shigeru, who was formerly the second ranking medical officer attached to the 307th Battalion is qualified to testify as to my character and beliefs as related above. Any member of the unit, I believe, is qualified to give evidence regarding Major MATOBA's character, actions, etc.

TERAKI, Tadashi,  
4 November 1948

I swear that the foregoing ten page statement is true and complete.

TERAKI, Tadashi.  
5 November 1948.

I hereby certify that the foregoing is a true and complete translation of the original document in Japanese, to the best of my ability.

  
EUGENE F. CLARK,  
Lieutenant (jg), USN,  
Interpreter.

法規の配布に關する證明

此記書類は戰爭中日本陸軍に於て使用したるものであつて、カハ島辯護團に配布したことを證明する。

昭和二十三年七月三十日

引揚復護廳復員局

庶務部長

美山要城 (印)

凡記

- 一 成規類聚 一乃至六卷
- 二 學房に關する法規類集
- 三 戰時高等司令部勤務令
- 四 陸軍刑法、同軍法會議法
- 五 陸軍懲罰令
- 六 作戰要務令 一乃至二部
- 七 憲兵令
- 八 憲兵服務規定、同細則
- 九 憲兵隊規程
- 一〇 陸軍司令部警務部勤務心得
- 一一 憲兵隊経理事務通則

(備考) 印刷した書類は成規類聚にちまひの或は成規類聚にあつては爾后改正されたるものあり。

上記は原本の正確且完全を寫しに相當の事を證明す。

辯護人

佐々雄

教

**TRANSMITTAL OF CERTAIN LAWS, ORDINANCES AND REGULATIONS OF  
THE JAPANESE ARMED FORCES.**

I certify that the below listed documents were in force  
in the Japanese Army during the war and that these documents  
are forwarded to the Defense Counsel on Guam.

30 July 1948

MIYAMA, Yozo (seal)  
Chief of General Affairs Section,  
Demobilization Bureau,  
Repatriation Relief Agency.

List of Documents

1. Army Regulations, Vol. I through Vol. VI.
2. Certain Laws and Regulations concerning Prisoners of War.
3. Ordinance governing Superior Headquarters in Time of War.
4. Army Criminal Code and Army Court Martial Law.
5. Ordinance governing Army Disciplinary Punishment.
6. Army Field Manual, Vol. I and Vol. II.
7. Ordinance governing Kempei.
8. Kempei Service Regulations. (comprehensive)
9. Administrative Manual of the Kempeitai.
10. Instructions relative to the Duties of Army Judicial Police.
11. Regulations governing the Kempeitai intendance office.

Note. The mimeographed documents are laws and regulations  
which are not included in the Army Regulations, or which are  
included in the Army Regulations, but which were later revised.

I hereby certify that the above is a true and correct  
copy of the original.

February 5, 1949

*Sadamu Sanagi*  
SANAGI, Sadamu,  
Defense Counsel.

I hereby certify that the above is a true and complete  
translation of the original document in Japanese to the best  
of my ability.

*Eugene F. Clark*  
Eugene F. Clark,  
Lieutenant (jg), U. S. Navy,  
Interpreter.

Exhibit 5 (a)

0667

陸軍補充令改正 (昭和三十一年三月三十一日)

朕陸軍補充令改正，件ヲ裁可シ茲ニ之ヲ公布セシム

目次

- 第一章 現役將校，補充
  - 第一款 兵科將校
  - 第二款 技術部將校
  - 第三款 經理部將校
  - 第四款 衛生部將校
  - 第五款 獸醫部將校
  - 第六款 法務部將校
  - 第七款 軍樂部將校
- 第二章 予備役將校，補充
- 第三章 現役下士官，補充
- 第四章 予備役下士官，補充
- 第五章 憲兵上等兵及隊附衛生兵，補充
- 第六章 戰時及八事突，隊附於此特別補充
- 第七章 平時於此特別補充
- 第八章 雜則

附則

第三十條 現役特技，補充

第三十條 衛生部特技

第三十四條 衛生部現役特技ハ在ニ場分シ者ヲ以テ之ヲ補充ス

- 一 衛生部見習士官ニシテ中尉又ハ少尉ニ任ゼラレシムルノ資格ヲ具スル者
- 二 衛生部少尉候補者ニシテ少尉ニ任ゼラレシムルノ資格ヲ具スル者

第三十五條 衛生部見習士官及衛生部少尉候補者ノ人員ハ陸軍大臣毎年之ヲ定ム

第三十六條 衛生部見習士官ハ在ノ各號一ニ該當スル者ノ中ヨリ銓衡シ上之ヲ採用ス

- 一 陸軍衛生部依託士官ト爲リ当該官部ノ官課ヲ修メ士官ト稱スコトヲ得ル者
- 二 陸軍衛生部依託生徒ト爲リ当該官校ノ課程ヲ卒業シタル者
- 三 衛生部幹部候補生
- 四 前各号ニ場分シ者ノ外國医藥法施行令中一條ノ一項ノ一乃至ノ三ノ一ノ一若ハ一條ノ一項ノ一乃至ノ三ノ一ニ該當スル者又ハ藥事法施行令中一條ノ一項ノ一乃至ノ三ノ一ニ該當スル者ニシテ年令三十三歳未満ノ一

第三十七條 衛生部是昭工官ハ陸子工臣立ヲ命  
シ使直、歩兵聯隊ニ配当シ概本二月間所屬  
隊及陸子病院ニシテ衛生部將校、勤務ヲ習  
得セシム

衛生部是昭工官、身官ニ曹長、階級トス

第三十八條 衛生部是昭工官ヲ衛生部將校ト爲ス  
シテ各所屬隊、將校ヲ以テ組織スル將校會議  
會議ニシテ之ヲ決ス

第六章 戦時ニシテ事變際ニシテノ特別補充

第九十二條 將校ハ左ニ掲グル者ヲ以テ之ヲ補充ス  
ルコトヲ得

一 現役又ハ予備役ノ是昭工官

第九十三條 看護員

第九十四條 勤員ヲ行ヒ各部隊ニシテ左ニ掲グル者  
ヲ以テ予備役ノ是昭工官ト爲スルコトヲ得

一 下工官ニシテ將校勤務前適任證書ヲ有ス  
ル者

二 赤十字會ニ該當セシ現役下工官、兵  
ニシテ醫師免許証又ハ醫師免許証又ハ衛生  
科醫免許証ヲ有スル者

88. 82

88.

第九十五條 自署名

第九十六條 不可言、現主ニ他<sup>字梅根</sup>「~~自署名~~」ト爲  
「~~自署名~~」ト、身分取扱ハ現役見取<sup>自署名</sup>ニ準ス

前記條文「~~第一復員局庶務課長美山要~~  
藏ガ戦時中日本陸軍ニ於テ有効ニ使用  
セタルモノアリ又ガ~~其~~辯護團ニ供給シ  
タルモノヲ証明シテ陸軍成規點集  
第二卷ヨリ正シク止~~止~~具案ナル故ニ相違  
ナシトヲ証明スル

辯護人 佐 藤 敏

Extracts from: ARMY PERSONNEL PROCUREMENT ORDINANCE (November 30, 1927  
Imperial Ordinance 331.)

We the Emperor of Japan sanction this Amendment of the Army Personnel  
Procurement Ordinance, and hereby cause it to be promulgated.

CONTENT.

PART I

Procurement of Officers on Active Service.

- Section 1. Line Officers.
- Section 2. Officers of the Technical Department.
- Section 3. Officers of the Intendance Department.
- Section 4. Officers of the Medical Department.
- Section 5. Officers of the Veterinary Department.
- Section 6. Officers of the Legal Department.
- Section 7. Officers of the Military Band.

PART II

Procurement of Reserve Officers.

PART III

Recruitment of Non-commissioned Officers on Active Service.

PART IV

Recruitment of Non-commissioned Officers on the Reserve List.

PART V

Recruitment of Kempei Superior Privates and Corpsmen attached to Units.

PART VI

Special Draft in time of War and Emergency.

PART VII

Special Draft in Peace Time.

PART VIII

Miscellaneous Provisions.

ANNEX PROVISIONS.

PART I

Procurement of Officers on Active Service.

- Section 4. Officers of the Medical Department.

Article 34. Officers on active service in the Medical Department shall be  
procured from among those persons listed below:

1. Those Probationary Officers of the Medical Department qualified to  
be commissioned as First Lieutenants or Second Lieutenants.
2. Those cadets of the Medical Department qualified to become Second  
Lieutenants.

Article 35. The Minister of War shall determine each year, the number of  
Probationary Officers, and Cadets for Second Lieutenant, to be procured.

Article 36. Probationary Officers of the Medical Department shall be selected and appointed from among those who have one of the four qualifications set out below:

1. Those who were designate university students who completed their courses in college and who have received a medical degree.
2. Those who were designate students, and who have completed their medical courses and graduated.
3. Cadets in the Medical Department.
4. Those persons not possessing the above qualifications but who are under 32 years of age and who come under sub-paragraph 1 or sub-paragraph 3a of paragraph 1 of the Ordinance pertaining to the Enforcement of National Medical Practices, or those coming under sub-paragraph 1 or sub-paragraph 3a of paragraph 1, Article 2 of the above Ordinance, or those who come under sub-paragraph 1 or sub-paragraph 3a, paragraph 1, Article 1 of Ordinance pertaining to the Enforcement of Pharmaceutical Practices.

Article 37. Probationary Officers of the Medical Department, by orders of the Minister of War, may be attached to Infantry Regiments or to Army Hospitals for a period of two months for training as officers of the Medical Department. Concerning the status of a Probationary Officer, he shall have the grade of a Sergeant Major.

Article 38. The decision whether a Probationary Officer of the Medical Department shall or shall not become an officer of the Medical Department rests with the Officer's Selection Committee, consisting of officers attached to the unit in which he is serving.

.....  
.....

PART VI  
Special Draft in Time of War and Emergency.

Article 92. Officers may be procured from among the following:

1. Probationary Officers on active service or on the reserve list.

Article 93. Omitted.

Article 94. In units which have been mobilized, personnel from the following list may be made Probationary Officers on the reserve list:

1. Those Non-commissioned Officers who have been granted certificates indicating their competency to assume duties as officers.
2. Those Non-commissioned Officers and men who do not come within the above provision but who are licensed to become doctors, pharmacists and dentists.

.....  
.....

Article 95. Omitted.

Article 96. The status and grade of those who have, in conformance with the provisions of the two foregoing articles, become Probationary Officers on the reserve list, shall be based upon those of the Probationary Officers on active service.

I hereby certify that the above articles are true and ~~correct~~ excerpts from Japanese Army Regulations, Vol. II, which the ~~Chief~~ of the General Affairs Section, 1st Demobilization Bureau, MIYAMA, YOSHIO, certified to have been in effect in the Japanese Army during the war and which he forwarded to defense counsel on Guam ~~March 1949~~ July, 1948.

S.S.

March 9, 1949

*Sadamu Sanagi*  
SANAGI, Sadamu,  
Defense Counsel.

I certify that the foregoing is a true and complete translation of the original in Japanese to the best of my ability.

*Eugene F. Clark*  
EUGENE F. CLARK,  
Lieutenant (jg), USN,  
Interpreter.

一復書第一八三號

寺本忠の兵籍に關する件

昭和二十四年三月七日 引揚投敵懲復員局法務調査部

ツグワム馬日本人捕虜人殿

首題の件本人の兵籍無き為復員局留守業務部が保管してある留守名簿の寫しを別紙の通り送附します

陸軍



東京 小津結

0675

右は原本と相違なきことを證明する 昭和二十四年三月七日 復員局留守業務部第二整理課長 水田 繁一	昭19.10.19	編入年月日	前所屬	留守名簿 固有有名獨立歩兵第三〇八大隊 通稱號 庸第一七五〇九部隊
	19 9 28	近歩 三補	本 籍	
	五區東 二成京 衆都杉 一ノ並	住 所	留 守 擔 當 者	
	九本相群 四町生馬 一市縣 ノ一	柄 續		
	妻	氏 名		
	寺木典子	年 集 徵		
	昭 13	年 官 任		
	昭20.8.20 (見十19.11.6)	年 官 任		
	少尉 軍醫	氏 名		
	大正 寺 三 木 三 忠 生	生 年 月 日		
	無有渡宅留守			
昭23.11.16一復 法調1390外地 移送	日 月 年 修 補			

Exhibit 7

0676

Letter No. 183, Legal Investigation Dept., 1st Demobilization Bureau.

Subject: Matters pertaining to military record of TERAKI, Tadashi.

Date: March 7, 1949

From: Chief of Legal Investigation Department, Demobilization Bureau,  
Repatriation Relief Bureau.

To: Japanese Defense Counsel on Guam.

As there is no military record of subject of this case, we forward a copy of the register of personnel of overseas units (RUSU MEIBO), kept in the custody of the Liquidation Department, of the Demobilization Bureau (RUSU GYOMU BU) and annex it hereto.

Exhibit 7 (a) (1)

0677

REGISTER OF PERSONNEL OF OVERSEAS UNITS

Proper designation: 308th Independent Infantry Battalion.

Common designation: Tan Unit No. 17, 509.

DATE OF ENTRY INTO UNIT	October 19, 1944
DESIGNATION OF FORMER UNIT AND DATE OF ENTRY INTO THAT UNIT	3rd Regiment (Reserves) Imperial Foot Guards. 28th September, 1944.
PERMANENT DOMICILE	52, 1-Chome Narimune, Suginami-ku, Tokyo City.
PERSON IN CHARGE IN ABSENCE	RESIDENCE 194, 1-Chome, Honmachi, Aioi City, Gunma Prefecture.
	RELATIONSHIP Wife
	NAME TERAHI, Noriko
YEAR OF CONSCRIPTION	1938
YEAR COMMISSIONED	August 20, 1945  (Appointed Probationary Officer on 6th November, 1944.)
ARM AND RANK	Surgeon                      Second Lieutenant
NAME	TERAKI, Tadashi
DATE OF BIRTH	24th July, 1913
PAY TO BE FORWARDED RESIDENT IN ABSENCE	
DATE OF HOSHU	16 November, 1948 Letter No. 1390 of the Legal Investigation Dept., 1st Demobilization Bureau sent overseas.

I hereby certify the above to be a correct copy of the original.

March 7, 1949

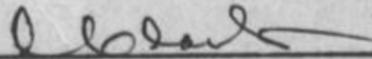
NAGATA, Shigeichi,  
Chief of 2nd Coordination Section,  
Liquidation Department,  
Demobilization Bureau.

(Sealed)

Exhibit 7 (a) (2)

0678

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



Eugene F. Clark,  
Lieutenant (j.g.), USN,  
Interpreter.

