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carried out before the war is concluded, when peace and order is established.

12082 At the third meeting, held on October 14, 1942, * there were present MINAMI, TOJO, HOSHINO, and SUZUKI. When a member asked how they expected to assimilate the different peoples of the Sphere to soundly establish the Sphere, when even in Formosa only a few natives have been accepted as officials, TOJO replied that establishing the Sphere is based on the spirit of Hakko Ichiu, and it would not be difficult to assimilate the different peoples if dealt with in this spirit. He stated that natives should not be purposely excluded from being appointed as officials.

12083 * At the fourth meeting, held on October 14, 1942, there was present MINAMI and SUZUKI. When the question was asked whether there is any intention to change the name of the new ministry because of the vagueness of distinction between customary diplomacy and extranormal
12084 diplomacy, * SUZUKI stated that the name Greater East Asia Ministry was proper, because it bespoke of the consistency of establishing the Sphere, and that he had no intention to change it. Legislative Bureau Chief MORIYAMA stated it would not be proper to exclude customary diplomacy in practice.

When it was asked why it was necessary to have the new minister supervise the extranormal diplomacy with countries within the Sphere, MORIYAMA stated that countries within the Sphere are in a family relationship. Their diplomacy differs as compared with other independent countries, and since there is an intimate relationship between foreign policy and extranormal diplomacy in the
12085 area, * it was decided to have the new minister take charge.

The fifth meeting was held on October 19, 1942, and was attended by MINAMI. When a member asked whether the diplomatic officials receiving orders from two different ministries would not become confused, TANI
12087 replied that the relations of Japan * with countries in the Sphere is like that of relatives, and it is Japan's ideal to have this develop into the relations of a single large family, and eventually the point would be reached where diplomacy would not be needed. At the present stage, due to respect of dignity and exchange of documents, customary diplomacy must be continued. To this extent the overseas organs will come under the superintendence of the Foreign Minister.

Page

- 12088 When the question was asked why it was inappropriate to have extranormal diplomacy come under the Foreign Office and customary diplomacy come under the new ministry, TANI and MORIYAMA stated that the new ministry assumes charge of affairs on establishing Greater East Asia, and since its contents cover all the various fields of the area it is necessary * to have the various items of diplomatic policy toward independent nations in the Sphere charged to the care of it. However, it is appropriate to have international courtesies and a conclusion of treaties charged to the Foreign Minister.
- 12093 * Another meeting was held on October 20, at which were present MINAMI, SHIMADA, and OKA. On October 20 the seventh meeting was held, with MINAMI, SHIMADA, and OKA present. At the eighth meeting on October 21, there were present MINAMI, TOJO, and OKA.
- 12095 * The Court's attention was drawn to Exhibit 90, the Ordinance for Organizing the Ministry of Greater East Asiatic Affairs, dated November 1, 1942.
- 12096 Exhibit No. 1345, TOJO's speech at the 82nd session of the Diet, June 15, 1943, stated * that the defense preparations of Greater East Asia have been strengthened, and Japan was making all arrangements to launch decisive operations. He explained that relations with Nanking had become strikingly smooth, and that independence would be granted to the Philippines within a year.
- 12097 * The populations in Malay, Sumatra, Java, Borneo, Celebes, and other places, are cooperating toward Japan. In the midst of war they have been liberated and accorded educational and cultural blessings, so they are enjoying a life of hope and happiness never experienced in the past. It is Japan's intention, in pursuance of native aspiration, to take measures envisaging participation of the native peoples and government to an extent commensurate with their ability in the course of the year. Japan intends to realize this state of affairs as early as possible in Dwaja in view of the advanced condition of the island and the desire of the people.
- 12098 Exhibit No. 1346, the joint declaration of the Assembly of the East Asiatic Nations, November 6, 1943, stated * that it is the basic principle for establishing world peace that each nation have its proper place and enjoy prosperity through mutual aid and assistance.

Page

12099 The U. S. and Britain have oppressed other nations and peoples. Especially in East Asia, they have indulged in aggression and exploitation, and sought to enslave the entire region * and menace the stability of East Asia. This is the principal cause of war.

12100 The countries of the Sphere undertake to cooperate toward prosecuting the war to a successful conclusion, liberating the region from domination and assure their self-existence and self-defense, and construct a Greater East Asia on the following principles. 1, They will insure the stability of the region and construct an order of common prosperity based on justice; 2, they will insure the fraternity of nations in the region by respecting each others sovereignty and independence and practicing mutual assistance; 3, by respecting each other's traditions and developing each race, thus enhancing the culture of East Asia; * 4, they will endeavor to accelerate their economic development through close cooperation upon a basis of reciprocity; 5, they will cultivate friendly relations with all countries and work for abolishing racial discrimination, the promotion of cultural intercourse, and the opening of resources throughout the world.

The Assembly opened on November 5, 1943. There were representatives of Japan, China, Thailand, Manchukuo, the Philippines, and Burma. Also present was Subhas Chandra Bose.

12101 * The second session took place on November 6, attended by all representatives, associates, and observers. A proposal was made by TOJO. Thereafter the joint declaration was approved. TOJO read the draft, which was approved. Present at the meeting were TOJO, SHIMADA, 12102 * SHIGEMITSU, HOSHINO, SATO, and OKA.

12104 Exhibit No. 1347-A, address of TOJO on November 5, 1943, at the Assembly of the Greater East Asiatic Nations, stated * the present war is decisive for all peoples of East Asia, and only by winning can they insure their existence and enjoy common prosperity. A successful conclusion of the war means completion of the construction of the new order. To enable all nations to have its proper place is the fundamental condition for establishing world peace, and to practice mutual help in 12105 one region is the most * practical method of securing world peace.

Page

The nations of Greater East Asia are bound by inseparable ties, and it is their common mission to secure the stability of East Asia and construct a new order. This is to rest on the spirit of justice inherent in Greater East Asia, and is fundamentally different from the old order designed to serve the interests of the U. S. and Britain.

12106 While the nations of the Sphere mutually recognize their autonomy and independence, they must establish relations of brotherly amity. This cannot be created if one country should use another as a means to an end. * These things come into being only when there is mutual respect, and as a result one prospers through another's prosperity.

12107 Continuing with Exhibit No. 1344, it was stated * that at the time of this decision, TOJO was in favor of independence and was supported by the Foreign Minister, but the Supreme Command maintained strong opposition, while others took the stand that once independence was granted, Japan for personal honor would have to respect it, and this would be difficult when negotiations and peace came to be considered. For this reason the status quo should be maintained. Territorial incorporation was thus finally decided on.

The Japanese army authorities on the spot were dissatisfied with this decision, and made no representations of their position. Soekarno, who visited Japan soon after the conference, requested TOJO to grant the East Indies independence. The meeting ended without any definite reply.

12108 * Later HAYASHI, Chief of the Justice Administration, then Supreme Councillor for the Military Administration in Java, came to Tokyo with approval of the Supreme Commander of the Army on the spot with the problem of independence for East Indies, and did his best to get it accepted. SHIGEMITSU supported this and made efforts to alter the former decision.

At the conference of the KOISO Cabinet, arguments for independence began to carry some weight. At the first War Supervision Conference it was decided that a statement concerning independence for the East Indies should be declared at the next Diet session.

Page

12109 At this time the Mariana defense line in the Pacific had been broken, and the U. S. was rapidly turning to the offensive. The new cabinet had to take some new measures to unite East Asia, * and it was only natural that the Foreign Minister should insist on the independence plan. The central authorities of the army were also inclined to approve the plan in compliance with on the spot requests, since racial consciousness had become noticeably enhanced in Java and Sumatra. Having left the problem of independence so vague, it had become difficult to secure the cooperation of the natives.

The navy, however, still maintained such strong opposition that the promotion of independence was deferred entirely so far as areas under the Navy's Military Administration were concerned.

12110 Exhibit No. 1348, policy in regard to the independence of the East Indies, as proposed by the ministries concerned, September 2, 1944, stated * that the policy is to announce that the East Indies will be made independent in the future to win the confidence of the people and to elucidate the East Asia policy to the world. This announcement * will be made in a special Diet Session, that independence will be granted in the future. The territory is to be the former NEI, excluding New Guinea, and the Navy's approval is reserved. The form of independence and the relation to Japan will be determined separately, but steps will be taken so that Japan's requests will be fully attained. The time of independence will be determined separately, taking into account the condition, the political ability of the people, avoiding a too premature enforcement. Whether the whole territory shall be made independent at the same time or by degrees shall be decided according to conditions.

12112 In Java the following measures will be taken. Efforts will be made promptly toward carrying out the declaration * of the Imperial Government. Radical changes in the present status of the military administration will be avoided, but popular participation in politics will be strengthened and expanded. They will recognize as speedily as possible the investigation and study by inhabitants on matters necessary for independence. Indonesian songs and flags will be permitted. As to other territories, similar measures will be adopted so as to conform to actual conditions.

Page

12113

* Continuing with Exhibit No. 1334, it was stated that no definite policy was decided in regard to independence, except that KOI30 made a statement at the Diet to the effect that independence for the Indies would be encouraged in the future. In the speech he stated that the inhabitants of the Indies have participated in politics and have tried to carry out the war, and have cooperated remarkably with the military government. In view of these facts, Japan declares that she intends to recognize their independence in the future, and she thus intends to continue with her former policy, * and by developing the spirit of the joint declaration she expects to live up to that trust. If Greater East Asia, with Japan as the center, increases its solidarity and prosecutes the war ardently, Japan believes that it can destroy the ambitions of U. S. and England.

12114

Continuing with Exhibit No. 1334, it was stated that the war situation took a turn for the worse, and sea transportation between Japan and the south came to an end. Demands by the troops on the spot for economic self-sufficiency increased, and it became difficult to win the natives of Java and Sumatra by abstract statements of independence.

12115

The army authorities had established a Central Advisory Council in Java,* but this was only a consultative body. The decision of a definite policy for preparing for independence became an imminent problem.

The navy no longer had any reason to adhere to its past position, since the abandonment of the south had already taken place since the fall of the Philippines. Since the beginning of 1945, the opinions of the army and navy became uniform on the independence of the Indies. Consequently, after a discussion held by the three ministries at the Supreme Advisory Conference of July 17, it was decided that Japan shall recognize the independence of the Indies at the earliest possible opportunity. Preparations for independence shall be immediately promoted. Less than a month later Japan surrendered and this was never put into effect.

12116

Exhibit No. 1349, measures for the NEI independence, Data for Foreign Minister's Explanation, July 17, 1945, stated * that there had been fierce independence movements in the East Indies ever since the Dutch occupation. As soon as Japan's army occupied the area, the pioneers in the separationist movement all

Page

12117 rendered whole-hearted cooperation in the expectation that independence had offered itself. * They have achieved successful results in their activities as members of the Central Advisory Council and as members of the local administrative bodies. The Greater East Asia Joint Declaration was issued in November 1943, clarifying Japan's policy to respect the independence of each country in Greater East Asia. With the establishment of independence in Burma and the Philippines and the Free India Temporary Government, the desire of the leaders of the movement in East Indies has been greatly encouraged.

12118 Japan regards it proper to carry through the spirit of the declaration and to make some gesture in regard to independence of the Indies as a reward for the cooperation and expectation of the natives. Accordingly, at Supreme War Supervisory Conference of September 5, 1944, KOISO, in his declaration to the Diet on September 9, made a statement that Japan is ready to recognize independence for the Indies, * thereby clarifying Japan's intentions on the problem. At the conference it was decided that this statement was to be made at the Diet session, and there was no question as to independence to be granted to Java and Sumatra, but nothing definite was decided on the rest. It was decided to permit use of Indonesian songs and flags heretofore prohibited, and to encourage and increase native participation in politics.

12119 In response to this statement by Japan, an Independence Investigation Committee was established in Java, and in Sumatra and the Celebes measures were taken to encourage native participation. In the statement of September 7 it was merely stated that independence would be recognized in the future, but no time had been indicated. To promise them independence * and have its realization uncertain for a long time will give rise to doubts as to Japan's sincerity.

Especially, when the enemy's counter offensive is about to extend to the East Indies, it will be imminent, from the point of seeking more positive cooperation from the natives, to further materialize the statement made last year and to decide clearly the time for independence and announce it at home and abroad.

NARRATIVE SUMMARY OF THE RECORD
(December 5, 1946)
(Netherlands Relations)

Page 1897

Page

12121 Exhibit No. 1350, Decision of the Supreme War Plans Council, No. 27, July 17, 1945, re Measures for the East Indies Independence, stated * that to contribute toward complete prosecution of the war, Japan will recognize as soon as possible the independence of the Indies, and for this purpose preparations for independence should be hastened.

12122 * The area to be independent will be the former NEI, and preparations for independence will be pushed throughout the entire territory, and as soon as preparations are completed the independence of a new nation will be proclaimed. However, in areas where preparations are not completed, steps will be taken to transfer them by degrees to the jurisdiction of the new nation.

For this purpose, an independence preparation committee is to be speedily organized in Java to carry out various matters for independence.

12123 * The date shall be fixed as soon as possible, and to be announced by the Preparatory Committee, together with the areas to be designated as the domain of the new nation. The policy, political system, name of the country and scope of the citizens shall be established by public opinion.

Efforts will be made to promote the race consciousness of the people, and to make them contribute toward the prosecution of the war. Measures will be taken to prevent any hindrance to operations and preparations.

The execution of the policy on the spot shall be entrusted to the army there.

DIRECT EXAMINATION OF KLAS A DE WEERD
BY MR. HYDE

12,130

* The witness stated that Exhibit 1351 was a statement prepared by him and the facts stated therein were true. In the Exhibit he stated that he was a Major in the Netherlands Indies Army Reserve. After studying law at Leiden he entered a lawyers' office at Sourabaya (Java) on 28 August 1929 and practiced law in East-Java, Bali and the South East of Borneo until the middle of 1937. In 1938, having been employed by the Department of Justice of the NEI at Batavia and in 1939 went into private practice of law in Sumatra. On December 12, 1941 he became a reserve officer in the NEI Army and served with the Staff of the First Division.

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* After the capitulation he became a POW and was confined in several camps in West-Java until the middle of September 1945. He acted as camp translator of the Java new papers in the Malay language which were allowed to be brought in until the end of 1944. He spent much time translating the items extensively into Dutch and together with others indexed the data according to personalities and subjects, intending to prepare several studies concerning the Japanese occupation and to gather personal data on Japanese authorities.

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He had already prepared notes for several of these studies when it became hard to keep the work secret. * In January 1944 it became clear that he would be moved to another camp so he and his friends secretly copied of the data and indexes in tins and buried them in the camp grounds. From February 1944 until September 1945 he kept abreast of actual events in NEI by reading Malay or translated Japanese newspapers and by listening secretly to Japanese local broadcasts in Malay. He continually exchanged information with new arrivals and other channels.

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After August 15, 1945 he again received Malay newspapers. In the beginning of September 1945 he recovered a complete copy of his notes and indexes. In the middle of September he was released from camp and was assigned to the Political Section of the Commanding Officer of the NEI Civil Administration for Java to complete his work of collecting data * on the occupation. A special section of 20 was created under his direction which became a special branch of the Netherlands Forces Intelligence Service in January 1946.

NARRATIVE SUMMARY OF THE RECORD
(December 6, 1946)
(de Weerd--Direct)

Page 1899

Page

He collected such data regarding the Japanese occupation as was available including a practically complete set of newspapers and a complete official gazette of the 16th Army in Java and fairly complete sets of the reports of the other islands together with further reports and surveys, seized Japanese and Malay official and non-official documents and interrogations.

12,134

In May 1946 he joined the office of the Attorney General, NEI to collect such documents * as needed for preparation of the prosecution of suspected major war criminals and in this capacity he continued his work. In the middle of September 1946 he arrived in Tokyo as a representative of the NEI Attorney General to continue his research. He had prepared a report entitled "The Japanese Occupation of the Netherlands Indies," in which the Japanese occupation can be guided into five phases: March to August 1942, the transition period; August 1942 to July 1943, the period of consolidation; * July 1943 to September 1944, governed by an attempt at winning over the population by promises; September 1944 to August 1945, further development of the policy of promises; and the period from August 1945 to the end of September 1945, the last moment attempt to create a state friendly to Japan in the south.

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These phases have been arbitrarily divided and their limits are approximate. Occasionally for a better understanding a certain subject has been treated in one of the phases even if the subjects extended beyond.

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Japan's policy for the Southern Regions was broadly laid down in Tokyo for all regions alike. There are only minor modifications and then solely in application and in principle. * What happened in Java is basic and he will treat other areas only when there are important deviations from Java.

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During the first phase, or the transition phase, * ending August 1942, the entire Occidental group of influential persons in government and industry was immediately interned in hastily prepared prisons and camps. Preferential exceptions were made in case of irreplaceable Occidentals, but these were interned when replacements arrived. A small remaining group of workers was also confined separately and their outside contact restricted.

Page

12,138

A large group of prominent Chinese, because of past support of Chiang Kai-shek and on suspicion of anti-Japanese attitude, was interned. The policy became stricter and from July 1942 they were applied to Occidental women. By the end of 1943 it may be stated that all Occidentals not born in the NEI, male and female, * had been interned, with exceptions for people 65 and older. All Occidentals born in the NEI who showed affinity with the West were interned and sympathetic Asiatics were interned. According to the Japanese official returns as of September 1, 1945, 62,532 persons, men, women and children, were interned in Java. All Occidental military personnel, some 45,000 men, were made prisoners of war.

12,139

Of the former western community, the only free groups were the Axis subjects, a few neutrals and some non-interned Eurasians, but they were rigidly spied upon and prevented from exercising their freedom in many other ways. They were subject to heavy pressure. Besides being spied upon by the Kempeitai they were intimidated by arrests * and trials involving hundreds, and by the fact that Kempei interrogation and treatment by Courts Martial deprived the victims of all rights and abandoned them to arbitrary maltreatment and starvation.

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Occidentals were dismissed from their positions thus depriving this section of the community of its means of livelihood. All bank balances were frozen and western banks liquidated and liquidation percentages withheld. The few non-interned Occidentals had to sell all their possessions and were further handicapped in that the Japanese requested whatever they wished without payment. By introducing compulsory registration and fees, military authorities made the position still more difficult.

The use of western languages * was forbidden in public and business communications and in some places within the home. Those speaking a western language at home were suspected and subjected to methods employed by the Kempei. The Japanese immediately closed down all schools and they remained banned during the second period.

In April 1942 a ban on listening to the radio from outside the NEI was promulgated and enforced by compulsory sealing and registration of all wireless sets to make them unsatisfactory for short-wave broadcasts from

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abroad. In July 1942 sentences were pronounced by a Court Martial that persons who had listened to foreign broadcasts and spread news therefrom had been sentenced to death. Throughout the occupation persons suspected of having failed to comply with this prohibition were seized by the Kempei, tortured and sometimes tried.

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The possession of certain books * in enemy languages was punishable and the books had to be burned. All monuments were taken away, destroyed or otherwise stored. The street and town names were changed to Japanese or Malay. Advertisements could no longer appear in western languages, but only in Japanese or Malay. All expressions of democratic or pro-Occidental sympathies were silenced. All existing Councils where the opinion of various communities could be freely expressed were abolished. The Peoples' Council, exercising legislative and budgetary functions was first abolished and it was followed by the abolition of the Provincial, Municipal and Regency Councils, which had similar powers. * In regions outside Java councils were liquidated.

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By ordinance of April 29, 1942 of the Commander-in-Chief, Java, * all existing law courts were abolished, and Japanese military government courts established as provisional to be replaced later. There was no provision for appeals and decisions in all pending cases were declared to be deemed to have been affirmed.

By Ordinances Nos. 2 and 3 of March 1942, all meetings and associations were forbidden. By Ordinance No. 23 of July 15, 1942 this prohibition was not only explicitly maintained, but all chairmen were ordered to dissolve their respective associations, excepting those concerned with sports and recreation, and scientific, cultural, charitable and distributing organizations.

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Even associations not prohibited were restricted in their activities and subjected to police supervision and had to obtain police permission for meetings. * In practice, activities were permitted only those which accepted Japanese leadership and could be used for propaganda purposes. From the beginning the Japanese built up an extensive propaganda machine. Along with the first troops to land on Java, came the vanguard. These propagandist, organized in the Propaganda Section of the 16th Army,

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tried to establish immediate contact with disaffected Indonesian and Chinese politicians. With the help of these in April 1942 the 'Tiga A' movement was established with local Indonesian committees set up to carry on, which committees had no function but to carry out the plans of the local Japanese propagandists. The propagandists seized control of all means of expression, radio, the cinema and the press. For the first two months after the occupation * broadcasts and newspapers could be transmitted in Dutch. When the propaganda machine had been sufficiently organized, all newspapers were forbidden and new papers were introduced in Malay under the direction of Indonesian and Chinese pressmen carefully chosen. On April 29, 1942, the Emperor's birthday, the first new Malay language daily, 'The Greater Asia' was established and appeared regularly until September 9, 1945 as the propaganda organ. At first it was under the Japanese, but when the Indonesian staff had proved itself the direction was officially handed over to them with real direction in Japanese hands.

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Other places in Java followed so that ultimately Japan controlled newspapers in Malay were issued in five places. A Japanese language paper, the Java Shimbun, was published in Batavia. In her propaganda Japan referred to herself as the 'liberator', come to establish a 'New Order,' and * it stated that the new Java was to be educated to become a worthy member of the Co-Prosperity Sphere under Japan's leadership. They instituted a rigid censorship affecting all postal, telegraphic and telephonic communication and extended even to photographs.

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All public utterances were subject to censorship, the theater, the radio, the press, and sermons. Theatrical companies were taken over by the propaganda service. Book publication was subject to censorship and only works emanating from the propaganda service appeared. The Japanese thus controlled all expressions of public opinion. During the period Japanization of the Southern Regions was begun. The use of Japanese words was immediately introduced for official services, offices, etc., and the usage became prevalent, so ultimately the reading of a Malay paper was impossible without knowledge of certain Japanese words. * The Japanese introduced the Japanese system of dating years, the time system and the budgetary year.

Page

Police wore the Japanese flag for cap badges. Emperor worship--offensive to Mohammedans--was introduced. All meetings began with a bow in the direction of Tokyo and most meetings ended with 'banzai!' to the Emperor. All Japanese holidays were celebrated and the display of anything but a Japanese flag was forbidden. The Japanese flag had to be flown on all official and private buildings under strictly prescribed rules.

Portraits of the Dutch and allied officials were forbidden and had to be burned. The possession of Japanese Imperial family was governed by rules aimed at insuring that there should be no 'lese-majesty.' Postage and revenue stamps were marked 'Dai Nippon,' and later new stamps were issued with texts in Malay and Japanese reading 'Dai Nippon.'

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The Japanese began to establish * schools which taught only Japanese. Later schools for Indonesians were re-opened but the curriculum was changed to meet Japanese needs and important subjects were Japanese language, songs and dances.

In finance their economic program in the East Indies was similar although some areas were administered by the Army and some by the Navy. Java and Sumatra were occupied by different Japanese armies and the rest of the area was occupied by the navy with no contact. Nevertheless, the basic principles administered were entirely similar.

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The first ordinance of the Commander-in-Chief, Java, March 7, 1942, introduced Japanese military paper currency with a Dutch text reading 'The Japanese Government. One half guilder.' Other paper money was issued. The guilder was reduced to the value of the yen. Old paper money at first was kept in circulation, but later * when it had a considerably greater value than Japanese occupation money it was withdrawn and its possession constituted a crime. The paper money differed in various areas. In Sumatra, originally under the same administration as Malaya, the same text appeared as in the case of Java, but in English, whereas in other regions of the NEI and Timor, the Dutch text was used. In 1944 new paper money was designed and printed in Batavia, with the text in Japanese and Malay. This paper money was issued ultimately without backing, which soon led to inflation, which began early in 1943 and continued to the middle of 1945, and this money had a value

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of about one fortieth of its original value.

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All banks were closed down at once. During 1942 and 1943 the circulation bank and private banks were liquidated. The Post Office Savings Bank and the Peoples' General Credit Bank * were reopened under Japanese names and direction, but the balances due at the time of closing remained frozen. Later Indonesian balances were partly unfrozen while those of Occidentals, internees and prisoners remained frozen and were transferred to the Enemy Property Administration Bureau, charged with the custody of enemy property, which liquidated nearly all confiscated property and credited the owners with proceeds in Japanese paper money and after May 1945 the liquidation was hastened.

In Batavia the Kempei frequently bought at so-called public auctions and the proceeds in Japanese occupation money bore no reasonable relation to the real price for the same article in the same paper money in the open market.

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All stocks of Occidental importers as well as private possessions owned by Occidentals were changed into claims in Japanese paper money on the administration bureau. * Possession of enemy property was a punishable offense. Even non-interned Eurasians were considered enemy nationals so that rents due them were paid to the Japanese. Unsold property was delivered on request to Japanese officials and individuals.

12,153

Before the war in the NEI, big capital belonging to westerners had been invested in agricultural industries. The agricultural enterprises, excepting sugar factories, were brought into an organization charged with administering enemy agricultural concerns and the control over all other agricultural enterprises, including those operated with Indonesian or Chinese capital. Little attention was paid to owners' interests. The body carried out a policy of carrying out a rigorous war effort and to maintain production required by the Co-Prosperity Sphere. Enterprises and industries of no importance to the immediate war effort were switched * to other production, or if not feasible, were retained if deemed worthwhile from the point of view of the Co-Prosperity Sphere at the end of the war. Tea and rubber plantations suffered seriously because the

Page

Japanese gave precedence to food crops. Tea plants and rubber trees were used for firewood and the estates parceled out among local farmers to increase areas for food crops.

A large part of western owned agriculture was liquidated. The entire sugar industry was allotted to six or seven blocks to large Japanese sugar companies and exploited by them under the direction and control of the organization. Sugar production was reduced considerably and unused machinery was partly scrapped or carried off and factories not switched over produced war commodities.

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The possession of land belonging to Occidentals or governmental institutions was * transferred to a special organization which handed over the property as required to the Japanese military or civilians for business and personal purposes. The old ownership was drastically changed. So-called private estates were appropriated by the military government without payment of any compensation under ordinances of the Commander-in-Chief, Java, June 1, 1942. This expropriation took place in other places such as the Celebes. Public utilities were seized by the military administration and operated without compensation and in some cases allotted to private Japanese companies. Private railways, tramways and busses were amalgamated with the State Railways. The equipment of private railways was in large part shipped to the Burma-Siam railway. Direction of railways was unified under the railway head office * and all former independent operation was obliterated. The personnel of these companies was pooled and Japanese rank designations and terminology were introduced.

All gas and power companies and privately owned mining concerns were taken over and operated by the military government or Japanese companies. The policy of exploitation of natural resources was carried on partly by the military administration, partly through monopolies to big Japanese concerns and partly by Japanese 'national policy companies.'

The Southern Development Bank, entirely government owned and operated, had as its chief function the financing of the development and exploitation of natural resources in the Southern Regions and the control of circulation and finance in those areas. This was directed by the Ministry

Page

of Greater East Asia and acted as cashier to the Japanese Army.

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Japan also divided up * all the natural resources in the areas among the various Japanese applicants and allotted each of them part of those areas, usually according to them monopolies. Domei was granted a news service monopoly although a local agency had started first. Press monopolies in the Southern Regions were divided among various big Japanese newspaper concerns.

In banking the Yokohama Specie Bank and the Taiwan Bank were chartered to operate in Java and took over the functions of private Occidental banks. The liquidation of the banks and introduction of Japanese banks was effected in part by compelling the debtors who had debts claimable on November 25, 1942 to apply to the new banks for new credits backed by securities pledged to the western banks.

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During the first phase the administrative machinery was relatively simple. The Chief of Staff of the Commander-in-Chief, Java was concurrently chief of the military government * and was assisted by a central organ and by three Army officers. Local administration was by commanding officers of occupational detachments. Original Tokyo plans provided for sending experts in administration, finance, and economy immediately following the occupational troops, but it was not until August 1942 that the provisional set-up was succeeded by a regular administration. Military government was developed into a separate body. Its functions were laid down in Ordinance No. 1 of March 7, 1942 in which the Commander-in-Chief assumed all powers of the Governor-General. The administration was divided into nine departments under the chief of the military government. They were General Affairs, Internal Affairs, * Finance, Justice, Police, Public Works, Economics, Auditing and Propaganda.

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In addition, from time to time, there were a number of bureaus and other bodies under the chief and equally independent to handle various matters such as religious affairs, shipbuilding and enemy property. Changes were made which did not affect the structure. * The pre-war central administration was changed thoroughly. Prior there had been no General Affairs or Propaganda Departments. Police were under Internal Affairs and other matters were handled differently.

Page

The Government Secretariate, the Council of State and the Government Cabinet disappeared. The former department of General Administration was reorganized on Japanese plans. All leading positions in the departments were occupied by Japanese and on September 1, 1945 there were 23,242 Japanese nationals employed in Java, amounting to half the number of service personnel stationed there.

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Legislative powers were exercised by Tokyo, the Supreme Commander in the Southern Area, the Commander-in-Chief, Java * and the Chief of Military Administration. The laws of the first two bodies were not published locally, although thousands were punished under them. The ordinances of the last two were published in Java in the bi-monthly gazette, printed in Japanese and Malay. Some secret ordinances appeared only in the Japanese edition. The later advisory councils did not affect this legislative position.

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Ordinance No. 27 of the Commander-in-Chief, Java, August 5, 1942, set up an entirely new system of local administration. Java was divided into 17 districts and one special city of Batavia. The four Sultanatos were administered by a Bureau. The former Provinces were eliminated. In early 1945 three regimes coinciding with the former provinces, * but different in kind were set up. These local bodies supplanted the former decentralized, autonomous local administration and were under the Chief in a centralized system. There were no local councils mentioned and, therefore, no public administration.