Exhibit 7 (a) (3)

0679

歎願書

徳島安永三ノ八大隊副官

陸軍中尉 冠吉春

今般寺不軍區、裁判が行ハント事ヲ聞キ  
 一言裁判長閣下迄、裁判官皆様ニ御歎が度  
 度居ヌ者不軍区が父島ニ参リマシク時ニ手  
 女ナリマシク復、独立歩兵第三大隊ニ配属カレシ  
 又見留士官トシテ大隊副官区トナリマシク  
 者不軍区、本部ニ赴キ行勤、徳々、  
 模範ナリマシク者不軍区、為傷病兵、  
 数多ク、人々が死地ヲ脱シタリマシク又  
 孝不軍区、真ニ真面目ニ温和ナル者  
 ナリ居マシク上官、信望厚ク部下、信願  
 厚ク又部下、指導スルコトニ親ガ子ヲ育ス  
 茲父、知テマシク此、五狐ナル心ヲ持テ  
 居ル者不軍区が人道ニ及ス行ヒテ致シ  
 タリ付ク、皆、悪部隊長ノ場少佐、非道  
 ナル命令ニ依ルモノナリマシク  
 的場少佐コソ父島一層、果敢ニ至リ親  
 ナリマシク師团长立花中將ガハ的場少  
 佐ヲ指導スルコトガ出来不及對ニ的場少佐  
 ガ師团长ヲテケマシク事ナリマシク又

0680

1/2

秋の的場ク佐ニナガラシク事ガアリマス部下  
 指導ガ悪イト言フ理由ナシ(昭和五年四月頃)  
 當時我々部隊長ヨリ一日十五時田作業ヲ命  
 ゼラシマシク兵隊ガ作業ニツカレテ休ム所  
 ル処ヲ部隊長ガ見タカシ其時私ハ  
 頭ガ痛ムニ付休ム所ニ居リマス兵隊ノ作業  
 状態ガ悪イト言フニ部隊長宜ク目シ  
 注意ヲ受ケマシク此時頭痛ノ為不動ノ  
 姿勢ガ取レタカクテナガラシクタリシキ  
 トバサレシク私ハ其場ニタラシニ三分  
 間ハイシキ不明ニシタ事ガアリマス  
 此ノ外ニモ二回ホドナガラシマシク私ハ  
 的場ク佐ニナガラシク將校下士官兵  
 數ハカクハキレマセン  
 此ノ様ニ暴君ニツカレテ我々日師ノ甚  
 シハ筆名ニ盡ク事ノ出来ナイ程ノ苦し  
 ミアリマシク  
 的場ク佐ノ命令ハ其事ノ如何ヲ問フ不服  
 従ナリマシク  
 寺本軍曹ガ部隊長ノ命令ヲコト公事ハ  
 出来タカクハヤク後ナリ事デアルト思フ  
 ナリマス  
 以テ私ガ寺本軍曹ニ部隊長ノ命令ヲ傳  
 へシク時ノ状況ヲ申上げマス

Exhibit 8 (2)

0681

113

其、海軍未吉隊ニ往リ、死刑ガル米兵、  
 事件不  
 私、独歩ニ大隊ニ行キ、居ル部隊長カ電  
 話不ト、事ヲ電話口ニ出スト先ニ申シ  
 シタ死刑ガル米兵、ニクテ取ル事ヲ  
 寺本軍医ニ命令セリテ、キアリス  
 私、此、非道ナル的場少佐、命令ニシテ、ウ  
 シ己ニ基地ニマイソウシテ、アリスカスニ  
 クテ取ル事ハ、ヤミ下サイト、数回電話  
 口ニ部隊長ニコトアリマシタガ、部隊長ハ  
 ドウシモカス大聲ニ、寺本ニ命ズルダ  
 ト言ヒ、マシタガ、ヤミ後、寺本軍医、此  
 ノ部隊長、敵命ヲ傳ヘマシタ  
 寺本軍医、非道ナル命令、為不決  
 ヲ願フシテ、居マシタガ、敵命、不シテ、セシ  
 ソウニ、下士官、衛生兵ト米ニ基地ニ行  
 フ事ヲ思ヒ、シマス  
 私、的場少佐、非道ナル命令、為真ニ、直  
 面目十五、私、心ヲ持ツ、三〇、大隊、得  
 兵ガ苦難シ、又、寺本軍医、様、過和、  
 人ガ人道ニ及ズル行ヒ、コトヤ、私、此、得、  
 カリ、事ヲ、心ヨリ、歎ク、モ、キアリス

0682

N4 裁判長閣下 加 裁判官 比 様 幸 不 軍  
 医、家庭ニ、妻 註 四 兒 在 幸 不 軍 医  
 歸 國 之 方 居 不 何 ト 幸 不 軍  
 医、裁判ニ 處リ 情 不 判 決、ア 三、  
 事 不 其 心 不 決 断 不 決 断 不 決 断

昭和二十四年二月三日

裁判長閣下

ALLIED OCCUPATION FORCES }  
 TOKYO, JAPAN }

Subscribed and sworn to before me this 24th day of February 1949:  
 The above affidavit consists of three and one-half (3½) pages, written in  
 Japanese.

*Frederick F. Tremayne*  
 Frederick F. Tremayne,  
 Lieutenant (junior grade),  
 United States Naval Reserve.

WITNESSED:

*Martin E. Carlson*  
 MARTIN E. CARLSON,  
 Commander,  
 United States Naval Reserve.

WITNESSED:

*Joseph Kase, Jr.*  
 JOSEPH KASE, JR.,  
 Yeoman First Class,  
 United States Navy.

Tokyo, Japan,  
 February 24, 1949.

Exhibit 8 (4)

0683

E-8(a)

AFFIDAVIT

To His Excellency, the President  
of the Military Commission.

KANMURI, Yoshiharu,  
1st Lieutenant, Imperial Japanese  
Army,  
Adjutant, 308th Independent  
Infantry Battalion.

I have heard that Surgeon Teraki is about to be tried. In this regard I have a plea to the President and Members of the Commission who will try him.

When Surgeon Teraki arrived on Chichi Jima he was a Second Class Private and when he was assigned to the 308th Independent Infantry Battalion he became a Probationary Officer and Surgeon attached to the Battalion.

Surgeon Teraki's conduct at headquarters was an example to all of us. Because of Surgeon Teraki there were numerous wounded and sick who were saved from death. Surgeon Teraki was sincere and warm-hearted. He was trusted both by his superiors and by his subordinates. His instructions and guidance of his subordinates were like those of a patient father to his children. That this upstanding Surgeon Teraki committed acts against humanity is all due to the inhumane orders of the evil Unit Commander Major Matoba.

Major Matoba was indeed the leading tyrant of Chichi Jima. Even the Division General Tachibana could not guide Major Matoba. It even happened that Major Matoba slapped the Commanding General of the Division. I was also slapped by Major Matoba. The reason given was my poor direction of my subordinates. (Around April of 1945.) About this time we were ordered to a fifteen hour a day work schedule by the Unit Commander. The Unit Commander had seen the tired soldiers taking a rest. I was resting at that time because I had a headache, when I was called to the Unit Commander's room and told that the work attitude of the soldiers was bad. At this time owing to the headache I was unable to maintain a rigid stand at attention. I was slapped and hit and fell on the floor and was unconscious for two or three minutes.

Besides this I was struck about two times. The number of commissioned officers, non-commissioned officers and enlisted men who were struck by Major Matoba is just numberless.

Our daily sufferings under such a tyrant are beyond words.

Major Matoba's orders required obedience without question.

I believe that it was inevitable that Surgeon Teraki could not refuse to obey the orders of the Unit Commander.

I will next state the circumstances at the time when I relayed the Unit Commander's orders to Surgeon Teraki.

This was the incident of the American soldier who was executed at the Suyeyoshi Naval Unit.

I was told that there was a telephone call from the Unit Commander who was then at the 307th Independent Infantry Battalion. When I went to the phone I was told to order Surgeon Teraki to cut the flesh from off the American soldier who was executed, to whom I have previously referred.

0684

I was shocked at this inhumane order of Major Matoba and told him that (the American soldier) had already been buried in a grave, and pleaded with the Unit Commander several times over the telephone to abandon the cutting of the flesh. The Unit Commander would not listen to me and shouted at me to order Surgeon Teraki. It was for this reason that I relayed without alternative the strict order of the Unit Commander to Surgeon Teraki.

I recall that Surgeon Teraki pulled an unhappy face at this inhumane order but as it was a strict order he went in a melancholy state of mind to the grave with a non-commissioned officer (or non-commissioned officers) and a corpsman (or corpsmen) to the cemetery.

I sincerely deplore the fact that due to the inhumane order of Major Matoba, officers and men of the 308th Battalion who were truly serious-minded and upright men were made to suffer and that a warm-hearted man such as Surgeon Teraki had to do something which was contrary to humanity.

Your Excellency, the President and Members of the Commission, Surgeon Teraki's family consisting of his wife and four children, is awaiting his return home.

I beg from the bottom of my heart that in judging Surgeon Teraki you pass a lenient judgment.

February 24, 1949

ALLIED OCCUPATION FORCES }  
TOKYO, JAPAN }

Subscribed and sworn to before me this 24th day of February 1949:  
The above affidavit consists of three and one-half (3½) pages, written in Japanese.

Frederick F. Tremayne,  
Lieutenant (junior grade),  
United States Naval Reserve.

WITNESSED:

WITNESSED:

MARTIN E. CARLSON,  
Commander,  
United States Naval Reserve.

JOSEPH KASE, JR.,  
Yeoman First Class,  
United States Navy.

Tokyo, Japan,  
February 24, 1949.

I hereby certify the above to be a true and complete translation of the original in Japanese, to the best of my ability.

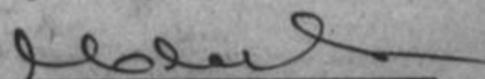
  
Eugene F. Clark,  
Lieutenant (j.g.), USN.  
Interpreter.

Exhibit 8 (a) (2)

0685

私は庭刑前は寺木医師が何も言はなかったと思  
います。捕りよる庭刑後寺木医師が解剖を行  
いました。この仕事を寺木医師がいや／＼やっ  
て決めて好んでやっつ居ない事は、はっきりわか  
りました。私は飛行士の名前を知りませんが  
アメリカ人である事をききました。私は寺木  
医師が好んでやっつ事ではないと思ひましたの  
でお氣の毒でなりません。私は寺木医師が  
人の病氣がよくなる事に興味をもつてゐた  
のを知つておました。三〇八大隊には他にも軍医  
が居りましたが、だれでも寺木医師に診て貰ふ  
事を望んで居りました。寺木医師はいつでもに  
かゝ病人を治そうとして手をつくしてくわが  
うです。部隊におて人々の尊敬を受けて居ま  
した。病人を治療する爲には非常に熱心で  
眞じめに任務をこつておましたので感謝をされ  
て居りました。又い／＼と物事をたの人でも  
いやだと言う事を言はず氣もちよくやっつ  
てくれました。私は約三年間寺木医師と居つ  
寺木医師は決して人を憎んだり害するよつた  
人ではなく人命を救うための医師としては實に  
適当な方であつたと思つて居ります。

服部 支

服部又は宣誓の上次の事を申し立てます  
 私は父島駐屯の帝國陸軍の兵長でありま  
 した一九四四年頃から終戦迄三〇八大隊に所  
 属して居りました。三〇八大隊所属約三、四月以  
 後の場的場本男少佐が大隊長でした。三〇八  
 大隊に於ける私の職務は次の通りであります。  
 私は寺木忠医師直轄下にある医務室で  
 働いて居りました。寺木医師は一兵卒として来  
 島しました。向もなく見習軍医に昇進致し  
 ました。寺木医師は非常に立派な性質の人  
 でした。他の將校と同じく野蠻的に残酷な  
 場的場少佐の暴力の前にはさらされて居りました  
 自分自身その暴力から守らなければなりません  
 でした。その上下級將校でありましたので命  
 令がイヤであっても服従しなければなりません  
 でした。一九四五年三月二十六日の事件も記憶  
 して居ります。その時衛生兵教育のためアメリカ飛  
 行士の解剖を行おうと言う事も人傳にききました  
 ました。これがやるとは、その事は非常にいやな事であ  
 ったけれども場的場少佐の命令が絶体のものがあり  
 まさか、いなく遂行されなければならぬと言う  
 事を私達同様寺木医師もよく知って居ま  
 した。

服部 光

ALLIED OCCUPATION FORCES  
TOKYO, AJAPAN

Subscribed and sworn to before me this 24th day of February, 1949:  
The foregoing affidavit consists of two (2) pages written in Japanese.

Frederick F. Tremayne  
Lieut. (j. g.), USNR.

WITNESSED:  
Martin E. Carlson,  
Commander, USNR

WITNESSED:  
Joseph Kase, jr.,  
Yeoman First Class, USN.

Exhibit 9(2)

0687

Ex 9(a)

STATEMENT

I believe that Surgeon TERAKI did not mention about the execution prior to its occurrence. After the execution Surgeon Teraki did not dissect the body of the prisoner. That Teraki was carrying out this work unwillingly could be clearly observed. I do not know the name of the flyer, I heard that he was an American. Because I know that Teraki was not a willing party to this dissection I cannot but be sorry for him. I knew Teraki as a doctor who was always concerned with the recovery of the sick. In the 308th Battalion there were other surgeons, but every patient sought the advice of Teraki. That was because Dr. Teraki always exerted his utmost to help these persons convalesce and every one respected him for it. Everyone was grateful to him because he attended to his duties conscientiously and worked tirelessly to help the sick to recover from illness. Whenever he was asked by anyone to do something he never refused and always agreed to undertake the job. During my two years association with him, I came to the conclusion that he was not a person who would ever hold a grudge against someone, or hurt anybody and was also a very promising doctor who would devote himself to the task of saving other people's lives.

I, HATTORI, Hikaru having been duly sworn depose as follows:

I was a superior private in the Imperial Japanese Army stationed at Chichi Jima. I was attached to the 308th Battalion from around 1944 until the termination of the war. After I had been attached to the 308th Battalion for three or four months, Major Matoba became the Battalion Commander.

My duties at the 308th Battalion were as follows:

I worked in the dispensary which was directly subordinate to Doctor Teraki. Doctor Teraki arrived on the island as a private but after a while he was promoted to Probationary Medical Officer. Although Doctor Teraki was a man of excellent character, like all the rest, he was exposed to the barbaric cruelties of Major Matoba. They had to protect themselves from

0688

his violence. Furthermore he was a low ranking officer and was forced to obey orders without question. I recall the incident of March 26, 1945. I heard from rumors that they would dissect a body of an American flyer for the benefit of the corpsmen. No matter who did this, it would have been something very unpleasant, but Major Matoba's orders were absolute and had to be executed without mistake. Dr. Teraki as well as the soldiers were fully aware of this fact.

HATTORI, Hikaru.

ALLIED OCCUPATION FORCES }  
TOKYO, JAPAN }

Subscribed and sworn to before me this 24th day of February, 1949:  
The foregoing affidavit consists of two (2) pages written in Japanese.

Frederick F. Tremayne,  
Lieut. (j. g.), USNR.

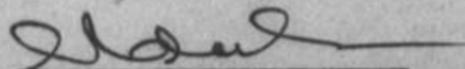
WITNESSED:

WITNESSED:

Martin E. Carlson,  
Commander, USNR.

Joseph Kase, jr.,  
Yeoman First Class, USN.

I hereby certify the above to be a true and complete translation of the original in Japanese, to the best of my ability.

  
Eugene F. Clark,  
Lieutenant (j.g.), USN.  
Interpreter.

A

歎願書

乃力軍事裁判官殿

寺本忠事

寺本典子 (印)

昭和十九年三月三日 御達、不幸大  
 始りしと。夫の出征命命事。二日後に陣亡  
 事。私、体も心も一時崩れ、三日、四日、帰  
 省を許さず、前線へ伺う行をせしめられた。  
 戦場下場へお入りなされた。現実、やがて来た事。  
 毎、く、戦場、早之終るを祈り、祈り、  
 戦場が終る、在、故、送、賜、の時、嬉しく、涙が  
 ぼけて、仕度、お、  
 戦場も、永く、  
 行ける、  
 早、  
 運命、  
 獲得、  
 程、  
 夫は、  
 して、



人に見ておがねは子もすき陰の事可なり  
と云ふ今も此等今も命を物に託して重んずる  
出来ぬ人哉 先づ命を運命に託しては物に  
命を託して可なり 曰く運命は同一なり 任ずるに  
諦めざるは 命の善人 命を 命に託して重んずる  
人 命を託して重んずる 命を託して重んずる  
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之，一二三四五六七八九十  
命命命命命命命命命命命命  
無罪，一二三四五六七八九十

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Exhibit 10

0694

Petition

/s/ Teraki, Noriko  
wife of Teraki, Tadashi

To the Judges of American Military Court:

On September 28, 1944, our misfortunes started. My husband received a call. He was to enter the army within two days. Both physically and mentally, I was greatly discouraged, because he went straight to the front without having leave to see me.

The war which we had hated involved us in its very midst. I prayed every day that the war be over soon. When I heard the broadcast telling us the end of hostilities, I was so glad that I could not stop shedding tears. I thought my husband would soon be back in safety; that the war would never happen again; and that we could live together forever. I anticipated his return with thankfulness.

But I am too sad to think that another misfortune was waiting for us, although we craved peace so eagerly. After having acquired freedom and liberty, why should we be sacrificed in behalf of the militarist? I was inclined to think that I was too lonesome to live in this world.

My husband could not bear the loss of his hope and he left and went somewhere unknown to me. He tried to commit suicide, but he could not do it because he thought of his children whenever he attempted it.

Now my husband has been taken away from me -- from our peaceful family in which I expected to be with him.

We never liked the war. I beseech you to examine the personal history of my husband. He made every effort in order to not be drafted into the army. He abhorred the uncivilized military life. He was very mild and quiet. He never slapped me or my children. He used to say that he did not like uncivilized manners.

After he was forced to enter the army, he received orders from a commanding officer who was of a typical brutal character. I can imagine how he hated to obey the orders. In the Japanese military forces, no one could violate orders of his superior officer, because any orders were deemed as those of His Imperial Majesty. What a lamentful orders of the Emperor! In the American Army, can a soldier insist on his opinion under such circumstances?

I used to send letters to him telling him to come back alive even if he would become a prisoner of war. He obeyed the orders in order to protect his own life. How could he commit such things except for the above mentioned reasons, as he so hated, and never committed, violence?

He was not a man to act in an obtrusive manner in order to attract others' attention. He was very conservative and did not like self-praise. I often advised him not to be too conservative because no one would become aware of his good points during any short acquaintance. Nevertheless, he was loved by everyone. He was honest, hardworking, and sincere. Very often he treated needy patients without charge. He could not be a double dealer. He would not become short tempered even if he had had nothing to eat for the day.

It is too pitiful that he should be destined for such misfortunes. If he had been a bad man, I would have given him up. But I can not because he is a real good man and I say this before God and men. Christ said, "Blessed are they that mourn for they shall be comforted." I cannot bear this burden of sorrow. I am afraid I might become unbalanced should I not read the Bible every day.

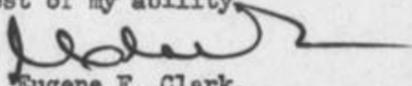
My children pray, "O Lord, send our father back," before they go to bed every night. I cry when I see them pray.

I heard from soldiers with whom he served in the army that he was a gentle and kindly person and worked very hard in treating his patients. They tell me that he could not help doing such a deed because he was so ordered. He was very earnest in his own work.

Gentlemen, please have mercy on me, a woman who gave thanks to Got at the end of the war on August 15, 1945, and was delighted to see the liberation of women's position. I would be glad to be confined instead of my husband, in order to have him back with his children. After the war, the Japanese women were made free. We really appreciate to have such a pleasant life. You Americans, who did so much for us, and who have a higher moral standard than the Japanese, please forgive my husband. We shall follow you to become fine people, and praise and thank you in our posterity.

I pray that you will acquit my poor husband who had no alternative but to obey orders.

I hereby certify that the above is a true and complete translation of the original document in Japanese, to the best of my ability.

  
Eugene F. Clark,  
Lieutenant (jg), USN,  
Interpreter.

歎願書

寺本忠信少少の時からあまのく友連と學を  
し左事はあまのく大學門品行共優秀なり  
故第一書を習業、中學の學研品行共優  
秀、天津中學を首席、卒業、教へ、至し、  
北海道帝大豫科入校之時、數科、品中、第、  
入學、教へ、至し、才之時、帝大、卒業、後、副師、  
大學、勤務、同年、群馬縣、衛生、技師、  
勤務、至し、才、師、商、同、學、心、也、み、か、左、米、國、  
口、入、才、寄、賜、之、厚、生、省、衛、生、公、衆、院、化、學、  
研究所、入、所、致、し、意、專、心、細、菌、學、の、研、究、  
没頭、之、三、相、才、の、時、醫學、博、士、の、學、位、を、授、與、  
之、來、し、た、也、は、生、涯、を、通、し、細、菌、學、の、研、究、  
身、を、捧、け、た、也、意、志、は、他、も、な、し、ん、だ、經、済、  
的、の、惠、亦、亦、深、き、才、の、研、究、所、の、恩、を、傳、へ、  
海、軍、軍、醫、學、校、入、所、致、し、勤、務、致、し、三、相、

才の時毎、桐室倉重病院勤務二月位過  
き頃先き海軍から任官を催せられたるが  
任官せず陸軍から志願するよと申され  
たが志願したる為十九年八月五日、前  
島野集之丸の戦地立つは横浜櫻木町驛へ見送り  
行き忠かたの、兵卒として出征す。途程  
見よ表に添かゝるに、志願すれ中尉、陸  
軍と出征するを、戦争志願のため、翌年  
終戦となり、半年以上を、帰るに其状私に、  
戦地之模様を語り、一勇婦なる事は、部隊長  
之乱暴、野蠻、死んで埋めて三日立つた東兵の  
死体から膽を摘出せよと命令され、  
婦は何度か、それを許さず、衛生隊  
へ、その状を告ぐ、山昇り、其が、  
今思ふに、身も元も、何れ

3

神登衰弱なるに於て其志は不遂なる父身  
 子孫集之れ此の場大隊長の部下となん事は  
 成る不運之豪勇無双の無毛道の大隊  
 長捕司合官の頭をなぐつたを拂見隊  
 長殊敗戦次敗戦の心荒立つる際此  
 時合の場大隊長を知りて其限もな何  
 如合も大隊長の命令に抗する事は皆  
 放棄するを命ぜられ即ち死有る兵達  
 は皆死す事す此の様な人信氣優し  
 一人が命令に抗する事はとて出来得ず忠  
 加自分の意志とは全く正逆討の不幸な行動  
 日後より信に仕る命成行搭とされ合令  
 の犠牲となん事は如何にも悲しく哀れ可  
 愛想なる事人死年去て子供等が不幸  
 と言え其言及何から彼をく如く此心





Exhibit 11

0701

Petition

Teraki, Tadashi, was very gentle from childhood, and I have never seen him having a quarrel with his friends. He was excellent, both at his learning and behavior. He was graduated from grammar school and Numazu Middle School as the best student among his classmates. He passed the entrance examination for the Preliminary Course of the Hokkaido Imperial University as the top of several thousand applicants. He was graduated from the university when he was 26 years old, and then worked at the university as an assistant. In the same year he was employed as a sanitation official at the Governor's Office of Gumma Prefecture. He had an enthusiasm to study further and, when he was 27, he entered the Chemical Research Institute, Public Sanitary Bureau, Welfare Department. This institution was founded by the contribution of an American, Rockefeller. There he devoted himself in the study of bacteriology, and when he was 31 years old he received the degree of doctor. Although he wanted to study bacteriology all his life, he was too poor to continue it. By the recommendation of the research institute, he became employed as a Shokutaku at the Naval Medical School. He then resigned from the school and worked at the Kiryu Welfare Hospital for two years.

When he was working at the Naval School, he was advised by the Navy to become a naval officer. He was also told by the Army to volunteer to be an Army doctor. He refused these requests, and as the result he suffered disciplinary punishment draft in September 1944. On the day when he left for the front, I saw him off at the Sakuragichi Station, Yokohama. When I saw him going to the war as a private second class, I shed tears. If he had volunteered in the military service, he would have been made a lieutenant and could have been treated as an officer when he left his fatherland. He hated to enter the military service as such.

The next year the war was over. He came back on 23 December 1945 and told me about his life at the front. He said that what he disliked most was the violent, brutal commanding officer he had. This man had ordered my son to remove the liver from the dead body of an American soldier who had died and been buried three days before. He refused many times but he was not allowed to do so. So he had to go up the hill with corpsmen who, on the way to the scene, sympathized his misfortune. He said that he felt shudder when he recalled the incident as he abhorred it very greatly. It seemed to me that he was in a state of nervous breakdown.

It was his misfortune that he was called to Chichi Jima and became a subordinate of Commanding Officer Matoba, who was a rarely rude and violent battalion commander and it is said that he slapped the face of commanding general, Tachibana. His violence became more and more horrible as he was aware of the defeat after defeat of the Japanese forces. Those who knew what a Battalion Commander was like in those days could not have resisted his orders. The soldiers told me if they had resisted the orders, they would have been killed.

Tadashi was a very gentle and mild person. He could not resist the orders and could not help acting against his will. It is really pitiful that he became a victim of the orders and I feel very sorry for him. I am an old woman and when I see my son struggling with his misfortunes I cannot sleep at night. It is very trying to live being so worried. Tadashi was the most gentle son among my children. He used to consult me whenever he made a decision. I would rather offer my life in behalf of Tadashi if I could save my beloved son that way. I beg you to allow me to take all his blame.

Gentlemen, please examine the character of Tadashi who had never quarreled with, or caused trouble to, others since his childhood. I pray that you will

give him a fair trial. If you show your benevolence, I am sure that Tadashi will work hard for the people, in accordance with the principles of democracy and without forgetting the kindness of your people. I beg that you will be lenient with him.

Whenever I see my lovely grand children,  
I feel my eyes being filled with tears.

People of all the world will feel the same way  
towards their children, so  
Please forgive my son, I beg of you Americans.

/s/ Katsu Teraki  
mother of Tadashi Teraki.

I hereby certify that the foregoing is a true and complete translation of the original document in Japanese to the best of my ability.

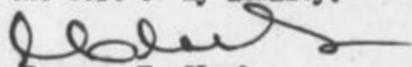
  
Eugene F. Clark,  
Lieutenant (jg), USN,  
Interpreter.

Exhibit 11 (a) (2)

0703

歎願書

私は目下戦争犯罪人として仰取調を定めて居  
る者不忠の義父である事 者不忠が二十六  
年丁度野馬縣衛生役師でありました而して野馬  
縣衛生課長の職務にも私の長女貴子と縁が  
たると云ふ事係りして父子同相と云ふ事あるま  
す 者不忠の性格は温和厚篤實  
にして紳士的風格の持主と申上げて差支ない  
私は思つて居ります 野馬縣は東京都芝区に  
あつた公衆衛生院に勤務致した結果二十九

年の頃論文提出三十一等。時々と思ひ込みが博  
の学位を得たのであります 更に進んで學界  
に貢献せんと努力を續けて居つた様であります  
今回。大戦争に向ひ或方面からは軍醫を志願  
する様申述べたが従事本は兵隊として役に出  
ぬことを望んで居つた為軍醫を志願せしめ  
一兵卒として召集を受け山笠原父島に於て軍  
隊生活中其行動が戦争の罪科に及びたは  
は私としては不思議に思はれて居るのでもあります 何  
れも女役の如き自由平等人類愛に富むる者

他人に對し危言を興ふ加はれこのありては  
はふいと思ひ居るに下す 善し悪行為があらざ  
れば 其れは日本の軍制に上り上るの命令に基  
てん 結對に從の意志に之をたのむに  
私に確信し居ります 善し悪の家族は喜ば  
ず生活困難に陥るに居ります 事情が賢察  
下され寒火の御裁決を賜りたご護心茲に歎  
願申上らば為す可なり

入行三子

昭和十四年三月二十七日

群馬縣警務部 群馬縣警務部 群馬縣警務部

長原 仙馬喜久壽

年六十五

在歎願人長原喜久壽の義父に相違なく  
事證明了

昭和十四年三月三日

群馬縣警務部 群馬縣警務部

群馬縣警務部 群馬縣警務部

0705

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Exhibit 12

0706

Petition

I am father in law of Teraki, Tadashi who is now being tried as a war criminal. I became his father in law because when Teraki, Tadashi was 26 years old and was a sanitary official of Gumma Prefecture, he was married with my eldest daughter, Noriko, through the good offices of the Chief of Sanitary Section, Gumma Prefecture.

I believe that Teraki, Tadashi is a man of mild and sincere character. He is a man who has the attitude of a scientist. He left Gumma Prefecture and went to the Public Health Institute where he devoted himself in medical research. He wrote a thesis for the doctorate when he was 29 and was given the degree of doctor when he was 31. Then he tried to further contribute the academic society and continued his research.

After the last war started, he was requested by the authorities to become a medical officer. Since he knew that he was not fitted to the military service, he did not volunteer to be a surgeon. Then he was drafted as a private, and was sent to Chichi Jima where he served in the army. I cannot believe that he did anything in violation of the rules of warfare during the period. Because he was a liberal and humane person, how could he commit evil against the others. If he actually committed anything wrong, I believe he did not do it intentionally, but was forced to do so by superior orders under the strict Japanese military system. Family of Teraki, Tadashi, consisting of his wife and four children, are now in want. I beg that you will take these circumstances into consideration and that you will deal leniently with him.

February 27, 1949.

/s/ IIJIMA, Kikusu, farmer, (65)  
1161 Oaza-Arako, Aratomura,  
Seta-gun, Gumma-ken.

I hereby certify that the maker of this statement is the father in law of Teraki, Tadashi.

March 3, 1949.

/s/ BABA, Shunichiro,  
Assistant police inspector,  
Daiko Police Detachment,  
Seta District Police Station.

I hereby certify that the foregoing is a true and complete translation of the original in Japanese, to the best of my ability.