These districts were subdivided into smaller units in accordance with the Japanese pattern. The organic laws governing the functions of administrative bodies under the old system were abolished and replaced by Japanese regulations. The position of local officials was, on one hand, considerably strengthened, and, on the other, made more dependent on the central administration. The Fuehrer-principle was introduced. The officials responsible only to their superiors had a large measure of liberty in executing their duties with power to dismiss and appoint and unrestricted disciplinary power.

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* They could issue regulations to implement ordinances promulgated by higher authority and also regulations concerning matters not covered by such ordinances, but they

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were subject to the authority of superiors and responsible to them. The object the Japanese had in mind was to build an administration following those of Formosa and Korea. The ruling Sultans were maintained, not as having hereditary title to their positions, but as newly invested rulers owing allegiance to the Japanese Army. All key positions were occupied by Japanese. From the Chief of Military Administration through the District Office the staff was almost entirely Japanese. From the Ken Office downward the Indonesian staff was maintained, but from 1944 onward, the head was assisted by Japanese advisors.

12,163

The composition of the Administrative Corps * was modified later pursuant to TOJO's promises, but leading positions remained with the Japanese and where an Indonesian held an important post the real executive was a Japanese. The Japanese did not hand over actual authority until the end of August 1945.

The biographies of the Japanese officials show that the corps was assembled chiefly in colonial Formosa and Korea and some had been engaged in administrative functions in Japan.

12,164

* The new administration system in other islands developed along the same lines. At first Sumatra and Malaya were under the Army Commander at Singapore, but later Sumatra was separated. The 16th and 25th Armies in Java and Sumatra were under the 7th Area Army at Singapore, commanded finally by IITAGAKI. The 7th Area Army came under the Southern Theater commanded by Field Marshal TERAUCHI.

The Military Administration operated under orders issued through ordinary channels of command and also those issued directly from the Ministry of War.

12,165

In the Celebes, Borneo and all islands east of the line through Bali and the Macassar Straits the Japanese Navy was in power. The system was not substantially different having the same principles of centralized administration and Japanese and Indonesian officials. In navy territory the administration was executed by the Minseihu at Macassar * under the command of the officer commanding the Second Southern Squadron at Sourabaya, who, in turn, was under the 7th Southern Squadron at Singapore.

Page

The Judicial System was entirely revised. In addition to the first period courts of military administration there was the Gun Kaigi, a Court Martial proper, to try Japanese personnel subject to court martial and the Gunritu Kaigi, a court martial to try violation of Army Ordinances. The military administration had jurisdiction to try violations of military government ordinances and regulations and former Dutch Ordinances continued. This jurisdiction was shared with the Gunritu Kaigi.

12,166

The final military administration courts were set up by the ordinance of September 26, 1942. There were eight types of courts, all having Japanese names and including the final court of appeal * and the intermediary courts of appeal, both of which were entirely manned at first by Japanese. The lower courts, corresponding to local administrative subdivisions, and the two special religious courts, all manned by Indonesians were directly controlled by the intermediary courts of appeal.

There was a prosecution section in each court centralized under the Justice Department. Later this was detached from Justice and combined with the police force under the renamed Public Security Department. In criminal courts with Indonesian judges a Kempei attended, sitting next to the prosecutor. In the initial stages the former Penal Code was maintained, however, since this was based on democratic foundations the Japanese introduced a new Penal Code in 1944, in which criminal acts were defined in vague terms and high minima of punishment were introduced.

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* The administration interfered frequently in trials by Indonesian courts and in practice the Kempei determined the sentence in criminal cases. Only Japanese and Malay were spoken in trials and court martial trials were conducted in Japanese without proper interpretation. In other islands there was the same.

12,168

At the outset of the occupation the Japanese took over the Police School at Sukabumi, Java and in the various capitals of the districts introduced permanent courses for training police personnel. Propaganda courses for personnel in the service were conducted regularly in which the ideals of Greater East Asia and Japan's might were taught. A system of corporal maltreatment for the settlement of minor infractions was introduced. * This

Page

was seen daily in the streets and some sections of the Indonesian Police Force adopted these tactics. Later when a separate police department was set up it was established on centralized lines and the Japanese had all executive functions. The existing force was felt to be insufficient. The Kempeihoo, an Indonesian extension of the Kempei, trained by the Kempei, was organized and feared and hated by the people.

12,169

In April 1943 the Keiboodan, a village guard, was organized as an auxiliary force everywhere and reinforced the regular police by 1,300,000. * This organization had a variety of duties. It went into action in case of fire or other calamities, it had to assist the regular police in apprehensions of crashed allied air crews, paratroopers and others, did 24 hour guard duty and turned out for public meetings. Its main duty was spying. In 1945 they were used to train the people in guerilla action. This taught the simple farmer fear of foreigners and hate for Occidentals and led to barbarous display of cruelty.

12,170

* A third force was set up early in 1945 and called Keibootai, which operated only in towns. Its members were recruited from among the Chinese. The Kempei-Hoo was part of the Kempei, while the other two, although Japanese lead, were no part of the official Army organization. The members of the latter two * were volunteers, but insufficient volunteers led to drafting.

12,171

The prison system was reorganized. New courses for training new personnel and improving the old were introduced. Japanese designations and Japanese markings were introduced. Treatment of prisoners was inhuman. The military government laid down a revised educational program to reopen schools for Indonesians. Elementary education was revised with instruction in Japanese songs and dances and physical training. Reading and mathematics were substantially reduced and the remainder of the curriculum abolished. The various types of intermediate schools gave way to one type of public school with uniform curriculum. This school was divided into a First and a Higher school. The curriculum was very much simplified with foreign languages and general history dropped to make place for Japanese * and Japanese history. Texts on the history of the islands were burned and new ones introduced

12,172

Page

emphasizing racial ties with Japan. A new subject called 'Seisin' teaching the Co-Prosperity Ideals to the younger generation was brought in and the children were exhorted to fight tanks and other modern weapons with bamboo spears if necessary. Vocational schools were organized on Japanese lines.

12,173

Batavia Medical College was reopened under a new name on March 9, 1943 under a Japanese president, assisted by six newly appointed Indonesian professors. Six months later these Indonesian professors were demoted and succeeded by Japanese professors. Instructions in Japanese language was obligatory. The students pledged themselves to enter the military government service after graduation. They were billeted and subjected to a strict * and semi-military regimentation under special Japanese who instructed them in Japan's greatness and the ideals of the sphere. The curriculum was reduced by one-third.

Literary, Law and Technical Colleges were not reopened, but in 1944 a higher vocational school, with a limited program for three years was reopened under the same routine after medical college. Law College was supplanted by one year courses for the training of civilian officials and lawyers. Much time was spent in Co-Prosperity ideals and Japan's greatness. There was regimentation and a large amount of instruction in Japanese.

12,174

Private education remained taboo until 1933 and 1934 and certain private schools for Indonesians and Chinese were allowed to reorganize, but with an official curriculum. * Western teaching and teaching to westerners was prohibited and strictly enforced, and the mere suspicion of having taught Occidentals involved suspicion by the Kempeitai. Many college students, graduates and prominent Indonesian personalities were sent to Japan. All sections of society were organized into corporations along Fascist lines. This was carried out among all racial and political groups, as well as all professions and trades, economic sections, cultural groups, religious groups, the younger generation, sports organizations and women's movements. The Japanese kept a close grip on any social group through these organizations and used them for aid and support for the Army and military government. They had to turn out in force during mass meetings * and they were utilized for disseminating propaganda among members and to keep the Japanese abreast of

12,175

Page

public opinion and conduct espionage. The Propaganda Department maintained close relations with this organization. All addresses by Indonesians were not only pre-censored but were usually drafted there. The corporations were under close and strict supervision of the Office of Military Administration, all serving uniform purposes and all modeled on the same lines. They were begun by ordinances of the Commander-in-Chief, Java. All ordinances read the same and stated that the objective of the corporation was support to the military government.

12,176

The executives were appointed by Japanese and branch executives were responsible to the main one. Both were assisted by advisory councils appointed by or with the approval of the Japanese. The executive body could lay down regulations binding on the members as obligatory for a whole given group. * For example, the medical organization ordinance of August 3, 1943, stated that it was established to coordinate those engaged in medicine in Java, to train their knowledge and character and to raise their capability so that they can give their contribution to the utmost to Japanese Army in medical affairs.

12,177

Physicians, dentists and medical experts in Japan could become members if not enemy nationals. The organization was to carry out such work for conducting the Military Government. * The head could issue orders and instructions to carry out the work to the members after obtaining approval from the Chief of Military Administration who was to supervise it. Practically all other professions were similarly organized.

In all fields there was obligatory membership, unilaterally binding regulations, uniform objects and Japanese executives.

12,178

The importance of a truly Oriental artistic expression was emphasized and Occidental influences were considered inimical. Paintings and other art works were to be judged, not on artistic values, but their merits in relation to the Co-Prosperity Sphere. The organization for the control of this * showed the same characteristics. The Japanese attached much importance to the spiritual molding of youth and took the matter completely in their hands. The Indonesian Youth Movement, authorized in the beginning, was prohibited in the middle of 1943.

Page

In December 1942 the Japanese Commander-in-Chief, Java declared that the training of the younger generation to be good citizens of the Co-Prosperity Sphere was of such importance that the best Japan had to offer was not good enough and the matter was, therefore, kept an exclusively Japanese concern. The organ of control was the Jawa Seinen-dan (Java Youth Corps) established in April 1943 to convince the youth of Java so that they will energetically cooperate with the Military Government and render assistance in building the Co-Prosperity Sphere.

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* In every district a Japanese training center for local instructors was established and a central training camp was opened, all under Japanese direction. Later a youth organization was organized in every locality and in some factories. These were organized into the United Youth Corps of Java on military lines and commanded by Japanese officers. Age limits were from 14 to 25 and men were drafted to make up deficiencies in volunteers. Only the physically fit and those tested for their enthusiasm were admitted.

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Training consisted of the Japanese language, spiritual and military training and physical training, air raid precautions and Japanese music and dances. The manpower for the Defense Corps were from the youth corps. All other youth organizations * were prohibited.

Sports also were brought into line under this type of set-up. To cover the sports-world of all East Asiatic nationals in Java a branch was established in every local place and were organized in their respective districts and subordinated to the main body.

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The Indonesian women were organized into the Huzin Kai. * The purpose of this organization was to help the Japanese Army with efforts befitting the position of the women of the original inhabitants and also to raise the women's virtue. The working section was to carry out work necessary for improving conditions behind the front line and in savings, education, public safety and health. To deepen their conviction of their duties the organization was to give instruction in first aid and to organize lecture meetings and courses and establish close contact with the youth corps and village guards in developments in other islands roughly parallel to those in Java. The problem of political * coordination was tackled more sketchily.

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Page

- 12216 One order from the Chief of Staff of the 16th Army,* Exhibit No. 1352, dated September 1944, stated that the Chief of Staff was notifying the recipient that, based on KOISO's proclamation on granting independence of the East Indies, the Army will meet the situation properly in accordance with certain stipulations. These were that the purpose for granting independence should be thoroughly understood; that it is not permitted to touch upon the time of independence, the sphere of the East Indies nor the form of government until they are finally decided; national consciousness is to be raised to the highest degree, especially during * the war it is to be utilized to strengthen defense and cooperation; There are to be no great alterations in operations and business structure of the military government, but participation is to be enlarged and strengthened; nationalistic speeches and activities are to be allowed, and for that purpose the people are to be allowed to sing the national anthem and use the national flag; use such words as "the Indonesian people"; in addition, nationals are to be appointed, but advocates of independence who are connected with the Communists shall not be allowed to exist; they shall recognize investigation and study necessary for independence under guidance of the military government; thorough measures are to be taken for spreading the Japanese language, institutions, and culture; * there is to be no distinction between natives and other races, but they must understand that they must participate in constructing a new society; all Japanese must realize and put into practice the mission of this era, in which Hakko Ichiu is to be carried out; the idea of colonial subjugation is to be banned, and the natives must be approached with affectionate feelings while being instructed and guided sternly; haughty and arrogant speech is forbidden; in guiding public opinion, stress is to be laid on raising national consciousness and intensification of the war effort, with confidence and reliance on Japan. They must anticipate confusion accompanying changes in power, but it was forbidden to meddle in them; although resentment may arise against the Indonesians, the Japanese must not be hostile, but must guide them; in instructing the Volunteer Defense Corps, the Japanese must scrutinize the attitude of officers and men to deepen their feeling of unity, and not let them get the idea that they form an independent army. Special attention is to be paid to training instructors. In observing the real situation, Japanese must not make the error of believing that the aim of securing native confidence in Japan has been attained from their enthusiasm, but must continue
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- 12220 * to guide them.

Page

DIRECT EXAMINATION of KLAAS A. DeWEERD,
By Mr. Hyde.

12182

In considering the third phase, it should be remembered that as early as the first period there had been some activity in the political field, but the policy adopted was one of wait and see. Immediately after the occupation, Ordinance No. 2 of the Commander-in-Chief, Java, March 8, 1942, prohibited until further notice, the participation in any organization, attendance at meetings, propaganda in favor of the enemy, and the posting or printing of placards.

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By Ordinance No. 3, March 20, 1942, it was prohibited to discuss and engage in activities, encourage or make propaganda on * the organization and structure of government. As a result of these, certain Indonesian leaders were arrested in April 1942, some to be released only much later. In December 1942 to January 1943 there was a large scale round-up of Indonesians engaged in underground work which might be construed as anti-Japanese. These, except for those executed or who died in prison, were not released until September, 1945. Even after January, 1943, the Kempei guarded and spied on all underground activity, with a large number of victims.

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In 1942 the Japanese initiated the "AAA" Movement, standing for Japan protector of Asia, Japan leader of Asia, and Japan light of Asia. The "AAA" was printed in large letters and in a different color. * This movement elaborated the theme of Asia for Asiatics and hate against the white race, and against Western exploiters. The Japanese were stated to be of the same race as the Indonesians, and the words "The Indonesian people, who have the same ancestors and are of the same race" as the Japanese, appeared in Ordinance No. 1 of March 7, 1942. Western influence was designated a corruption of the Eastern soul. Japan was the saviour of Asiatic peoples, and the Co-Prosperity Sphere, under Japan's paternal leadership, was to liberate Asiatics. Aside from the slogans "New Java" or "a New Order in Java", the Co-Prosperity Sphere was not further defined. The word "Indonesia" politically was not permitted, and in most cases the Indonesians were referred to as the original inhabitants.

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While this movement was going on, further contact was sought for the Indonesians, especially those dissatisfied with the * former rule and progress for independence.

Page

Chief among these was SUKARNO, who having been brought to Java by the Kempei in July, 1942, formed the "Four-Leaf Clover" with three other nationalists. All of these became leaders, under the Japanese, of cooperative nationalists. These men saw in Japanese promises the means of attaining early independence. They believed in them, and therefore advocated cooperation.

12186 The Japanese also sought to contact the Indonesian intellectuals who had not been discontented and had held high office under the Dutch. In December, 1942, there was set up the committee for the study of former customs and political systems, to survey and study certain matters and to contribute toward administering Java. This group consisted of nine Japanese, including the chairman and ten Indonesians, including the Four Leaf Clover and certain former Chiefs of Departments, *professors, and members of the former council. This group was never important, and was abolished in November 1943.

The first request made by the four men was to be allowed to form a party. This was considered until December 8, 1942, when at a meeting in Batavia the Commander promised that a single party for Indonesians would be permitted. The decision to start would have to come from Tokyo.

On March 9, 1943, the "Putera" movement was begun, deriving its name from a symbolic abbreviation of words meaning the center of the people's spiritual power. The word "Putera" means "knight's son". Its aims and policies were similar to the previously discussed corporations, except its name was Malay. It was not a party, but only a movement, with leaders and advisory councils.

12186 * The leaders were appointed by the Commander-in-Chief and were assisted by an advisory council equally divided between Japanese and Indonesians. The Indonesians were nominated by the leader with approval of the military government, with local leaders appointed with Japanese approval.

The organization was governed by rules laid down by the Commander-in-Chief, and its aim was to arouse the strength and efforts of the people to support all measures for winning final victory to the war.

Page

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Since it is closely linked with the policies of military government, all leaders must have a profound knowledge and faith in the aims and objectives of the Japanese Army. Putera leaders were urged to be fully aware of existing limitations * and never lead the common people astray. They were to do their best to fulfill the aims and objects of the movement and cooperate in establishing the Sphere, and to build a new Java to be a member of it.

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Its functions were to impress the Indonesians with the duties and responsibilities in establishing a new Java; to eliminate Occidental influences; to participate in defense; to foster self-discipline; to deepen mutual understanding with the Japanese; to encourage the study of Japanese; * to raise Indonesian standards; to encourage care of health and sport, thrift, and savings; and higher production in every village.

The organization was only for Indonesians. The Japanese had five grades in the social hierarchy: Japanese, Indonesians, other Asiatics, mixtures, and Europeans. Indonesians were treated as privileged characters, while the 3 to 5 group were treated as foreigners, with Europeans and Eurasians receiving the worst treatment.

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When the Putera was adopted, restrictions on travel by foreigners was strengthened, and everyone had to immediately inform the police when lodging someone from outside his place of residence. Forbidden zones * covering the entire south coast and the eastern and western ends of Java were established.

Great enthusiasm for Putera dwindled when it became clear that its activities were to be restricted to the principles laid down by the propaganda service. There was great disappointment when its youth movement was forbidden and the Japanese set up their own. At the time, outside the East Indies great changes had taken place. Japan had been forced from the offensive into the defensive and lines of communication were seriously threatened.

In this background, on June 16, 1943, TOJO made a speech in which he stated that since the people of Java had shown their readiness to cooperate, they should be given participation in the government. He also promised independence to Burma and the Philippines.

Page

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* In pursuance of this, TOJO visited the southern regions in person, and while enroute to Java repeated promises of independence for the Philippines and Burma. In Java he promised only participation in the government, coupled with the conditions that there will be complete cooperation with the Japanese to win ultimate victory.

In August, 1943, an Indonesian was appointed Chief of the Religious Affairs Department, with actual control in Japanese hands, and two other Indonesians were appointed Chiefs of Residencies, with actual power in the hands of the Japanese Vice-Chief. A number of Indonesians were appointed to lower positions, which they had held before, and were incorporated into the Japanese Administrative Corps and accorded corresponding Japanese rank.

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* The Adviser System was introduced, and Indonesians were nominated but acted only on referred questions. In all Residencies and in Batavia an advisory body was established to advise the Resident on local government, by Ordinance No. 37 of September 5, 1943, which prescribed the number of members to be appointed and elected. Elections were indirect, with secret nominations and open ballot. The function of these bodies was to answer questions of local government put by the district leader, with the right to make suggestions on the referred subject. It met only on orders, and its sittings were open and closed by orders of the officials of the leader's office, who could attend and participate.

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The sessions were public only for the opening address and the closing session. Sessions proper were closed. At the final session motions already settled were put to a mock vote and passed unanimously. * Sessions only lasted four or five days, and its chairman was appointed from among the members by the district leader. Each local group sent representatives to the Central Advisory Council of Java.

This was established on September 5, 1943, by Ordinance No. 36. 23 out of 43 members were nominated in advance by the Commander-in-Chief. 18 of the remainder were elected by the Sangi Kai, and two were nominated by the Sultanates. The procedure was the same as the local body. They could only offer advice in response to questions of the Commander-in-Chief, and to make suggestions.

Page

12194 The actual direction of affairs of this central body was with the head of the Record Office, a Japanese, as were his other officials. The function of this office was to deal with the incoming and outgoing * correspondence, and to exercise internal supervision over the big body. The head and his staff were appointed by the Commander, and the first head was private secretary to TOJO.

The secretary of the local Council was always a Japanese, and from the very beginning these organizations were used for Japanese propaganda to recruit labor and volunteers, and to encourage the increase of agriculture and delivery of crops to the military.

Wider administrative powers were given to the Sultans of Central-Java in elementary education, local government at lower levels, public health, farming, etc.

12195 Simultaneously with the establishment of the Central Advisory Council, the military and administration took the view that the Indonesians should give expression of their appreciation for TOJO's promise translated into fact, by demonstrating * their preparedness to support the military administration by organizing a volunteer corps. The Propaganda Service stated that it should appear that the inhabitants desire to have their own army.

At the end of August, 1943, a friend of Sukarno asked for permission to set up a volunteer corps. In October, 1943, the Commander said he was favorably disposed, and by the beginning of October 1943, the army of volunteers for the defense of the homeland was set up, to call on the Indonesians for the defense of Java, based on the principle of joint defense of Greater East Asia.

12196 The 4th Article stated that the Corps should be convinced of the ideals and importance of the task of defense, and it was their duty * to participate in defending the home country against the Allies under the leadership of Japan.

These organs are commanded by the Commander-in-Chief of Java, and it was stated that it was not to form part of the Japanese army, and that it would have its own officers, trained by Japanese. It was not to be used outside Java, and would consist of volunteers.

Page

Recruiting started immediately, but on subsequent levies it appeared that there was insufficient enthusiasm so that each new levy contained a required number of volunteers. One of the chief activities of Japanese propaganda was to encourage enlistment. The training of officers began in October, 1943, and lasted three months.

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The plan was to form one or more battalions of a thousand men each in each district, as a unit for defense of the district. This object was achieved by the time of Japan's capitulation. The task of the volunteers was mainly one of guarding road * junctions, bridges, and strategic important points. Weapons were only supplied during drill, and most training was with wooden guns. The Beppan, a special section of the 16th Army, was charged with training and made use of its training to spy on the volunteers, as well as to use them for spies.

Prior to this, the Japanese had used Indonesians as auxiliaries. Shortly after the occupation, many Indonesian soldiers had been compelled to serve as auxiliaries. These units formed part of the Japanese Army and were issued Japanese uniforms. They were generally used in Ordnance Corps and to guard camps. They were sent off the island.

The Navy made similar use of auxiliaries. Both the volunteers and the auxiliaries were taught Japanese, and their commands and regulations were written in Japanese. They wore Japanese insignia, and were instructed in "Seisin".

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* One of the important aims of Japanese propaganda was the increase of crops and the delivery to the Japanese. They had to provide large quantities of food for occupation and fighting troops. The army of occupation was laying up large stocks of supplies. Java, which before the war could not meet its own food problem, was expected to produce more, yet an increase was obstructed by a lack of proper supervision of irrigation due to replacement of personnel and by haphazard methods used by the Japanese in forcing production of commodities unsuitable to climate and geography. This reduced the area available for food crops. It became less advantageous for the farmer to hand his product to the Japanese.

Page

12199 From the beginning, the Japanese adopted the NEI policy of stabilizing the price of rice. As the military guilder decreased in purchasing value, the official price * for rice fell far below its former value in relation to other commodities, and other articles became virtually unobtainable

The Japanese ordered that 60% of the harvest had to be delivered to them, and took far reaching measures to combat black market by closing regional economic areas, and by checkpoints on the highways. Threshing of rice in other than coordinated mills was prohibited.

The propaganda service exercised all powers to persuade the farmer to cultivate wider areas and to yield his crops to the military.

12200 Not only in Java, but everywhere, Japan used labor to build military fortifications, airfields, and strategic railways. Java was a source of this labor. From the beginning, the Japanese encouraged voluntary enlistment of the coolies and were at first successful, but when the inhabitants learned how they were treated, * their desire to work for the Japanese disappeared. This became worse when the coolies sent out did not return and there was no news. The Japanese thereafter adopted conscription, both for work in Java and outside.

In 1943 a vigorous campaign was started in which the economic warrior was represented as fulfilling a sacred task by working for the Japanese. One could not speak of coolies. The coolie was a soldier, and his contribution had to be appreciated. Recruiting was undertaken by every possible means. One was to give a sign to his home, pointing out that the public should honor such designated houses. His relatives were supposed to enjoy certain privileges in the distribution of scarce commodities, which they got only after the government officials had received their share.

12201 The * laborers received less care than the POW and internees, and their condition was aggravated by their ignorance and lack of hygienic precautions and medical care. The official estimates indicate that some 270,000 men were sent out, of whom not more than 70,000 have returned. Most received inhumane treatment. Accommodation, food, and medical care were either inadequate or absent altogether. During certain periods,

NARRATIVE SUMMARY OF THE RECORD
(December 6, 1946)
(Netherlands - DEWEERD-Direct)

Page 1922

Page

laborers who had died of starvation and contagious diseases were carried out of certain camps by the carload daily. In religious matters, the propaganda service tried to obtain complete cooperation, particularly to influence the Mohammedans, who were in the majority. Priests and preachers of enemy races were forbidden to have services except for the enemy race, and if an Indonesian noticed an Indonesian among the congregation he had to make him leave.

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* With respect to the Mohammedans, the Japanese adopted three principles. One, the Japanese Army was the protector of Islam; two, religious associations would be authorized to carry on activities to propagate the ideals of Greater East Asia, and to support the Japanese; third, that the cooperation of the Mohammedans in education was acceptable in so far as it was directed at full support to the Japanese Army, and was imbued with the ideals of the Co-Prosperity Sphere. Within this restriction religious education would be permitted and supported. The religious office established a permanent training center in Batavia where three week courses in Japanese ideology were given to groups of religious leaders. These courses were also used to test whether Japanese propaganda had its effect and to select collaborators. These accomplices carried the propaganda * to the rural population, and were responsible for producing sufficient rice for a sufficient supply of laborers and for enlistments as volunteers.

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The Japanese worked on the fanaticism of the inhabitants, and tried to have the leaders declare the war a holy war against the unbeliever. When it was pointed out that the Japanese were unbelievers, the common ancestry of the Japanese and Indonesians were pointed out.

In the beginning of 1944 religious disturbances took place in certain districts, and the Japanese held the Indonesian leader of the religious affairs responsible, and replaced him by an old and popular Mohammedan leader. He accepted this post and spent one day in Batavia and then returned to his religious institution, leaving the direction of the department to the Japanese.

From November, 1943, the Mashumi became the organization through which the Japanese ruled the Islamic intellectuals, and carried on * propaganda for

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Page

the Japanese, sounded public opinion, and carried on espionage. Relations between the Mashumi and the Religious Affairs Department was strengthened until it was directed by the Religious Affairs Department for all purposes.

The Japanese established religious affairs sections in every district, under local leaders, who had the duty of making the military policy understood in the villages. The Religious Affairs Department issued a publication called "Asshu lay", edited in Malay, Javanese and Sundanese, printed in Arab script, which it distributed free of charge among all Mohammedan leaders.

12205 The Japanese made special efforts to coordinate the Chinese, the mainstay of the middle class, first by trying to induce leading officials of the Chinese associations to form one big organization, but the effort failed. In August, 1943, * they decided to establish an organization with the support of a few pro-Nanking Chinese. This was organized along customary lines, with leaders appointed by the Japanese and with cooperation with the military as the supreme object. They took no action on their own, and the organization was used to disseminate Japanese propaganda and to spy.

At the same time, the Japanese permitted limited Chinese private schools, and the sending of small remittances to families in Japanese occupied China. This latter promise was not kept.

12206 At first the Eurasians were ostracized, and were replaced in the higher ranks by the Japanese. However, not enough Japanese were available, and trained Indonesians were insufficient in number. The first effort to obtain Eurasian cooperation was made in September, 1943. They began to be treated as belonging to the native population, * but the Japanese stipulated that they had to realize that they were members of the Greater East Asia community under Japan's leadership, and to renounce their western ancestry. The Japanese promised to admit a number of Eurasian children to village schools reserved for Indonesian children. Separate schools for Eurasian children remained forbidden.

In the beginning of 1944 the Japanese decided to dissolve the Putera and replace it by an organization in which all Asiatics would combine. The Putera had failed to reach the simple villager, comprising about 80% of Java's population and supplied the manpower for the Japanese.

NARRATIVE SUMMARY OF THE RECORD
(December 6, 1946)
(Netherlands - DeWEERD-Direct)

Page 1924

Page

12207 In addition, the movement had become too strongly nationalistic. The new organization followed the Japanese pattern and combined propaganda with organization for distribution of essential supplies. Beginning in January, 1944, * all of Java was divided into small communities of 20 houses each, called Tonari Gumi, organized on centralized lines. This was headed by a leader appointed from above and responsible to carry out his orders. All existing associations were absorbed by the Tonari Gumi.

The duties were extensive, such as distribution, training for air raid defense, and guerilla warfare. The head of the community had to lecture at least once a week on Japanese ideology and the practical application. Japanese aims in regard to population were extolled, according to instructions by specially trained Indonesians. Other meetings were held for larger units once a month, in which one member of each family had to attend.

12208 All inhabitants of one area of Tonari Gumi had to be members.* since only membership gave distribution facilities.

On March 9, 1944, the Putera was officially dissolved, and the Corporation for Communal Services in Java, comprising all Asiatics, was officially installed. This corporation remained the instrument of Japanese control until August 31, 1945, when it was dissolved.

According to the explanation of the Ordinance, it was set up as an organ of military administration to carry out its instructions in friendly cooperation with the people. It had the duty to see that these instructions reached all, and was to work closely with the Tonari Gumi. Its leader had to see that everyone was enlisted in positive support of the military. It was, in fact, an executive body, based on the principle of complete coordination of all inhabitants.

12209 The central direction * was appointed by the Commander, and only of Japanese. The Executive Bureau, under central direction, had several Indonesians. The branches were established in all localities, and its smallest unit supervised one or more Aza, which in turn supervised a number of Tonari Gumi.