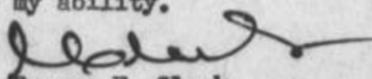
  
Eugene F. Clark,  
Lieutenant (jg), USN,  
Interpreter.

Exhibit 12 (a)

0707

歎 願 書

私は只今戦争犯罪人として逮捕、裁判に附されやうとしてゐる寺本忠の義弟であります。

彼は文字通り温厚篤実な性格で、且熱心な學究の徒であり社會に

於ては眞の紳士であり家庭に於ては全く慈父でありました。

私は私の肉親の兄弟よりも義理の關係である彼を愛慕し私の心の鏡

として尊敬して来たのであります。その彼が戦争犯罪人として指名されたこ

とは私としては全く意外であり且私生涯の最も悲しいことでもあります。

日本の軍隊が上官の命令は事の如何も向はず服従すべしと云ふ鉄

則のあることは日本人なり皆知て居り軍隊生活の経験あるものは誰

しもこのため泣いて来たのであります。所謂「忠も殺せぬ男」と云ふ言葉が

そのまま當てはめられる彼の様な男に戦争法規に違反する様な残虐な

行為は行へるものではなく又部下に對しても斯様なことを命ずることも

No.

出まるとは思へません。

彼は博士号を授けられたから、只管研究に専念し、軍隊を嫌ひその召集を避けて、田舎の病院に転じ、病人患者達の心の友となつて、診療に當つて居る時に、軍隊につれてゆかれ、極悪無道、人道の何たるかも解さぬ職業軍人の上官にはへる様に白つたことこそ、運命の廻り合せとは云へ、全く気の毒であります。

何卒、彼と共にはあつて、共に起訴されてゐる上官、同僚と共に、もう一度何等の條件の下で、御審理下さる様、御願ひ致します。

彼こそ人類相互の爲、平和日本建設のため、貢献し得る、眞の紳士、眞の學究の徒であることを、重ねて断言致します。故、どうぞ二の呉を御信頼下さい。何方、寛大な御措置を賜はる様、御願ひ致します。

昭和廿四年二月 日

群馬縣勢多郡荒砥村大字下大屋古丸。齋藤圭司方

飯島謹 五口

No. 在歎願人、は、寺本忠の義弟に相送らるることを證明す。

昭和廿四年三月十日

群馬縣勢多郡荒砥村大字下大屋古丸

齋藤圭司方  
飯島謹  
五口

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Exhibit 13

0710

Petition

I am a brother in law of Teraki Tadashi who was arrested and is going to be tried as a war criminal.

He was truly a man of mild and sincere character and also an earnest scholar. He was a real gentleman in the society and an affectionate father to his family.

I have loved him more than I do toward my brother and sisters, and respected him as a model. I can hardly think that he ~~should~~ be named a war criminal. This is the most sorrowful incident through all my life.

Any Japanese know that in the Japanese army there was a stern rule that "Whatever an order of a superior officer might be, it should be obeyed." Many Japanese who were once in military service had bitter experience because of the rule. We have a saying: "A man who cannot kill even an insect." I believe he is a typical man who "cannot kill even an insect." I believe he cannot commit brutalities in violation of the law of war, nor could he order such a thing done by his subordinates.

Even after he was given the degree of doctor, he devoted himself to research. He hated military. In order to avoid being drafted, he went to the country to work at a hospital there. When he was busy in treating patients as their kind friend, he was called to the service in which he had to serve under a wicked, brutal professional officer who disregarded humanity. Although it might be said that Fate decreed him to be as such, he is really pitiful.

I beg you to try him on equal basis as you did his superiors and comrades who were charged with the same crime.

I wish to repeat that he is a real gentleman, a true scholar who can do much for the people as well as for the rehabilitation of peaceful Japan. Please believe me when I say the foregoing statement and I pray that you will be lenient with him.

February 1949

/s/ IIJIMA, Kingo  
c/o SAITO, Keiji,  
690 Oaza-Shimocoya,  
Aratomura, Seta-gun,  
Gumma-ken.

I hereby certify that the affiant is a brother in law of Teraki, Tadashi.

March 3, 1949

/s/ BABA, Shoichiro  
Assistant Police Inspector,  
Daiko Police Detachment,  
Seta District Police Station.

I hereby certify that the foregoing is a true and complete translation of the original in Japanese, to the best of my ability.

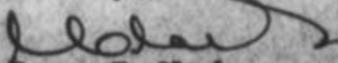
  
Eugene F. Clark,  
Lieutenant (jg), USN,  
Interpreter.

Exhibit 13 (a)

0711

歎願書

群馬県勢多郡大胡町七五

飯島静子

寺木忠は私の義兄でございます。彼が私の姉と結婚しました。当時より私は家務の手傳ひ或いは子供の世界等々全く家族として始終一緒に生活してまいりました。又義兄出征以後は益々姉に協力して一日も早く彼の無事歸還を祈るのみでした。ですから女学校卒業以来丸十年間義兄の家庭を通じて私は色々な方面で女性として成長したと云う事も過言ではございませぬ。文化人である彼の姉を愛し子供を慈しみ又私達には優しく親切で家庭は何時も明るく楽しい和やかな雰囲気におまれておりました。そうして幸福な日々を送るのみならず私自身も自分も將來家庭を持つ時は彼のような教養高く物事に熱心な信頼の出来る

人の妻になれざるを念願してやみませんとした。實際義兄は私達姉妹ばかりでなく一般女性の理想的男性であり得ると思ひます。姉は勿論私も常に友人知人に誇りに自信を以て彼の日常や歴史を語り又彼を知る人々も之に同意してゐましたので姉は全く望みの所でありました。これもみな彼の円満な性格に由来するは申すまでもございませぬ。こうした義兄が如何なる状態に於ても自分から進んで野蠻な行爲をする事は絶体になつて信ひます。命令とあれは總べての個人意志は無視されど人なるは服従しなければならぬ。時に直面し職務上仕方なしにした行爲と思ひます。こうした実情をよくよく御調査の上何等一日も早く妻子の待らねる家庭へ歸る事が出来ますよう。幾重にも御願ひ申し上げます。

米國軍事裁判官殿

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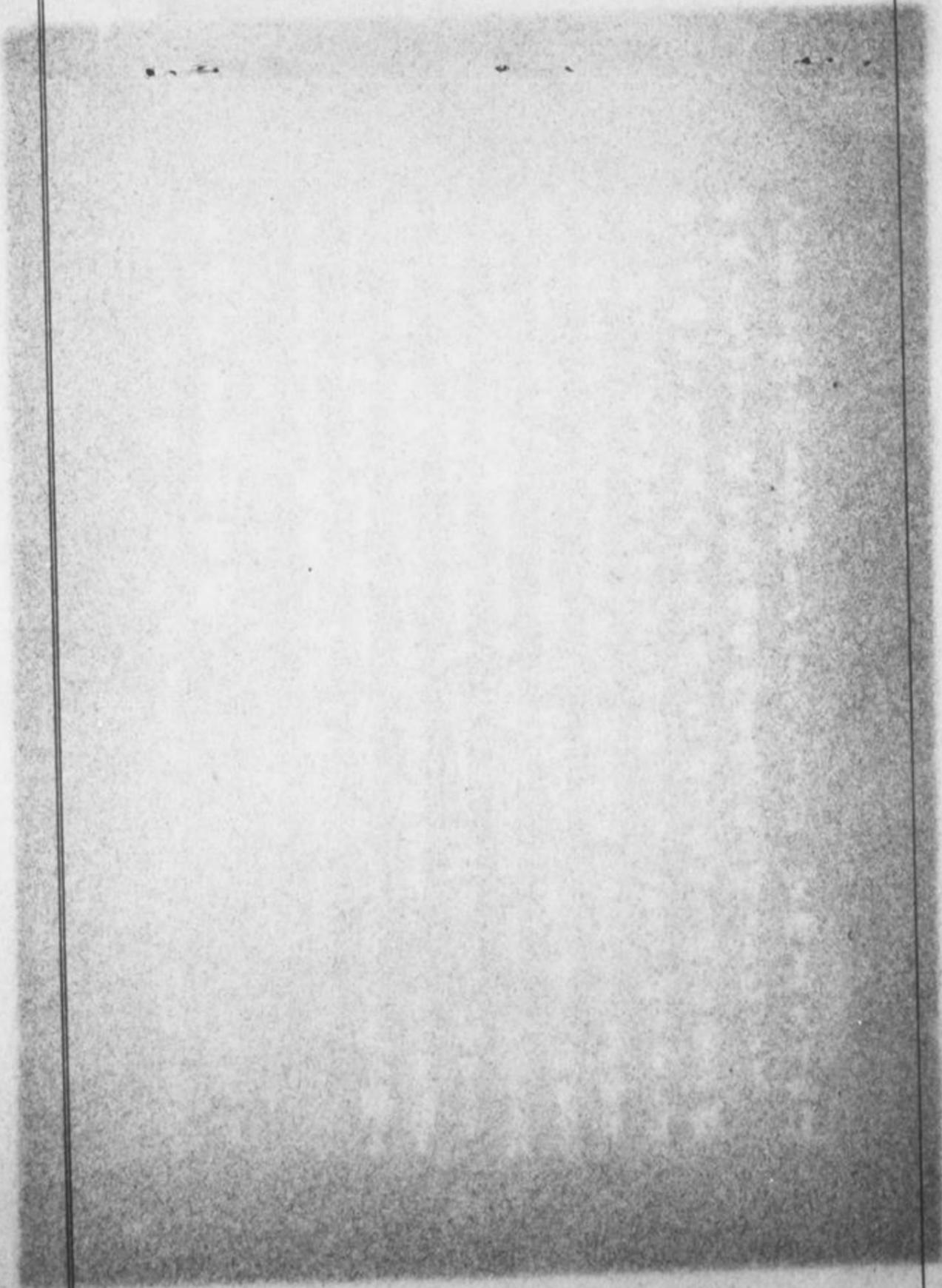


Exhibit 14

0714



Petition

/s/ Iijima, Shizuko  
75 Daigo-machi  
Seta-gun  
Gumma-ken.

Teraki, Tadashi is my brother in law. After he married my sister, I used to live in his house to help with their family work and to take care of his children. During his service in the army, I was helping my sister, praying that he would be back soon. So I lived 10 years in the house of my brother in law after I was graduated from the girls' high school. He was a cultured man, loved my sister, was affectionate to his children and kind to me, and his family was always marry, peaceful, and happy.

As I was passing away such happy days in his family, I hoped that I would become the wife of such a man, well-educated, sincere, and trustful. I should say that he is not only an ideal husband for my sister but could be an ideal man for any woman.

My sister and I was proud to tell with confidence about his good character and excellent personal history, and many persons agreed with us concerning this point. So they envied the happy life of my sister. Needless, to say this is because of his well-rounded character. I am convinced that my brother in law, being such a man, would never commit acts of violence of his own accord. I believe that his personal opinion was shut out by strict orders and that he had to do it in the face of absolute requirement of obedience. I beseech that you will examine the circumstances carefully and that you will return him to his home, where his wife and children are waiting.

To Members of American Military Commission.

I hereby certify that the above is a true and complete translation of the original document in Japanese, to the best of my ability.

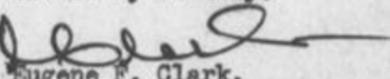
  
Eugene F. Clark,  
Lieutenant (jg), USN,  
Interpreter.

Exhibit 14 (a)

0715

私は寺本忠心の弟です。

私は兄が眞実な人であり優し立派な人格者であることを  
知っております。眞面目に軍務に服したために却て不幸を招いたのです。  
兄の誤は必す今後無いと思ひます。民主化されたある日本人民  
として其の義務を果すことが出来ぬ人です。

医者として立派な技師を有し社会の人々から賞讃さ  
れてゐる兄を私は是非救ふ戴きたいと思ひます。

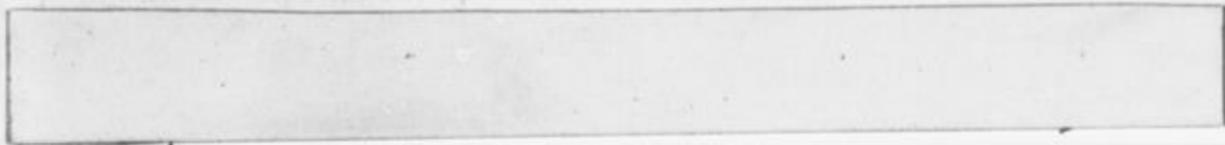
日本の軍規をもつて涙を吞んで兄は自己の誤に入らざるを得な  
かたことを考へらうし兄の罪をお許し下さい。

昭和二十三年九月二日

義弟

飯島正勝





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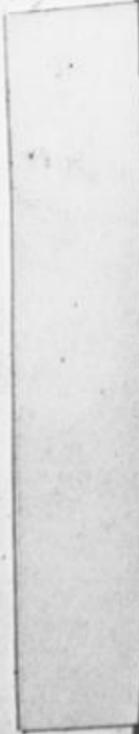


Exhibit 15

0717



PETITION

September 24, 1948

I am brother in law of Dr. Teraki.

I know him well. He is a honest and quiet man. He served very earnestly in the Japanese Army and he had an unfortunate fate. I believe he does not make mistake any more. He is a man who can complete his duty in the democratic society. He has good technique as a doctor and he is respected by all members whom he had contact with.

I sincerely hope you save him at this time. He had to obey any order of the Japanese Army.

I should be most grateful if you would accept this humble petition and be lenient with him as far as possible.

IIJIMA, MASAKATSU  
Brother in law of Dr. Teraki.

I hereby certify that the foregoing is a true and complete translation of the original document in Japanese, to the best of my ability.

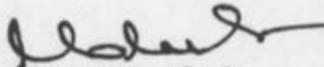
  
Eugene F. Clark,  
Lieutenant (jg), USN,  
Interpreter.