NARRATIVE SUMMARY OF THE RECORD
(December 6, 1946)
(Netherlands - DeWEEERD-Direct)

Page

12210 The leader of each local administration was assisted by a council, which met at least once every six months to discuss ways and means of promoting assistance to the military. The Tonari Gumi, the lowest body, had the task of actively supporting the police and village guards in defending the country, during air raids, and other dangers, and to make the inhabitants understand the laws and regulations of the military administration; the stimulation of increased food production, and delivery and distribution; * the general support to the military, and mutual help and assistance.

The new organization absorbed all others pursuing similar aims, regardless of nationality, including the Japanese. The Womens Corporations, the Islamic Corporation, the Chinese Corporation, the Sports Corporation, the Cultural Corporation, were all incorporated into it.

12211 Activities by Eurasians for their mutual support brought systematic prosecution by the Kempei-tai. Dozens of leaders died in prison as a result of ill-treatment, starvation, diseases, or sentences. Anyone who attracted suspicion was tortured, till false confessions became a daily thing, bringing fresh victims within the Kempei clutches. A typical example happened in 1944 in Pontianak, *where more than 1200 prominent Indonesian and Chinese were executed on an unfounded suspicion of conspiracy. In Java the Indonesians constantly feared the Kempei-tai. Great care had to be taken, since spies were everywhere. There are hundreds of cases where people were cruelly tortured by reports of entirely innocent conversation, by the most horrible tortures.

12212 * Outside Java the same policy was adhered to on political and religious activities. A number of prominent Indonesians were appointed and similar bodies were established, but the process was slower than in Java. Naval territories were slower to follow than those under army occupation. In the naval areas the Central Advisory Council stage was never reached, although in Sumatra such a council was installed in February, 1945. No organization like the Putera was permitted, despite requests.

12213 Compared to Java, propaganda in the other islands was concentrated on the younger generation. * Volunteer Corps were established.

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During 1944 the four basic aims of Japanese propaganda were given full play. Using the slogan of "Asia for the Asiatics" and religious hatred, the Japanese worked on all sections of society by holding courses of instruction. The first group dealt with was school teachers, followed by policemen, heads of villages, minor civil service officials, higher officials, doctors, pharmacists, lawyers, and government personnel. Even the smallest group was given attention.

12214 This propaganda, while crude, was to some extent successful, partly due to chaos and distress and hardships. The Japanese realized the potential dangers of the situation. It was the task of the propaganda service to bend these sentiments so as to distract from the Japanese occupation. There was an increasing campaign of hate against the West, particularly the U. S. and Britain, which with Holland were held responsible for the * sufferings of the people.

Prior to the fourth phase, September 1944 to August 1945, the strategic situation outside Java had considerably changed. The break-through at Saipan had occurred, the TOJO Cabinet had been succeeded by the KOISO Cabinet, which recognized that it faced the isolation of the South, and the necessity of the Japanese troops to stand there by themselves, and that it was more important to gain popular cooperation.

When the Japanese intentions became known in August, 1943, disappointment was expressed clearly among prominent Indonesians who had still confidence in Japan, and the Japanese were warned to accelerate national aspirations in the South if they were to retain full cooperation.

12215 On September 7, 1944, Prime Minister KOISO promised independence for the East Indies, * although it was not made clear what region would gain independence when granted. The promise was conditioned on the people defending their territory for the Co-Prosperity Sphere, and independence was defined only by reference to membership in the Sphere.

Previous to this, at the end of August, 1944, the 16th Army in Java had been informed confidentially of the contents of this statement, and it issued certain secret orders which were discovered in the office of the military administration.

Page

Planning and execution is the duty of the military government, and others must cooperate with it so that there will be no inconsistency. The 7th day of September is to be National Independence Commemoration Day, and the week from the 7th to the 13th is to be the National Festival. On the 7th the provincial governors will assemble, and the Commander will indicate the new policy. On the 8th there will be a ceremony for expression of gratitude. On the 9th or 10th there will be a special council in every province, and on the 11th a special session of the Central Council.

- 12221 Exhibit No. 1353, the order of September 7, 1944, from the Military Administration, stated * that the policy was to promote the racial consciousness of the Indonesians and to incite this into a hostile feeling for a complete war to exterminate the U. S. and Britain.
- 12222 * This racial consciousness promotion is to be planned. Responsibility and efforts of the race are to be stressed and the people made to realize their aggravated mission for the complete prosecution of the war. Measures for independence are to be left to the Army, and the people shall understand the need to offer themselves entirely to the military administration during the war.

They are to be influenced by looking at the independence and participation in government of the Philippines and Burma, and thus induced to increase their confidence and reliance on Japan.

- 12223 * Those who found fault with persons cooperating with Japan or who have not themselves cooperated, are to be ostracized, thus forcing out and checking all critical speech and action. By emphasizing the significance of the conference and the joint declaration, the people are to become conscious of a feeling of certainty regarding the construction.

- 12224 To check counter propaganda beforehand, they shall be reminded of past oppression by tracing the history of atrocities of the U. S., Britain, and Holland. The cooperation of the Chinese, half-castes and Arabs is worthy of attention. * These people must be made to exert themselves toward constructing a new society with the idea of concord of all peoples with the Indonesian race as the nucleus. The new policy will be glorified by utilizing the actual results.

Page

Measures to be adopted are to include every kind of information organization and primitive method. Newspapers shall issue extra bulletins, and there shall be no suspension of publication on Sundays; on the first two days of the week, four page newspapers are to be issued.

12225 The functions during the week after the official announcement are to be filmed and edited. In broadcasting the text of the official announcement in Tokyo, the statement of the Commander * and the talks of the military administration shall be repeated, accompanied by clear and cheerful music. The inspiration and determination of the natives shall be put into the daily program.

The national flag of Japan shall be hoisted for one week. The details of the Outline are to be planned and executed by the Department of Propaganda in cooperation with the Bureau of Native Affairs.

12226 * The witness stated that the promise made on September 7, 1944, by KOISO, was announced in Java, he stating that the nation to be set up would be a just and true nation, a link in the Co-Prosperity Sphere with the duty of contributing to the development of Greater East Asia under Japan's leadership. If all inhabitants want to raise the standard of the nation, it is necessary that they train themselves to become a Greater East Asiatic people, until final victory is achieved. If final victory is not won, then the construction of Greater East Asia cannot materialize and the East Indies will not get independence. The natives must endure all hardships and remove all obstacles that will come in the future. *

12227 While waiting for independence, all inhabitants must work hard to continue the war. The Japanese condoned the theme of Indonesian gratitude for KOISO's promise as propaganda for months to come.

At the same time, the 16th Army was instructed to advise the War Ministry as to the area to be declared independent, the date that it was to take place, and the form of the new State. The Military Administration submitted a report entitled "Gist of Measures for Guiding Independence", in which it proposed to make Java first independent. It suggested, in order to build national consciousness, the creation of the Academy for the Building of the State, and increased participation in administration.

Page

11228 Only two practical steps were taken to carry out the promise. On September 8, 1944, the people were allowed to fly the * Indonesian along with the Japanese flag on certain occasions, subject to regulations, and permission was given to sing the Song of Great Indonesia as the national anthem.

On September 11, 1944, the Commander convoked a special session of the Central Advisory Council to answer the question on how Indonesians could show to Japan and her army their gratitude for this promise, and how the will of the people to fight could be further enhanced.

11229 Another session was held on November 17, 1944, and a motion was adopted laying down the five rules for the conduct of life as a compass for the Indonesians. These five rules stated that the Indonesians, along with other nations, regard this war as one with Japan, and will contribute their efforts * in all sincerity because the war stands for justice and righteousness. They will found an Indonesian state which will be independent, unified, sovereign, just, and prosperous, and will value the spiritual merits of Japan and will live as a true member of the sphere. They will try to achieve greatness by keeping alive their civilization and culture, and by developing Asiatic culture.

While maintaining strong relations with the nations of East Asia, they will serve their country and people with an unwavering mind and believe in God Almighty. They will strive to achieve eternal world peace, based on Hakko Ichiu.

12230 On December 1, 1944, participation in administration was increased by appointing several Vice-Governors and some Indonesian officers. * A Board of Officers was established to meet regularly with the military administration in periods when the Advisory Council was not in session.

In the meantime the Propaganda Service had introduced a new slogan of "Java One Fortress". This was to bring a maximum war effort in the face of an Allied landing. The population was worked upon by powerful propaganda, and trained in guerilla fighting.

Page

During one propaganda meeting in Batavia, effigies of Roosevelt, Churchill, and Van der Plas, a Dutch administrator, were burned. The inhabitants were urged to declare holy war on the west.

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* Three new semi-military organizations were established, and the Tonari Gumi were used to reinforce the village guard. On no occasions, however, were the villagers told that such action would constitute a violation of the rules of land warfare and would compel the opposing party to treat them as "franc-tireurs".

This training had an unintended result. In February, 1945, a detachment of volunteer defense corps in East Java surprisedly attacked the Japanese guards and captured the town. An orgy of murder and robbery ensued, with all victims being non-Indonesians and included Japanese. The movement was partly settled by compromise, and partly by violence and bloodshed.

12232

There was also increased resistance against Japanese regulations in the economic field, especially against the delivery of products and recruiting of labor. To overcome this, stringent measures were adopted against Indonesian officials, * who were held responsible for poor results in recruiting. Many were dismissed and new ones substituted, especially those who had come to the fore through the big corporation or through the religious courses. These new arrivals were not fully competent, and they always had Japanese advisers. One-third was staffed with nationalists favorably disposed toward Japan. However, the required delivery of food and the recruiting of coolies were not achieved. The Japanese realized that they were increasingly dependent upon the cooperation of the people and would have to bear the consequences of their own propaganda.

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In September, 1942, Count KODAMA, an advisor to the Commander, visited Tokyo to try to arouse interest in local views. In November, 1943, SUKARNO was sent to Japan and pressed TOJO for independence, but got no answer. At the end of 1944, HAYASHI, highest adviser to the military government, went to Tokyo with the consent of the Commander-in-Chief in Java to persuade Japan to * support puppet independence.

The Academy for the Building of the State was started on April 29, 1945, to influence the minds of future leaders and to imbue them with Co-Prosperity ideals.

NARRATIVE SUMMARY OF THE RECORD
(December 6, 1946)
(Netherlands - DeWEEERD-Direct)

Page 1931

Page

In the meantime Java Headquarters pressed higher authorities for a speedy solution. On April 30, 1945, a conference took place at Singapore, attended by Chiefs of General Affairs Departments of all areas under the 7th Army in Java and Sumatra and commanded by ITAGAKI. At this conference the leader of Java explained how far the Indonesians had been awakened and pointed out that they could not regain their confidence except by carrying out the promise of independence.

12234 On May 15, 1945, Marshal TERAUCHI's Headquarters requested views of local headquarters on independence. Java responded with a proposal declaring * all of the NEI independent within a year. Singapore dodged the issue.

On May 20, 1945, at the instigation of ITAGAKI, a meeting was called of all Chiefs of Staff at Singapore, in which they recognized that war was turning against Japan. It allowed Java to convene a committee for the study of preparations for independence. This was installed on May 28, 1945, and took a solemn oath of loyalty to live and die with Japan.

12235 * The naval territories were not represented at the conference, and the measures discussed related only to the army, narrowed down to Java. Sumatra lagged behind. This new committee consisted of 60 members, including four Chinese, one Indo-Arab and one Eurasian. A Japanese was deputy chairman, and there were seven other Japanese members. The Committee had an Administrative Bureau with a Japanese Deputy Chief. The Ordinance founding this committee required its findings to be reported to the head of the Military Administration, and later a new Committee for the Preparation of Independence would be formed. The present Committee was to confine itself to study and could not make any decision. The Committee met twice, from May 29 to June 2 and from July 10 to 16, 1945, in closed session. * It drafted a constitution resembling that of the Philippines.

12236 There was much disappointment when it was learned that the Committee could not make decisions and had to restrict itself to Java.

On July 17, 1945, the Supreme War Direction Council decided to grant independence to the East Indies as soon as possible. This decision reached Java on July 19, 1945, and according to directives the territory was

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to comprise all of the NEI, while a Committee for the Preparation of Independence was to be set up in the near future.

12237 Emphasis was laid on the need to safeguard requirements for military operations. The Headquarters of the Southern Army at Saigon was ordered to work out the details. From July 30, 1945, at ITAGAKI's Headquarters * in Singapore, a conference was held of the heads of General Affairs Departments of the Military Administration of the regions concerned, and a scheme was drawn up for guiding preparations for independence, with the day set for the spring of 1946.

12238 In the Fifth Phase, in the beginning of August 1945, TERAUCHI received orders from Tokyo to hasten preparations for the new state and to create it in September, 1945. In pursuance of this order, on August 7, 1945, TERAUCHI set up the Committee for the Preparation of Independence. This was done by a proclamation of that date, which stated that based on the proclamation of Japan, September 7, 1944, the Southern Army had been taking measures * to guide the Indonesians. Due to the awakening of the people, the Indonesians have so far succeeded in training for government and for the defense of the country with burning enthusiasm. In response to the efforts of the people, the Southern Army approves installing about the middle of August a Committee for the preparation for independence for Indonesia which is to accelerate all measures for final preparations for an independent government.

12239 On the same day, the Commander-in-Chief of Java issued a proclamation in which he stated that Japan has promised to grant East India independence in accordance with Japan's basic principles. The East Indians * have worked hard so that their independence could be built fully and speedily. As an independent nation, she will now join and take her place in the battle-line for the common defense of Greater East Asia.

12240 The Chief Military Government stated that independence is based on humanitarian principles for contributing to form a new world order. The new nation must have sufficient strength, and its administrative machinery * must be organized speedily and smoothly. The first duty is to bring the war to a successful conclusion, and the Indonesian nation must develop its war potential to its fullest extent.

Page

12241

There was then a few days of silence while Japanese propaganda continued to elaborate upon the common ties of destiny between Japan and Indonesia. On August 9, 1945, three leading nationalists, including Sukarno, were flown to TERAUCHI's Headquarters at Saigon and received by him on the 11th. He stated that they were supposed to have been sent to Tokyo to receive the Imperial Decree directly, but because of difficulties and dangers of communications and time he had been instructed to transmit the contents of the Decree to them on behalf of Japan. The Decree stated that Japan had been pleased * to set up a committee for the preparation of independence. The new state was to include the entire NEI.

The day of independence was to be determined by Japan at its discretion as soon as preparations were completed, and the government would be installed first in the place where preparations had been first completed; and would then be extended to include other areas as preparations were completed. All Japanese demands militarily were to be complied with.

12242

Sukarno was appointed chairman of a committee, with 13 members from Java, three from Sumatra, and five from naval occupied territories. The members were appointed on nomination by local Japanese military commanders. On August 14, 1945, Sukarno returned and was selected as the new leader of Indonesia by the Commander-in-Chief and many of the military and Indonesian * authorities. Meanwhile the Committee members from Sumatra, Borneo, the Celebes, and Bali, were flown to Java after having received their instructions from the area military or naval authorities.

The first meeting of the Committee was fixed for August 19. On August 15 they were informed secretly of Japan's capitulation.

During the night of August 16 to 17, the Committee, with others, met at the residence of the Japanese Naval Liaison Officer, and it was decided to proclaim independence the next morning. The constitution drafted by the Committee for study was hastily altered, and the following morning independence was broadcast by Sukarno through the Japanese radio.

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* The people of Java, except for rumor, still did not know of Japan's capitulation. On instructions from the Commander-in-Chief, the Japanese Propaganda Service kept Japan's defeat secret, and the newspapers and local broadcasting stations, between August 17 and 21 made no announcement of anything but that of independence and the proclamation of the constitution.

On August 21, 1945, along with the text of the Emperor's broadcast of August 14 on the surrender, there was published a proclamation which stated that Japan will always be a friend of Indonesia, immutably and forever. Japan will never forget her oath.

Until August 21, the defeat had been kept secret; the period has been called the "stolen week".

CROSS-EXAMINATION BY MR. LOGAN, COUNCIL FOR KIDO

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12,245

* The witness states his report was based on investigations in NEI and he was not familiar with similar measures taken during the occupation in other countries. When asked whether the procedure was not proper for an army of occupation, the witness stated that not only were prominent sections of the Western Section interned, but all white people * were interned, which he thought unusual. It was obvious the deliberate intention on the part of the Japanese to eradicate Western influences. In no document did he find any indication of anything that the internment was solely a security measure.

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* He stated that the population of the NEI was 70 million. Before the war this included 250,000 Occidentals, the majority of whom were born in the islands * and the majority lived in Java. About 100,000 people, including military personnel were interned with slightly more than 100,000 left uninterned. It is perfectly correct to say that by the end of 1943 all Occidentals not born in the NEI had been interned with few exceptions. * In the 100,000 uninterned they were dealing with Occidentals not born in the Indies. When he stated the Occidental population he included both those born in the islands as well as those born outside. There are between 50 to 100 thousand full blooded Dutch in the islands and approximately 150,000 Eurasians.

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* The witness stated that all bank balances were frozen.

12,257

* The witness stated that on a few occasions there had been a few attempts to get in touch with the Dutch Government by transmitters in wireless receiving sets. The cases he knew of were transmitters that had been used to contact the Netherlands Government in 1943, while receiving sets had been sealed as far back as April 1942.

12,258

* One of the first categories of books to be burned was one which contained anti-Japanese sentiments.

When asked whether the existing councils were anti-Japanese he stated he could not give a direct answer. He could only say that they were made up of representatives

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of all communities of Java and the Indies and it is possible or probable that there were some who had anti-Japanese sentiments. There were no restrictions on the grounds of racial descent, so all Javanese could be representatives on these councils.

12,259

It is correct to say that law courts were abolished and the new system had been set up by Japan, and these new courts administered criminal * and civil law in the Netherlands East Indies.

12,260

When the Japanese forces entered Java there had been some robbery by gangs. However, he did not see what advantage came about from instituting the new courts. At the beginning it may have been desired to prohibit gatherings and associations, but when he uses the term associations he means the gathering together of people, * but does not include the prohibition of the association.

The witness stated he understood English.

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Prior to the war public broadcasts were handled by NIROM, a private concern bound by government regulations. Since the NEI was at war with Japan there were some anti-Japanese broadcasts made after the outbreak of the war and before the occupation. This is true as to newspapers. As to films, the industry in Java was backward and he did not know of any pictures having been made which expressed anti-Japanese sentiment. The radio and newspapers were not used for anti-Japanism for two months after the occupation. Newspapers, films * and radio came immediately under Japanese control and from what he had seen from the papers and heard over the radio there was nothing which could give offense to the Japanese and lead to restrictive measures.

12,263

He did not know the correct figures about literacy in the NEI, but it was approximately 10 percent and refers to all the people. The schools were closed on the day of the occupation. Indonesian primary schools were reopened on April 29 with a provisional curriculum. That is, the schools opened which were not used for billets or otherwise occupied by the Japanese forces. Not until August 1942 did all Indonesian primary schools reopen with the new curriculum. Such subjects as general history were dropped and other subjects of a non-political nature were maintained

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12,264

but suffered from the introduction of the Japanese language, dances and music. As a subject, history was entirely reorganized, reformed and it was not merely a question of eradicating occasional anti-Japanese sentiments, the whole subject was reformed * and an entirely new history was introduced, giving a Japanese view. Before the war both Dutch and general world history were taught and there was no particular prejudice in the teaching.

12,265

When he said in his statement that the basic principles for administration were substantially the same he meant that the administration in the islands outside of Java, as well as Java, were all along the same lines laid down in Tokyo. The NEI was divided into various areas, some under the Navy and some under the Army. In both areas there was * a military administration carried out by service officers.

In Java there were three distinct categories of officials, regular army officers of whom the military administrator was one, civilians with military rank and civilians without military rank.

12,266

In primary schools the teachers were chiefly Indonesian with only a scattering of Japanese. The same is true for intermediate schools. With respect to higher institutes, the medical college of Batavia had chiefly Japanese instructors. * This was the only medical college in the NEI during Japanese occupation. All the professors were Japanese.

Page

12,268

* The witness stated that the Japanese tried to restore law and order as quickly as possible after the occupation was completed. The Dutch Government personnel was interned * and was in no position to carry on the administration. It is correct to say that the Japanese introduced their own laws and suspended the Dutch laws. He, however, did not know of any Dutch Acts which required such suspensions. The new law courts served a dual purpose. They tried criminal cases and heard civil cases. So far as civil cases were concerned * every inhabitant in Java could bring suit in those law courts.

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When asked about the control of industry by the Dutch prior to the occupation, the witness stated that they had to distinguish between two different categories. There were first state operated enterprises; and second, private concerns. The state enterprises were controlled by government bodies bound by certain regulations laid down by representative councils. The second category was largely in Western hands, but Indonesian and Chinese capital played a big part. The private concerns were subject to government laws * laid down by representative bodies.

12,271

The Japanese used the transportation system to transport soldiers, material and supplies. Law and order were restored by the Japanese.

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* He could not state what the secret ordinances referred to in his statement were because at the time he left Java the scanning of the gazette had not progressed to a point where results could be ascertained.

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The information that the form of government was to be similar to Formosa and Korea was gleaned from Japanese authorities who expressed themselves in this manner and whose utterances were published. He had with him transcriptions made from newspapers at that time and could look up the speeches concerned. The only documents he had seen that refer to the matter are documents introduced and presented to the Court.

The witness stated that in 1938, 17,000 Occidentals were in government service, including those who were born in the islands. He, therefore, found it impossible to say what the proportions were of leading and non-leading government officials interned. He could not agree with

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12,274

the statement that those who were not government officials held key positions in leading commercial enterprises. He did not know of those interned if there was any potential spy or saboteur. * The women and children interned were families of the males. The Japanese occasionally stated they were interned for their own safety, but there was no reason to believe that they were in any way threatened by the native population. He would have to assume that the Japanese safeguarded these women and children against the potential threat from the Japanese. * Before the Japanese invasion the women and children were in no danger at all.

12,275

With respect to the courts, the higher courts were at first staffed by Japanese and the lower courts remained staffed by Indonesians. Prior to the occupation there were Indonesian judges in both the higher and lower courts. The peoples council, prior to the occupation, consisted of 61 members. The president was of Dutch extraction, but there were three deputy chairmen, of whom two were Indonesian. * The remainder was made up of 30 Indonesians, 25 Dutch, and 5 Chinese or other Asiatics. He was not certain of the proportion between elected and appointed Indonesians, but believes two-thirds were elected and the rest were appointed. The remaining one-third was appointed by the NEI government in which Indonesians were represented as well as the Dutch. The Dutch did not have the final word in these meetings.

12,277

It is correct to say that under the Japanese more minor officials were Indonesian than under the Dutch rule, but the statement has to be qualified. The Japanese abolished the system of municipalities such as had been in force so far. * Before the occupation there was a division of administrative powers. Dutch communities were organized along Dutch lines, but the Indonesians lived in their own native organized villages.

It would be correct to say that the Japanese abolished this and introduced a uniform system of administration for all villages or towns. In the main cities and principal towns the Japanese appointed Japanese chiefs, while in the smaller villages and towns Indonesian chiefs were appointed. These were Indonesians who had been chiefs of their own organizations. Prior to the occupation there had been political parties which aimed at potential independence

Page

It is not correct to say that under the Dutch rule reference to independence was regarded as treason. Each member of the council had the right to speak on any subject in any way and could not be punished. There were several political parties which had as their program eventual independence. He had never heard that the word "merdeka," which means independence was banned by the Dutch.

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* From the beginning of the occupation onward the Japanese tried to lay up stocks of food stuffs. So far as he had been able to trace, their object was to supply their own troops in Java and then to supply their troops elsewhere. Finally, these stocks were necessary to supply Java itself. Since prewar Java had been just about able to support herself it would not have been necessary to step up production if it were not for new conditions of a dual nature. * First, there was the occupation army of about 50,000, augmented by demands in connection with the necessary supply of troops elsewhere. The other factor was under Japanese management food production showed a tendency to decrease.

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After the Japanese in the beginning had abolished all schools where fishery and seamanship were taught they reopened them. Before the occupation the construction of wooden ships was of no great importance. After occupation the use of wooden ships was important to Japan for transportation * and the Japanese opened up wooden shipbuilding yards and schools.

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* The witness stated that he has seen more documents with respect to orders issued through the Ministry of War than have been introduced to the Court, but all the important ones have been introduced into evidence.

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The witness stated that as a matter of fact he had not witnessed the atrocities to 1,200 Indonesians * but had learned of them from hundreds of reports from news items carried by the Japanese local paper and from eye witnesses. He had never seen any denial or contradictions, but he had seen confessions by the Japanese chiefly responsible for them.

The witness stated that during the period starting at the end of August 1945 and for several months thereafter

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when there were insufficient Allied troops available to maintain law and order in Java and elsewhere the maintenance of law and order under the terms of surrender were given to the Japanese.

12,285

* When asked how he knew that the members of the committee for preparation for independence received instructions from the military or naval authorities, he stated he had seen one diary written by a member of the committee, a delegate from Sumatra stating that he had reported at Fort de Kock in Sumatra and received instructions from the Japanese chief civil administration and he had seen a similar passage in a diary written by the delegate for the Celebes. The instructions were not quoted in the diaries.

12,286

* On August 15, 1945, the head of the General Affairs Department informed committee members of Japan's surrender, but they were not permitted to further broadcast this information. In Java the news of surrender was not broadcast before the 21st of August. The receivers had been sealed and could not be used to receive broadcasts from abroad. Some people did use their radios surreptitiously, but since the Kempei searched very carefully for various receiving sets it was very dangerous * to broadcast any news and to talk about it. As a result all sorts of rumors went into circulation but nobody trusted the source of information.

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* The witness stated that he had never read that the broadcast from Tokyo as to the surrender was not received properly by Japanese military authorities in Java. It is true that the Bemoeda, on the morning of August 16, kidnapped Sukarna and Hatta to have them immediately declare independence, * but this organization was entirely under Japanese control. According to what Sukarna stated he agreed to take immediate steps to declare independence. In reports that he had read Sukarna and his followers were brought to Admiral MAEDA's by the Bemoeda.

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* He had stated in his statement that Sukarna conferred with General NISHIMURA, according to an interrogation of General YAMAMOTO. * NISHIMURA had stated to Sukarna that he could not declare independence, because he did not know whether or not the Japanese had actually surrendered and since they were military they would have to have new orders before they could countenance a declaration

Page

of independence. The exact number of people gathered before MAEDA, the witness did not know, but he did know that the Bemoeda collected all members of the committee for the preparation of independence at MAEDA's house. The next morning on the 17th they decided to proclaim independence and did so over the official Japanese broadcasting system.

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* The witness stated that the Governor-General on December 8, 1941 announced over the radio that the Netherlands Government at London had announced that a state of war existed between Japan and the Netherlands in the NEI.

CROSS-EXAMINATION BY MR. BLEWETT,
Council for TCJO

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* When asked where he obtained his information that the first head of the Record Office was the then Private Secretary of TCJO, he stated he found mention of this in the Chahaya, a Japanese managed Malay newspaper, published in Bandoeng. An article of October 15, 1943, stated the chief of the Record Office of the Central Advisory Council gave an interview and stated that he was at one time private secretary to TCJO. As spelled the name was UTABA and not WATABE. He had not * thought this detail important enough to check it, but assumed the Japanese propaganda service had sufficient knowledge of these facts and details. When asked whether he had investigated to see whether TCJO ever had a private secretary, he stated he had restricted himself to events and developments in Java.

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CROSS-EXAMINATION BY MR. LEVIN,
Council for SUZUKI

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The witness stated that he had been mobilized on December 12, 1941. * The army in Java was mobilized on the 8th of December 1941, while the army in the outer islands was called up a few days later. No general mobilization had taken place before December 8. Before that date there was in existence a skeleton of the regular army, a mere nucleus. It was all active service. The reserve and militia had to be called up.

12,296

* The Malay newspapers brought into the camp contained nothing but Japanese propaganda. The publishers were without exception the Japanese propaganda service.

NARRATIVE SUMMARY OF THE RECORD
(December 9, 1946)
(de Weerd--Cross)

Page 1943

Page

12,297

* His statement that Japan's policy in regard to the Southern Region was broadly laid down in Tokyo is based on the Imperial Conference which took place on November 12, 1941 and introduced into Court. It is also based on various reports and interrogations of Japanese authorities who had served in Java or other parts of the NEI.

12,298

* The witness stated that there were a great number of internment camps all over Java in various places and he found it impossible to say where the special so-called workers camps were located. He visited these camps only after September 10, 1945. His statement that the contact with the outside world was restricted as much as possible is based on hundreds of camp and individual reports.

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* With respect to Red Cross supplies, he could only tell of his own experience and he received Red Cross packages twice. One at the end of 1944. According to the address on these packages, they had been sent at the end of 1942 on board the so-called Exchange Ships. These packages had to be divided up--one among 44 men. The second was received in May 1945 and was divided among 8. He did not know how many packages were sent, but there were a great many more in Japanese guarded warehouses than were distributed. He based this statement on what was told to him by fellow prisoners who looked in these warehouses.

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* When asked how he knew the Chinese who were interned were supporters of Chiang Kai-shek, he stated that the internment of important Chinese went according to a regular program, a list of people who had contributed before the occupation to a fund to aid Chiang Kai-shek. They were simply arrested and interned without legal proceedings. He stated the Japanese requisitioned whatever took their fancy generally without any payment of compensation. This statement is based upon hundreds of affidavits and similar documents. * It can be stated as a general rule that no payment was made at all and that in very few cases where compensation was made it was a matter of surprise. Generally no paper showing indebtedness was issued, but it did happen in a few cases.

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Conditions were rather upset in 1942, but in his opinion it would have been better to send the children to

Page

12,303

school and help keep conditions normal. * It is correct to say that by September 1942 the primary schools had reopened and attendance was again normal but these primary schools were only those for Indonesians. It is not correct to use the word reopened with respect to secondary schools, because the schools were all new ones. The figures of school attendance are completely unknown to him.

12,304

Meetings were limited to various groups, such as sports, scientific, cultural groups, etc. Organizations, especially those concerned with politics, were not permitted to meet. * Before the occupation it was usual to get permission from the police to hold certain meetings. So far as he knew the prohibition of possession of money was effective for all persons and he did not know that this measure was taken to prevent military men and others from obtaining Dutch money from the Dutch by illicit means. * Until the prohibition was laid down, Dutch money was used to pay taxes, but in 1944 taxes had to be paid in military script.

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12,306

The witness stated that the relationship between the Tekisan Kanribu and the Hudoosan Kanrikoodan was such that the Tekisan Kanribu handled the administration of enemy property while the Hudoosan Kanrikoodan administered the property taxes. Tekisan Kanribu administration began only in 1944. * Sources on this matter are rather confused. The first ordinances mention property exercised by the army, while the word "administration" was only given and used in later ordinances. It is only partially correct to say that private estates were appropriated, because the proprietors of these estates were absent. The majority of these estates belonged to Chinese who were never interned and whose possession was not vacant.

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* The witness stated he had never attended a court martial of the Japanese but he had obtained his information by statements from witnesses. He had read a number of translations of verdicts. It never appeared from these translations whether a correct interpretation had been available.

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The Keiboodan consisted of Indonesians only with Japanese instructors. * When asked what he meant that there was "the same picture of obligatory membership, unilateral binding regulations," on Page 25 of his statement, the witness

Page

reviewed the various provisions of the ordinance with respect to the medical organization and said there were similar regulations to be found in ordinances establishing economic corporations.

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When asked whether there was any objections to the Futera except that it was Japanese controlled, * the witness stated that the organization was set up entirely on fascistic lines and he personally did not join.

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The witness stated that he had never said that all Eurasians and all persons of Occidental extraction were * taken out of technical and administrative functions.

The promises to the Chinese of sending remittances to families in Japanese occupied China were not kept. The Kakyoo Sookai was established and its services were enlisted to list those Chinese who wanted to make remittances. Applications streamed in, but nothing was ever heard about them. It is possible that a few remittances were made but the majority of the applications were not handled.

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* He could only repeat what he found in reports on the matter and in a few cases remittances had been sent, but in most cases they had not been sent.

CROSS-EXAMINATION BY MR. BROOKS,
Council for OKAWA

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* The witness stated that he had no knowledge of what was known to the Netherlands authorities of Japanese plans prior to the outbreak of war.

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* The witness stated that his statement that Japan's policy was broadly laid down in Tokyo is based on Exhibit 877, the liaison conference of November 20, 1941, in which it is stated that all important matters concerning local government would be decided by consultation between military and civilian authorities on the spot. * He learned about this document since he arrived in Tokyo. All reports drawn by Japanese authorities on the spot mention the fact that they acted on instructions from Tokyo.

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The first measures mention the dissolution of the peoples council was never rescinded and was permanent.

Page

12,318 The abolition of courts of laws and the intro-
duction of new courts * was permanent and not temporary,
12,319 as were the abolition and ban on all organizations except
those concerned with sports. Police of the few remain-
ing organizations was also permanent. * The original
12,320 total ban on meetings and associations was modified
in the case of sports. All existing organizations were
substituted with Japanese ones. * It is correct to say
that Japanese policy in the case of permanent changes
was to replace Dutch control with Javanese control. The
key positions were taken over by Japanese and this applies
to key positions formerly held by Indonesians.

12,321 * When asked after the capitulation of Japan
how the people were treated who acted in violation of the
rules of land warfare, the witness stated that in Bekasi,
12,322 a British plane, carrying Indian soldiers made a crash
landing in November 1945, * the population was scared and
massacred the Indian soldiers just as they had been in-
structed to act by the Japanese.

CROSS-EXAMINATION BY MR. CUNNINGHAM,
Council for OSHIMA

12,323 The witness stated that he was an officer in the
reserve of the Royal Netherlands Indian Army. * He has
not yet been demobilized and has been assigned to the
12,324 Attorney General's office temporarily. He considers him-
self to be a representative of the Attorney General's
Office, Batavia for investigations * in Tokyo. He has no
other status but that of official representative of the
Attorney General of Batavia. He had not testified in any
other trial and his testimony has not been used in any
other trials involving Japanese defendants. He has not
made any report which has been used in any other trial.
12,325 His report has not been officially approved by the officials
of the Dutch East Indies. * In making his report he has
tried to be as objective as possible and bring out only
important things.

12,326 He was in the NEI when the liberating troops of
Britain and Holland arrived. * He had made no estimate of
the number of casualties resulting from Japanese occupation.
12,328 * So far as the witness knew Java was occupied by a force
of approximately 50,000 men. There were about 45,000 in
Sumatra and the number in navy occupied territories is not
known to him. The whole of the entire NEI territory was

Page

12,329 occupied except for a small part of New Guinea and probably the whole of the NEI came under the occupation of Japan.
* The Japanese commanders in the NEI surrendered to Lord Mountbatten.

CROSS-EXAMINATION BY MR. OKUYAMA,
Council for NAGANO

12,330 The witness stated that he practiced law until December 12, 1941 and had practiced law for about ten years.
* Most of the time he was primarily concerned with civil cases, but did take up some criminal ones.

Altogether he was in eight different internment camps. The last place was Bandoeng. The place where he collected data and buried it was Tjimahi about seventeen kilometers from Bandoeng. At the beginning of his internment he was an interpreter of the Malay papers.

(December 10, 1946)

12,333 * Quite a few persons were concerned in drawing up the material with the witness. There was a nucleus of four people working with him. Among them were those who could read Japanese newspapers. His helpers had normal jobs in the camp working at that time in the vegetable gardens.
12,334 * The solder and other utensils to hide the stuff came from the work shops. None of his accomplices worked in the factories. His statement is based on materials found in the official gazette * and has been added to by other newspaper material. The material collected while in the internment camp has been used as additional evidence. The evidence which he collected in the POW camps has not been presented to the Court as such, because it would have been too much.

12,336 The witness stated he does not belong * to the IPS. Most of the documents he saw since coming to Tokyo were in the possession of the IPS.

12,338 * The witness stated the jurisdiction of areas occupied by the Navy was regulated by an ordinance of November 1943, setting up the final establishment. Before that there had been a provisional system. Aside from this, a judicial system was otherwise similar to that in Java under a different name.

Page

12,341

With respect to the words "to receive the Imperial Decree direct from the Japanese government" * the witness stated the words were taken from the report on the meeting between TERAUCHI and the delegation made by a Japanese interpreter who was present.

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* The witness stated that he had stated he was with the staff of the First Division of the NEI Army and the only thing he had to do with preparation of military plans before December 1941 was that he was connected with the preparation of defensive preparations in West Java.

12,348-12,376--Opening statement by Mr. Lopez.

12,378 * Exhibit No. 1355, affidavit of Alva C. Carpenter, Chief of Legal Section, SCAP, certifying as to 317 reports on atrocities committed in the Philippines was offered and received in evidence.

12,381 * Exhibit No. 1356, a map of the Philippines, showing by dots the places where atrocities occurred was offered and received in evidence.

12,382 Exhibit No. 1357, a radiogram from the War Department, Washington, July 9, 1946, * showed that the number of U.S. Army, including Filipinos, murdered was 2253, recipients of cruelty and torture 1646, starved and neglected 35,092, * other assaults and mistreatments 267. As to American civilians, murdered 317, cruelty and torture 25, starvation and neglect 244, other assaults and mistreatments 0. Filipino civilians, murdered 89,818, cruelty 1258, starvation 7, other assaults and mistreatments 101.

12,384 Exhibit No. 1358, a chart of the War Department, U.S., on war crimes death victims of U.S. and Filipino armed forces and civilians * showed the total U.S. armed forces victims killed 23,039, Filipino armed forces 27,258, U.S. civilian victims 595, Filipino civilian victims 91,184, a grand total of 142,076.

12,386 Exhibit No. 1359, JAG Report No. 11, on atrocities committed at Headquarters of the Philippine Red Cross in Manila in February 1945, stated * about six o'clock in the evening when 70 persons, including patients, staff members and refugees were in the building, shots were heard at the back gate, and a woman came in screaming * that her child had been shot. Four Japanese marines, including an officer, came in and began to fire a revolver at the children. Everyone lay flat on the floor except one child who was shot. Through an interpreter the Japanese were advised that they were in a Red Cross building. This did not stop them. Dr. Venecia was shot and killed, and a volunteer attendant * was bayoneted when she attempted to protect him, as were 6 other patients. This same marine went through other parts of the building, killing and bayonetting the victims. Patrocinio Abad, a movie actress and refugee at the headquarters, was

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NARRATIVE SUMMARY OF THE RECORD
(December 10, 1946)
(B and C Offenses--Philippines)

Page 1250

12,389 shot and bayoneted * 9 times and her child killed. The carnage lasted for 20 to 30 minutes, after which the Japanese left. The building was burned on February 13 with the bodies still in it. Records, files and safes were destroyed before they could be examined. The number killed was variously estimated from 20 to 50.

DIRECT EXAMINATION OF WANDA O. WERFF
BY MR. LOPEZ

12,392 * The witness stated that she was 25 years
12,393 of age and worked for Headquarters PACUSA as a secre-
12,394 tary. * When the war broke out in the Philippines she
was working for the War Department at Fort Santiago,
Manila, as a secretary. At present she is secretary
to the Judge Advocate of PACUSA * in Tokyo. When the
Japanese first entered Manila on January 2, 1942 she
was at her home in Manila. She was arrested on January
3, 1942 by the Japanese and put in Santo Tomas Intern-
ment Camp where she remained until December 10, 1944.
From December 10 until liberated she was interned at
Los Banos Internment Camp. On December 10, 1944 150
internees at Santo Tomas were ordered by the Japanese
to get ready to go to Los Banos. At 2 o'clock in the
morning the 150 were gathered, counted and put on
12,395 trucks * and taken to the station where the roll was
called. They were told by Japanese guards to load
into a steel windowless box car. The group consisted
of 120 persons over 50 and 30 under 30. They all went
into the box car with 7 or 8 guards. Most were standing,
with a few older ones sitting down. The train left at
2 o'clock and arrived at Los Banos at 11 o'clock in
the morning. Some of the older people had passed out
from suffocation. When they got off at the station
they were made to line up on the road, exhausted and
weakened. They stood at attention under the hot sun
until 4 o'clock, when they were then marched to a
place two miles south, arriving at 8 o'clock. Only
half of the group arrived, the rest having fallen out.
12,396 Some of those who fell out were never seen again. *
When they arrived there was no food prepared and they
did not eat until the next morning when they got the
usual rice, corn and water.

12,397 There had been originally 1950 internees and the new group increased it to 2025. In the camp living conditions were poor with 96 to one barrack. The water supply was poor, they often going 4 or 5 days without it. The latrines were open type and no disinfectant was issued. Drinking water was usually too dirty to wash clothes in. * No medical supplies were issued and the little on hand could not have been divided equally among the patients with any effect.

12,398 At that time they got 200 grams of rice, corn and water, one meal a day. The area of the camp is one of the most fertile regions in the Philippines, where she used to go to visit before the war because of the hot springs. Abundant crops there are corn, coconuts, rice, sugar, bananas, sweet potatoes, mangoes and chocos. * The prisoners complained to the Japanese about the lack of food but were told that there was not enough food to feed them and even the Japanese did not have enough. This was not true, because the Japanese killed pigs and chickens for their meals. On one occasion she saw a truckload of rice being brought in which the prisoners never got. The Filipinos tried to bring food to the prisoners from the mountains, but were driven away by Japanese guards. About 20 feet from the fence one could see thousands of banana trees loaded with bananas. One side of the camp was surrounded with banana groves and the other side with coconut groves. * The milk of coconuts is very nutritious and would have been good for the 400 children in the camp. The prisoners asked permission to pick some of these fruits, but it was never granted.

12,399 At one time the Japanese allocated an area of land to the prisoners. The men plowed, using one man as a draft animal, and the women planted corn, lettuce, cabbage, radishes, garlic, onions, sinkamas and pichay. When the harvesting season came the area was put off limits and any internee * caught near the area was threatened with shooting on sight. At that time the food consisted of one meal a day of rice and water. Added to this the prisoners ate dogs, cats, cockroaches, snails, slugs, and some even ate rats and weeds.

12,400 The witness stated that George Lewis was a Pan-American airways employee, 28 years old and a POW.

12,401 On January 28, 1945 Lewis was digging for some weeds in the gutter and he was shot by a guard. Without any trial on that day he was executed for attempting to escape. * When she was liberated she weighed 88 pounds and when she entered Santo Tomas in January 1942 she weighed 152.

12,402 CROSS-EXAMINATION BY MR. SOMIYA

12,403 The witness stated that she did not recall ever knowing of the Philippines suffering from a severe food shortage. The climate at Los Banos is divided into dry and wet seasons. To her knowledge there is no shortage of water there during the dry season. There are quite a few waterfalls. She did not remember that area ever having a shortage of water. The waterfalls * do not dry up during the dry season. There was a water system at camp from the mountains in a bamboo tube.

CROSS-EXAMINATION BY MR. BLEWETT,
COUNSEL FOR TOJO

12,404 When she was at Los Banos the witness stated Mr. Hikert was chairman of the committee. The commander of the camp was Major IWANAKA and a sergeant. There were about 50 guards around the gates and the commandant had about 15 on his staff. The guards wore military clothes. She did not understand Japanese Army military rank but the men had stripes on their sleeves and on their shoulders. * She gathered that they belonged to the army. She could not tell whether the guards were army, navy or marine, but the commandant was army. At Santo Tomas the highest officer was General HOMMA. The witness stated she had said nothing about Santo Tomas.

12,406 Exhibit No. 1360, JAG Report No. 88, showed that on February 17, 1945 63 civilians had taken refuge at the home of Dr. Moreta in Manila. At noon about 20 Japanese marines entered and separated the men from the women. Grenades were thrown into the rooms where the people were segregated. Many women were bayoneted, stabbed or shot. * No one witnessed any rape, but the bodies of several of the women showed indication of violation.

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Exhibit No. 1361, JAG Report No. 70, showed * that on February 9, 1945 from 200 to 700 people were assembled at the Price residence. While Japanese sentries appeared at regular intervals, they did not molest the refugees until about 5 o'clock * when 30 marines appeared. When they appeared many refugees were both inside and outside the house. The people inside were ordered out. When they came to the garage at the rear, the Japanese opened fire with machine guns, rifles and pistols. The Japanese then administered coup de grace to those who made any sound or movement. The Japanese, after an orgy of drinking, urinated on the dead bodies and permitted a pig to lick the blood off the floor.

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Exhibit No. 1362, the affidavit of Basilio Umagap, stated that in February 1945 the Pons residence was entered and the Japanese shot 10 people including a baby. The witness by feigning death * was able to escape.

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Exhibit No. 1363, JAG Report No. 27 on the massacre at De La Salle College, Manila, stated * that due to war conditions the college was not in active operation and was temporarily used * by the Japanese as a hospital until January 1945, when certain eminent Filipinos, 17 lay Christian Brothers, 7 servants and a refugee priest took residence there. Shortly thereafter an unidentified number of Japanese marines or navy men occupied a portion of the first floor.

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On February 10 the officer instructed the soldiers to murder all the people and they began shooting and bayonetting. Many took refuge in an improvised air raid shelter, but were ordered to leave * and struck down by guns, lined up and killed. There was evidence that attempts had been made to rape some of the victims. On February 13 the Japanese returned and there is evidence that some had intercourse with a corpse. That evening the Japanese came back and kicked the bodies to find out if they were still alive. Attempts were made to burn the south wing of the building and a Christian Brother, trying to extinguish the flames, was seen and killed.

12,415 Exhibit No. 1364, the testimony of Nena Alban at the trial of General HOMMA stated * that she was a nurse in 1941, working as a social worker through the American and Philippine Red Cross. During July of 1942 the Japanese Army was occupying the grounds of San Beda College. On the first afternoon she saw 4 Filipinos beheaded by Japanese soldiers. * She later saw 2 more and thereafter saw 7 more who were made to kneel across a hole in the ground and were beheaded. She later saw 10 more beheaded and she saw 4 Filipinos killed by judo by being thrown head first on the concrete pavement. She saw other atrocities. * She saw Filipinos tortured, boxed, kicked, beaten with heavy wooden sticks. She saw 20 Filipinos tied up and then tortured in many ways. When they screamed or cried they were placed under the very hot sun. Another group of Filipinos were placed under the sun and hit in the stomach and beaten in many ways and when they were sleeping water was thrown on them. * Four Filipinos were bayoneted right near San Beda College.

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Filipinos were hung by a chain to a tree and were beaten by Japanese soldiers who passed. She saw at least 8 other Filipinos receiving barbarous treatment. * She saw other groups held in the stock by the leg, in two groups. Their hands were also held in the stock. They were pushed back against the barbed wire fence and were burned with burning cigarettes, and some were burned by pieces of flaming wood put under their armpits. Two more Filipinos were beaten to death. She saw 9 or more Filipinos bayoneted through the eyes * by Japanese soldiers. She saw at least 7 Filipinos have their tongues pulled out by pliers.

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Exhibit No. 1365, JAG Report No. 66 on the massacre at the German Club in February 1945 in Manila stated * that the German Club was managed by a couple of German citizens. On February 6, 1945 all houses in this vicinity were surrounded by Japanese Naval Ground Forces. The district was then * being bombed and shelled. From February 7 to 10 there were at least 500 civilians who took shelter underneath the Club in a 4-foot space between the concrete floor of the Club and the ground. They stayed there until

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12,424 February 10, leaving only on secret trips for food and to go to the latrine. About 10 o'clock on February 10 the Japanese surrounded the Club and forbade anyone to leave the shelter. While guarding the victims with aimed rifles, the Japanese built an inflammable barricade completely surrounding the Club and hemming in the victims. Gasoline was poured over this and ignited. As the heat from the flames mounted * many ran out and tried to leap over the barricade. Most were bayoneted and shot. Some women were raped. After they were raped their hair was ignited with gasoline, and the breasts of some of them were cut off. The genital organs of an eye-witness were cut off.

12,425 Exhibit No. 1366, testimony of Mariano del Rosario in the trial of YAMASHITA stated * that he was city undertaker for the City of Manila during February 1945. He went to the Campos home after the fighting had diminished with Major Binkley, Division Sanitary Inspector, to remove the dead bodies in the locality. He found about 100 bodies in the Campos yard. He was able to notice the type of wounds on the dead bodies. They found a lady whose breasts had been chopped off * and another whose genital organs had been ripped out with a bayonet.

12,427 Exhibit No. 1367, testimony of Rosalinda Andoy in the YAMASHITA trial, stated that in February of 1945 * she went to the Manila Cathedral as ordered by the Japanese and stayed there one day and was then taken to the Santa Rosa Church. She was there with her whole family except her father * who had been killed by the Japanese at Fort Santiago, having been taken from the cathedral. They were then ordered to go to Santo Domingo * where immediately some grenades were thrown by the Japanese. Her mother is now dead, having been killed by the Japanese inside the church at Santo Domingo. The witness saw her killed.

12,430 The witness was wounded with bayonets and received * 38 wounds. She, her mother and a person by the name of Salin were together. The witness' wounds were in different parts of her body. She had 10 on the left arm, 4 on the right arm * an unknown

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12,433 number on her chest, certain wounds on her abdomen. As a result of the wounds on her abdomen her intestines came out. She had one wound on her back and 5 wounds on her leg. * That night the witness slept at Santo Domingo beside the dead body of her mother. She left Santo Domingo in the morning. When she left she saw a boy child tossed up in the air and caught with a bayonet. * The baby was about 3 months old and the bayonetting was done by a Japanese.

12,435 Exhibit No. 1368, JAG Report No. 53 on the massacre of 200 civilians at St. Paul's College, Manila, February 1945, stated * about 250 people were placed in the premises and the doors and windows shut and barred. The three hanging chandeliers were wrapped in black-out paper with strings running from inside outside the transom. Five Japanese brought in some food and liquor and the people were told that they could eat and drink when the Japanese left. The people rushed for the candy and biscuits and in a moment there were three explosions, there being grenade traps in the chandeliers. The Japanese began machine gunning and throwing grenades into the rooms and corridors. Holes were blown into the walls and people tried to escape. Many were killed * by machine gun and rifle fire while trying to escape.

12,437 Exhibit No. 1369, JAG Report No. 63 on the atrocities in the Campos residence showed that on February 7, 1945 four Japanese navy men came to the Campos house and looted the place, taking pesos, jewels, watches. They then took two of the Campos boys to the Nippon Club * promising to bring them back, but they were never seen again.

At about 4 o'clock on February 12 four Navy men ordered all occupants of the house to leave and go to the garden. The men and women were separated, searched, and gross indignities were given to the women. The Japanese took a great deal of money and valuables and burned the house of one of the inmates.

Exhibit No. 1370, JAG Report No. 84, on the massacre of more than 1000 civilians at Lipa,

12,438 Luzon, showed * that during the latter part of February 1945 the Japanese engaged in a program of murder, looting and destruction in Lippa. One civilian woman was bayoneted to death. Two groups of civilians, each having from 200 to 300 persons, were pushed into wells where they died by drowning, by crushing, or by gun fire. A group of over 500 civilians were bayoneted. Another group of 600 were assembled at the Cathedral and bayoneted. Other bayonettings and murder took place. In March 1945 the Japanese burned Lippa and destroyed its utilities, including the water system.

12,440 Exhibit No. 1371, JAG Report No. 117 on additional massacres at Lippa in March 1945 showed that about 9:00 PM * on March 5, 1945 about 1000 Filipinos were required to assemble in the Barrio of Bulihan. Men were separated from women and children and led to the edge of a cliff where they were blindfolded, bayoneted to death, and their bodies pushed into the stream. The women and children were disposed of in the same way, the slaughter lasting for 5 hours.

12,441 Five hundred to 600 * corpses were later seen on the edge of the river.

On the same night 500-600 Filipinos were assembled in the Barrio of Suloc, two kilometers from Bulihan. About 200 of these were released, but the remainder were taken and bayoneted to death and their bodies thrown on to the bank of the stream. Nineteen other males were similarly killed.

12,442 Exhibit No. 1372, the affidavit of Apolinaria Navarro, stated that in February or March 1945 * about 500 residents of Suloc with a few men were taken to a schoolhouse. About 200 people were selected and placed in different places. There were 300 people remaining. The Japanese bayoneted the two children of the witness, a boy age 10 and a girl age 6. The witness was bayoneted by 5 Japanese in the back.

12,443 Because of the force of the bayonets * she automatically fell to the side of the river on top of many dead bodies.

Exhibit No. 1373, JAG Report No. 106 on the massacre of 194 Filipino civilians at Santo Tomas stated that at 0500 on February 11, 1945 the Japanese came to Santo Tomas and went from place to place stealing, killing many inhabitants and burning the dead and wounded. Three of the victims were subjected to attempted or actual rape, and 194 residents were murdered.

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At one home * there were between 65 and 70 people. About 25 were taken to a cemetery. Three of the men were taken to a latrine, bayoneted and thrown in. Another group of 50 were taken from their hiding place, bayoneted, stabbed, doused with gasoline and set afire. Another group of 50, after being shown the bodies of 20 killed, were stabbed and burned by gasoline fire. * In one instance the Japanese were chattering and laughing while the bodies burned.

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Exhibit No. 1374, JAG Report No. 69 on a massacre of civilians at Bauan showed that on the morning of February 28, 1945 Japanese Army men stationed at Bauan notified all residents of a mass meeting at the Catholic Church and that all must assemble. Guards were placed on all roads leading from the town. By 10 o'clock everyone in the village had congregated at the church, where men and women were separated and the women taken to the elementary school. The men had to remain in the church, were searched, and their property taken. They were made to sit in the pews and were counted, there being a total * of 328 men. About 1 o'clock the men were marched in groups of 100 to the basement of the house of one. The doors were closed. There was an explosion which either killed or wounded most in the basement. Those not killed by the explosion were shot and bayoneted as they attempted to escape. A few did escape.

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Exhibit No. 1375, JAG Report No. 90 on the massacres of civilians in Taal showed * that by 10 o'clock on February 16, 1945 the Japanese had begun to burn all barrios near Taal. Sixty Filipinos tried to take refuge in a ravine. Six or 7 Japanese threw hand grenades into the ravine, killing 10 to 15, and machine gunning the survivors.

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Exhibit No. 1376, JAG Report No. 96 on the massacre at Cuenca showed * that on February 16, 1945 about 175 civilians were assembled in one house in the barrio of Mambug. The Japanese took the men out in groups of 5 and none were seen again. On February 13, 1945 52 civilians, including 2 women, were put into a house and each victim was held by Japanese while 3 others bayoneted them. The bodies * were thrown into a well. Only 2 escaped.

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On March 11, 1945 90 civilians were taken from a shelter and imprisoned in a tunnel. On March 19 they were ordered to come out. As they left they were bayoneted and shot. Six escaped.

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Exhibit No. 1377, JAG Report No. 101 on the massacre of civilians at San Jose stated * that throughout January, February and March 1945 the Japanese carried out a program of burning and killing in the barrios of San Jose. At least 107 Filipinos were killed; many were tied and bayoneted. Some bodies were mutilated by cutting off hands and feet.

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Exhibit No. 1378, JAG Report No. 74 on the murders at Lucero stated that early in the morning * of March 13, 1945 about 15 soldiers came to Rosario and began shooting and bayonetting all they could find, without distinguishing between men, women and children. Since the men could run away, most of the victims were women and children.

Exhibit No. 1379, JAG Report No. 126 on the massacres at Tapal showed that in July 1945 the Japanese surrounded the huts in that town along the beach and when the Filipinos ran they were machine gunned and bayoneted.

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Exhibit No. 1380, JAG Report No. 197 on atrocities in Calauang showed that in February 1945 * the Japanese took people from their homes and bayoneted or stabbed them.

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Exhibit No. 1381, the testimony of Jose Habana in the YAMASITA trial stated * that he went to the

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Catholic Church in Calamba on February 12, 1945 where there were about 2000 people. When the witness was able to uncover his eyes he saw around 5 feet of bodies, some of whom were still alive. * There were about 500 bodies in the room. All 2000 people were civilians and none of them were armed.

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Exhibit No. 1382, JAG Report on the burning of Nanipil and the murders on Titig Mountain showed * that early in the morning of April 15, 1945 6 male Filipinos and one woman were captured on the road by about 1000 members of the Tiger Unit under Major SAITO. After being questioned on the location of guerrillas, they were forced to go to Cabali Mountain with the Japanese. Early the next morning the Japanese entered Nanipil and burned the village and shot some of its civilians.

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After burning Nanipil the Japanese took the 7 prisoners to Titig Mountain, forced the men to take off their clothes and made all 7 kneel at the edge of a precipice, with their hands tied. Two Japanese attempted to behead them one by one, one striking the victim with the saber, while the other pushed the decapitated bodies over the cliff. * All were killed but two. There was no definite proof that the woman was killed, but a survivor heard her scream with pain. She has not been heard of since.

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Exhibit No. 1383, JAG Report No. 267 on the execution of 21 Filipinos at Barrio Angad showed that in November 1944 * a number of Filipino parolees were summoned to a meeting where the names of 27 POW's were read. These men were grouped and marched to the garrison where they were questioned and 6 released. The remaining 21 were placed on a truck and taken to a nearby barrio. Later machine gun fire and screams were heard and flame and smoke seen. Charred bodies were later seen by civilians.

12,462

Exhibit No. 1384, the testimony of Mariano Bayaras in the YAMASHITA trial stated * that he was Mayor of Basco and he had been given a list by the Japanese of persons killed there. There were 74.

NARRATIVE SUMMARY OF THE RECORD
(December 10, 1946)
(War C Offenses--Philippines)

Page 1961

He had never seen anyone mistreated, but he had seen those who suffered from bad treatment. He had seen them with their hands tied behind, eating food without using their hands. Some had broken hands. Some had bruised faces and one was missing an eye.

12,463 Exhibit No. 1385, JAG Report No. 304
* showed that on March 10, 1944 two Americans and some Filipinos were taken from the Japanese garrison at Dagupan to Alaminos. The following morning their bodies were seen in a grave, the Americans having been beheaded and the Filipinos bayoneted.

12,464 Exhibit No. 1386, JAG Report No. 1 showed that * about 9 o'clock on December 29, 1944 a patrol of about 50 entered the barrio of Dapdap. Shortly after arriving at the plaza about 400 to 500 people were ordered to group in families and assemble in the church so that they would be unobserved from a strafing plane. The people followed instructions. Some people were taken out. When the church was about half empty, the remaining became apprehensive. Some saw blood running from a nearby shack and a few saw the Japanese soldiers cleaning their bloody bayonets. Others saw that when people were taken outside they were shackled with ropes. The remainder were urged by one of the survivors to fight and attempt to escape and he threw a rock at the door guard. Many made a break for the door and were machine gunned or stabbed with bayonets. No mercy was shown. A very few escaped unscathed and found safety in the sea and swamps.

12,466 On January 16, 1945 certain American officers * went to Dapdap, made an investigation, and disposed of the dead bodies. Before arriving they met 3 survivors with numerous wounds. The foul odor of dead bodies filled the air. They saw many bodies in a bad state of decomposition and dogs and other animals had eaten away large portions of the bodies. Evidence shows that there were many women and children in the groups. They found similar conditions elsewhere.
12,467 They found 100 bodies in the church grounds. * Dogs, pigs and chickens were eating the remains. They counted 230 dead and estimated there were about 500 bodies in the barrio. Pictures were taken.