Exhibit 15 (a)

0718

## 歎願書

私「嘗テ私自身が六ヶ月間 小笠原列島父島關係  
戦争犯罪ニ関スル 檢事側證人トシテ出廷シマシマ  
グアム島米軍軍事法廷ノ 裁判官各位ニ 寺木博士  
ノ為ニ書キマシタ拙ナル歎願書ヲ差上げマスコトハ  
誠ニ感慨無量ナルモノガアリマス。

私「大日本帝國陸軍第百九師團參謀トシテ昭和十九  
年七月初旬ヨリ終戦後日本軍隊ノ同島撤退完了迄  
父島ニ居リマシタ。私「昭和二十一年四月父島ヲ去リ  
證人トシテグアム島ニ送レ同島ニ同年九月二十八日迄  
居リマシタ。

現在私「米國に領軍内ニ日本人従業員ノ支配人  
トシテ勤務致シテ居リマスガ私「此ノ仕事ハ米國海兵  
隊海兵佐 ロバート・デール・ヒーラーノ推薦ニ依ツテ

獲得セラシタモノデアリ、同佐ハ父島及ビグアム島ニ於  
テ父島關係ノ戦犯調査委員會ノ委員長デアリ後日  
東京ニ於テマリアナ艦隊司令部ノ代表兼連絡將校  
ニ服務セラシタ方デアリマス。私「グアム島ニ在ケル  
貴務部及裁判所ノ古い方々ヲ存ビテ居リ且現在テ  
モ裁判長 ロビンソン海軍少將ハ私即ケ堀江佐ヲ  
御記憶ノコトト存ズルモノデアリマシテ斯ク申上げマス  
コトハ深ク光榮トスル所デアリマス。

私「次ニ當時ニ在ケル父島ノ雰囲気及寺木博士  
ノ地位ニ就テ闡陳シタイト思ヒマス。

### 第一 父島ノ雰囲気

當時父島ニ立花中將的場少佐ノ如キ狂氣ジミ  
ク將校ガ居ツタノデアリマス。彼等ハ同島ニ於テ

室中ヨリ警鐘を鳴らして聯合軍俘虜ニ對スル拷問並  
死刑ヲ命じたりとアリマス。私、此、蠻的行為ヲ憎ミ  
之ヲ停止セシメント欲シたりとアリマスが私、地位ヲ以テ  
シテスラ假等ノ主義ニ反對シテ行クニ、非常ノ困難ガ  
伴フたりとアリマス。假等、屢々私ヲアメリカノ大  
ト呼ビたりとアリマス。

假等ノ主義乃至此ノ雰囲気、一部、日本軍將兵ヲ  
シテ俘虜ニ對シ殘虐行為ヲ加フルニ至ラシメ事實是等  
將兵ガ假等ノ命令ヲ拒否スルト、極メテ困難デアリ  
たりとアリマス。

### ※第二、孝不博士ノ地位

私ノ記憶デ、孝不博士、昭和十九年八月衛生兵ト  
シテ父島ニ來、翌二十年、初頭見習醫官ニナ  
リたりト思ヒマス。假、的場女佐ノ指揮スル独立歩

兵第三、八大隊ニ配屬セラレたりとアリマス。假ノ行為、  
細部ニ就テ私ニ存シマセ。

日本陸軍ニ於キマシテ、入隊後六月、新兵ノ地位ニ  
極メテ低イモノデアリ何レノ事モ出來ナカッタ、デ  
アリマス。孝不博士、正ニ此ノ新兵トシテアリ  
マス。私、尙醫術トシテノ社會的地位、相當ヨイ  
モノデアルトヲ知ツテ居リマス。但シ彼一度陸軍ニ  
入ルヤ陸軍將校ニ假ヲ若シ坊、如ク取扱フたりとアリ  
マス。即ケ教育ノ高イ醫師モ今ヤ軍ノ命令ニ  
従フナケレバナラフナツタ訣デアリマス。

私ニ彼ガ蠻的上官ノ命令ヲ拒否シ得テカ  
リ、無視カテラフ事トシテ思ヒマス。

最近孝不夫人及ビ其ノ母ガ來訪シ其ノ慘  
主人トシテ家庭ノ實情ヲ耳ニシ又孝不博士ノ良イ

性質、持主デアリ且ツ彼、今米國、態度が公正  
デアコトヲ信シテ居ルトモフコトヲ知ツタノデアリ  
マス。

裁判長閣下並ニ各位、私、此、歎願書ヲ私、  
拙ル英語ヲ以テ書イタデアリマス。

願フニ各位が本歎願書、甚クアル所ヲ御  
ニ取リニテ、當時、父島、零團氣及音不博エ、  
陸軍ニ在ル地位ヲ以テ承下サレテ出来ル程ニ寛大  
ナル御處置ニ出デラント祈ツテ止マヌモノデア  
リマス。

彼、元來善人デアリ良イ醫師デアリマス。  
又家庭ニ在テ元日本國家トシテモ必要ナル人物デ  
アリマス。

昭和四年二月十九日

堀江芳孝

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Exhibit 16

0722

Petition

I am filled with deep emotion as I submit this humble petition in behalf of Dr. Teraki to the members of American Military Commission, Guam Island, where I attended for six months as a prosecution witness in connection with war crimes committed on Chichi Jima, Bonin Islands.

I was stationed on Chichi Jima as a staff officer of the 109th Division, Imperial Japanese Army, from the early part of July 1944 until the time when the repatriation of the Japanese armed forces on the island was completed. In April 1946 I left Chichi Jima, and as a prosecution witness was sent to Guam Island where I stayed until the 28th of September 1946.

I am now working with the American Occupation Forces as a manager of Japanese employees. This job was obtained by the recommendation of Major Robert D. Shaffer, USMC, who was the senior member of the Board of Investigation of war crimes committed on Chichi Jima, convened both on Chichi Jima and Guam, and who later became the representative and liaison officer of the Commander Marianas, in Tokyo. I am very much honored to tell you that I still remember the old members of the legal section and the military commission on Guam, and I believe that Rear Admiral Robinson, President of the commission, will remember me, Major Y. Horie.

I would like to tell you the atmosphere of Chichi Jima and the position of Dr. Teraki in those days.

(1) The atmosphere of Chichi Jima.

In those days there existed such mentally unbalanced officers as General Tachibana and Major Matoba on Chichi Jima. They ordered the torture and execution of flyers of the allied forces who were shot down and became prisoners of war. I abhorred their barbarous policy and tried to stop such brutalities. However, even with my position (as a staff officer) it was very difficult to oppose their principles. Consequently, they despised me as a dog which wagged its tail in favor of the Americans. Their policy and atmosphere led some of the Japanese officers and men to visit cruelties against prisoners of war, and as a matter of fact it was almost impossible for these persons to refuse to obey the orders of these two high officials.

(2) Position of Dr. Teraki.

As I recall, Dr. Teraki came to Chichi Jima as a corpsman in August 1944, and became a probational medical officer in the beginning of 1945, the next year. He was attached to the 308th Battalion commander by Major Matoba. I don't know of the details of his conduct.

In the Japanese Army the position of a six months recruit was very low and he was entirely powerless in doing anything. Dr. Teraki was nothing other than such a recruit. Of course I know his position in the society as a doctor had been a very honorable one. But after he was once conscripted in the army the army officers treated him like a slave. Thus, a civilian doctor with high education had to obey the orders of the military.

I understand that it was quite natural that he could not refuse the orders of frenzied commanders.

Recently, Mrs. Teraki and Dr. Teraki's mother visited me and I learned how miserably they were living without him. I knew that Dr. Teraki was a man of good character and that he believed that the Americans were fair and righteous.

Exhibit 16 (a) (1)

0723

Gentlemen of the Commission, I have written this petition in my poor English. I would be very grateful if you will accept this petition, understand the atmosphere on Chichi Jima and the position of Dr. Teraki in those days, and be lenient with him. He is a good man and a good doctor, and is an essential person, both to his family and for the Japanese people.

February 19, 1949.

/s/ HORIE, Yoshitaka.

I hereby certify that the foregoing is a true and complete translation of the original document in Japanese to the best of my ability.

  
Eugene F. Clark,  
Lieutenant (jg), USN,  
Interpreter.

Exhibit 16 (a) (2)

0724

SATO, KESAKUCHI

No.

寺木忠

敬願書

昭和四年一月六日 佐藤今朝士口

右者は性極めて温厚にして服従心旺盛、上官を信頼し之に眞  
 服し下級者との親睦不極めて厚かつた、無言にして多しと  
 語らず軍務の余暇は医学の研鑽に専め將來有為の  
 人物ありき。眞面目にして坦率且つ温和なる彼を只今  
 裁きの庭に立たしめたのは一に約場少休の悪癖、乱用に依るもの  
 でありまして決して彼が他人に本事件の知に手を出す者ありし  
 彼は入隊日尚浅い、上官の命令を直ちに遵奉するは唯一の  
 忠節と信じて居る者ありき、彼を裁くに當り以上の諸項に御願  
 慮下さるに何分の御寛大なる御是置を賜ふ度敬願致すものと  
 申す

アヘ島軍事裁判所  
裁判長閣下並右位御同

昭和 年 月 日

45593

Exhibit 17

0725

Petition

Written: 8 January 1949.  
By: SATO, Kesakichi.  
To: His Excellency, the President and Members of the  
Commission.  
Subject: TERAKI, Tadashi.

The above named person has an extremely gentle personality and is a man of great obedience. He trusted his superiors and faithfully served under them. He was extremely friendly with his subordinates. He is a man of few words and during his leisure from military duties he exerted himself in the study of medicine. He is a person of promise for the future. One reason for this honest, peaceful, and gentle person being brought at this time was Major Matoba's abuse of authority. Teraki certainly is not a person who would do a thing such as this incident on his own accord. He did it only because he had been in the service for a short while and had believed that the only way to be loyal was to promptly obey the orders of his superiors.

In trying him, I beg that consideration be given to the foregoing and that all possible consideration be granted in the judgement of his case.

I hereby certify that the above is a true and complete translation of the original document in Japanese to the best of my ability.

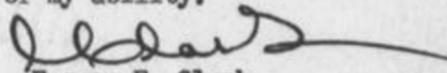
  
Eugene F. Clark,  
Lieutenant (jg), USN,  
Interpreter.

Exhibit 17 (a)

0726

口述書

西田公利は身心に誓ひ宣誓の下  
に寺本軍医について左の如く眞実と  
中述いたします

寺本軍医は第百九師團独立歩兵第三

石大隊附軍医として右大隊が小笠

原島久島に駐屯と共に同隊に從ひ赴

東京都府

任し隊長的立場本勇少佐の下に昭和二十

年八月終戦迄勤務されに人でありました

同軍医は私の知つてゐる限りに於ては

性質極めて温厚で交友関係も余り

派手な方でけなひ稱見うけられむし

ろ隊長の命には正邪異唯々諾々とし

て從ひ總てを止む所いふものとする

KN

KN

ような性格であつたと記憶して、まず  
次に隊長的場少佐は極めて横柄な豪  
傑肌であることを教へておつて、人物  
で自己の氣持に及しても所謂大風呂敷  
と云ける性質で特に師團長立花中將に  
親交を厚くし師團長の庇護の下にあつ

K.N

てその威力と利用し豪傑ぶりとしてつ

東 都 府

ていた感じの人でありました。この事件も

立花中將的場少佐合意の下になされた

事件でありますので寺本軍医は上長

の命に万事絶対服従の意志の下に敢て

実行されたのではなかつたかと思ひます。特に

的場少佐は(師團長もそうでありましたか)

K.N

部下に対し自己の意に及する場合は

直ちに暴力を振うなど極めて野暮な  
態度にふる人で残酷な一面を持つていた  
のであります。私に寺本軍医とは將に

親交が深かったのではありませぬでしたが  
第百九師團司令部参謀部附として堀江

K.N

参謀の下にあつて各隊に対し指揮命  
令等の任務にあつた關係上しばしば各隊

東 都 府

を訪れ且つ的場隊長の下には別に私的  
に招かれた事もあつて寺本君の人格に  
接していたのであります。

考へますのに寺本軍医がかゝる事件に  
關係があつた事がむしろ不思議と思は

K.N

る位ですが前述の通り隊長の命もた  
し難く且つその軍医なる職にあつたに



止むはく又又を取つたのであらうと思はれ  
るであらう又何人もあの釣堀少佐の  
ような人物の下では自己の意に及しても  
その命に従わざるを得ないであらうせうし  
尚又上官の命はどの事の如何と問はず命令  
に従うといふ日本軍人の立前であらうした  
ことを思ふと寺本軍医に限らず誰もが  
そうしたのであらうせうし又寺本君が軍  
医であつたため止むはき立場に立たざるを  
得なかつたといふことは真に残念に思ふの  
であらうす右のよつに全く寺本軍医は  
隊長の命止長の命のまゝに動いただけ  
で一切の責任は隊長にあるものと思は  
れず次第であらうす

KN

東 都 府

KN

以上申述(まじ)に之は事實に相違

ありせん

米國海軍中佐 マーティン・カールソンの下

で宣誓並に口述致しよした

宣誓は一九四九年二月二十六日日本國京都

に於て玉村文男により礼に翻譯され

諒解致しよした。

== 京 都 府 ==

元第九師團司令部附

陸軍大尉

西田達公利

KN

KN

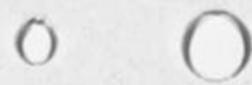


Exhibit 18

0732

STATEMENT

NISHIYOTSUTSUJI, Kimitoshi,  
Captain, Imperial Japanese Army,  
formerly attached to Headquarters,  
109th Division.

NISHIYOTSUTSUJI, Kimitoshi swears by his conscience and under this oath deposes the truth concerning Surgeon Teraki as follows:

Surgeon Teraki was Surgeon attached to the 308th Independent Infantry Battalion of the 109th Division in which capacity he arrived on Chichi Jima Bonin Islands when the above Battalion was moved there. He served in that Battalion under the Battalion Commander, Major Matoba, Imperial Japanese Army, until the termination of the war in August 1945.

In so far as I know he was a mild man who was not very flashy in his associations with friends. As I recall his character was such that he would merely obey the orders of the Unit Commander, whether right or wrong accepting them as something inevitable.

Next, the Unit Commander Major Matoba was an extremely violent man with much bravado, and he was the type who would create a big fuss even if someone only opposed his feelings. He was very close to the Division Commanding General Tachibana. I felt that he was utilizing this influence under the protection of the commanding General of the Division to accentuate his bravado. These incidents were instigated under the combined wills of Lieutenant General Tachibana and Major Matoba and I believe that Surgeon Teraki merely executed their wills against his own following his idea of obeying absolutely each and every order of his superiors.

Major Matoba (the Commanding General of the Division was also so inclined) in the event any subordinate opposed his will would immediately resort to violence. There was this kink in his character which was extremely savage and vicious. My relationship with Surgeon Teraki was not very close. However, as an officer attached to the Staff of the 109th Division under Major Horie, it was one of my duties to despatch orders to visit Major Matoba privately and therefore had opportunities to become aware of the character of Teraki.

In retrospect it is strange even to think that Surgeon Teraki was involved in such incidents. However, as stated above, he could but execute the orders of his Unit Commander and he had to abide by his duties as Surgeon, and I believe that that is why he had to use his scalpel. And furthermore, I believe that any person would perforce have to carry out the orders, even when they are contrary to his will, when they come from a person such as Major Matoba. Further there was the code among the Japanese military that the orders of a superior be executed without questioning anything. When we consider these things, it is probably that any person placed in these circumstances would have acted as Teraki. However, I thought it deplorable that Teraki, because he was a surgeon, had to be placed in such a position.

I believe that Surgeon Teraki acted absolutely in conformance with the orders of his Unit Commander and of his superiors and that all responsibility rests with the Unit Commander, as I have stated above.

What I have stated above is, without mistake, the facts.

I state the above and swear thereto in the presence of Commander Martin E. Carlson, United States Navy.

The oath was translated to me by Tamamura, Fumio on the 26th of February 1949, in the city of Kyoto, Japan.

/s/ NISHIYOTSUTSUJI, Kimitoshi,  
Captain, Imperial Japanese Army,  
formerly attached to Headquarters,  
109th Division.

I hereby certify that the foregoing is a true and complete translation of the original document in Japanese, to the best of my ability.

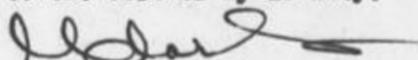
  
Eugene F. Clark,  
Lieutenant (jg), USN,  
Interpreter.

Exhibit 18 (a) (2)

0734

寺木忠氏に關する歎願書

東京都杉並區上荻窪二丁目四九

原

滋

軍事裁判官殿

寺木氏と私との關係は昭和拾九年九月廿日同業  
醫師、百數名と共に衛生二等兵として東部六部隊に  
召集せられ、甲の内拾四名が拾月中旬には硫黃島に  
轉属され、丙五名が小笠原父島陸軍病院を経て同年  
十二月廿日見習士官となり、各自配屬大隊に赴任す  
る。約二月間、教育上も作業上も何事にも終始  
行動を共にしました。任地は父島の南北に分れたが、  
其後、昭和廿年十二月廿三日に復員するまで、度々面談し  
交際してまいりました。

(二) 寺木氏は北海道大學醫學部を卒業し、東京の公衆  
衛生院で研究生活をし、醫學博士の学位を受けておま  
す。實に真面目な學究的な人物である。硫黃島の野戰  
病院に約一月弱、起居を共にし、父島陸軍病院に在る  
十日間の教育期間中を觀み、その態度は責任感強  
く、又出過ぎたことは決してせず、控え目な性向であり、その  
一人一人と争ふこともなく、何事にも評判のよい人柄  
でありました。その間、寺木氏の人生觀を多く、上意の好む人物  
性格を知り、内地歸還後、未長く交際し得る人の  
唯一の者であると思つておりました。  
今罪に問はれておる様なる事件で、自ら積極的に行動する  
性格の人ではありませぬ。

(三)この事件は、寺木氏が軍籍に在り、見習士官即ち軍醫の本席に就き未だ、數ヶ月頃の事でありませう。  
見習士官は上官の都合事によつて或は將校として、又都合の悪い時は下士官として待遇され、自ら寒意し事をなす地位にはありませぬ。上官の命には抗、難く殊に第一線の戦地に於ては抗命の罪は重く、彼の本心以して行ふことを余儼然とせられておられた行為と信じます。その證には、この事件の後、會つた際に、不本意な事をさせられ、寧ろ心を痛めてゐると、私にひそかに語る所ました。非道な上官の下に、驅使せられたものと、寧ろ氣の毒に感じます。

(四)寺木氏には妻があり、幼少な子女四人あり、彼が力によつて生活をなしてゐます。夫も、又父親の歸るを一日千秋の思ふで待ち詫かてゐます。何卒、上述の事情を充分に法考慮下さるゝ寛大な法処置を賜はらんことを切に切に懇願致しませう次第です。

以上

昭和廿三年九月廿一日



Exhibit 19

0737

Petition

September 21, 1948.

On September 28, 1944, Dr. TERAHI and myself with a hundred other doctors were drafted in the Army and all entered the East 6th Unit as Private Corpomen. Out of this, fourteen were sent to Iwo Jima, in the middle part of October, and of the fourteen, five were sent to the Chichi Jima Army Hospital, Bonin Islands and there on November 22nd became Probationary Officers and were each assigned to various Battalions. During these two months we were always together in training courses and workouts. In our assignments we were separated from each other, one going to the north end and the other to the south end of Chichi Jima Island. Since then until the time I was repatriated on December 23rd, I frequently met him and associated with him.

TERAKI graduated the Medical Department of the Hokkaido University, and continued his research at the Tokyo Public Welfare Hospital and received the degree of Doctor of Medicine. He is a really diligent and scholarly person. We lived together on Iwo Jima for a little less than one month at the Iwo Jima Field Hospital, and when I reflect on the days we had together at the Chichi Jima Army Hospital, going through our education period, his demeanor showed a man with a strong sense of responsibility and yet very moderate and reserved. During this time he was never involved in any brawls and was always popular with everyone. I was able to appreciate his way of life, and discovering the above personality in him, I determined to associate with him even after our return to Japan. He is not a person who would initiate, far less take an active part in, the incident for which he has been charged.

This incident occurred only a few months after he was made a Probationary Officer and assumed the very lowest of ranks as a surgeon. A Probationary Officer, depending upon the superiors, will be treated either as an officer or at times as non-commissioned officers. He is in no position to suggest or propose, far less initiate, in any matter. The superior's orders are inviolate. Especially in the front lines, the crime of resisting orders was indeed serious. I am convinced that his action was against his own will and he was compelled to do so.

As proof of the above, when I met him after the incident, he told me in confidence that he was deeply mortified for being compelled to act against his own will. I am in sympathy with him for having had to endure this un-couth superior.

Teraki has a wife and four small children, and they are solely dependent on him. They are all anxiously awaiting for his safe return. I humbly beg of you to take into consideration the above factors and implore you to deal with him leniently.

/s/ HARA, Shigeru  
49, 1-chome, Ogikubo,  
Suginami ku, Tokyo.

I hereby certify that the foregoing is a true and complete translation of the original document in Japanese, to the best of my ability.

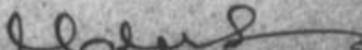
  
Eugene F. Clark,  
Lieutenant (jg), USN,  
Interpreter.

Exhibit 19 (a)

0738



てなりません 部隊。違ふ私でさへも、怒ら小  
念ふに三つありま。余ら多つると、薄ら如  
く思はゆるに、上言の命令は、之と破不  
場合は死に値するもありません。勿論軍医  
であらうと、上言の命令は、同様です。  
戦争中であらう、若しくは、上言の命令は  
何等の理由、批判も行はぬが、怪異進行  
のものは當然に、若しくは、通  
彼が死体解剖を、すば、軍医と  
命令が、如何なる理由も、中は、当然に  
之を、思ふに、殊に、的馬、能く、也  
典型的な軍閥主義の死後、命令が、  
部、(中)隊長、如王、性格、破産者。命令  
であらう、若しくは、逃、場、逃、場、下、  
如何なる報復手段、以て、迎、  
測、難、も、子、不、隊長、  
家、之、強、彼、傍、酒、  
用、之、君、亦、逃、之、経、  
若しくは、軍、之、来、之、力、  
人命、其、之、之、本、  
法、之、之、之、之、

この裁判官長殿 初め右前事  
及び、若し今から希望する 医人として  
本軍医に付して 軽之判決を賜ふに  
乞ふ所を申し述べ置候。  
此上之は 衷心に 悔之 莫責あり候

理信所

東京郵集鳴鶴在所内

松下兼久

ALLIED OCCUPATION FORCES }  
TOKYO, JAPAN } SS.

Subscribed and sworn to before me this 8th day of March, 1949. The foregoing document, written in Japanese, consists of two and one-half (2½) pages.

Frederick F. Tremayne  
Frederick F. Tremayne,  
Lieutenant (junior grade),  
United States Naval Reserve.

Tokyo, Japan,  
March 8, 1949.

0741



Exhibit 20

0742

Petition

March 8, 1949  
/s/ MATSUSHITA, Kanehisa,  
Surgeon Lieutenant, IJN,  
Second Torpedo Squadron,  
Chichi Jima.

Your Honor, the President:

We Japanese are now in a very miserable situation on account of the war which we started, because we blindly followed our leaders into the war. It is the war and the cause of the war that should be abhorred. I am a person who on Guam was sentenced to five years' imprisonment. I have served nearly three years in Sugamo Prison.

Today I have had an opportunity to write a petition in behalf of Surgeon Teraki and feel very sorry for him because he is suffering in the same way as I do. I had several chances to talk with Surgeon Teraki. We encouraged each other during the war on Chichi Jima, a speck of island on the Pacific, being haunted by the fear of death in the face of coming dangers.

I recall that he was really an honest man. I feel very sorry for him when I think that he kept patience before the strict and violent man, Major Matoba. Even I who was attached to a different unit was beaten by Major Matoba. When I think of everything now, it seems to me like a dream. However, any violation of superior orders had to be paid by death. Of course, a surgeon was not an exception before superior orders.

During the war, we suffered under serious adversities. It may be natural under such circumstances that orders of superior officers were carried out without any criticism by reason. Even if he dissected dead bodies as rumored, I believe it was simply natural beyond any reason so long as he was ordered to do so as a surgeon. Especially, Major Matoba was a typically militaristic man, and also a man of abnormal character. If we had violated his orders, we would have been revenged by him in a very horrible way which nobody could guess. Commanding Officer Matoba was a drunkard. I heard that he was always with many bottles of liquor. As a doctor, and as a young unexperienced surgeon, Teraki did all he could to save the lives of people. I lament the fact that such a person as Teraki has to stand trial.

Your Honor, the President and Members of the Commission please grant a lenient judgement for Surgeon Teraki who is a young, promising doctor.

I swear that the foregoing is true according to my conscience.

/s/ MATSUSHITA, Kanehisa  
Sugamo Prison, Tokyo.

ALLIED OCCUPATION FORCES }  
TOKYO, JAPAN } ss.

Subscribed and sworn before me this 8th day of March 1949. The foregoing document, written in Japanese, consists of two and one-half (2½) pages.

Tokyo, Japan. March 8, 1949.  
/s/ Frederick F. Tremayne,  
Lieutenant (junior grade),  
United States Naval Reserve.

I hereby certify that the foregoing is a true and complete translation of the original document in Japanese, to the best of my ability.

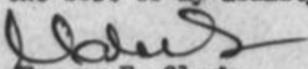
  
Eugene F. Clark,  
Lieutenant (jg), USN  
Interpreter.

Exhibit 20 (e)

0743

寺本忠 對スル格証言

和軍森一敏に正當なる良心に従ひ眞實な述べて事ヲ宣誓  
 したる後又、寺本忠ノ格及般的評判が眞實な事ヲ言明ス  
 寺本忠ノ部下、非常ノ温情を以テ其ノ多本部、各中隊、將校  
 ノ人情ノ多シク居ニシタ。又本部、各中隊、患病カラハ即、神符  
 ノマロシニシタ。何故トシバ如何ナル場合(空襲時又嵐時又夜中モ  
 患病、知セザルバス)行キ患病ヲ見テ来々ラ云、ソレニ並ビ及部  
 本部、支任ヲ氣取リ、三ノ場合イハテ寺本ノ行方ヲ言フシタ。  
 寺本が其隊ニテハ「サキト」言フ、中隊、將校、何モ小言ヲ云  
 フニシタ。中島大尉如ク、衛生兵ノ此ノ道氣合ガキト居ル  
 言フ、三ノ往來ニテ太前ガタタカ衛三兵ガ皆ナシタト  
 言フ、持テテ知ラズ、寺本、肩ヲ三回設リシタ。  
 又部隊長、寺本トシテ、何故モ無理ハクと言フ、困ララシ  
 ヲコニシテ、  
 部隊長、本部、將校ト下ニ官ノ集、奄、命令ニ從ケテ  
 者ハ、  
 二十時ニ寺本、部隊長ヨリ此ノ度ノ件、命ヲ受ケタス。コ  
 寺本モ日頃、部隊長ノ性質又ハ、殺殺スルト云フ事ヲ知シ  
 仕方ナク命令ニ後從ニシタラス。

2

~~私考合衆第三回事件現場時佐藤大尉の取  
現場に各々事不詳不が余全の復従スルコトイハルカ  
トト思ヒマシ~~

昭和十四年三月九日 合衆國海軍中佐  
マルチン・カールソンノ面前ニ署名シテ

兼 森 一 敏

0745

0 0

0 0

Exhibit 21

0746

CHARACTER EVIDENCE IN BEHALF OF TERAKI, TADASHI

I, Kanemori, Kazutoshi, having been duly sworn to tell the truth, state that the following statement is the true character and general reputation of Teraki, Tadashi as I knew them at Chichi Jima.

Teraki, Tadashi was really kind and considerate to his subordinates. For this reason he was resented by the officers of the company as well as by those of the headquarters. On the other hand he was held in high esteem by all the patients of the various companies and headquarters. This was because whenever he heard there was some one ailing he would at all times go to visit the patients - at night, in a storm or in an air raid. In contrast Dr. Sakabe, Taro would invariably tell Teraki to attend the sick on the ground that he was the senior and so that he could rest.

The company commanders always used to censure Teraki for pampering the patients. 1st Lieutenant Nakajima once came up to Teraki and blamed him for the laxity of his corpsmen saying that it was because he was so reserved, and struck him two or three times.

The Battalion Commander would demand impossible things of Teraki and enjoyed seeing him tormented and in distress. The Battalion Commander once called the officers and non-commissioned officers in the headquarters and told them if they disobeyed his orders they should be prepared to face the firing squad.

It was under these circumstances that Teraki received the order to do the act for which he is now charged. Teraki, who was well aware of the Battalion Commander's habits and fearing the threat of shooting, was obliged to follow his orders.

Subscribed and sworn to in the presence of Martin E. Carlson, Commander, USNR, on this date, the ninth of March, 1949.

/s/ KANEMORI, Kazutoshi

I hereby certify the above to be a true and complete translation of the original in Japanese, to the best of my ability.

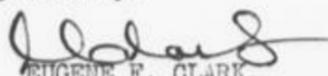
  
EUGENE F. CLARK,  
Lieutenant (junior grade),  
U. S. Navy,  
Interpreter.

Exhibit 21 (a).