12,468 Exhibit No. 1387, JAG Report No. 137 stated
* that in the early part of August 1945 six Japanese
were seen going to a certain home. The Japanese bay-
onetted all 5 occupants and ate the flesh from some
of their victims during the two-day period they stayed
in the house. They ate the bodies of 3 victims. One
other victim was thrown into the river and the other
2 victims were not touched. Two observers, after the
Japanese left * saw some of the flesh in the kettles
used by the Japanese.

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12,470 Exhibit No. 1388, affidavit of Isidro Cabusas
stated that about 9 o'clock in the evening of August 19,
1944 the witness and others left Cebu and were taken to
Cordova. When they arrived there the Japanese soldiers
gathered all civilians in a central school house. The
women were compelled to disrobe completely. * Many of
the men were beat with clubs, baseball bats, and rifle
butts. All money and valuables were taken. The next
morning 3 men were beheaded.

12,471 Exhibit No. 1389, JAG Report No. 253 stated
* that during August to November 1944 the Japanese
military had a garrison near Bogo. For 4 months civ-
ilians were beaten, shot, bayoneted and raped. On
October 12, 1944 two women were bayoneted and a third
severely beaten, 2 girls raped, one of them by several
soldiers. One victim had to live with a Japanese
corporal as his mistress for 3 weeks. On October 17
the soldiers * burned houses and warehouses and on the
same day 25 were bayoneted to death for sabotage and
guerrilla activities.

Exhibit No. 1390, JAG Report No. 180 showed
that in August 1944 the Japanese bayoneted 2 women
and threw a young child into the sea at Dumanjug.

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12,473 Exhibit No. 1391, JAG Report No. 174 showed
* that during the summer of 1943 20 to 40 Filipino men
were arrested as spies and investigated at Calbayog.
Two or three weeks later 5 were executed by the command-
ing officer, who stated that this was by order of his
commander at Catbalogan.

Exhibit No. 1392, JAG Report No. 298 showed that 37 were killed in Pilar in December 1944.

Exhibit No. 1393, JAG Report No. 142 showed that on December 18, 1943 Japanese officers and enlisted men left Iibacao for Iloilo City. The next morning they reached Camp Hopevale, which they surrounded and entered. Sixteen Americans and 3 others were placed under guard without food or water. On the afternoon of December 20, 1943 one American woman was seen kneeling with hands tied and asking for mercy. * This was refused. An hour later a house was found in flames with 12 bodies in it, some of the victims having been bayoneted and others beheaded.

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Three weeks later another witness visited the scene and was able to identify the remains of the victims and buried them. On the day of the execution one Filipino saw blood on the trousers of a Japanese guard and was told that the Americans were now gone and the Filipinos should obey the Japanese. Another witness saw the smoke from the area and said her relatives had seen the bodies. Some of the remains were identified. All of the victims were members * of the faculty of the Central Philippine College at Iloilo.

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Exhibit No. 1394, JAG Report No. 140 stated that from time to time a group under Colonel WATANABE made punitive expeditions throughout Panay Island. In Barrio Lungao many Filipino civilians were questioned, killed and their bodies burned. The whole barrio was burned. Children were killed.

12,477

* On October 17, 1943 another punitive expedition arrived at Bataan. All civilians were investigated and beaten with clubs and made to walk through fire. In the morning the Japanese received orders to proceed and 140 civilians including 2 priests were beheaded by Japanese soldiers. * In Altavas 30 to 40 old people and children, and in Balete 30 men were killed. A blind woman unable to flee had her clothes stripped and was manhandled. Hundreds of people were killed by the same expedition in Bataan, Altavas, Balete, Iibacao and other places.

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NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1964

Page

12,482

* Exhibit 1395, JAG report No. 303, stated that 26 POW's were taken at Malaiba, questioned, beaten, threatened and bayoneted. Only four survived. The other 22 were identified and buried the following day.

Exhibit 1396, JAG report No. 300, stated that at Malaiba in February 1944, 35 Filipinos were questioned, beaten and taken to a corn field where they were bayoneted. The following day 14 dead bodies were found with bayonet wounds.

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Exhibit 1397, JAG report No. 263, stated * about March 1, 1945, Luis Saban and a companion were taken by 60 Japanese to the bank of the Tagburos where they joined approximately 35 Filipino prisoners, among whom were women and children. These prisoners were divided into three groups. In one group of 20 Saban was struck by a saber and bayoneted. When he regained consciousness the Japanese were gone and all other POW's were dead.

About the same date approximately 100 Japanese soldiers were seen with approximately 70 Filipino civilians, including women and children, near the Tagburos River. The victims were all tied and bayoneted to death.

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Exhibit 1398, JAG report No. 291, stated * that in October 1945, the Japanese raided a home in Jagna and wounded the owner and carried away two women. The older woman escaped but the other was kept until the surrender in February 1946. During this period she was raped by 19 different Japanese.

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Exhibit 1399, JAG report No. 290, stated * about the middle of June 1942, a young woman was ordered by the puppet governor to go to the home of Col. MINI in Tagbilaran. When she refused they threatened to kill her and burn her home and forced her into a car and drove her to Col. MINI. Col. MINI tore off her clothes and threatened her. When she refused to submit to him, he tied her hands, fastened the rope to the head of the bed and raped her. The following night she jumped out of the window and succeeded in escaping to a nearby island.

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Exhibit 1400, affidavit of Jose G. Tupaz, stated * in August 1943 at Tigbuan, after an investigation of an hour, 24 men and three women were all tied with hands behind their backs and strung on a piece of rope and pulled to a

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thicket where they were beheaded. A three-month old baby was thrown into the air by a Japanese and impaled on a bayonet.

Exhibit 1401, affidavit of Nonito Tubungbanwa, stated that at the barrio Salngan the first group of Japanese soldiers had caught a large number of civilians. When they left they killed all civilians and threw their bodies into the fire burning the whole barrio.

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Exhibit 1402, affidavit of Cayetano Narra, stated * that in September 1943 he saw Filipino civilians killed by Japanese soldiers. One was chopped in the neck with a sword and thrown into a house which was later burned. The other was crucified on the ground with three six-inch nails being driven one into each wrist and the other into the base of his skull.

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Exhibit 1403, affidavit of Lorenzo Polito, stated * that in March 1944 on the second day of the patrol prisoners reached Canangay early in the afternoon. A young woman was caught hiding in the grass. The officer in charge tore off her clothes while she was held by two soldiers. He took her to a small hut and the officer in charge cut her breasts and womb with his saber. She was left lying in the hut which was set afire.

12,490

Exhibit 1404, affidavit of Radimoda, stated that * one early dawn in August 1942 some Japanese soldiers from Dansalan City, under the command of four officers, raided the witness's barrio, which had a population of about 2,500. They immediately began bayonetting the people. They burned down the whole barrio. It was only when the houses were afire that the people knew what was happening. In the commotion * four Japanese soldiers were killed. The Japanese kept on firing and bayonetting until they had completely gained control of the barrio.

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Exhibit 1405, JAG report No. 233, stated that in Davao Penal Colony and City Civilian Internment Camp between October 1942 and June 1944 there were from 2,000 to 2,200 American POW's and their number gradually decreased due to deaths, escapes and transfers. On March 14, 1944 over 500 guerrillas were brought to the penal colony. * Prisoners were forced to construct airfields. They were beaten with fists, rifles and every conceivable weapon. They were

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1966

Page

12,493

threatened in different inhuman ways by being kept in a kneeling position for three days, by being forced to kneel on rocks and cinders and to carry boards and bricks with the body leaning backwards. They were compelled to stand in water or tea while live electric wires were applied to their body. They were tied to a barbed-wire fence while burning boards were applied to the body or face. They were used to hit each other. American POW's were used as bayonet targets. * During bombing raids POW's could not seek shelter and they were forced to work from ten to fourteen hours per day.

Exhibit 1406, JAG report No. 166, stated that in May 1945 at Tugbek they counted the bodies of 89 people killed.

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Exhibit 1407, affidavit of Miguel Estimada, stated * that at Bacaca he saw 34 people in all. A Japanese soldier came and dragged out a 17 year old girl and she was held outside the shelter by Japanese soldiers. The soldier came back and pulled out another girl and she

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was forced to go with some Japanese soldiers. The first Japanese grabbed the first girl * from the soldiers who were holding her and tore off her clothes until she was completely naked. The other three soldiers grabbed her and forced her to the ground, two soldiers holding her feet and another her arms. The first soldier had intercourse with her. The others each took their turn. Later the first soldier carried the girl back into the air-raid shelter. * Later the second girl was brought back and stated she had been abused and raped.

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Exhibit 1408, JAG report 282, stated that on March 23, 1945, Japanese rounded up civilians at Sitio Bitute and confiscated all bolos. The prisoners were tied and some were taken to a nearby stream where they were slashed with sabers, bolos and picks. * One victim was bayoneted and one woman was raped.

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Exhibit 1409, JAG report No. 265, stated that on * October 1, 1944, about 50 Japanese soldiers entered the hospital area at Barrio Umagos and bayoneted two Filipino guards and one civilian. Two bedridden patients were bayoneted to death. Three days later the Japanese burned the buildings and about 32 houses and left. The bodies of the victims were later identified and buried.

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1967

Page

- 12,499 Exhibit 1410, JAG report No. 272, stated that during the latter part of February * 1945 in Butuan, an aged couple and their son were harvesting when they saw four Japanese soldiers. The couple was tied and taken while the son hid. Several days later the bayoneted and beheaded bodies of the couple and another Filipino were found.
- 12,500 Exhibit 1411, JAG report No. 281, * stated that on June 6, 1944, about 300 Japanese together with Filipino Constabulary and Moro troops entered Ranao-Pilayan and gathered the civilians. On June 7, 20 prisoners were put in one house where they were bayoneted and the house set on fire.
- 12,501 Exhibit 1412, JAG report 302, stated that from December 10, 1941 to April 3, 1945 * Japanese soldiers at Vigan followed a usual pattern of operation against innocent civilians, raided and looted private homes and killed and mistreated people. On April 10, 1944, six Japanese bayoneted one woman. On August 27, 1944, soldiers fired on people in the cockpit in Santa Catalina, wounding one and killing several. On October 20, 1944, 30 were arrested and tortured. On November 15, 1944, three prisoners were beheaded. On December 27, 1944, several persons, after their homes were looted, were tortured and on January 7, 1945, nine of the prisoners were beheaded.
- 12,502 Exhibit 1413, JAG report No. 109, stated * that the record as to Fort Santiago contains innumerable instances of the brutal and barbaric treatment of many taken there for questioning. This practice prevailed from January 1942 to February 1945. When they knew Manila was lost the Japanese engaged in an orgy of mass murder by shooting, bayonetting and burning alive all prisoners in the Fort. They cannot detail the treatment received by each, but in general the forms of torture were imposed in whole or in part upon the prisoners. Some victims were American POW's and nationals.
- 12,503 * Upon arrival at Fort Santiago for investigation a person was placed in a small cell with many other people, not enough room to lie down. Talking was prohibited. The diet was inadequate and consisted of a small amount of rice and occasionally some vegetables. Practically all witnesses lost 25 to 75 pounds during the time they were held. Sanitary

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1968

Page

12,504

conditions were unbearable, the only toilet being an opening in the floor at one end, which was not cleaned more than once a day and the receptacles were inadequate. There was insufficient water though each cell had a faucet. No soap was issued and bathing was infrequent and sometimes less than once a week. * The men had to bathe in view of the women. The only ventilation was small windows high at one end and the stench was over-powering. The cells were infested with lice and vermin. Persons who were tortured were returned to the cell and some died there. Only one was raped. Some prisoners were kicked and slapped in the face, beaten with the flat of the sword across the back, shoulders and kidneys, others were beaten with iron rods, baseball bats, clubs, poles, ropes and telephone wires and some were thrown by Jiu Jitsu methods. The water treatment whereby a victim was tied to a bench and a water hose put into his mouth and nostrils and water was forced into his stomach until he became unconscious. Prisoners were suspended for hours from the floor by poles inserted through their arms. Others were hung by their arms.

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* Sticks were inserted in the openings of the genital organs and others were burned with lighted cigarettes. Fingers were broken by being squeezed against ammunition. Bamboosplits were placed under toe and fingernails and often the latter were pulled out by pliers. Electric shock and burning were used. A man was forced to eat his own skin. Skin was twisted with wooden pliers. Toes were ground under hobnailed boots. Three American pilots received sword thrusts through their shoulders and were burned by lighted cigarettes. Holes were made in the fingers and wires inserted and men suspended. Many prisoners were executed. To intimidate prisoners they were shown headless men and beaten men. * Intestines were removed from living people. One prisoner was forced to behead another. Dead bodies were thrown into the river. This torture extended to men, women, nuns and to priests. Some victims died after release. In February 1945 the cells were packed. Doors were barricaded, gasoline poured and set afire. Hundreds were burned to death. Others were executed. Civilians who escaped the burning buildings were shot by guards while escaping or swimming.

Exhibit 1414, the testimony of Justina Manlisik in the YAMASHITA trial, stated that in February 1945, in Tanauan the Japanese slashed open the stomach of her pregnant sister and as the baby came out cut off its head.

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1969

Page

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Exhibit 1415, JAG report No. 262, stated * from June 1944 to March 1945, several persons were apprehended by the military police of Dumaguete, tortured and mistreated. While being investigated they were beaten, kicked, burned, 'water cured,' choked, tossed about by judo and hung by their wrists. Food was inadequate, sanitary facilities were not provided and the prisoners were given salty water to drink. They could not take shelter in air raids.

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Exhibit 1416, JAG report 161, stated that at Bacolod, prisoners * were beaten by the Kempei-Tai. One after being beaten was, the next night, forced to jump from an 18 to 20 foot window into an asphalt pavement where he dislocated his hip. The Japanese beat one man until he was a mass of blood. Another was strapped to a table and his wrists burned with an alcohol flame. A third was bayoneted and questioned while the bayonet was being forced through him.

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Exhibit 1417, the affidavit of Leonora Palacio Villas, stated * that in the middle of February, on a Sunday, she, her two brothers and others were taken to the municipal building in Palo. At their home there had been a number of guerrillas and friends of the family. One of the guerrillas was discovered and the Japanese, believing there were others, took these people to the jail. These

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* people were not questioned during the night. The next day one of her brothers had his hands tied behind his back and he was suspended by his hands from a tree where he hung stark naked. A Japanese soldier beat him, drawing blood from all over. He was whipped with a thorn branch for a period of three hours. The Japanese poured gasoline under his arms and around his privates and set it afire. The same was done to her other brother. On Tuesday * she was taken by Japanese soldiers to the municipal building where they removed her clothes and beat her with a whip. * She was allowed to redress, was given a little water and spent three days in jail without any medical treatment.

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Exhibit 1418, affidavit of Tayambong Chagse, stated that he was about 60 and was a Filipino-Igorot, living in * the Mountain Province. On the morning of March 13, 1943, the Japanese arrived at his town. They asked for American and Filipino soldiers. When the witness answered that he had not seen any, he was tied up in his house with his hands behind his back. They again asked for the Americans.

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1970

Page

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When he stated he did not know, they laid him down on the floor and gave him a lot of water then they tied him up, burned his buttocks and legs and knocked out two teeth with a big piece of wood. He was hung by his hands which were tied behind his back about four feet from the floor. While he was hanging there the Japanese lit a candle and held it close to the G-string he was wearing. * The G-string caught fire and burned until only two feet were left. Then the G-string was put around his head and burned. The Japanese laid him down on the floor and made him drink a petroleum can of water. They then asked him the questions and beat him. Another stepped up and down on his chest so that the water would come out of his mouth. One soldier sat on his stomach and another held a rope tied around his neck. After while they stood up and one began to hit him with wood * repeating the same questions. After that they untied him, put the rope on his hands and took him to the forest where one of the Japanese picked up a stone, hit him and tied him there. After being untied by friends he went home and the Japanese did not bother him again. There were about 70 Japanese in the group, including two officers.

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Exhibit 1419, JAG report No. 55, stated * that Dr. Gilbert Isham Cullen at Iloilo City was questioned for several hours and struck in the abdomen with a club, slapped and kicked. They pulled his toe nail from his great toe with pliers. After being clubbed he was suspended from a cross beam by his thumbs with his feet off the floor until the fingers of his left hand were bent and twisted until some of them were broken and dislocated.

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As a result of the treatment * Dr. Cullen had a broken nose, several cracked ribs, a broken right leg, loss of his big toe nail, broken and dislocated fingers and an injured jaw. This was all done to him to make him reveal the names of local citizens who were sending radio messages and to force him to reveal military information. The torture lasted from morning until late in the afternoon.

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Exhibit 1421, JAG report No. 61, stated * that on February 9, 1945, American troops were closing in on Manila and bombing was continuous. Shelter was sought by countless refugees throughout the city. During the afternoon Japanese patrols * routed people in a certain district and brought them to the Plaza Ferguson. They were told that this was done because the Japanese desired to protect them. Most of

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the citizens went voluntarily. By five o'clock some 2,000 people, all civilians, had been brought to the Plaza. At that time the men and elder male children were separated. The men were taken to the Manila Hotel and women and children to the Bay View Hotel, except 120 girls who were taken to a restaurant. This latter group was later taken to the Bay View Hotel. Between six and four thirty the following morning * the Japanese in twos or threes came to the rooms in which the women had been quartered, selected the girls they wished, took them to other rooms and raped them. Similar scenes were enacted at the Boulevard, Alhambra and Miramar Apartments. Young girls in all three places were forced to go with the Japanese.

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In the afternoon of February 10 one of the women was informed that the Japanese had white women and their orders were to kill all of them, but they had decided to use them as a front line to keep the Americans from coming in. While only seven would admit being raped the proof is clear that at least forty * were violated. Thirty-six stated that attempts had been made, but the evidence indicates that despite their denial these attacks came suspiciously close to fruition. The treatment continued for varying periods. Those at the Bay View Hotel were released on February and those at the others on February 13.

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One night one 24 year old girl was raped 12 to 15 times, and the Japanese, despite her weakness continued to rape her until four A.M. * Kicking girls as they lay prostrate was a common occurrence, and there were instances where the girl was dragged away by her leg and pulled along on her back. * A few escaped because they claimed they were menstruating, although proof was usually required. Some girls acquiesced without resistance because of fear and promises of freedom. White girls were favored because of their white complexions. Some people managed to escape. * Three prostitutes thought for fellow captives they would submit and try to protect the younger girls and married women.

At the Miramar an officer, when a Filipino girl refused to go to bed with him, proposed marriage and she refused and he sent her away. None of the incidents occurred in the day time, although thirst and hunger was bad. Dirty water was given to them to drink. For food there were a few biscuits, a small can of fish and some vitamin pills. They were

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1972

Page

12,527

given some tennis shoes. In one room, * except for the molestations, the women felt that they had been comparatively well treated. In the main dining room two or three Red Cross ladies set up an aid station and on February 10 took care of 200 to 250 women and children. This refuge was temporary and on the following nights girls were taken from the dining room and raped. The attacks mounted during the third and fourth nights. One Japanese officer told one lady on February 13 that he was going to fight the Americans and die and before he left he wished to have intercourse with her daughter as his last worldly pleasure. Others stated that they were a suicide detail and behaved even more brutally than before.

Fires which broke out proved the salvation for the victims.

One girl contracted gonorrhea and nearly all of them had medical examinations when the Americans arrived. There were no pregnancies and no deaths, although two ladies had to be treated for shock and generally weakened conditions.

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Exhibit 1422, affidavit of Easter Garcia Moras, stated * that when the girls arrived at the Bay View Hotel they were marched up stairs and taken into an empty room. The Japanese shut the door on her group, but they could be heard on the other side. * The room was entirely unfurnished except for a few nets and old mattresses. There was a small bathroom, but no water. There was one window and the room was about seven yards square. Everyone was nervous and praying. There was hardly room to lie down. In about ten minutes five Japanese came in and began to look around. Girls tried to hide. The Japanese completed their inspection and left the room, closing the door. In about another five minutes three Japanese came in and grabbed her two sisters and pulled them out of the room, the girls resisting. * One sister returned in a half hour, crying and stated the other sister was having things done to her. Nothing happened to her because she was menstruating. She did not ask her sister for particulars because she was so upset. The other sister came back in about twenty minutes, all perspiring and dirty and stated she wanted to die. The witness did not question her * because she knew what had happened. About five minutes after her first sister returned three Japanese came in and took out this sister and

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1973

Page

- 12,534 another girl. The witness tried to hold this sister back but was not strong enough. She did not see her sister nor the other girl until the next morning. About ten minutes after her second sister came back four Japanese came in and took some of the other girls. The witness stated she was sick, but they took her. These Japanese were just marines. She was made to lie down on the floor. * The Japanese lifted her dress and tore off her underclothes. Two of them stood around and laughed. The witness struggled and kicked but she got slapped. Finally she became dazed from the slapping and became exhausted. * After this all happened the witness crawled on her hands and knees and managed to get back to her room. She had been gone about twenty minutes and returned about midnight. The witness fell to the floor and sobbed. * The witness stated she was raped between 12 and 15 times during the night, but she doesn't remember exactly. It was a living nightmare. The Japanese would come in singly and in groups and drag her out hardly before she had fallen to the floor from a preceding raping.
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- 12,537 Exhibit 1423, the testimony of Nena Alban in the HOMMA trial, stated * that she was walking and she saw naked Japanese standing on the corner. She saw two of them rolling in the street. When she came near she saw two Filipino women pause and they were abused by the Japanese. The Japanese took hold of the women's legs. The witness tried to get away from that place because she was afraid the Japanese would see her so she went a little bit further and when she looked back the Japanese were using the girl.
- 12,539 Exhibit 1424, the testimony of Apolinaria Due Tuazon stated that on February 2, 1942 * about midnight eleven Japanese soldiers came to her house and fired shots into it. As soon as they entered the house the Japanese took hold of her husband and held him while three Japanese abused her. * Afterwards they stripped her naked, held her by the hair and dragged her down stairs. Other Japanese were down there and they also abused her. There were about four or five down stairs. Her husband was blindfolded and thrown out the window. While she was downstairs she saw her husband. She tried to talk to him and one of the Japanese was about to strike her husband with the butt of his gun. The witness * intercepted the blow.
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Exhibit 1424, testimony of Celestina de la Rosa in the HOMMA trial, stated * that when she tried to struggle

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1974

Page

12,543 she was threatened with a fixed bayonet. The man then used her. Another Japanese did the same thing when she was down on the floor. The witness then escaped. The Japanese took her jewels and sent her out of the room.
* She became pregnant and was delivered of her child.

12,544 Exhibit 1426, the testimony of Amadeo Cabe in the HOMMA trial, showed that the latter had stated that he had received complaints in connection with rape cases in January 1942. * The report submitted by an officer stated that the two daughters of a Mrs. Webb had been forced by the Japanese after beating. The girls were told that they would be killed if they did not give in. An examination at the hospital showed that the girls were really raped.

12,545 Exhibit 1427, the testimony of Juan Etuijera in the YAMASHITA trial, stated * that he had a conversation with his dying niece. She told him she had been raped, bayoneted in the abdomen and then thrown into the fish pond. All of her nine companions, including two married women, were raped.

12,546 Exhibit 1428, JAG report No. 287, stated * that in September 1945 at Balilihan and Sikatuna a group of six Japanese looted a home and forced the son and daughter to go as guides. The son was bayoneted and left for dead. The body of the daughter was found about a month later with six front teeth missing and her legs severed from her body.

12,547 Exhibit 1429, the testimony of Francisca Bernardo de Luna, stated * that on the 10th of January 1942 she saw some Japanese soldiers at the barrio of Sampaloc who searched and arrested people. She was threatened with a bayonet, although at the time she was pregnant. She was also beaten on the face, arms and on the thigh and then was raped by a Japanese Captain.

12,549 Exhibit 1430, testimony of Vincente Arias in the YAMASHITA trial, * stated that on the morning of February 5, 1945, he saw a group of soldiers set fire to the north of Carriedo Street, * setting fire to a large number of buildings.
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Exhibit 1431, JAG report No. 71, stated that on December 26, 1941, Manila was declared an open city. The

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1975

Page

12,552

announcement was published in the press, broadcast over the radio and announced on the streets. On the night of the 26th all city lights were turned on and the text of the announcement was cabled to the U.S. * Twenty-one Japanese bombers, plainly marked with the rising sun, flew over Intramuros at an altitude of 2,800 feet. They dropped 100 and 300 pound bombs. On the 28th various university buildings and many other buildings were destroyed by fire as a result. The total estimated damage was over a million pesos, excluding private residences.

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Exhibit 1432, testimony of Dominador Santos at the YAMASHITA trial, stated that in February 1945, * within 20 minutes after the Japanese went into the Singer Building he had heard an explosion. The Japanese had left before the explosion. The explosion was followed by a fire. The witness * went back on February 5 and the buildings were all burned.

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Exhibit 1433, the testimony of Amando Alvarez in the YAMASHITA trial, stated that in February 1945 he saw the Japanese trying to break down the door of the bank of the Philippine Islands but could not break it. He heard a command given and he saw a soldier bring back rags on which gasoline was poured and these rags were thrown into the building. One soldier carried a long pole with gasoline soaked rags on it, lit the end of the pole and threw it inside the building. * The whole building was burning when the witness left.

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Exhibit 1434, the testimony of Rosa Calalong in the YAMASHITA trial, stated * that in February 1945 there were between 4,000 to 5,000 people in the Manila Cathedral. She saw some Japanese come into the Cathedral during the night. They went inside and pulled girls out. She saw two Japanese raping the women right in the Cathedral. After the witness left the Cathedral *she saw it burning. There had been an explosion from inside the Cathedral. There was no American bombing or shelling yet. She saw drums around the Cathedral.

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Exhibit 1435, the testimony of Juan P. Juan in the YAMASHITA trial, * stated that in February 1945 he was present in his home when the Red Cross building was destroyed. Early on the 14th he saw flickering lights inside the manager's room. * He didn't notice anybody in the building.

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1976

Page

In about an hour or so he saw the light burst into flame. He saw several soldiers on the street in front of the Red Cross building. He did not notice that the Red Cross building had been hit by shells prior to the time it burned. The men he saw around the building were Japanese soldiers because they wore the uniform and civilians could not roam around the building.

12,562 Exhibit 1436, summary report, dated September 27, 1946 of physical destruction and other losses in the Philippines by Japanese aggression from December 8, 1941 to June 4, 1945, showed that * property to the value of 2,740,000,000 pesos was destroyed, including therein 270,000 private structures, making one and a half to two million people homeless, about 1,200 government buildings, about 15,000 school buildings, or a total destruction * of 295,000 or 300,000 buildings.

12,565 Exhibit 1437, JAG report No. 151, stated * that on the morning of January 26, 1945, Japanese soldiers entered barrio San Indres, where they rounded up the inhabitants and took them to the school building. About 50 blood-covered bodies were scattered over the area three Filipinos were bayoneted to death. On February 19, 1945, about 30 Japanese soldiers and others approached a house in Malvar, surrounded it and one of them entered. After a while he came out and the soldiers burned the house down. The bodies of six occupants were found in the ruins.

12,566 Exhibit 1438-A, a mimeographed and handwritten
12,567 file of the Manila Defense Force and Southwestern Area Fleet Operation order, December 23, 1944, to February 13, 1944, showed that the people were ordered to make no mistakes in * time of exploding and burning when the enemy invaded. * When killing Filipinos to assemble them together in one place so far as possible. They should be assembled either in houses to be burned or blown up or to be pushed into the river.

12,568 Exhibit 1438-B, the diary of a Warrant Officer YAMAGUCHI, Tenth Tank Regiment, stated that they had been ordered in the latter part of 1944 * to kill all males they find and that the aim was to kill, or wound men and collect information. Women who try to escape are to be killed.

12,569 Exhibit 1439, diary of Pfc MATSUOKA, March 27, 1945, stated that taking advantage * of darkness they had

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1977

Page

gone out to kill natives. The cries of the women and children were horrible. He himself stabbed and killed several persons.

- 12,570 Exhibit 1440, the diary of a Japanese soldier, November 19, 1944, stated * that they had received information that thirty guerillas had attacked Lipa Air Depot and 11 had been captured. The MP squad requested that the GIGO force dispose of the captured guerrillas. During the night holes were dug in the coconut grove and the men were bayoneted and killed. Some were as small as children and had not been fed for three days since their capture. With their hands tied they stood in front of the holes with their heads slightly bent and said nothing. * Later, one by one the members of the section bayoneted the guerrillas. The writer bayoneted the second. After bayonetting them they covered them with soil and laid coconut leaves on top.
- 12,571
- 12,572 Exhibit 1441, notebook diary of a member of the Akatsuki Force stated that on February 7, 1945, 150 guerillas were killed by him. * On February 9, 1,000 guerillas were burned. February 13, 10 guerrillas were stabbed to death. At 1600 all guerrillas were burned to death.
- 12,573 Exhibit 1442, a loose, handwritten sheet containing a battle report of April 13 of the Ijichi Unit, stated that he had expended 28 rounds of ammunition for killing natives. At noon 22 natives * were stabbed or shot to death.
- 12,574 Exhibit 1443, police affairs B No. 2, July 1 to January 12, 1944, of the 14th Army MP Unit, stated * the troops gathered all men and boys in the church and questioned those connected with the guerrilla unit. They made them drink water and then hit them. They then shot and speared them to death with bamboo lances.
- 12,575 Exhibit 1444, a handwritten diary from November 14, 1943 to April 17, 1945, of a member of the Fujita Unit, stated that for security reasons all inhabitants of the town were killed and their possessions * confiscated on February 13. On February 17, 1945 he noted that the Filipinos are not pro-Japanese and headquarters had ordered them punished. In various sectors they had killed several thousands and burned their homes and taken their valuables.