0747

寺本忠に対する人格証言

私 磯 俊 一 郎 は 正 義 に 対 し て 心 に 従 っ て 真 実  
を 述 ぶ 事 を 宣 誓 し 一 次 後 次 の 寺 本 忠 の 人 格 及  
一 般 的 評 判 が 真 実 だ っ た 事 を 言 明 す

私 が 的 場 部 隊 医 務 長 官 に 就 任 し 後 の 部 下 と し て  
約 一 年 二 三 月 御 任 所 可 々 向 に 公 私 を 通 じ  
て 知 っ た 被 疑 者 寺 本 忠 は 性 温 良 に し て 人 情 に 富  
み 部 下 を 愛 し 且 其 の 任 務 に 忠 実 だ っ た 人 だ  
と 考 へ 認 じ ます

その二の事例によつて証明いたします

當時 部 隊 の 診 断 は 坂 部 軍 医 と 寺 本 軍 医 が  
隔 日 交 代 に 各 中 隊 を 巡 回 診 断 に よ り 行 は れ 居  
り ました。坂 部 軍 医 の 診 断 は 度 診 断 患 者 が 少  
く 寺 本 軍 医 の 日 は 患 者 が 多 かつ た と いふ 事  
例 が あり ます。その理由には坂 部 軍 医 が 診 断 加 配  
異 々 患 者 の 病 状 の 軽 重 を 問 はず 度 診 断 患 者 を  
急 急 扱 け する や 左 支 隊 長 官 を 以 て 診 断 に 臨 み  
た ら ば 一 般 的 軍 医 技 術 と 心 得 だ っ た と いふ 風 だ  
ら ば 反 して 寺 本 軍 医 は 常 に 患 者 に 優 し く  
親 切 だ っ た。その 診 断 加 配 は 将 校 部 下 三 官 兵 と いふ  
感 じ が あり 且 患 者 対 患 者 と いふ 感 じ の 中 心

その診は御家であり且、痲名沫言が確定  
してその治療が適却であったので、患者は女として  
何等も厭慮なしに一身を彼に托し得たとい  
ふことに起因すること、部隊に於いて最高  
の評判を彼が得たことはこれにあり、また  
これは彼を何れも数年に亘り強力に証明  
して居る事實であります

別の一例によると、彼(寺本軍医)が部隊に兼  
任して向ふべく、當時父島には傳染性、痲名  
不評、熱病の流行して居りました

陸海軍を通じてその患者を在隊のまま治療  
して居りました。既病期名の長期、高熱持続の概  
状、衰弱等あり、それが在隊患者として不適  
当であり、遂に入院治療する余力がなかったにも拘り、  
之等の隊部隊に於いては入院することなく自家  
治療を遂げ居りました

部隊から伝染病患者を去るといふことには  
水は部隊の衛生成績が非常に悪くあるといふ  
顧慮●の爲と怠慢と患者への愛の欠陥に  
それは起因したものであります

2. 寺本軍医が兼任しこれらの患者を治療す

ハ、ある由に彼はこれを黙認すべく彼の進言的  
良心がこれを許さず、ふり、南時部長を研究室  
には顕微鏡一つなく、病児試験の何の設備もな  
い中で、この国産薬を思ひ立ち、屢々患者  
より検査の依頼を自らその都に梅名部長に持参  
し、その設備と費用、国産薬を公衆に  
輸と根拠を以てこれを強進し、亦、如力に  
益にその菌検査に成中、自存患者の教  
育、又、A菌を御し、これに依る、  
患者の入院の金を抑、大まかに  
この事については、彼の先任部長である坂部  
運所事は命存的守り、中絶、制止、され、  
子があるにも拘らず、坂部部長の口吻から  
我々もこれを容れ、彼の進言的良心と患者  
の愛顧に敢てこれを実行したことで、この事  
以来、私は彼を敬服して居ります。  
かく、彼が我々下士官に對して、如何なる態度  
であつたかは、彼の死の直前に、その弟に彼の接  
待の身分であるを、友人の如く交際  
し、水も、部員、全部、評部、全部  
の下士官を、通して、彼程好評を得、  
将校は、おかしな思ひです、特に患者感謝は、  
おかし

かうしな彼が如何してこの権をお罪に内はれるに  
 正一在かは菊時の約場部隊の部隊長と之れをめぐ  
 部隊のアトモスニアがこれを決定したものであると  
 外はありき。菊時部隊長は元の部隊統率より  
 へらぬみは権力を乱用し將校以下全員に及ぶ  
 通り是れをよとして君臨し將校と雖も對てきり  
 我も奴隷の如く彼に驅使せられて居りしを  
 部隊長トアト追従する中島大尉等がそのアト田  
 氣を形づくり約場少佐が亦時証實を依り他部  
 隊の將校を敵ることを平として居たことを異似し  
 初め下士官兵も後に將校を亂解を據るに據  
 る之を敵に居りしを本意もこの中島  
 大尉に敵られたと云うに居りしを  
 それを將校命令の際おと本意を以て水を一隊の  
 命にせしむるに歸ししりひ部隊長や中島大尉  
 その他の中氣権を取結ぶといふやうなことをしおつ  
 たがその情しきを因つたものと信じられませ  
 本部に於てはこのアト田を以て潜伏して居る  
 た將校と雖も我々下士官兵と同様に生きても  
 もあらずといふが終終上の我々をありませ  
 二の場トは彼はその命令を委ねたことで不可抗

4



力であり何らの自由意志も入れず余りもふ  
かつたこととあります。其は彼が之を拒否せ  
んが彼ら対し何れか予へんが明白でありま  
す。野村特に敵おひかり部隊もかまやに  
口々に居る録音は彼の生命とあることと  
思ふます。

昭和二十二年三月九日 小島に於ける合衆國  
海軍少佐佐々木正・カール・リッの面前にて  
署名を宣せしむ

磯 俊 一 郎

5.

0752

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Exhibit 22

0753

Sworn Character Testimony for Teraki, Tadashi.

ISO, Shunichiro

I, ISO, Shunichiro swear to tell the truth according to my conscience and state explicitly that the following is the truth in regard to the character and general reputation of Teraki, Tadashi.

During the time I served under him for approximately one year and two months at the dispensary of the Matoba Unit, I learned in my official and private intercourse with him that Teraki Tadashi was a warm-hearted man, deeply sympathetic, who loved his subordinates and was faithful in the execution of his duties.

I would like to prove this by citing an example.

At that time the medical examinations of the unit were conducted by Surgeon Sakabe and Surgeon Teraki, each taking turns to make the rounds of the companies on alternate days. It is a matter of fact that on the days of the examinations of Surgeon Sakabe the patients were few, while patients were numerous on the days that Surgeon Teraki made his rounds. Surgeon Sakabe made only cursory examinations of the patients and whether they were serious or light cases would treat all patients with the attitude that they were slackers, and seemed to think that such procedure was in conformance with an army surgeon's technique and attitude. Surgeon Teraki on the other hand unfailingly examined his patients with love and care. There was no sign of a relationship between officer and enlisted man in his relationship with his patient. His examination of the patient was comparable to that of a civilian doctor's to a patient in its exactness. As his diagnoses, and the treatment he recommended, were very accurate and appropriate, the patients gave themselves fully into his care. Thus it came about that Teraki came to enjoy the greatest popularity in the unit. This fact speaks best and most powerfully in behalf of the accused.

To cite another example. At the time Surgeon Teraki arrived on Chichi Jima there was an epidemic there of a tropical fever the name of which was unknown.

Both in the army and navy units the victims of this fever were treated in their respective units. Despite the fact that the patients victimized by this fever should have been hospitalized because of the long term of the illness, the long duration of the high fever and the general weakening of the patients at the Matoba Unit were treated within the unit, without being hospitalized.

The above was caused by the thoughtful consideration that the health report of the unit would be lowered if report were made that the unit had produced epidemic patients, negligence and lack of love for the patients.

Surgeon Teraki after assuming office treated these patients. His conscience as a doctor would not be quieted after a time and the dispensary being without even a single microscope and wholly unequipped for pathological experiments, he thought upon the idea of testing their blood for germs. So taking their blood samples he went to the naval units to borrow their facilities to determine the germs in the blood. These trips to the naval units which were frequent were made in the midst of the intense air raids then being visited on Chichi Jima, with complete disregard for personal safety. By sheer effort and perservance he succeeded in discovering the germ and established the presence of Para-typhoid Type A germs in several of the patients under his care and had these patients hospitalized.

Exhibit 22(a)(1)

0754

Although he had been half ordered and half ridiculed from discontinuing his efforts in this direction by Surgeon Sakabe, his senior officer, (of which fact we learned through the latter's complaints), this had been overcome by Surgeon Teraki's conscience as a doctor and his devotion to his patients continued. From that time onwards I respected and admired him.

He was as I have described him. There does not seem any necessity of going into his attitude towards we non-commissioned officers and enlisted men. He treated us as friends despite the fact that he had been accorded the treatment of an officer. I do not believe that there was an officer in the whole unit, and of course at headquarters, who enjoyed such popularity among non-commissioned officers and enlisted men as did Surgeon Teraki.

Especially was the gratitude and appreciation of the patients very great.

That a person such as he (Teraki) should be tried for such crimes could have been caused only by the Unit Commander of the Matoba Unit and the atmosphere of the unit. The Unit Commander was abusing his authority vested in him for the purpose of leading his men and was literally a tyrant to all officers and men under his command, and though Teraki was an Probationary Officer treated him as a slave.

The Unit Commander and Captain Nakajima and others who were his cohorts created an atmosphere peculiar to the unit. Major Matoba would throw drinking parties where he would slap and strike officers of other units. The satellites, emulating the Unit Commander, began to slap and strike non-commissioned officers and later commissioned officers, under the pretense of intoxication. I have heard that Surgeon Teraki was struck by Captain Nakajima.

Surgeon Teraki did not like the officer's parties and when called on to attend them went unwillingly and retired early from the table. He never attempted to play up to the Unit Commander or to Captain Nakajima and for this reason was, in my belief, hated by them.

This atmosphere pervaded the headquarters. Officers as well as non-commissioned officers and men were not even living. This state continued until the end of the war.

It is clear that in these instances that he (Teraki) was powerless after he received his orders, and that here there was no room for the exercise of free will. It is obvious what would have been meted out to him had he refused to obey. It was in the field of battle and in the face of the enemy, and "execution by firing squad", which words were constantly in the mouth of the Unit Commander, would surely have been his fate.

I swear and affix my signature to the above in the presence of Commander Martin E. Carlson, USNR on the 9th of March 1949 on Guam Island.

/s/ ISO, Shunichiro

I certify that the foregoing is a true and complete translation of the original in Japanese to the best of my ability.

  
EUGENE F. CLARK,  
Lieutenant (jg), USN,  
Interpreter.

Exhibit 22(a)(2)

0755

嘆願書

45789

今般戦犯容疑で沖審理中の元陸軍軍醫少尉寺本 正は  
陸軍部隊入隊後程なく二等兵より醫術學歴者として抜擢、軍醫  
に採用され在隊の全期間に僅かに一年程度に過ぎず、管軍律  
を守り滅死奉公の態度で行動して居り、隊内の階級従事以來其の至誠  
と奮勵奉仕は衆目愛敬の的となつていた者で、本容疑事項發生に  
関し痛惜に堪えなれないのは、故隙ある隊長的場少佐の部下となつた  
事で、同少佐の絶對的命令に對し、軍隊の規律である服従以外  
避くるに途なく止むを得ず、本件の問題の屍体解剖に従事せざるを  
得なかつたもので、此の真情御量察の上、特級の御憐裁を仰ぎ、度殊に  
本人は容易に得難い高遠な理想を持つ學究的又社會的有為の青年  
で、且つ部下の信頼と囑望に包まれる人格者であり、苟にも輕率に  
非人道的な犯行に與する様を素直は皆無の者ニ付、特に厚文なる  
御仁慈に依り無罪の御判決あらん事を嘆願致します。

昭和二十四年一月

元陸軍軍醫 杉山

章

ソリア子方面司令官殿

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Exhibit 23

0757

Petition

January 1949

To: Commander Naval Forces, Marianas.  
From: Former Army Seageant SUGIYAMA, Akira. (seal)

Former Army Medical Second Lieutenant TERAHI, Tadashi, who is now on trial as a war crimes suspect, was selected from the rank of second class private to serve as a medical officer because of his medical background. He was selected for that position shortly after he had joined the unit. He was with the unit only about a year, and during that period, he strictly observed military discipline and served with the spirit of unselfish patriotism. After he had assumed medical duty, he became admired and respected by everybody for his sincere and whole hearted devotion to service.

What I regret most about Teraki's involvement in this case is the fact that he became a subordinate of Commanding Officer Major Matoba who had faults. Teraki had no choice but to obey the absolute orders of the major in accordance with the strict army discipline; he had only carried out the dissection of the corpse in question because he had no other alternative. Taking the true facts into your consideration, I beg of you to try his case with special mercy.

Teraki is a particularly capable young person, scholastically and socially; he had lofty ideals not possessed by many. He is also a man of Character, promissing and trusted by all in his native home.

Appealing particularly to your magnanimous clemency, I do hereby petition that the accused be rendered the verdict of not guilty as he is not the sort of person who would deliberately commit inhumane acts of crime.

I hereby certify the above to be a true and complete translation of the original document in Japanese, to the best of my ability.

  
EUGENE F. CLARK,  
Lieutenant (junior grade),  
U. S. Navy,  
Interpreter.

Exhibit 23 (a)

0758

新編 書

元第三〇八部隊第一中隊

原金

我は當時父島守備隊の場隊に敗れた  
 るに奇あります 而し新聞紙上にはその  
 當時自分も空襲機の真直下 A 型 パンテ  
 ンで陣地の中で養生中 ありま  
 した 四十度以上の高温を  
 出まわすに生きたる あり  
 ました よくも 女の 髪  
 見すよく 断り 頂き 而し  
 快方に向い 終 終 終 今  
 終 終 終 今 終 終 終 今

元 第三〇八部隊第一中隊  
 原金

士上長(軍医)よりてあつた。なつた。このとき敵をこれに  
 以て他の軍医殿の権は無理の通うません。し毎に  
 の権に性質の温し。し。し。す。政。ま。つ。や。部。隊。長  
 の命令のまに。随。つ。し。し。思。ひ。ま。す  
 之れと反対に。衛。隊。小。佐。殿。は。毎。日。人。情。に。は  
 全くかけたる人。す。す。その。我。ま。も。命。令。を。つ。つ。て  
 部下の命令に。人。を。あ。つ。ま。す  
 而して。隊。中。は。他。の。部。隊。の。権。に。甘。味。品  
 煙草。又。食。食。に。好。む。道。自。分。の。思。ひ。ま。い。り。て  
 配。給。上。へ。て。金。く。ち。あ。つ。た。同。じ。て。兵。は。九。折。甘。草。ハ。ナ。ナ  
 の。葉。さ。つ。ま。し。の。葉。等。を。天。日。に。乾。し。て。煙。草  
 の。葉。の。み。部。隊。長。の。み。か。一。日。紙。箱。に。し。り。お。け  
 の。人。に。た。の。み。あ。り。毎。日。天。の。酒。は。す。き。で。兵。に。は。金。を  
 配。給。す。す。自。分。の。み。は。毎。日。酒。に。し。た。つ。て。お。ち。の。あ。つ。ま。す



女、あつ、しまひ、  
 きかぢ、つ、  
 内地へ、  
 女ら水の、  
 下士官か、  
 勿論、  
 其の折々、  
 まー、  
 大隊長の、  
 まり、  
 し、  
 なる、



当時の事蹟を記す書は、  
 はA. パウのニゲル近く、  
 かのあゝの遺蹟に、  
 の村、まは、  
 公平なる立場に於て、  
 たること、  
 此業に下さ、  
 返の方、

船形  
 1874

司令部

No.

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Exhibit 24

0765

PETITION

August 30, 1948.

I formerly served with the MATOBA Unit of the CHICHIJIMA Garrison. But I was at that time stricken by paratyphoid type A, and was convalescing in the camp. In fact I had a very bad fever. It goes without saying that I could not stand on my feet much less eat food. During this period Dr. TERAKEI came to see me in spite of the air raids and ignoring his own safety. As a result of this I began to recover and with the termination of the war I was able to return home.

Dr. TERAKEI came to the 308th Unit as one of the newly recruited group of Probationary Officers, and due to this he was not in a position to influence anyone, and on top of this, with his inherent mild and reserved character, he was compelled to obey the orders of the Unit Commander.