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1978

Page

12,576

Exhibit 1445, a captured diary of the Japanese soldier, stated in February 1945 that they spent each day in hunting guerrillas and natives. He had already killed more than 100. * He now felt that he was a hardened killer, which he knew was sheer brutality.

Exhibit 1446, a captured Japanese memorandum concerning the training of all officers and men for prevention, November 18, 1944, stated that while it is not prescribed in the criminal code, those who eat human flesh, except that of the enemy, knowing it to be so, shall be sentenced to death as the worst criminal.

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Exhibit 1447, statement made by POW YANAGIZAWA, stated, * that on November 1, 1944, Major General AOTU, division commander told his troops that they must fight the Allies even to the extent of eating them. On December 10, 1944 an order was issued from 18th Army Headquarters that troops could eat the flesh of Allied dead, but must not eat their own dead. Rumors were prevalent that troops were eating their own dead. On December 15, four men were executed for disobeying this order.

DIRECT EXAMINATION OF S.B. MOODY,
by Mr. Lopez

12,578

* The witness stated he was a Staff Sergeant from Lynn, Massachusetts and had been in the regular army since November 1940. He was with the troops of General King which surrendered in Bataan in April 1942 and took part in the Bataan Death March in which it took him two days to walk 120 kilometers. They received no food or water from the Japanese but got the water out of caribou wallows and ditches on the highway. What food they did receive was from the Filipinos who threw it to them. Men would break out of ranks and run into the fields to get sugar cane and sinkamas. They were treated badly throughout the march, being beaten, bayoneted * stabbed and kicked with hob-nail boots. Five of his best friends, including his closest friend, were killed. If a man lagged to the rear, he was immediately bayoneted and beaten. His best friend had severe dysentery from drinking muddy water. When he fell to the rear he was bayoneted several times and beaten and died. The witness saw many dead bodies littered on the highways. He also saw dead women * and some dead priests.

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NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1979

Page

As the Japanese troops came toward the Americans the men were beaten by the incoming troops and stabbed and bayoneted. The witness, by looking ahead, could see his friends stabbed and beaten or could hear their groans from behind.

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* The witness arrived at Gapan on May 1, 1942. They were treated very badly. If the men did not count off in Japanese, they were mistreated. He was the first sergeant on the detail and did not go out on the job, but the rest of the men worked on bridge construction, carrying heavy materials. The work was so heavy and strenuous that many men ruptured themselves. The food was a small amount of rice, the skins of pigs, the rotten onions and squash that was * left over from the Japanese. The Japanese were eating meats, eggs, lots of rice, sweet cakes, peanuts and had quite a bit of tobacco and beer. Thirty-seven men died in Gapan, the witness personally burying each of the men. The gaskets had been prepared in advance, three or four at a time.

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On one occasion the Japanese provided medicine. There were so many men dying that the POW's demanded of the camp commander some quinine to save the men's lives. Instead he gave them a case of bromo-quinine, a mild laxative, with strict orders that each man would take the pills every night. * They were moved out of the camp on June 30, 1942, because there were no more men left to work. Of the 203 men that went on the bridge detail only seven are alive today.

CROSS-EXAMINATION BY MR. SOMIYA

12,585

The witness stated that the Bataan Death March started at kilometer post 181 and ended at San Fernando, Pampanga. * He had not received any cigarettes or tobacco from Japanese soldiers, but at the last year of the war they were issued, he thought, by the Japanese government.

CROSS-EXAMINATION BY MR. LOGAN,
Council for KIDO

12,586

The witness stated he did not know who was the high ranking officer in the death march or the name of the officer in charge. * The only order that he had heard about in connection with the march was that all were supposed to have been killed. He just followed the rest of the men.

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1980

Page

12,587

* When they got to the main prison camp at Camp O'Donnell they were all lined up and the commander had a paper in his hand and from what the witness could gather from the speech made they were all supposed to be the commander's slaves. This was at the end of the death march. He, however, did not know anything about orders about the death march. In the camp that he was in from May 1 to June 30, 1942 there were 200 enlisted men and three officers. The high ranking Japanese officer was a captain. * This captain allowed a Filipino doctor to come to the camp. This doctor furnished medicine to the POWS from his own pocket. When the commander learned that they were receiving medicine, the doctor was not allowed to come back.

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The witness did not know of any orders from higher echelons on treatment of prisoners. One of the reasons for receiving the beatings was language difficulties. * The witness stated that after June 30, 1942 he was transferred to the main prison camp at Cabanatuan Camp No. 1. They were treated very badly. He was on permanent grave detail for three months. He only stayed in this camp three months and was transferred to another. The treatment after June 30, 1942 * was so bad that he became blind. He was almost dead and they took him to the Bilibid Prison Hospital, where he remained until he got well. The food after June 30, 1942 was worse than at Gapan. POW's were eating roots, tree leaves, and rice and pig skins. The food did not improve until June 1943. After that it became better for the prisoners. There was general disorder and confusion from April 1942 to June 30, 1942.

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Exhibit 1448, affidavit of Major General E. P. King, Commanding General of the American-Filipino Forces at Bataan, April 1942, stated * that on April 9, 1942 at two A.M. he sent a truce team * to make an appointment to meet the Japanese commander on Bataan to surrender. Part of the team returned shortly after daylight and the affiant started forward with his aide. On the way, although his car carried white flags they were attacked repeatedly by bombing and machinegun fire from Japanese planes. About 10 o'clock they reached Lamao where he was received by a Japanese major general who stated he commanded one division, but he had reported King's coming to the Japanese headquarters and he had no authority to treat with him but that another

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1981

Page

12,594 officer would be sent from headquarters to deal with King. The affiant did not know the name of this general. * After a while one of his aides called his attention to the fact the Japanese troops had resumed their advances and the witness sent his aides back with instructions to show the white flag and to go to his command post and direct General Funk to order all units to give themselves up to the first Japanese who approached. Shortly thereafter a colonel, General HOMMA's Chief of Staff, arrived to discuss the surrender. The witness was only concerned with the treatment of his men and whether they would be treated as POW's. The officer demanded unconditional surrender. The witness wanted an assurance that the men would be treated as POW's. The officer accused the witness of trying to make a condition. Finally the officer stated that the Japanese Army were not barbarians. On that assurance * the witness surrendered.

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In destroying arms and equipment in preparation for surrender the witness had reserved enough motor transportation and gas to transport all the troops out of Bataan. He tried to procure assurance that this might be done and offered personnel needed to assist. The Japanese stated that they would handle the movement of prisoners as they wished and that his wishes could not be considered.

12,596 Exhibit 1449, testimony of Basilio Hernandez, Chief of Casualty Division of the Filipino Army, stated * that at the time of the surrender at Bataan the number of the Philippine's armed forces was 53,000. Before the outbreak of the war * there had been 12,000 Filipino Scouts. They had all been committed to Bataan at the time of surrender but he did not know their exact number at that time.

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12,598 Exhibit 1450, JAG report No. 75, stated that over 9,000 American and about 47,000 Filipino POW's were imprisoned at Camp O'Donnell, all having surrendered on April 9, 1942. * Many had made the so-called death march. As a result of their trip and privation, all left the camp in a state of exhaustion. Upon arrival they were searched and some were killed. Other groups of POW's were executed. Most deaths in O'Donnell were due to dysentery and malaria, coupled with malnutrition and many could have been prevented by adequate food, shelter, clothing, water sanitation and medication. Quarters were overcrowded and inadequate. Straddle trench latrines only were available and many POW's were too weak to

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1982

Page

12,599

use them. No screens were provided for the kitchen and food was contaminated and inadequate. * It consisted only of a bowl of rice sprinkled with salt, camotes, with an occasional watery soup. This was later increased. The death rate mounted to 60 per day during the first two months. At first the POW's were not allowed to use water for bathing and hospital conditions were most unsanitary. There were no beds or bedding and patients were crowded with no protection from insects and heat. Requests for medicine and equipment were refused. More than 1,500 Americans died between April 18, 1942 and December 1942, and about 2,600 Filipinos died in that period.

12,600

POW's were forced to stand in the hot sun without hats for hours for minor violations. Others were beaten when they were exhausted while at work. Beatings of all kinds * were common occurrences. Many POW's had to bury the dead, build fences and dig latrines, though physically unfit to work. On arrival they were forced to place all personal matters on blankets and the Japanese took everything of value. The POW's were forced to bury their own dead in mass graves without proper means of identification. Sixty-five dead were listed as unknown. On some occasions they were forced to bury live men and on some occasions they were not given permission to bury the dead for several days.

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On several occasions the Red Cross and other charities tried to bring medicine and supplies * but they were turned away. When supplies were brought in they were confiscated.

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Exhibit 1451, summary of events of the report of atrocities at Bataan General Hospitals, Nos. 1 and 2, stated that on April 9, 1942, the American forces in Bataan surrendered and Corregidor and Fort Drum did not surrender until six weeks later. During this time Japanese artillery continually fought with the American guns on the other points. The Japanese placed * field pieces and tanks close to the hospital where there were 7,500 Americans and 7,000 Filipino patients. They were so close that it was obvious that the Japanese intended to use the hospital as a shield against American guns, particularly since the patients could have been evacuated. One patient saw 23 guns from his place in the hospital. When complaints were made to the Japanese, the officers replied that they would not be moved until Corregidor surrendered. As a result at least five American patients were killed and

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1983

Page

12,603

many others wounded by American gunfire. After the surrender the Japanese confiscated medical supplies and almost all food, leaving only some fruit juices, canned milk and bad rice. Japanese soldiers were eating meals which included vegetables and meat. * An American nurse was raped by Japanese without disciplinary action. American prisoners were forced to haul Japanese field pieces for use against Americans on Corregidor. Filipinos unable to work were forced to join the death march and personal effects were looted.

12,604

Exhibit 1452, JAG report No. 189, stated * that shortly after the fall of Corregidor about 10,000 Americans and Filipinos were crowded into a small area so crowded that they were unable to move during the night without disturbing their companions. There was no shelter from the rain or from heat. Sanitary facilities was an open slit trench. There were no chemicals or disinfectants. * Water was from two wells and was salty and unpalatable. Prisoners were given inadequate food, although there were ample supplies available and stored in the tunnels of Corregidor. Men were forced to load captured supplies on Japanese ships. Many were suffering from illness and wounds and all suffered from privations, yet no medical care was furnished. Japanese brutally beat POW's at the slightest provocation or for minor infractions. As a result many POW's died.

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Exhibit 1453, affidavit of James E. Strawhorn, stated * that at Nicholes Field between September 8, 1942 and July 14, 1944 the men were allotted a certain amount of work each day and it was impossible to perform this in the time allotted due to physical conditions and weather. If the tasks were not complete, the men would be lined up and flogged by the Japanese with heavy metal. Arms, legs and backs were broken and if a man fell, he was beaten over his head until unconscious. * This was common. The witness had personally been beaten unconscious. Another form of torture was to have a person stand at attention in the hot sun with a bucket of water on his head. If the water spilled, the man was beaten. Another practice was to tie a man to a board with his head lower than his feet and then pour salty water into him. This would cause his stomach to swell. The Japanese would then jump on his stomach. The Japanese often forced a water hose down a prisoner's throat and fill his stomach and then jump on him. Another punishment was to tie a man's hands behind his back and draw them up

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NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(B & C Offenses--Philippines)

Page 1984

Page

between his shoulders with a rope hung over the limb of a tree and let him hang with his feet off the ground. This pulled both arms out of socket.

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* The witness had hung as long as 24 hours in that position, receiving no food or water and exposed to the sun and rain. He was beaten with plaited rope and hit about the face and head with a pistol butt. Once his hands were tied behind him and he was forced to kneel. A piece of timber was placed behind his knee and he had to squat. This dislocated the knee joints and cut off all circulation. He was in this position for about three

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hours. Beatings occurred for all minor offenses. * These torture methods were committed and witnessed by higher authority, including the Admiral in charge of Pasay Camps without any interference.

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(Class B & C Offenses, Philippines)

Page 1985

Page

DIRECT EXAMINATION of DONALD F. INGLE, by Mr. Lopez.

12610

* The witness stated that he was 27, and lived in Laurel, Illinois, and he had been with the U. S. Army at its surrender in Bataan in April, 1942. In the early part of April he had contracted malaria, and it was feared he had contracted pneumonia, and he was sent to field hospital No. 1. About thirty minutes after he arrived

12611

Japanese planes bombed the hospital three times, * and he was wounded in the right shoulder. The hospital was plainly marked with red cross signs, a large one on top of each building. When it was discovered that he was not seriously wounded he was ordered to leave the hospital area, and wandered up the road to USAFFE Headquarters at Kilometer Post 165. When the first Japanese soldier arrested him he was lying on a stretcher under a tree in the USAFFE bivouac area.

12612

He had bronchial pneumonia and malaria, and a * temperature of 105.6. The first soldier prodded him in the back with a bayonet and ordered him to stand. When he did the soldier took his watch, ring, and everything in his billfold except a couple of pictures.

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It was comparatively obvious that the witness was ill. Despite his illness, he had to join the death march and march for nine days. For the first five days they did not receive a drop of food or water, nor rest from the Japanese. Many did not get any water at all. The only available water was from an occasional artesian well or a caribou well. Water in *ponds and ditches was so polluted it was dangerous to drink, and that from the artesian wells was so small that when a number of men tried to get it the troops would fire into the group.

The Filipino civilians tried on many occasions to give food to the men that were marching. They did so at the risk of their lives, and many of the civilians did lose their lives trying. Otherwise there was only an occasional sugar patch.

12614

The continued marching and sitting for hours in the hot sun, and continuous searching and harrassing, the shooting of friends and buddies out of the column * for no reason was a continual strain.

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* The witness stated that there was an Episcopalian chaplain, Captain Day, on the march. Chaplain Day was in the same group of one hundred as the witness. He had drunk some water from a pond or stream and had contracted dysentery, and it was necessary for him

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(Class B & C Offenses, Philippines)
(Ingle-Direct)
Page

Page 1986

12616 to drop out every few minutes. His usual procedure was to go out of the line, take care of his needs, and come back into the column. On one occasion as he did this, a Japanese guard spotted him and charged up and wounded him with a bayonet. * The witness and several others helped him. The witness personally helped carry him until the next rest period, and in the following days took turns helping the chaplain.

In one day 16 Americans out of his group were taken from the ranks, bayoneted and killed. Chaplain Day was given no medical treatment, and if they had been unable to assist him he would have been left by the roadside because the Japanese did not tolerate anyone not being able to walk.

12617 * The witness stated he could not accurately say how many shootings he saw during the march; it became so commonplace that they lost track. Usually those killed were rolled to the roadside. On some occasions some were buried, but most were left where they were killed.

12618 On the sixth day they were told that if they turned in their watches, rings, and valuables they would be given food. A few of them still had valuables, but those that did were glad to give them up for food. They received a teacupful of boiled rice only. * No salt was used.

On the ninth day they were informed that they did not have to walk any more, but would ride. The relief was short-lived. They were crowded into small Filipino railroad cars, 100 men to a car. Some of the men never touched the floor throughout the trip. Several fainted from lack of air, and could not be treated because of close quarters. There were four guards in the car, and they kept the space directly in front of the door. Whenever the train stopped, the Filipinos tried to give them food and water, but the guards ran them away.

12619 * From April 17 to May 27, 1942, the witness was at Camp O'Donnell. On the latter date he was selected as one of a detail of 300 for a road building detail. They were told they were being sent to the jungle infested area of Tayabas to build roads and bridges. As they passed through Pasay, the witness became ill again, and with 17 others was taken from the detail and replaced.

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(Class B & C Offenses, Philippines)
(Ingle-Direct)

Page 1987

Page

12620 In the meantime he had been sent to Bilibid, and in August 75 men returned from Tayabas, a deplorable looking bunch of sick, blind, and worn-out men, including two of the witness' closest friends. * They told him of the work they had been forced to do in building roads through the jungle, without shelter, under torture, and without food or medicine. During this period the witness was blind, had wet and dry beri-beri, dysentery, pellagra, and scurvy.

12621 The witness was at Nicholes Field Camp and Pasay School Camp, from June 8, 1943, to July 15, 1944. The Japanese, with the aid of prison labor, were trying to move a mountain to fill in rice paddies, to build an airfield for their military planes. * The work was of a pick and shovel nature, consisting of loading cars with rocks and dirt and sand, and pushing them down along the track. At first they had to fill 11 cars, but later the number was raised to 23. If they did not make their daily quota, the prisoners were beaten unmercifully with pick handles, rifle butts, bamboo strips, etc. He doubted if any POW escaped a beating.

12622 * From the first part of October, he had dysentery. After a three mile walk to the field he had to take care of his personal needs and went to a straddle trench area, about 40 yards from the supervisor's field office. While he was there the count took place, and he was missing although he could be plainly seen. When he reported back, one of the Japanese became infuriated and proceeded to give the witness a workout by making him stand at attention and knocking him down. When he was down he would be kicked a few times. His face was badly cut, and he was dismissed to go to work.

12623 He knew a man by the name of Red Savage. * In October, out of a group of 300 men, only 16 were allowed to stay in camp because of illness. If the number exceeded 16, someone had to go to work. In this case it was Savage, who had dysentery. He became so weak and sick he could hardly make it to the field, let alone do his work. On this specific day he did not return for lunch. About 1.30 or 2 o'clock he was missed, and the men were taken to the office while they searched for him. He was
12624 killed after being tortured. * The witness did not see the killing, but heard the shot.

NARRATIVE SUMMARY OF THE RECORD
(December 11, 1946)
(Class B & C Offenses - Philippines)
(INGLE-Direct)

Page 1988

Page

When the witness entered the Japanese camp he weighed 150 to 155 pounds, and when he left Nicholes Field he went as low as 88 pounds; he worked every day when he weighed 105 to 110 pounds.

CROSS-EXAMINATION by Mr. Logan,
Counsel for KIDO.

12625

* The witness stated that he had not held a commission. The Japanese soldier who first met him knew he was ill, because he was lying on a stretcher outside in the heat of the day covered with five blankets and a shelter-half. He was not in the hospital.

12626

He had not testified in any case before with respect to any atrocities. He did not know personally the man in charge of the march, but according to newspapers and talk, General HOMMA was the man. He did not know the man actually in charge of the march or his rank, * because at that time he did not know anything about Japanese ranks. When asked whether he was bitter, he said there were several thousand buddies that are not here today, and that counsel could use his own judgment.

(December 12, 1946)

CROSS-EXAMINATION by Mr. SHIMANOUCHI

12628

* Bombs fell on the field hospital at Bataan about ten o'clock in the morning. The weather was very clear. The witness was at the hospital at that time.

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About 45 minutes later he left, walking. * He knew that the roofs of the hospital were marked, because part of them were visible from the ground. He did not know whether there were any military installations near the hospital, but there were no important traffic junctions. The witness stated he had said nothing about a school. The Number 1 hospital was at 167½ kilometer post, and USAFFE headquarters was at 165, and he walked the distance.

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* The witness did not know whether the man who awakened him was an officer or an enlisted man, but he carried a rifle. The man said "hello", but nothing else. The witness did not try to tell this man he was sick.

Page

12631 Chaplain Day's wound was of such depth and so serious that it took the aid of the witness and friends to assist him to continue the march. * They assisted him from the third to the 9th day, when the march ended. During the march he sweated out a portion of the malaria and temporarily felt better. The witness said he was not too familiar with Filipino routes, but he knew that they passed through Pampanga Province and boarded the train at San Fernando, Pampanga. A portion of the road was through jungle, and the rest through rice fields.

12632 When asked whether there was any possibility that the captives would escape if they went for water, the witness stated that in the mountain areas where the roads were there were no artesian wells, and there was not enough vegetation to possibly cover escaping soldiers. He did not recall any freight carts or water carrying * carts on the road. There was a lot of traffic on the road, and even the water available in villages was off limits.

The witness stated he was not with the Army Quartermaster and was not familiar with Bataan's food supply before the surrender. They had been on fighter's rations, two meals per day.

12633 * The Japanese changed guards about three times per day, and when they rested they invariably did so in a rice paddy. The Japanese troops drank water whenever they felt like it. On many occasions they took canteens from the marching men. If there was no water in the canteens they would throw them to the roadside. The Japanese did not drink water from streams on the way.

12634 The witness said he was not familiar with the railroad situation in the Philippines due to war damages. * The railroad cars in which he rode were about 40 by 8 feet. The USAFFE Headquarters was not a billet, but only a jungle bivouac.

CROSS-EXAMINATION by Mr. Levin.

12635 * The witness said that the total length of the march was about 100 kilometers. He had not entered the Army directly from school.

NARRATIVE SUMMARY OF THE RECORD
(December 12, 1946)
(Class B & C Offenses - Philippines)
(INGLE-Cross)

Page 1990

Page

CROSS-EXAMINATION by Mr. SOMIYA.

12637 The witness stated that only one prisoner succeeded in escaping while at Nicholes Airfield. He did not know of any others that tried to escape. At Nicholes Field there was one Japanese who showed kindness to the prisoners. * He went to sleep on a couple of occasions, and the prisoners were able to pad the books on their quota.

12638 When asked whether he had ever heard that the food situation with respect to Philippine troops was bad compared to that of American troops, the witness stated that his job was radio operation, and he stuck to it. He had never heard or seen anything to the effect that the Japanese troop situation in the front line in regard to food was very bad. * While the war was on he was not interested in the personal life of the Japanese soldier, and after the surrender all those he came in contact with seemed to be very healthy.

RE-DIRECT EXAMINATION by Mr. Lopez.

12639 * The witness stated that counting the camp staff and guards and track bosses, there were about 30 Japanese guards at Nicholes Airfield. When asked whether the one Japanese guard ever showed his kindness in the presence of his friends, the witness said this guard was once caught asleep, and as a result he was beaten very severely.

DIRECT EXAMINATION of Lt. Col. FRANKLIN M. FLINIAU, by Mr. Lopez.

12640 * The witness stated that he was 37, and lived in California. The witness, on May 27, 1942, was with and surrendered with the 61st Division on Panai island at Iloilo City. They surrendered at the small barrio of Misi. There were 32 U. S. officers and E.M. and approximately 700 Filipino officers and E.M.

12641 * On the day following the surrender, the witness was forced by order to take three other U. S. officers and a group of Filipino officers and E. M. into the hills of Panay and show where they had hidden or stored ammunition and gasoline. He led a party of Japanese
12642 of about 33. He took them in the hills * but decided that he was not going to lead them to the dumps. He led

Page

- 12643 them in circles, and throughout the trip the Japanese officer told him continually that they would not eat or drink until he was shown where U. S. food was stored. It took six days for the round trip. During the six days * they were given no food or water as a ration from the Japanese in charge. The food they received was that left in the mess kits of the Japanese soldiers. The food was approximately 150 grams of rice per day. The water was found in puddles on the way or in caribou wallows. They averaged about 25 miles per day walking. There were about 30 Japanese guards, who ate well from their field ration, and in addition had bulk rice, dried fish, pickled plums, and other things.
- 12644 * After the trip was completed they returned to the Calinog Provincial Building, where they had started and found that the officers had been transferred to the Iloilo Provincial Jail. They were immediately taken by truck to the jail, where they stayed for about 44 days. Treatment was very severe. The ration consisted of rice and worms, and once a week an eggplant was issued. They were quartered in the cells of the jail, sleeping on double-deck wooden beds full of vermin. There was no latrine available for night use. All requests were refused. Due to past living conditions and general state of health, many of the prisoners had beri-beri and dysentery, and the stench * was terrible. They had no mats or pillows. The guards were from the military police unit of Iloilo City.
- The main job in Iloilo was cleaning up the city. They also loaded manganese ore from the dock, carrying two baskets like coolies.
- 12647 * Prisoner treatment, both American and Filipino, was very severe, particularly the beatings. The treatment was probably more damaging to the Filipinos than to the Americans. Among the Filipinos, he saw the Japanese extract fingernails, place hot coals under the chin of a prisoner, or under their feet. Officers and enlisted men, regardless of rank, were treated the same. The witness himself was beaten on many occasions with ordinarily steel knuckles, bamboo poles, and two by fours.
- 12648 He was beaten * all over his body. On many occasions it seemed they did not need a reason to beat. Other times they were trying to gain information about the whereabouts of Filipino soldiers who had not turned in or had deserted prior to the turn-in order.

NARRATIVE SUMMARY OF THE RECORD
(December 12, 1946)
(Class B & C Offenses - Philippines)
(FLINIAU-Direct)

Page 1992

Page

12649 On one occasion he was taken to the torture chamber, which was empty of furniture. A captain and a warrant officer both asked how Iloilo City was destroyed. It had happened that at the time of the invasion of Panay the invading force had to go through the city of Iloilo. The city was defended and was destroyed by the use of artillery and air bombing. These men blamed the witness personally for lighting the match which burned the city. * They forced him to stand at attention, and one with a bamboo and the other with a two by four beat him, across the chest, the ribs and back, and finally hit him in the head with the two by four, rendering him unconscious. He was carried out by American officers, and water was thrown on him to revive him. While he was on the ground, both were kicking him.

12652 CROSS-EXAMINATION by Mr. Logan,
Counsel for KIDO.

12653 The witness stated he was a lieutenant-colonel at the time of capitulation. There were several buildings available at Iloilo City where the POWs could have been kept and which would have been more comfortable. At that time, Fort San Pedro, where the prisoners were later moved to, was not being used. Likewise Iloilo Agricultural College and its dormitories was available. These were not being used by the Japanese for some other purpose.

12654 While in jail for 44 days he personally did witness approximately 100 beatings. He was told by the captain in charge, when he protested on beatings, that he had orders from his superiors to punish the prisoners. On every occasion the only words used were "High Command". * He did not know which command was specifically meant by that.

12655 After they left Iloilo, they were transferred to Fort San Pedro, on the beach in the city. When the witness complained to the captain in charge of the jail and asked for better quarters, he was told that they were there for a period of time, to be announced later, for interrogation purposes and would be under the kempeitai. They were taken from the jail about five weeks after his complaint. It was the Kempeitai that administered the beatings. * At Fort San Pedro the treatment did not change, but in fact the beatings and atrocities gradually became worse.

NARRATIVE SUMMARY OF THE RECORD
(December 12, 1946)
(Class B & C Offenses - Philippines)
(FLINIAU-Cross)

Page 1993

Page

These beatings were not personal whims of the soldiers, because the orders came from their superior officers. There was a captain in charge of the Fort, and on several occasions there were inspection parties under a lieutenant-colonel and a major. The witness himself never saw the orders, and said he could not read Japanese. Presumably they were read to him. The captain who read the order always had a piece of paper in front of him when he issued the order.

12656

* The worms that he said they ate were worms in the rice. The rice that they received while in prison were in sweepings of the floor from the warehouses. It had worms, steel filings, and everything else. He did not know about the food situation of Philippine civilians at the time. He did know that there was plenty of fresh fruits and vegetables available. Also he personally saw meat and corn in the markets, but he did not know the situation with respect to rice. Food conditions did not improve in San Pedro. They were cut in rations 50 grams of rice per man per day on arrival. * At Fort San Pedro they received approximately 300 grams per man per day. Once a week they received some sweet potatoes and some squash, and nothing else.

12657

At San Pedro he received approximately twelve beatings. They were very fortunate in San Pedro to have three Japanese interpreters who had lived in the Philippines, and every order given was interpreted for him.

He had never testified in any other trial.

CROSS-EXAMINATION by Mr. Levin.

12658

* The witness stated he was not the highest ranking officer in charge at the time of surrender. He was chief of staff to Colonel Christie, the senior officer on the island. He, however, made all the arrangements. The terms required a total surrender in writing; * that the U. S. would surrender both American and Philippine forces at certain places. The witness abided by the note, by turning over his forces to the Japanese. The supplies which he had were left back in the hills. * When he took the Japanese officers on the

12659

trips, they passed in the vicinity of several of the dumps. Some were completely gone; others he passed but not close enough to point out to the Japanese; some had been looted by the Filipinos, which he did not know then.

12661

NARRATIVE SUMMARY OF THE RECORD
(December 12, 1946)
(Class B & C Offenses - Philippines)
(FLINIAU-Cross)

Page 1994

Page

12662 The witness said that he made protests every day he was in prison camp. On one occasion there was an inspection party from Manila, under a general whose name was unknown. * At Iloilo prison, the officer in charge said he was a commander. At San Pedro the officer of the camp was a captain of the army.

CROSS-EXAMINATION by Mr. Cunningham,
Counsel for OSHIMA.

12663 * The witness stated that he arrived in the Philippines on November 20, 1941, and surrendered on May 27, 1942.

CROSS-EXAMINATION by Mr. SOMIYA.

12664 * The witness stated that at the time of
12665 surrender there were 32 American officers and enlisted men, every one of whom surrendered. * Approximately 700 Filipinos surrendered. He did not know whether the Filipinos were released or not. When he left for Japan they were still under the Japanese. The Americans were separated from the 700. In the early part of August about 100 Filipino troops were put into Fort San Pedro. The rest were in cadre barracks about 400 yards away. He did not know whether they were released or not.

CROSS-EXAMINATION by Mr. Blewett,
Counsel for TOJO.

12666 * In preparation for the inspection, they were told by the camp commander that the general was inspecting, and he was in the camp about ten minutes. For the inspection each POW was given three mangoes and a papaya, which was on their bed at the time of inspection. Immediately after the party left the fruit was picked up. The barracks were clean for the inspection, but all cleaning equipment was taken away. The inspection was made on July 23, 1942.

12668 * Exhibit No. 1454, JAG Report No. 285, stated that the forces which surrendered to the Japanese in the Lanao area on May 27, 1942, were concentrated in Camp Keithley. On July 4, 1942, POWs had to march 36 kilometers to Iligan, to be taken to Malaybalay. During the march, a sick prisoner, unable to keep going, was shot. No food or water was given, and as a result one died from drinking dirty water.

NARRATIVE SUMMARY OF THE RECORD
(December 12, 1946)
(Class B & C Offenses - Philippines)

Page 1995

Page

12669 * Exhibit No. 1455, JAG Report No. 49, stated that about 0200 December 14, 1944, two Japanese officers informed the men at the POW camp at Puerto Princesa, Palawan, that they were going to work early the next day. They began at dawn but were called back at noon, which seemed strange. There were two air raids, and extra guards were placed around the compound. During the early afternoon another air raid warning was sounded
12670 * and the men were forced into shelters and required to remain under cover, the Japanese stating that hundreds of planes were approaching.

12671 While underground, Japanese soldiers armed with machine guns and rifles and carrying buckets of gasoline, attacked the POWs in the first shelter, where there were about 40 of them. They threw a lighted torch in and followed it with a bucket of gasoline. As the men ran from the shelter they were mowed down by machine guns and rifles. Men were allowed to suffer until they died. A captain, commander of the garrison, split one man's head open with his saber. The Japanese started shooting everything in sight, while the captain * was laughing and shouting, urging the men on. Men were thrown into holes while alive and covered with coconut husks. Some escaped through a hole in their dugout, while 30 or 40 others tore barehanded through barbed wire fences and ran to the water's edge. Two attempted to swim, but were shot in the water. Others were hunted down and dynamited. About four men swam the bay to safety. One man tramped without food and water for five days and nights through the jungle until rescued by the Filipinos.

12672 Following the landing by Americans at Puerto Princesa, on February 28, 1945, a search of the enclosure was made and certain identification tags, and personal items were found. Between March 15 and 23, 1945, 79 skeletons were buried. 26 were found * piled four and five high in one excavation. Bullets had pierced the skulls and they had been crushed. The smallest number of bodies were found in the large dugouts, closest to the cliff and furthest from the prison buildings. In two dugouts bodies were in prone position, arms extended, with conical holes in the fingertips, showing that these men were trying to dig their way to freedom.

NARRATIVE SUMMARY OF THE RECORD
(December 12, 1946)
(Class B & C Offenses - Philippines)

Page 996

Page

DIRECT EXAMINATION of Austin J. MONTGOMERY,
by Mr. Lopez.

12673

* The witness said that he was a lieutenant-colonel and lived in California. He had been with the U. S. Army 13 years, serving in the Philippines on both Bataan and Corregidor. He arrived in the Philippines in May, 1941, and was in the war until May 6, 1942. On that day, * Corregidor surrendered.

12674

12675
12676

* About 8-10,000 American and Filipino troops surrendered. Since * his surrender he had been in six temporary camps, 7 permanent ones, and 7 prison ships. The first temporary camp was at Cabanatuan in June of 1942. The next camp was 40 kilometers outside the city of Cabanatuan. This was also June of 1942. He was at Fort San Pedro; at the Olongapo Naval Reserve; the city jail in San Fernando Pampanga, and on the beach, San Fernando La Union on Lingayen Gulf. During May, 1942, he was at the permanent camp at the 92nd Garage Area on Corregidor; from June to Oct. , 1942, at Cabanatuan Camp No. 1; at Davao Penal Colony, from November 1942 until June 1944; at an isolated area adjacent to the main Cabanatuan Camp * in June and July of 1944; Bilibid prison October to Dec. 1944, Fukioka on Kyushu from January 1945 until April 1945, and in Jinsen, Lorea, from April until September 9, 1945.

12677

The prison ships that he was on was the Erie Maru, from Manila to Davao, October, 1942; two vessels, whose names were unknown, which brought them back to Manila in June of 1944; the Oryoku Maru in December, 1944; the Brazil Maru, from San Fernando La Union to Takao harbor, during December and January of 1944 and 1945; and the Enoura Maru during January 1945.

The Oryoku Maru was bombed by American planes on December 14 and 15, 1945. After it was bombed the second time they were given orders to evacuate the ship.

12678

* The Enoura Maru was also bombed while in the harbor at Formosa. When he was first taken prisoner, they were kept in the area known as the 92nd Garage. The place was terribly crowded, and they had to sleep in shifts. There was no protection from the sun or rain, except some tar paper shacks which the men had built from materials on hand. Sanitary conditions were bad and the place swarmed with flies; the men were fighting them all day long. There was one water tap which gave a small trickle of salty, unpalatable water.

NARRATIVE SUMMARY OF THE RECORD
(December 12, 1946)
(Class B & C Offenses - Philippines)
(MONTGOMERY - Direct)

Page 1997

Page

12679

* The food was inadequate and there were no medicines. Corregidor had been prepared for a long siege, and there were a great deal of supplies there. The Japanese used work details from the POWs, with as high as 2,000 men per day to carry these supplies on Japanese vessels sailing for the China Sea.

12680

The witness and others were moved out of Corregidor on May 24, 1942. They were marched down to the pier area and loaded aboard three transports, which were very crowded. While aboard these transports they received no food or water. They headed out about ten a. m. and went to a point called Paranaque * and disembarked there. The actual trip took about two hours. They arrived the next day about 8 in the morning. They were taken ashore in invasion barges, dumped into the water up to their shoulders, and assembled on the shore. They were kept there for several hours, until the hot part of the day arrived, and then were marched through the main thoroughfares of Manila, the streets of which were lined with thousands of Filipinos. Many of the latter tried to give aid, but were beaten for trying to help. There were many Japanese Army and civilian personnel witnessing the march. The procession ended at Old Bilibid Prison, in the commercial section of Manila.

12681

* It is about 7 miles from Paranaque to Old Bilibid Prison. The prison had been in the Philippines before the war, and the witness was familiar with the area. Manila is a large port, and there were several piers available. It is a mile from the pier to the prison.

12682

* The Davao Penal Colony, before and during the war, contained about 2,000 Filipino convicts. The POWs were assigned to one of the areas, and approximately 2,000 men lived in the barracks. Sanitary facilities were rather poor, but better than before. Water was plentiful, but food was inadequate. Many men were beaten. On several occasions, about 600 Americans were mass punished for the escape of ten men. This consisted

12683

* of taking them and putting them into a smaller compound, where they slept in cages of about 5 by 3 by 3 feet, made of wood and wire.

NARRATIVE SUMMARY OF THE RECORD
(December 12, 1946)
(Class B & C Offenses - Philippines)
(MONTGOMERY-Direct)

1998

Page

- 12684 * One man was required to sleep in each cage, and this phase of the mass punishment lasted two months. These cages were bed bug incubators. A tall man could not stretch out, but had to draw up his legs. The cages were piled one above the other, in double tier effect. While undergoing this punishment, food was considerably less than in the main camp. The main camp placed them on onerous work details, and they were beaten without provocation. The witness himself was beaten on several occasions, and they were told that this was part of the punishment.
- 12685 * After the escape of the ten men, the group had waited seven days for their punishment. The 600 men to be punished were assembled, and the commanding officer, a major, announced that he had received notification of the punishment to be imposed from the High Command. He made quite a ceremony of the affair, and read the sentence from a scroll.
- 12686 In Davao Camp the witness was adjutant and work details officer. In April of 1943 the men were given a form, asking whether they would volunteer for work. * They received 600 negative answers. The Japanese returned these reports and stated that the men would work, and if they did not work they would be confined in the guardhouse and severely punished until they volunteered.
- 12687 The Japanese authorities at the penal colony ordered a 600 man work detail to build a military air field at Lasang. This decision was protested and signed by the senior POW, a full navy commander, and it was also signed * by the POW camp commander. This letter pointed out that work on military installations was covered by the rules of land warfare, and they requested that this matter be reconsidered. This letter was returned after several days with the statement that it was no good. They said that the Japanese Government would live up to such parts of international law as did not conflict with their rules and regulations.
- 12688 They were moved out of Davao in June, 1944, loaded aboard trucks, roped together and blindfolded. They were so crowded that sick men fainted. They had great difficulty in sinking to the floor of the truck. The trip lasted between three and four hours, and at no time did they get off. When they arrived * at the wharf

NARRATIVE SUMMARY OF THE RECORD
(December 12, 1946)
(Class B & C Offenses - Philippines)
(MONTGOMERY-Direct)

Page 1999

Page

they were taken off the truck, the ropes taken off and the blindfolds removed. While there he saw a large automobile, driven by generals in the Japanese Army. These generals appeared to be quite amused. The Commanding Officer of the camp came to the witness and Colonel Olsen and apologized for the drastic measures used in transporting, and stated he was merely following orders from higher authorities.

- 12689 * At the time the Oryoku Maru was bombed, it was absolutely unmarked, and was heavily gunned with adequate gun crews. When they boarded the boat there were approximately 1650 POWs, but when the planes started to bomb about 30 or 40 had already died. The planes picked up the ship at 8 a. m. and bombed and strafed until 4.30. * It was obvious that the boat could not continue its voyage, and the Japanese had already evacuated some civilians. In the hold, the POWs were informed that they would have to swim for shore. They were ordered not to take their shoes and to strip down as much as possible. They ascended the ladders, and some were permitted to go to one of the lower levels and jump overboard. * Others were forced to jump right where they were, a distance of 18 feet. The Japanese guards on board were trigger-happy, and several people were shot while on board. Machine guns were lined up on the shore, which opened up on men on improvised rafts. As he swam in, he passed several men whom he knew. Japanese machine guns opened fire on these men, killing three of them. The other two managed to swim ashore, but subsequently died.
- 12690
- 12691
- 12692 This voyage was the worst experience * that he ever had as a prisoner. The men were jammed into the hold of the ship and were so crowded that sitting down was absolutely impossible. Men had to be beaten down into the hold. They had allocated so many men, about 700, and they had to get down if they had to walk down on someone else's back. It was terribly hot, and the heat was increased when they closed the hatches on several occasions. It got as high as 120 degrees in the hold. From December 13 to 15, they received only one issue of rice, and one small issue of water. There were only four buckets for latrine purposes for 700 men, and permission to empty these buckets was refused. The odor was terrific. Due to the terrific heat, men dehydrated very quickly and had to drink the water in quantities. Many intended to conserve it but were forced
- 12693

NARRATIVE SUMMARY OF THE RECORD
(December 12, 1946)
(Class B & C Offenses - Philippines)
(MONTGOMERY-Direct)

2000
Page 2000

Page

12694 to drink it, so that by the first evening few men had any water left. The water consisted of a canteen cup per bay. The ship was divided into bays, so many men to a bay. In the witness' bay they had 37 men. The combination of heat, dehydration, and the terrible conditions, * drove many of the men out of their minds. Some of them drank urine, and others slashed their wrists and others to drink the blood. It was quite a clamor in the hold, and the Japanese closed the hatches as a disciplinary measure, shutting off all air.

12695 When they started out they had 1650 men, and at roll call when they arrived there were a little over 1300 men. The death of the others was caused by suffocation, indiscriminate shooting, and the bombing. More deaths were attributable to conditions aboard the boat than for any other reason. * At least 70 were wounded or injured. The Japanese gave no hospital treatment. A certain marine corporal got a machine gun slug in his arm. Gangrene set in and it swelled up. The American doctors repeatedly asked for permission to send this man and other injured men to some point where they could receive hospitalization. A medical officer, seeing that permission would not be granted, had to amputate the man's arm without anesthetics and with the crudest surgical instruments, the man dying about three days later.

12696 * After the men got ashore they were rounded up into a tennis court, all 1300, and placed in this area and told to do the best they could. This was an outdoor court with backboard and netting, and no roofing. They stayed there six days. They divided themselves into squads of 70 men, in files, for space purposes, about two feet apart. * There were no overhanging trees, and no beds or nets. The first two days there was nothing issued in the way of food. * On the third day and each day thereafter they received one mess kit spoonful of uncooked rice. On the third day, an officer who had been assigned at the penal colony, came up to Olangapo. He was in General KUO's office. This officer sent for Colonel Olsen and the witness, who told him about the conditions aboard the ship. He saw that they had no clothing and no protection, and had had no cooked food since December 13. They asked him to bring this to the attention of the higher authorities. He promised to do this, but conditions did not change in the slightest.

NARRATIVE SUMMARY OF THE RECORD

VOLUME 6

PAGES 2001 THRU 2400

FILE SET 1

*This book covers Record
pages 12700-15276*

FILE COPY
RETURN TO ROOM 361

NARRATIVE SUMMARY OF THE RECORD
(December 12, 1946)
(Class B & C Offenses - Philippines)
(MONTGOMERY-Direct)

2001
Page 0001

Page

12700 * There were 1300 survivors of the bombing
of the Enoura Maru. About 300 men were killed outright
12701 on the bombing at Takao Harbor. * At the time of the
air bombing, this boat was unmarked and armed. On no
Japanese ship that he had been on were the boats marked
to show that it was carrying POWs. This boat had
several anti-aircraft guns, and they were used in
connection with the bombing. Of the 1600 to 1650 POWs
on the Aryoku Maru, 450 reached Moji.

12702 With respect to the Bilibid Prison march,
Paranque is not a port of debarkation for the army.
It did not have any pier or wharf of any kind. * They
disembarked in assault boats. They had to pass through
Dewey Boulevard, one of the main thoroughfares, down
Taft Avenue, and through the commercial section

CROSS-EXAMINATION by Mr. Logan.

12703 * The witness stated that at the time of
capitulation he was a major. He stated it was correct
to say that on capitulation, American food was placed on
Japanese ships and taken across the China Sea.

People on Bataan had been much worse off than
those on Corregidor. The plan for the latter was to hold
out an additional 90 days after the fall of Bataan, and
there was a reserve of food not to be touched under any
circumstances. There was much food on Corregidor. They
had gone on two light meals. Corregidor had a 90 day
ration in store to be used at the same rate as these two
meals a day. This would keep 10,000 men from starving
to death.

12705 When he first was in Bilibid Prison, it was quite
crowded. The witness stated he did not know who built
the cages at Davao Penal Colony. * When they first got
to Davao it was not too crowded because about 600 men were
immediately sent to the hospital area. Subsequently many
of these were driven back to the main part of the camp so
that they could work. He knew nothing about these cages
before because he had never been in the area before. He
did not think that they had been constructed especially
for the 600 men placed in them. He did not think that
they were used for sleeping purposes for men due to over-
crowded conditions. There were other available structures
in which the men could have been billeted.

NARRATIVE SUMMARY OF THE RECORD
(December 12, 1946)
(Class B & C Offenses - Philippines)
MONTGOMERY-Cross

Page 2

Page

- 12706 * This area had been used when the penal colony was in operation for incorrigibles. There were three rows of barbed wire around the compound, with flood lights shining at all times. Filipino convicts could have been confined there as a disciplinary measure.
- 12707 * The witness stated he spoke Japanese very slightly. In 1942 he could count and name work details. He had to do this, since the majority of the Japanese guards did not speak English. When the major read the notification of punishment he spoke in Japanese. He could speak practically no English. He read it from a scroll. There was an interpreter there. The word "High Command" was one of their favorite expressions. They used it on many occasions, and specifically when they read the punishment. * These were the words used by the interpreter, and of course he did not know what the Japanese words were. When he was told that they would not live up to the regulations of the rules of land warfare, the statement was oral through an interpreter. The witness himself had not seen any orders from higher authorities, and did not know whether they actually had any.
- 12708
- 12709 * Major TAKASAKI, of the wharf incident, could speak English. The witness knew unquestionably that there was a general present at the time. Most camps had protested about beatings and food, and instead of getting better things usually got worse. He could recall one specific instance when they got better. In this instance a guard was punished for mistreating American soldiers.
- 12710 * When asked whether the Japanese were not caught unexpectedly in not having enough facilities to take care of the men after the ship was bombed, the witness stated that they landed at the Olangapo Naval Reservation, which was a permanent station used by the U. S. Navy for many years. There were hospital facilities and cooking facilities. If ever a place was designed to take care of unexpected guests, this was the place. When asked whether the place was crowded, he said there were a couple of hundred marines manning gun positions around the tennis court, but no large concentration of troops, and no other prisoners of war.

NARRATIVE SUMMARY OF THE RECORD
(December 12, 1946)
(Class B & C Offenses - Philippines)
(MONTGOMERY-Cross)

Page 2003

Page

CROSS-EXAMINATION by Mr. OKAMOTO.

12711 *When the 600 prisoners at Davao refused to volunteer for work, they did it as a group. They did not have a mutual agreement, but they were rather happy to have the opportunity of expressing their desires, and they unanimously decided not to volunteer for work. This was not done through a representative, but by each man writing "No" in a series of printed forms.

12712 * On the Oryoko Maru there were many Japanese civilian evacuees, women and children. The civilians were first evacuated--he did not know in what order. They were evacuated about two o'clock in the morning, December 15. He would not say that the lifeboats became unavailable later because they had been used for the women and children. * They could hear sounds of launches approaching the boat at that time, but he could not say whether the launches supplemented the lifeboats.

12714 The boat did not sink, and it was subsequently bombed when the prisoners had been removed, but was in no danger of sinking at the time of evacuation. As for food, the total ration that they were allowed daily at Olangapo after the third day, was one tablespoon full of uncooked rice. The Naval Reserve at Olangapo was garrisoned by Japanese troops, and there were billeting facilities. * At the most, the distance from Manila to Olangapo was a five hour ride. American planes were bombing during the day in the area, but convoys can run at night and one truckload of supplies would have helped immeasurably.

12715 He considered it natural that Lieutenant UKI was delayed in reaching Olongapo on the third day, since he did not believe that the Japanese authorities were very much concerned about POW welfare. * Lieutenant UKI was well thought of in comparison with others.

 The time between the bombing of the Oryoku Maru and the evacuation of the ship was about 40 minutes. They had left Manila about two o'clock in the morning on the 14th, and they evacuated the ship about ten o'clock on the morning of the 15th.

Page

12719 * The heat in this ship was so terrific that men began to pass out within ten minutes after they were jammed into the holds. The slashing of wrists and the drinking of urine occurred the morning of the 14th and the night and morning of the 15th.

CROSS-EXAMINATION by Mr. Brooks.

12720 At Davao the men were building a runway on a military airfield located near Lasang. * He did not know whether this airfield had been used prior to the war. He knew nothing of the area prior to his arriving there as a prisoner.

12721 According to the rules of land warfare, the ships transporting POWs should have been marked with a red cross or some appropriate mark indicating it was carrying POWs. In addition to the POWs it had approximately 1,000 Japanese civilians. When they came into Manila Bay there were spaces available to dock a ship in the port area. * Some other vessels had already tied up at some of the piers. He did not remember ever seeing any vessels entering or leaving the area. The men were landed in barges, and they could have been landed in barges near the pier; there was no need to take the roundabout way.

12722 * The Japanese occupied Manila on January 2. By May 24 it is logical to assume that if there were any mines they would have been removed. While a prisoner in the Philippines, he could recall four inspections. The first was by General MORIMOTO, consisting of riding through the camp at Cabanatuan on a horse, taking about ten minutes. At that time dead bodies were laying in the latrine areas. He was a major-general in the army and in charge of prison installations in the Philippines.

12723 * There had been complaints prior to this inspection about food, water, and sanitary conditions, and every other phase.

RE-DIRECT EXAMINATION by Mr. Lopez

12724 * The witness stated that out of the 1650 who started on the trip to Japan on the Oryoku Maru, about 450 arrived in Moji on January 30, 1945. Of this 450, approximately 200 conservatively died within two months after arriving in Japan.

Page

12,725 Exhibit 1456, affidavit of Major Charles Thomas
12,726 Brown, stated * that he was a doctor, having begun to
practice medicine in 1933 and he went on active duty
with the U.S. Army Medical Corps in 1934. * On June 19,
1942 the Japanese ordered the senior medical officer at
Bilibid Prison to furnish two medical officers and four
corpsmen. The witness volunteered for the detail.
Thirty dying Americans had been brought to the hospital
and the witness was told that other men were dying and
that they needed medical help. On the morning of June 20
the witness, another doctor and the corpsmen were taken
to Calauag, south of Luzon, arriving at night. They found
about 300 American troops in the most pitiful condition,
three already dead and the living suffering from malaria,
dysentery and malnutrition.

12,727 The Japanese furnished no medical supplies and
the only medicine they had was a small field pouch they
brought. The Japanese promised medicine later. These
men had been there for about three weeks, picked at ran-
dom from the survivors of the death march. They were in
* bad condition when they were taken from Camp O'Donnell.
They had been removed to build a road through an impenetrable
jungle. Already thirty had died and the survivors were
drinking filthy water and living in the open. They were
forced to work from daylight to dark with disease, without
clothing, covering or shoes, with only a wheel barrow,
pick and shovel. Men were frequently beaten and those
too weak to work were beaten and prodded. This had been
going on for three weeks.

12,728 The other doctor asked to be allowed to have a
free hand and the dying men be allowed to rest and asked
for supplies. The witness also interceded. The food might
be considered sufficient * but due to disease, men were
unable to eat. The food was captured American canned goods.
Later the food began to run out and at the end there was
only rice. There were no cooking facilities and all food
was prepared in a wheel barrow. During the next three
weeks the death rate was three to four per day.

The men were buried with their bodies stripped
of clothing for benefit of the living. An accurate list
of dead was kept. Conditions became worse and it was im-
possible to maintain sanitary conditions. The Japanese
guards had tents or barracks. At the end of June, Japanese

NARRATIVE SUMMARY OF THE RECORD
(December 13, 1946)
(B & C Offenses--Philippines)

Page 2006

Page

12,729 medics inspected the work camp, but did nothing except promise aid. * During the witness's period fifty men died. Many could have been saved with medical supplies and improved conditions.

12,730 * Exhibit 1457, JAG report No. 210, stated that in the first week of June 1944, 1,200 to 1,500 American POW's were taken by truck from Davao Penal Colony to Davao City. The men were tied together and blindfolded. Many sick and amputees had to stand during the trip. If men were suspected of peeking they were struck. Many suffered from beri-beri,* some men fainted and were held up only by the ropes. Men were put on the boat during the latter part of the trip and the prisoners were required to stay in the hold. They could not lie down and had to sleep in shifts. The only latrine facilities were some five gallon cans. The men often had to relieve themselves before the cans were available. Hatches were kept almost completely covered. Water was always insufficient and not completely distilled. Temperature was 120 to 125 degrees. Food consisted of a small amount of rice and thin soup, the latter was often made from spoiled meat. After the escape of two officers the rations were decreased until Americans were receiving one-sixth of that gotten by the Japanese.

12,732 Exhibit 1458, JAG report No. 76, stated the cells at Bilibid Prison were * overcrowded and sanitation facilities were non-existent. The regular diet was a maximum of 700 to 800 calories per day and during the worst periods, POW's received only two meals a day consisting of $\frac{1}{2}$ cup of rice. The food actually issued was often contaminated, resulting in dysentery, diarrhea and beri-beri. American POW's often * ate garbage from scrap cans and pig troughs. The medical director was apparently responsible.

American prisoners were beaten with sticks and baseball bats, often to insensibility. Men were hung from the wrists for long periods of time. Three thousand slept on concrete floors without bedding or nets. They had only three showers. When in 1942 a POW escaped, 1,500 were placed on a diet of straight rice for three months. On October 11 and 12, 1944, 1,200 were taken from the prison to the dock area in Manila Bay, then subjected to Allied bombing. On June 19, 1942 the Japanese confiscated all quinine and medicine brought by the POW's. Confiscated

NARRATIVE SUMMARY OF THE RECORD
(December 13, 1946)
(B & C Offenses--Philippines)

Page 2007

Page

12,734 Red Cross supplies were stored * in YAMASHITA's headquarters in Manila. There were more than 1,000.

12,735 Exhibit 1459, JAG report No. 99 on conditions at Cabanatuan Cmap, stated living conditions were poor and sanitary facilities inadequate. Roofs were wooden frames covered with grass and no supplies were provided for making repairs. * Seven were crowded into space 7 x 10 feet, sleeping on bamboo platform tiers, in some cases without blankets. No clothing was provided and extras were taken away. Latrines were slit trenches close to the buildings and flies swarmed around them and into the living quarters and mess halls.

12,736 Medical supplies were lacking entirely or provided in such small amounts as to be of no value. There was enough quinine for only ten percent of the patients. Antiseptics were inadequate as were sulfa drugs. On the other hand Japanese hospital patients had beds with innerspring mattresses, linen, blankets and mosquito bars. The Japanese refused to release adrenalin, although there was sufficient for both the Japanese and POW's. Medical supplies from the Gripsholm were unloaded by POW's and taken to the Japanese warehouse * where these large supplies were seen by the POW's, but the Japanese refused to release adequate amounts for POW treatment.

Despite their weakened condition and bad medical treatment, the POW's were forced to do heavy work and beaten if they collapsed. They were forced to work on military installations such as runways and foxholes. The POW's also had to submit to medical experiments. To prevent escape the POW's were forced to sign pledges not to escape. The squad system of punishment was used, whereby the POW's were divided into squads of ten and told that if any POW escaped and was not caught, the remaining men would be executed, while if he were caught, he alone would be executed.

12,737 * There were innumerable beatings and tortures for minor matters such as a prisoner joining the wrong group at the noon bell. Americans were forced to slap other Americans and if they were not sufficiently hard, they were required to repeat it. At other times the POW's were paired off and forced to slap each other. If the Americans attempted to get food from the Filipinos, they were shot.

Page

DIRECT EXAMINATION OF GUY H. STUBBS,
by Mr. Lopez

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* The witness stated he was a Colonel in the Coast Artillery Corps of the U.S. Army and lived in Peachbottom, Pennsylvania. He joined the Army in August 1919 and he was with the American force that surrendered at Bataan in April 1942. He was then on the staff of General King, commanding the Bataan force as Coast Artillery and anti-aircraft officer. * Prior to the surrender Japanese planes were overhead the whole day and sometimes at night and bombed and strafed and on occasions dropped leaflets and newspapers. The leaflets were called surrender passes, being written both in Japanese and English, the English promising humane and honorable treatment if the group would surrender.

12,739

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About March 15, 1942, personal messages to General Wainwright were dropped, promising humane and honorable treatment in case of surrender. Each evening there was a radio program from the Japanese to the men on Bataan, * which likewise offered humane and honorable treatment in case of surrender. All promises were made in the name of the Imperial High Command. At the time of the surrender he was at General King's headquarters.

12,741

Prior to the surrender General King had ordered all passenger vehicles and sufficient gasoline be surrendered intact so that the men could be carried to the concentration camp. The order evidently reached the majority of troops because practically all passenger vehicles were surrendered without being destroyed. Approximately * 11,000 men surrendered.

12,743

The witness took part in the death march and among the many incidents he saw were men shot and bayoneted when they were unable to continue. He also saw the Japanese guards start to bury five Filipino soldiers in uniform alive after throwing them into a latrine. He saw a Filipino spread-eagled staked on the ground and he is sure that his hip joints were dislocated. He was being punished for wearing a Japanese helmet. * The men who were bayoneted were simply so weak they could not keep up with the marches, but many knowing what would happen if they fell, continued until unconscious. One man struck back when a guard slapped him. He was killed.

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12,744

The witness stated he was confined to six non-permanent camps--Orani, Lubao, San Fernando, Pangasinana, Cabanatuan Town, all on Luzon; Fort San Pedro in Cebu and the horse stables in Moji, Japan. He was also in six permanent camps--Camp O'Donnell, Cabanatuan Camp No. 1, Bilibid Penitentiary, Davao Penal Colony, Yokkaichi, Toyama. * He was in Camp O'Donnell from April 20 to June 1, 1942; Cabanatuan Camp No. 1 from June 2 to October 26, 1942; Bilibid Prison for a day and a half in 1942 and five days in 1944; Davao Penal Colony from November 8, 1942 to June 6, 1944; Yokkaichi from September 4, 1944 to June 1, 1945; and Toyama from June 2, 1945 until September 6, 1945. He had been in four prison ships. He went from Manila to Davao in 1942 on the Erie Maru; from June 6 to the 10th in 1944 he went on an unnamed ship to Cebu and went from Cebu to Manila in another unnamed ship. From Manila to Moji on a Canadian steamship, * the trip taking 61 days.

At Camp O'Donnell the witness was assistant to General Bleumel who commanded part of the air corps group. He became group commander when the generals were segregated. After that he was marked as commanding officer of prisoners. He tried to get away from this but couldn't. He commanded the first 1,500 POW's moved from O'Donnell to Cabanatuan, and at the latter place he commanded a group of 2,500. At Davao he did all kinds of administrative work. He commanded a company of 200 on the move to Manila and was in command of a detail of 1,024, being moved to Japan and while they were in Japan.

12,746

* While he was commander at O'Donnell for three weeks about 16 percent of the Americans died then and during the first five or six weeks. When he left O'Donnell they had buried over 1,500. When he left Cabanatuan about 22 percent of the 2,000 had died * out of approximately 9,000 there at onetime or another.