In contrast to this, Major MATOBA was entirely the opposite with not a particle of sympathy and consideration for others. He was the kind of man who would give official orders to his subordinates to satisfy his own personal whims and desires.

During his tour of duty, he never rationed out the cigarettes or sweets and even our cereal food, which was supposed to have been given to us like all the other units, but he would dispose of them as he pleased. The soldiers of his unit would dry banana leaves and sweet potato leaves and make cigarettes out of them, while the Unit Commander would be serenely smoking several packets a day. He used to drink excessively and was drunk most of the time and never did ration drinks to the soldiers.

Such was the character of this Commander that he would always disobey his Division Commander or his staff. In his eyes a mere probationary officer would be looked down upon as some worm. He would not think twice to order this worm of a man to commit acts of extreme brutality.

I realize that the action of Surgeon TERAKEI was a direct violation of the principles of human decency, but the situation was such that he was forced to obey the Commander's orders against his own will.

I was stricken in bed with Paratyphoid A, for two months, and being in bed at that time I was unable to witness the incident, but in contrast to the mild character of Surgeon TERAKEI, I am firmly convinced that the Unit Commander's self-centered egoism should not be allowed to go unquestioned.

I beseech you from an impartial standpoint to consider Surgeon TERAKEI's delicate position whereby he had to obey his superior's orders.

I address this petition to you in behalf of Dr. TERAKEI as a small token of gratitude for all that he has done for me and which I cannot possibly hope to repay in full.

/s/ SATO, Kinji,  
formerly attached to the  
1st Company, 308th Unit.

I hereby certify the above to be a true and complete translation of the original in Japanese, to the best of my ability.

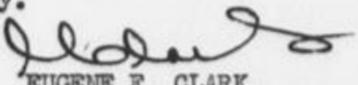
  
EUGENE F. CLARK,  
Lieutenant (junior grade),  
U. S. Navy,  
Interpreter.

Exhibit 24 (a)

0766



すべし加明かに在る事と思ふ

日本軍隊といふは上官の命令はかかる事でも実行せざる事と在る居  
りまふ故此の事件こそ全責任は的場少佐にあるべしある事か

兵にたわれると官も木軍殿面こそ善良なる人ではある事か  
この事木軍殿と裁判官殿よあわれみ給へ(私心中より)

只ね加つ致すと共に一日も早く妻子の事(只の)に在れまふ様  
に祈りし居るまふ

米國軍事裁判官殿

東京都大塚区新井三ノ五

浅沼次夫 34

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Exhibit 25

0769

PETITION

ASANUMA, Tsugio,  
25, 3-chome, Iri-arai, Ohta-ku  
Tokyo.

To the Members of the Commission.

I was inducted in September 1941 and went to CHICHIJIMA and at first was with the 2108 Unit and then transferred to become a member of the 308th Unit, which was involved with this incident, and stayed there until December of 1945. I believe that Surgeon TERAKI served with the 308th Unit from about the middle of 1943. In the unit there was another surgeon. Not only was TERAKI well experienced in the field of medicine, he was also a man of high intellectual calibre, and I cannot imagine such a person committing such a crime unless, of course, it was the orders of a superior officer to which he had no recourse but obey, in his capacity as a military surgeon. I am firmly convinced that a man like TERAKI cannot possibly commit a crime. Your Honor, I beseech you in behalf of my colleagues, to judge him leniently even if you have found him responsible, and award him with a lenient sentence.

The biggest scoundrel was Unit Commander MATOBA. I am sure that everybody is now aware of the fact that, because Surgeon TERAKI was not at the trials, he blamed TERAKI for everything which was unfavorable to him. In the Japanese Army the orders of a superior must be executed under any circumstances, and if so, is it not true that MATOBA should assume the entire responsibility for this incident? Surgeon TERAKI, to whom all his subordinates were deeply attached, was a good man. Please have mercy on this earnest and upright man.

I implore you from the bottom of my heart and pray that he may safely return to his wife and children.

I hereby certify the above to be a true and complete translation of the original in Japanese, to the best of my ability.

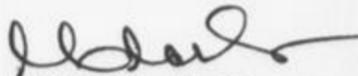
  
EUGENE F. CLARK,  
Lieutenant (junior grade),  
U. S. Navy,  
Interpreter.

Exhibit 25 (a)

0770



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Exhibit 26

0772

March 8

/s/ SASAKI, Mitsuyoshi,  
Former Surgeon Lieutenant, IJN,  
Chichijima Communication Station,  
Chichijima Special Base Force.

The incidents on Chichijima occurred only in such units as were then famous for their tyrannous commanding officers. Commanding Officer Matoba was so famous for his violence that even a seaman of the Navy knew about him well. I can affirm that any person who was involved in incidents which occurred in Matoba Unit must have been forced to participate by orders of Major Matoba. I can also affirm that Surgeon Teraki was forced to act against his will by Commanding Officer Matoba. I myself was forced to act in a similar way by my commanding officer. I believe that Surgeon Teraki must have been in the same pitiful situation, and I sympathize him a great deal. Especially a probational officer in the army was in a very low position and I heard that the violent Major Matoba treated probational officers like ordinary privates. I believe that Surgeon Teraki must have been forced to carry out his orders. As a man who is suffering under the same situation as Teraki, I beg that you be merciful toward him.

I swear that I have written the above statement according to my conscience.

/s/ SASAKI, Mitsuyoshi.

ALLIED OCCUPATION FORCES )  
TOKYO, JAPAN. )

Subscribed and sworn to before me this 8th day of March, 1949. The foregoing document consists of one (1) page written in Japanese.

/s/ Frederick F. Tremayne,  
Lieutenant (junior grade)  
United States Naval Reserve.

Tokyo, Japan,  
March 8, 1949.

I hereby certify the above to be a true and complete translation of the original in Japanese, to the best of my ability.

  
EUGENE F. CLARK,  
Lieutenant (junior grade),  
U. S. Navy,  
Interpreter.

Exhibit 26 (a)

0773

私に於て其の正々とした良心に従って眞實に述  
ルコトヲ宣言シタ後、次、寺本志、人格及一般的評判  
が眞實であるコトヲ言明ス。

### 寺本裁判ニ関する陳述書

寺本裁判ニ関する、的場部隊内ニ被る部隊長、  
行動ニ就き、前陳述ス。  
的場少佐、性格ニ就き、統制的ニ述ぶ、人狂暴ニ  
テ、残忍ナル愛憎の所ヲ持、存せず、不道徳漢ナ  
リ。彼部下ニ對スル行動、臨ミ、動物ニ對スル以  
上ニシテ、部下ノ生命、彼ノ意志如何ニ依リ、即、死  
ニ至ラシムコト、極キ、苛酷ナルコト、忍ガズ。  
收ニ部隊内ニ被リ、將校以下、左、其、彼ノ意、志、  
如何等、退キ、者モ、テ、益々、増大セ、結果、冠、利、官、  
ニ對シ、敵、打、氣、絶セ、シ、テ、其、他、南、地、中、尉、モ、敵、  
打、シ、皇、傷、ニ、至、ラ、シ、ル、如、ク、凡、南、セ、リ、遂、ニ、ト、部、隊、  
内、ニ、支、給、ス、ベ、キ、食、糧、酒、煙、草、ノ、類、ニ、至、ル、ル、今、私、事、  
ニ、費、向、セ、ル、タ、メ、ト、部、下、ノ、多、ク、物、品、ニ、欠、乏、シ、大、人、  
者、ナ、リ。而、シ、テ、父、長、師、團、長、ト、シ、テ、非、常、ニ、性、格、  
令、敵、女、ノ、梅、子、ニ、テ、兩、者、ノ、ハ、ト、ノ、阿、母、ヲ、南、キ、大、人、  
ニ、敬、ヲ、崇、ム、ル、事、再、ニ、及、ブ、由、  
以上、如、ク、師、團、長、ノ、款、心、ヲ、得、ル、的、場、少、佐、  
向、テ、如、敬、無、心、ノ、禁、ヒ、テ、其、部、下、ニ、對、ス、ル、愛、憎

過高に交り強制的な作動に統制を減少  
二依り身体に損を死に至る者相多数に達する  
極子ナリ。

タニ、亦軍擄虜を引致せし時、擄虜に對し  
る憐愍心程及二高きもの由南に及べり。

亦軍擄虜に對し裁判中、亦亦軍迄之ニ關係  
するハ彼に對し心中ヨリ同情ニ堪えたり一彼が  
入るに拒否せしめ物念恐る彼、生命ハ的場ニ死  
依り処置せらるるハト、容易ニ想像せらるるコトナリ。  
彼モコノ事ニ就テハ彼自身充分承知せしコトハ私  
考ス。

ト生亦亦軍迄ト、面識ヲ持たず彼、性格描写  
ハ尙極的ナリナルヲ得ず禁ヒ亦三者の向及ヨリ  
現ハ彼ハ口數少ク又部下ニ對し劣る者ナルが如  
キ事識レ彼、取らばト私考ス。

母ハ彼、軍迄トニ立場上斯、如キ任務ヲ命ぜりし  
ハト誠ニ悲運ニシ、哀心同情ニ値ふるト云フ  
ベキナリ。

以上陳述ス。

昭和四年九月廿一日、於ニ各異國海軍予  
備中佐のケル、E.カール、一面前ニ署名宣誓  
ス。

松井正徳。

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Exhibit 27

0776

I, Matsui, Masakatsu being duly sworn to tell the truth according to my conscience, do definitely state that the following concerning the character and general reputation of Teraki, Tadashi is the truth.

STATEMENT CONCERNING THE TERAKI TRIAL

I wish to state here concerning the activities within the Matoba Unit in relation to the Teraki Trial.

To sum up the character of Major Matoba, he was a vicious, brutal depraved beast without a speck of love. He treated his subordinates worse than animals and their lives were completely in the hands of this beast. In short it is thought that it was an extremely simple thing for him to offer them up.

Hence all personnel from officers down in his unit did not in any way cross his will. This aggravated Matoba's pride and beastliness with the result that he struck and knocked unconscious Adjutant Kanmuri and hitting 1st Lieutenant Kikuchi with his stick inflicted serious injury on his person. Finally he began to requisition for his private use foodstuffs, wine, and cigarettes rationed out to the unit. The subordinates consequently went without these things and suffered. However he seemed to agree in character with the Commanding General of the Chichi Jima Division and the two were often at their revelries over the wine cups.

Major Matoba having thus acquired the favor of the Commanding General of the Division his kindness towards his subordinates if any there had been decreased gradually because the cause of reprimand had been removed; it seems that there were not a few deaths caused by the forced labor which was instituted and the cutting down in the rations.

I have heard that when occasionally American prisoners were captured, his hate rose to its extremity and was vented on them.

I cannot but sympathize from the bottom of my heart for Surgeon Teraki who is on trial for his connection with these prisoners. It is not difficult to surmise that had he refused his orders, Major Matoba would have lightly disposed of the Surgeon's life. I believe that the Surgeon was well aware of this circumstance.

I was not personally acquainted with Surgeon Teraki and so cannot describe his character in a positive manner. However from all reports he was like a father to his patients if few in his words.

I deeply sympathize with his fate firmly believing that he was ordered to such duties because of the fact that he was a surgeon.

I state the above.

I sign and swear to the above in the presence of Commander Martin E. Carlson, USNR, on Guam Island on March 9, 1949.

/s/ MATSUI, Masakatsu.

I hereby certify the above to be a true and complete translation of the original in Japanese, to the best of my ability.

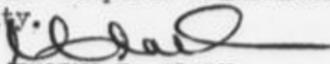
  
EUGENE F. CLARK,  
Lieutenant (junior grade),  
U. S. Navy,  
Interpreter.

Exhibit 27 (a)

0777

歎願書

山梨縣甲府市 百方町二一五

松田 啓俊

大正二年五月四日生

謹啓 昨初秋の候、會々此後通に  
とて元陸軍少佐 忠君 貴所へ收容されしと承り  
驚き入りし。全君は在島中 温厚篤実、克く部下病  
中面談を見て、増々培も慈父の如く、教養され居りし。従つて  
我犯等の真実、才も相存を了るるを、確信仕りし。  
何卒中實大層、中必置相計に賜、称歎願申上りし。

昭和三年九月 日

歎具

敬

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Exhibit 28

0779

P E T I T I O N

Sept. 29, 1948

I am very much honored to have the privilege of addressing this humble petition to you.

I am very sorry to hear that Dr. Teraki was captured as a war crime suspect concerning the incident at Chichi Jima.

During his stay at Chichi Jima he was quiet and modest and was very kind to the patients under my command.

I believe he never concerned with the war crimes.

I plead with you under the circumstances to be lenient with him as far as possible.

/s/ Katsuhiko, Matsuda

I hereby certify the above to be a true and complete translation of the original in Japanese, to the best of my ability.

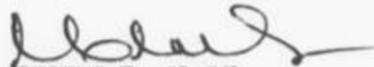
  
EUGENE F. CLARK,  
Lieutenant (junior grade),  
U. S. Navy,  
Interpreter.

Exhibit 28 (a)

0780

歎願書

元軍尉身本軍尉と同下部隊に従事して居た者として  
 裁判長にお頼み致しました。本軍尉は日常非  
 常に温厚の人であり部下に愛され又部下を愛し  
 職務に忠実の人として此の事件に對しても余  
 我々も考へては所があらう。此れは當人の温厚  
 の人故に上司の命も受けなすゝるべきと思ひます。  
 故に當人の對しては無罪を主張します。  
 又、早稲之妻女子の訴へ歸水の様にお頼み致  
 します。東京都台東区大塚一丁目四九番地  
 谷口 忠行 36歳

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Exhibit 29

0782

PETITION

I served in the same troops with Dr. TERAKI.

He was very gentle, and he loved his men and was also loved by them. He was diligent to his duty, so he could not refuse any order of his superior officer.

Concerning the atrocity against the allied personnel, he just obeyed his superior's order.

I sincerely beseech you under the circumstances to see the above point and find him innocent, and send him back to his wife and children.

/s/ TADAYUKI, Taniguchi

I hereby certify the above to be a true and complete translation of the original in Japanese, to the best of my ability.

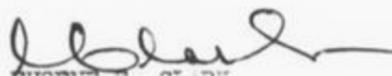
  
EUGENE F. CLARK,  
Lieutenant (junior grade),  
U. S. Navy,  
Interpreter.

Exhibit 29 (a)

0783

嘆きの歌

土の中にも此海に  
 卒業する小生の主  
 院に入学する研  
 に入所するや保  
 在りし通が一  
 ありし天性極めし  
 の仁も女姓のや  
 あります従つて  
 の官の争ひには  
 はあはれなき軍  
 に及して止むあ  
 りませんその  
 行つた七りに  
 裁判をまける  
 事あるは此海に  
 卒業する小生の  
 院に入学する研  
 に入所するや保  
 在りし通が一  
 ありし天性極めし  
 の仁も女姓のや  
 あります従つて  
 の官の争ひには  
 はあはれなき軍  
 に及して止むあ  
 りませんその



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Exhibit 30

0786