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At that time they were receiving 350 grams per man per day of bad rice with all kinds of sweepings from the warehouse floor. They also received about 30 grams of vegetables, which was frequently kangkong which has no food value. About twice a month they received a small issue of meat and on one occasion they had chicken and eggs, * which consisted of three small chickens and 11 or 12 eggs for each 500 men. Pictures

NARRATIVE SUMMARY OF THE RECORD
(December 13, 1946)
(B & C Offenses--Philippines)

Page 2010

Page

12,749

were taken of this. At O'Donnell they received about 300 grams of rice per day with the same quantity of vegetables. At O'Donnell men had to stand in line for hours for a drink of water. In Cabanatuan No. 1 the witness made daily protests, but with no results. The camp commander was an errand boy for every Japanese. He had to wrangle continually * about conditions and abuses. He frequently was slapped or beaten for protesting. When the witness complained about food he was told that it was not available. Through an underground he learned from the Filipinos that they would be glad to sell food in exchange for an order on the U.S. for payment later. The camp was located in central Luzon, the granary of the Philippines. There were large herds of cattle to the north and the owner of these contacted the witness in regard to selling in exchange for an order on the U.S. The witness told the commander that he could get food if he were allowed to visit * the ranches. They refused to let him contact the people. At this time the Japanese had all the fresh meat, chickens, eggs and drinks they could use. He frequently saw them eating and they saw the supplies in large quantities being taken into Japanese mess halls. Trucks came in daily and most of the food was local products. * They used American kitchen police and these men would frequently sneak out left-overs from the Japanese mess consisting mostly of rice, but frequently eggs and meat.

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12,752

* As each group entered Camp O'Donnell it was addressed by the Camp Commander who told them that they were not POW's, but would be treated as criminal captives. He stated that he would entertain no protests and he wanted only a daily report on how many died so he could keep his records straight. He didn't care how many died.

At first the food situation at Davao was much the best, but it later deteriorated.

12,753

The prison ships were all * terribly crowded and food was inadequate. The water ration was about 25 ounces per man per day. The men were forbidden to brush their teeth or wash. This prohibition was true at Camp O'Donnell and for two months at Cabanatuan No. 1.

NARRATIVE SUMMARY OF THE RECORD
(December 13, 1946)
(B & C Offenses--Philippines)

Page 2011

Page

CROSS-EXAMINATION BY MR. BLEWETT,
Counsel for TCJO

12,754

The witness stated that just before the surrender in Bataan food and medical supplies were extremely low and the men were all in bad condition. * The witness had no idea of who gave the orders for the death march or under what circumstances it was arranged. Just subsequent to the surrender the Japanese were all apparently well under control and had a similar method of treating POW's. His impression was that the order for the death march came from the high command in the Philippines. The Japanese were so secretive that they always used the term Imperial High Command. General King surrendered

12,755

* to a Japanese general in command of tanks who later took over general hospital number one. He stated that they would be sent to a concentration camp. General Arnold Funk was the senior officer on the trip. The staff of the U.S. Army rode in passenger cars and started for Camp O'Donnell.

12,756

The witness's car broke down after two miles and then was taken away. The witness walked the rest of the way except for a short ride in a truck. * As to the other cars, they were used all over Bataan by Japanese for hauling their equipment and personnel, both during the death march and later. So far as the witness knew only five cars were used for transporting Americans in any way. The others were used for everything else. There seemed to be no Japanese officer in charge of the witness's contingent on the march. They were herded along the road with a change of guard every five miles.

12,757

The size of the Japanese force which landed on Luzon was approximately 85,000. The guards were equipped as infantry men, but he did not know what insignia they wore. The officer in charge of O'Donnell was a captain who was said to have been sent there specifically to take charge of POW's who might surrender. The witness stated they were told that this man was army but the witness saw him only on the occasion of his initial speech.

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* While he was in O'Donnell he protested to General King, but only one American was allowed to approach Japanese headquarters. He tried to convey the

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12,759

protest but was told the Americans were not to protest about anything. At first the camp was in command of Major MAIDA and he was later relieved by Major TAKASAKI. Both were army officers. At O'Donnell and Cabanatuan No. 1, the guards were army men. Later men were brought in who were said to be Formosans and were trained at Cabanatuan No. 1. * Key men of the guard continued to be Japanese. To his knowledge the guard did not consist of military police, although the Formosans were stated not to be in the Army, but to be a civilian guard. They were equipped identically with the army and had machineguns. They were soldiers. As part of their training they went on raids against the guerrillas. On three occasions the witness saw general officers, but none spoke to him and only one occasions did they speak to any prisoner.

12,761

At Cabanatuan No. 1, General MORIMOTO asked the colonel in command on the conditions of his men. When he was told they were weak MORIMOTO said they needed exercise and said they should be run on the road. Other than these three the highest Japanese officer whom the witness saw and whom he spoke to were Lieutenant Colonels. Before MORIMOTO inspected Cabanatuan No. 1, the POW's were told to clean up the camp and they were given an issue of meat. He only rode through the camp and went away. A Japanese sergeant later told the witness that they had been criticized for giving the POW's meat and he did not want to see such a thing again. On later inspections the POW's got no better or worse food than ordinary. * The inspecting officer spent very little time inspecting, although they spent considerable time in the camp commander's office or quarters eating and drinking.

CROSS-EXAMINATION BY MR. SHIMANOUCHI

12,762

* The witness stated that in one way or another all 11,000 men who surrendered were in the death march. He did not know how many motor vehicles there were at the time of the surrender. Many had been destroyed just prior to the surrender. He did not know how many there were in the first place. There were, however, sufficient to have transported all the men * in relays. These vehicles were all over Bataan due to the considerable confusion as the troops fell back. However, the U.S. only occupied the very southern tip on the east coast with a

12,763

Page

- 12,764 total depth in area of not over four or five miles. The west coast had not been attacked. Practically all gasoline had been issued and was with the vehicles. The U.S. army issued orders to hand over vehicles and gasoline * possibly six to seven hours before surrender. At the time of surrender he was at headquarters and the time was about 10 or 11 o'clock in the morning. The order to surrender the vehicles and not to destroy them was
- 12,765 probably given around *midnight. Most of the other equipment was destroyed just before the surrender but not the gasoline and cars. The witness saw the latter used not only just after the surrender, but all the time while he was in the Philippines. After the surrender headquarters personnel remained in camp under Japanese guard until the next morning when they were taken to the general hospital and formally surrendered to a Japanese general. * During internment they were usually able to see outside through barbed wire. Headquarters was not located near the airfield, being 10 and 6 kilometers from the two airfields.
- 12,766
- 12,767 At the time of surrender the Americans had three-fourths of a ration for each man. * These reports were based on the one-half ration which had been issued since January 6. As to the food supply he knew nothing except the official reports. There may have been some unreported food. The witness himself was not in the supply department and only knew about the matter from general information.
- 12,768 With respect to the particular soldier killed about whom the witness testified, the witness stated the incident took place between Orian and Orani in eastern Bataan at night. He is not positive of the exact location. * There were 6 or 8 Japanese in the neighborhood at the time with no more than 10 POW's. As to the prison ships there were some few Japanese and possibly 100 Filipinos on the Erie Maru. They were not crowded, although they did not have first class passage. On the other prison ships he never saw Japanese other than the guards or crew.
- 12,769 * Hospital No. 1 was within several kilometers of headquarters and he went there to surrender to the Japanese general. There were military installations all over southern Bataan due to the small available area and

Page

many were near headquarters, some within 500 meters of the hospital. Part of the hospital was two stories. The rest consisted of one-story buildings, sheds and tents and some of the men were outside.

RE-DIRECT EXAMINATION BY MR. LOPEZ

12,770 * The witness stated that O'Donnell men had
12,771 to stand in line for hours to get a drink of water. The
 * conditions where the witness was were probably worse
 than anywhere else in O'Donnell. They had to keep an
12,772 officer or duty at each hydrant to maintain order in the
 line. * The witness stated that the only time he ever
 saw prisoners given any semblance of a trial before punish-
 ment was at Cabanatuan. In many cases they were beaten,
 tortured or executed without a hearing. Six had been
 caught inside the fence with food brought from the out-
 side. They admitted that they had gone outside and returned
 with the food. They were brutally beaten and tied to a
 fence for the night and part of the day. They were then
 marched up the road with their hands tied behind them and
 brought into a room at guard headquarters. There appeared
 to be a court consisting of a few officers and several
 non-coms. The prisoners were stood up against the wall
 of the room and could not say a word. They were not
 represented by any counsel. A half hour after the court
 adjourned they were shot..

RE-CROSS-EXAMINATION BY MR. BROCKS

12,774 The witness stated that the soldiers and offi-
 cers had canteens to carry water. At that time he never
 saw any halyzon tablets and the only available substance
 for that use was the chlorinating capsules used in lister
 bags. * These capsules had the same effect as halyzon
 tablets. These tablets were issued only to units in
 general to the mess. For isolated details these were
 issued individually, but the individual officer or soldier
 did not carry them except in rare cases. He only knew of
 one man who had such a capsule on the death march and he
 himself had none.

12,776 Exhibit 1460, JAG report No. 207, stated * in
 May 1942, 200 U.S. POW's were brought to Gapan and stayed
 there two months during which 37 died. They were sick
 when they arrived from many diseases. The Japanese became

Page

12,777 alarmed and called in a Filipino doctor but told him not to use medicine useful to the army or to civilians. He used medicine of his own. * When the Americans improved he could not give further aid. The prisoners were poorly clothed, underfed and the natives were prevented from aiding them and were punished when they gave them food or cigarettes. The Japanese had meat and eggs and gave the Americans only what was left. Some of the POW's worked at the garrison and were mistreated if they rested or asked for food.

Others worked at Gapan Bridge on difficult duties. They hauled gravel, stone and sand for road and bridge repair. Some of them had to dig canals. Prisoners were beaten when unable to work. All witnesses agreed that the work was too strenuous for men in their condition. Often priests could not visit the dying prisoners.

12,778 Exhibit 1461, JAG report No. 72, stated that in March 1945 two American captured fliers * were confined Cebu Normal School. On March 26 they were taken outside to a place where a foxhole had been dug and forced to kneel at the edge with heads bent forward while a Japanese sergeant hit them across the back of the neck. When they fell into the foxhole an officer fired a number of shots into their bodies.

12,779 Exhibit 1462-A, a captured booklet entitled "Japanese Instructions on How to Interrogate," stated as to measures * to be normally adopted they were common torture, embracing, beating and kicking and physical torture. This is most clumsy and is to be used when all else fails. When violent torture is used, interrogation officers should be changed and it would be beneficial if a new one questions sympathetically. * It is recommended to use threats such as murder, torture, starving, deprivation of sleep and solitary confinement. Also threaten mental discomforts such as not receiving the same treatment as other POW's, being kept until the last on exchange of POW's, of being forbidden to send letters or to inform home he is a POW.

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Exhibit 1463, a mimeographed manual entitled "Reference on Detection and Disposal of Land Mines," issued in 1943 by the Japanese army engineers school. It would be advantageous if POW's and natives could be sent ahead as a precautionary measure.

NARRATIVE SUMMARY OF THE RECORD
(December 13, 1946)
(B & C Offenses--Philippines)

Page 2016

Page

12,781

Exhibit 1464, instructions issued by the commanding general of the 16th Division, stated * that POW's will be killed on the battle field. Those who will surrender and are of bad character will be killed secretly and counted as abandoned corpses. By POW's is meant soldiers and bandits captured in the battlefield; by surrender is meant those who surrender prior to battle. POW's should be interrogated on the battlefield and then killed immediately, excepting those from whom further interrogation is needed. Killing must be carried out cautiously and circumspectly * without outside witnesses in a remote place. Malicious surrenderers will be taken into custody and after observance of public sentiment will be killed secretly when they have been forgotten about or under protest of removal.

12,782

Exhibit 1465, instructions April 1944 for treatment of prisoners from the military police section of the 16th Division, stated when prisoners are taken, those not worth utilizing shall be disposed of immediately, except those requiring further detailed interrogation according to previous orders. Surrenderers found to be malicious after interrogation on important operational matters will be immediately killed in secret and disposed of so as not to excite public feeling.

12,784

Exhibit 1466, handwritten sheet containing an account of a visit to Muntinglupa Prison kept by a member of an army unit, stated * that he visited this prison on October 24 with the commander as a guide. There were 2,200 prisoners. The food consisted of thick rice gruel and one or two slices of papaya. Deaths averaged 10 per day because of lack of food. The barracks had a foul odor. The prisoners were commanded to salute. * The POW's thighs and ankles were the same size and walking seemed to be an ordeal. He had never seen such thin people and the condition was truly pitiful. There were dead bodies inside, which were carried out by the POW's. The prison had three barbed wire fences with the center one charged with electricity. There were guard towers at various points. Prisoners worked with iron chains around their legs. The entrance was like an old castle. There is a great contrast between inside and outside. Visiting was permitted to mothers and wives at certain hours. They seem to bring lots of presents. * He wondered how the families felt when they saw their loved ones. Death alone

12,785

12,786

Page

waits for those who have no visitors. The prisoners are Filipino and Chinese and some few westerners.

12,787 Exhibit 1468, note to the Japanese from the U.S. through Switzerland, December 18, 1941, * stated that although Japan, a signatory of the Geneva Prisoner of War Convention, has not ratified it, the U.S. hopes that Japan will apply its provisions.

12,788 Exhibit 1469, reply of Japan to the U.S. through Switzerland, February 4, 1942, stated * that Japan is strictly observing the Geneva Red Cross Convention and while not bound by the convention as to treatment of POW's, she will apply mutatis mutandis provisions of the convention to American POW's.

12,790 Exhibit 1470, note to the Japanese from the U.S. through Switzerland, February 14, 1942, stated that the U.S. has received reports that American civilians in the Philippines occupied by Japan are receiving extremely rigid and harsh treatment, and the U.S. desires to receive from Japan assurance either that investigation has disclosed the incorrectness of the reports or that immediately effective steps have been taken to remedy the treatment and to give to Americans moderate treatment similar to that * given by the U.S. to Japanese nationals.

12,791 Exhibit 1471, note of Japan to U.S. February 24, 1942 stated that U.S. civilians detained in Japanese territories equal 134. Conditions applied to them are more favorable than required by convention. They can receive outside gifts of food and clothing. Despite inconvenience they are specially detained near their families so that the latter can see them. Internees are visited * by doctors and sick persons can consult outside doctors and obtain admission to hospitals. They can read papers and books, listen to the radio and go out subject to restrictions.

Exhibit 1472, communication from Tokyo to the U.S. February 1942, stated that U.S. apprehensions are based on information from unknown sources and cite no exact facts and are, therefore, without foundation. The Japanese will continue to accord facilities to the Swiss Minister to visit the internment camp.

NARRATIVE SUMMARY OF THE RECORD
(December 13, 1946)
(B & C Offenses--Philippines)

Page 2018

Page

12,792 Exhibit 1473, communication from the U.S. to Japan, March 19, 1942, * set forth the rations provided for each Japanese national detained by the American authorities, pounds per day per individual and stated that allowance is made * in the preparation of food for Japanese national and racial preference.

12,793
12,794 Exhibit 1474, note from the U.S. to Japan, April 3, 1942, stated that the U.S. noted Japan's statement on treatment accorded Americans in the Philippines. * It stated that the principal source of disquiet in connection with the reports is Japan's apparent reluctance to permit the appointment by the International Red Cross of a neutral observer to act as a delegate in the Philippines.

12,795 Exhibit 1475, note of the U.S. to Japan, stated
12,796 that the U.S. * must insist on a basis of reciprocity that Japan take all necessary * steps to insure that the military and other authorities in outlying areas under Japanese control understand Japanese commitments on the prisoner of war convention and apply its provisions to internees.

Exhibit 1476, U.S. note to Japan of November 17, 1942 pointed out reports on rapings in the Philippines.

12,797 Exhibit 1477, note of the U.S. to Japan of December 12, 1942, stated that the U.S. had learned of gross mistreatment suffered by Americans in violation of Japan's commitments. * It is evident that Japan has failed to fulfill its undertaking and that some of its officers and agencies have violated the principles of the convention, not only by positive mistreatment but by failure to provide necessities of life. The U.S. must, therefore, lodge a most emphatic protest and expects that the inhumane and uncivilized * treatment will be immediately investigated and that Japan will give assurance that treatment inconsistent with the provisions and spirit of the convention is not now and will not in the future be inflicted upon Americans. She also expected Japan * to take necessary disciplinary action on those responsible. The U.S. then cited reports on a large number of cases of bad treatment of both civilians and POW's and stated * that the U.S. expects Japan to take * immediate steps to fulfill its undertaking to furnish American nationals with suitable and adequate housing and sustenance under humane and hygienic conditions.

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NARRATIVE SUMMARY OF THE RECORD
(December 13, 1946)
(B & C Offenses--Philippines)

Page 2019

Page

12,803

* Exhibit 1478, note of the U.S. to Japan April 5, 1943, stated that the U.S. warns Japan that for any other violations of its undertaking with respect to American POW's or for any other acts of criminal barbarity in violations of the rules of warfare, the U.S. government will visit upon the officials of Japan responsible for such uncivilized and inhumane acts the punishment they deserve.

12,804

Exhibit 1479, undated note of the U.S. to the Japanese Foreign Office transmitted February 5, 1944, listed specific mistreatments and stated * that the great prevalence of deficiency diseases is due to the caloused failure of the Japanese to utilize the local products.

12,805

* Responsibility rests directly upon the Japanese authorities. It pointed out that conditions of health of the POW's in the Philippines is deplorable and then went on to describe particular conditions. In Camp O'Donnell

12,806

alone * more than 2,200 Americans and 20,000 Filipinos died. Many of these deaths could have been prevented had Japan provided minimum medical care.

12,811

Exhibit 1480, U.S. note to Japan, June 21, 1944, stated * that the U.S. hopes that Japan will, without further delay, enable the Swiss representative to visit all detained nationals of the U.S. There seems to be no reason why Japan should not permit these visits without prejudice to its juridical position on the question of representation of enemy interests.

12,812

Exhibit 1481, American note to Japan of September 11, 1944 stated * that the U.S. has learned that U.S. civilians in the Philippines have been removed to Fort McKinley, where a major ammunition dump is maintained.

12,813

Exhibit 1482, U.S. note to Japan, March 10, 1945, stated * further evidence of bad treatment of POW's and that the U.S. demands that Japan take steps effective to prevent the continuation in all Japanese POW camps of the inhumane practices that have disgraced Japan in the Philippines.

12,814

Exhibit 1483, U.S. note to Japan of April 6, 1945, called attention * to further atrocities and stated that the U.S. demands that Japan take all steps necessary to prevent a repetition of such barbarous and arbitrary deeds in utter

Page

12,815 disregard * of Japan's commitment to apply the humanitarian standards of the POW Convention.

Exhibit 1484, the U.S. note to Japan of May 19, 1945, called attention to a murder committed in Los Banos Internment Camp.

12,816 Exhibit 1485, the U.S. note to Japan of May 19, 1945, related the massacre on December 14, 1944 of 150
12,817 * American POW's at Puerto Princesa, where the POW's were burned to death with gasoline. * The note concluded with the statement that such barbaric behaviour by Japan's armed forces is an offense to all civilized people. The Japanese government cannot escape responsibility for the crime.

12,818 Exhibit 1486, U.S. note to Japan of June 8, 1945, stated * that should Japan continue to deprive civilians and POW's of the food necessary to keep them from starvation and maintaining their health, the U.S. declares that it will hold personally and officially responsible for this crime all the officers of Japan regardless of position or status, who have participated either through neglect or from wilful intent and will in due course bring them to judgment and will visit upon all such individuals the punishment which is their due.

12,819 Exhibit 1487, U.S. note to Japan, July 31, 1945, stated * that as of July 4, 1945, Japanese civilian internees in the U.S. received daily 4.831 pounds of food, representing 4,100 calories and given a table in weight of pounds and in caloric content. * This diet is well balanced.
12,820 Japanese POW's held in the U.S. as of May 3, 1945 received similar balanced diets.

12,821 Exhibit 1488, transcripts of Allied Station Broadcasts, monitored by Japan's Foreign Office on POW treatment between January 24, 1944 and December 19, 1944, stated * that during the war enemy radio station broadcasts were regularly recorded in the Foreign Office and transcripts were made and distributed regularly to all sections of the Foreign Office, the Board of Information and the Navy and War Ministries. These transcripts have been on file with the Foreign Office.

12,822 The first report on January 24, 1944 showed * that Japan had heard through BBC that the U.S. had issued an official report on Japanese atrocities at Bataan and Corregidor.

Page

12,823

Certain details were contained. On January 29, 1944, they showed that a broadcast heard from Washington stated that Secretary Early disclosed that Japan * will not permit the U.S. to send food, aid or supplies to U.S. POW's. This is the reason why the U.S. authorized the publication of Japanese atrocities. This information had been known for some time but had been withheld while there was any hope for relief. The time has now come to release the reports which have been investigated and authenticated, because the U.S. cannot get further relief for her POW's. Again on January 29, 1944 they monitored a San Francisco broadcast which stated that Mr. Hull had released a statement on POW treatment.

12,825

On the same date they heard that British Foreign Secretary Eden told the Commons that thousands * of prisoners and internees had died in Japanese prison camps. He further stated that British protests had drawn unsatisfactory results from Japan. Japan was not only violating international law, but all decent, human, civilized conduct. He warned Japan that these military atrocities will not be forgotten. On the same date other broadcasts were recorded.

12,826

* Hull on the same date said that repeated protests had been lodged with Tokyo but to no avail. He said it was not known what had happened to food and supplies sent on the Gripsholm. He said efforts would be continued to obtain releases. The U.S. is assembling all possible facts concerning Japanese treatment of war prisoners and intends to seek full punishment of the responsible authorities.

12,827

On October 23, 1944, General MacArthur's warning * was monitored. In this warning he stated to the Japanese military leaders that he would hold the enemy leaders immediately responsible for the failure to accord prisoners and internees proper treatment. His message was addressed to Field Marshal TERAUCHI, Commander in the Philippines. MacArthur stated that the surrender in the Philippines had been made with the belief that the men would receive the dignity, honor and protection of military prisoners. There is now unimpeachable evidence that they have received degradation and brutality.

Page

DIRECT EXAMINATION OF SUZUKI, TADAKATSU
by Mr. Lopez

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12,833

* The witness stated that with certain minor corrections Exhibit 1489 * was his affidavit. When war broke out he was Minister to Egypt. He came home to Japan in August 1942 and in December 1942, was made * Chief of the Foreign National Section of the Foreign Office, which job he held until July 1945. During his incumbency he was familiar with U.S. notes protesting mistreatment of POW's and civilians in the Philippines which came through the Swiss Legation. The notes were received either in French or English and then translated. A copy of the note with its Japanese translation was sometimes addressed to the Minister of War, the Vice Minister of War, the Military Affairs Bureau or the POW Information Bureau, depending on the importance and contents of the note. They also furnished copies with translations to the other sections of the War Ministry such as the Chief of Military Affairs Bureau and the Chief of the POW Information Bureau. The notes when sent * were accompanied with a covering note, which was either a simple note or contained comments or recommendations.

12,834

IPS documents 1-B through 10-X were received by the Foreign Office in the routine procedure of forwarding them to the different departments of the government.

CROSS-EXAMINATION BY MR. LOGAN

12,835

The witness stated that he became head of his Bureau on December 1, 1942. He did not know how the matter had been handled prior to his becoming head. * As director of the Bureau in charge of Japanese Nationals in enemy countries he handled previous communications according to the procedure established before his time and, therefore, is familiar indirectly with that procedure. He took steps himself to make certain of this matter at the Foreign Office.

12,836

* However, he could not say which document was sent to which bureau or section, regardless of whether they were delivered prior or subsequent to December 1, 1942.

12,837

* After receiving the protests translations and copies were made. Not all notes were sent to the Chief of the Prisoner of War Information Bureau. The witness determined where they should be addressed based on the contents

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12,838 and the nature and importance of the protest. * How he
sent them was based on the practice used before that time.
In his office he had as his colleagues those who were
familiar with the procedure within the Foreign Office and
12,839 he had * seen the documents previously transmitted.

12,840 In 1941 when copies of documents were forwarded
to another department the note was recorded in the Foreign
Office. He had looked up the Foreign Office records at that
time. These records state that copies of documents were
forwarded to other departments. * The witness could not
say positively that these documents could be made available.
He could not state accurately at this time from memory as
to where a particular document was sent. Generally speak-
12,841 ing the documents were sent to the Chief * of the POW In-
formation Bureau. Document 10-N was sent to some other
section. Others may have been sent to the Vice Minister of
War. Generally with respect to treatment of POW's documents
were sent to the Chief of the POW Information Bureau and a
copy to the Chief of the Military Affairs Bureau. It was a
matter of custom to send any document relative to general
policy or aims to the Chief of the Military Affairs
Bureau. In order to speed up routine business it was re-
quested from the War Office that documents be sent to the
chiefs of the bureaus and sections and not to higher levels.
Therefore, important documents were sent to the Chiefs of
12,842 * the POW Information Bureau and the Military Affairs Bureau
except in the case of very important documents. Each set
was addressed separately.

12,843 With respect to the comments and recommendations
he put on * he could not recall each case, but the recommen-
dations and comments were made with a view to improving the
treatment of POW's.

12,846 Exhibit 1420, statement of Henry Keys, stated * that
he was correspondent for the London Daily Express. He had
come to Manila with the American troops in February 1945 and
entered at Intramuros area with these troops on February 23.
12,847 When he crossed the foot bridge * he saw hundreds of refugees
ragged, shell-shocked and wounded. Some had bayonet wounds
and saber cuts. Others were emaciated and starved. He went
with a lieutenant to the St. Augustine Convent. There were
all kindsof crazy shelters. He looked into one and saw a
12,848 dead girl with her feet crushed * and her mouth broken. He

NARRATIVE SUMMARY OF THE RECORD
(December 16, 1946)
(B & C Offenses--Philippines)

Page 2024

Page

12,849 saw the body of a little boy killed in the act of prayer.
The whole place was but a pile of bodies thrown carelessly
together. There were not enough medics around to do any-
thing for these people. He found a Filipino girl whose
feet had been hacked off by a Japanese. * The only decent,
12,850 whole piece of humanity in the place was a Japanese soldier
who had been cared for by the nuns. * All the bodies stab-
bed with bayonet wounds were civilians.

NARRATIVE SUMMARY OF THE RECORD
(December 16, 1946)
(B & C Offenses)

Page 2025

Page

12854-
12876

* OPENING STATEMENT OF Mr. Justice Mansfield.

12880

* Exhibit No. 1490, statement made by TOGO that Japan would observe the Geneva Red Cross Convention, and would apply mutatis mutandis the provisions of the Geneva Prisoner of War Convention of 1929.

Exhibit No. 1491, Japan's undertaking to apply reciprocally the POW Convention to civilian internees in so far as they were applicable and provided they were not made to work without their consent.

12881

Exhibit No. 1492 is the inquiry by the Swiss on behalf of the U. S. as to whether * Japan would give assurance to the U. S. which had been given to Britain, that national and racial customs of the POWs would be taken into consideration.

Exhibit No. 1493 is a statement by TOGO that Japan will take into consideration the national and racial customs of U. S. war prisoners and civilians as to provisions and clothing.

Exhibit No. 1494 is the letter from the Argentine Minister on behalf of Britain of January, 1942, undertaking to observe the International Convention on Treatment of POWs, and asking if Japan would make a similar declaration.

Exhibit No. 1495, letter from the Argentine Minister to TOGO, January 5, 1942, asking the Japanese to take into consideration the national and racial customs of POWs on food and clothing.

12882

* Exhibit No. 1496, letter from TOGO to the Argentine Minister of January 29, 1942, undertaking to apply the POW Convention of 1929 mutatis mutandis to British POWs, and to consider the national and racial manners and customs.

DIRECT EXAMINATION of COLIN FLEMING BRIEN,
By Mr. Justice Mansfield.

12883

* The witness stated that he lived in Sydney, Australia, and in February 1942 was a soldier in the A.I.F., serving in Malaya. During that month he was wounded in the fighting on Singapore Island, by shrapnel. He was wounded on February 9, and lost contact with his unit.

Page

12884 * Until the 26th, he wandered semi-consciously trying to reach Singapore. On the 26th he was captured by the Japanese and taken to divisional corps headquarters on the outskirts of Singapore, where he was interrogated and quartered. He was given food and water, but his wounds were not treated. Quite a few Japanese officers, including senior ones, looked him over, since he was the only prisoner there. He never offered any resistance or violence to the Japanese. At 8 a. m. on March 1 a Japanese officer * requested the witness to follow him. He had a pistol and some cord. He took him to a track leading into the jungle, and was accompanied by two or three Japanese soldiers. They came into a clearing where there was a platoon of soldiers, about 15 officers, and a grave, with a Japanese sword stuck in the earth. He was told he was going to die, and after being searched was told to sit with his knees, legs and feet projecting into the grave. His hands were tied behind his back. His shirt was unbuttoned, exposing the lower part of his neck. His head was bent forward, and after a few seconds he felt a heavy, dull blow on the back of his neck. He * pretended to be dead and fell on his side, and lost consciousness. When he came to he was at the bottom of the grave, with wooden pilings and earth over the the grave. He had a large wound on the back of his neck and was covered with blood. His hands were still tied. After an hour he decided to get out and managed to dislodge a pile of clods from the opening of the grave and crawled through. That night he managed to untie his hands. He struggled into Singapore City after three days, and gave himself up to the Malay Police.

12886

12887 On March 4 he was handed over to the Japanese, who interrogated him and took him to Changi POW hospital, where he remained until June, 1942. Thereafter he was in various Singapore POW camps * until released in September, 1945. He was never charged with any offense or given a trial. He had had a plastic operation performed on his wound.

CROSS-EXAMINATION by Mr. Blewett.

12888 * The witness stated he knew of the surrender a few days before February 26. He had not met any Japanese troops between the 9th and the 26th. At the time of capture he had been given some food by some natives and was eating in their hut. He was interrogated by a Japanese captain * who spoke English.

12889