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14,650 Chief of Staff, most of the personnel of the Army General Staff and the War Minister and his staff. There were some Navy men in the Army Section of Imperial General Headquarters on a concurrent duty. * Neither SHIMADA nor OKA held concurrent posts. The construction work was carried out by the Army.

CROSS-EXAMINATION BY MR. HOWARD

14,652 * The witness stated that he visited Rangoon in connection with his inspection tour of the railway and the POW camps in the Burma area under the direction and command of the Commander of the Southern Army. Later the camps of POW's were brought under the command of the Railway Construction Unit, but he didn't know anything about the unrelated camps. The witness was Vice Minister of War immediately before the termination of the war.

14,655 * The witness stated that the railway was completed by the end of October 1943 before KIMURA became Commanding General of the Army in Burma. He stated that the Vice Minister of War had no power of decision in matters concerning POW's.

14,658 Exhibit 1990, affidavit of ISHIDA, Eiguma, stated * that at the outbreak of the war he was a Major General in command of Transportation in Indo-China. He then went to Third Field Headquarters transporting supplies to the railway of Thailand, Malaya and FIC. In August 1943 he received an order to command the Second Railway Department and the Fourth Special Railway Construction Command from the War Minister in Tokyo. He was then at Kuala Lumpur. He then went to headquarters of the railroad and was there from the middle of August 1943 until September 4, 1943, when he went to Konquita * to command the construction. The orders from the War Minister put him in command of constructing the railway. He was told the railway was 415 kilometers long and upon completion would be used to transport supplies to Japanese troops in Burma.

14,659 POW's were mainly British, Australian and Dutch. In July 1943 General WAKAMATSU had visited the camp and Colonel KATO visited it while he was in command. General NAKAMURA was in command of the Supply Depot for supplying food to the POW's. The railway was completed principally by the labor of POW's and coolies on October 17,

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14,660

1943. The chief cause for speedy construction was principally a tactical operation. It was needed for land transportation between Burma and Thailand because none existed. There was difficulty * of transportation by water due to attacks on Japanese shipping. As a result Japanese troops in Burma were starving and the completion of the railroad meant that they could receive supplies. When construction was completed the deponent was still in charge and there was still a small number of POW's kept employed for maintenance work. He personally knew that the sick and death rate among the prisoners was very high. He had received reports and he knew that prisoners and workers were dying as a result of severe conditions. He tried to better them. He had also heard that complaints had been received from Britain and Holland.

14,661

* The authorization for employing POW's must have come from the General Staff in Tokyo. He remained as supervisor of the railway until May 1945.

14,662

14,663

Exhibit 1991, the regulations for punishment of enemy air crews, military ordinance No. 4, Japanese Expeditionary Forces in China, dated August 13, 1942, and signed by the accused HATA, stated * that the regulations were to be applicable * to enemy flyers who had raided Japanese territories, Manchukuo, or operational areas and had come within the jurisdiction of the Expeditionary Forces in China. The following persons were to be liable to military punishment: those who bombed, strafed and attacked with the object of threatening or killing and injuring ordinary people or with the object of destroying or damaging private property of a non-military nature or those against objects other than military objectives except those unavoidable and violations of wartime international law.

14,664

The same is to be applicable to those who, with the object of carrying out these acts, have come into the territory and into the jurisdiction of the Expeditionary Forces before accomplishing this object. * Death shall be the punishment but life or more than ten years' confinement may be extended in case of extenuating circumstances. Death shall be by shooting and confinement shall have prescribed labor. With respect to confinement provisions of the criminal law and penal servitude shall be applicable. The regulations

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14,665 shall be applicable to acts committed previous to their confinement. A notice * of the promulgation of this was given.

14,666 Exhibit 1992, communication from KIMURA to Chiefs of Staff stationed in Japan and outside Japan, dated July 28, 1942, * stated that a decision was made in regard to treatment of enemy air crew members who entered the jurisdiction of Japan with the object of raiding Japan, Manchukuo and regions of operations. Those who do not violate wartime international law are to be treated as POW's, while those who show actions of violating this law are to be treated as wartime capital criminals.

14,667 Defense commanders of various places * outside Japan shall send to court martial such enemy air crew members who enter their respective jurisdiction and are suspected of deserving treatment as wartime criminals. The provisions of the specially established court martial shall apply.

14,670 Exhibit 1993, notification of matters pertaining to treatment of crew members of raiding enemy planes from Imperial General Headquarters to Chief of Staff, China Expeditionary Forces, dated July 28, 1942, stated * that directions for treatment of crew members of raiding enemy planes had been given by the previous document, but in regard to promulgation and publication of articles of war and date of execution against crew members of the recent * raiding planes it is desired that it be deferred until a date to be specified later. Since the announcement pertaining to execution of these crew members will be made by Imperial Headquarters the decision must be reported to the Chief of the General Staff as soon as possible. * He then mentioned the articles of war and the promulgation with respect thereto which stated that the articles were to be applicable to the crews of enemy planes raiding the zones mentioned beforehand and falling into the power of a named army. It then listed the acts previously mentioned as being subject to military punishment and it stated that the articles of war shall be applicable against de post facto acts.

14,671

14,672

Exhibit 1994, report on the court martial for allied aircraft crews captured in the Tokai District

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- 14,674 Army area stated * that the report was prepared by the Tokai Demobilization Bureau. That 11 men had been
- 14,675 captured in the raid * on Nagoya on May 14, 1945 and were executed after trial by court martial. The executed were taken in charge from the Kempeitai at the end of May and imprisoned at District Army Headquarters. After investigation by the Kempeitai the men were committed for court martial on suspicion of having violated the articles of war. Investigation by the prosecutor produced enough evidence to prove that they had violated the articles. * Judgment was delivered in the Tokai District Army Headquarters court July 11, 1945 and the men were executed on July 12, 1945 at the rifle range. The men were originally buried but later cremated and the remains put into a temple at Nagoya.
- 14,676
- 14,679 Exhibit 1995, a report on the court martial for allied aircraft crews captured in the Central Japanese District Army Headquarters, stated * that two men were executed after trial by court martial after incendiary raids on Tokyo, Osaka and Kobe during March. The men were taken in charge from Kempeitai in May 1945 and were kept * at the Osaka Military Prison. Upon investigation the accused stated the facts. Judgment was given on June 18 in the Court of the Central Japan District Army Headquarters and execution was carried out on the same day. The bodies were buried the same day and were thereafter cremated on August 24 and placed in the cemetery on the 25th.
- 14,680
- 14,681 Exhibit 1996, army secret wire from Vice Minister of War to all the Armies, August 15, 1945, ordered * that they should defer dealing with cases violating the articles of war under their command.
- 14,682 Exhibit 1997, matters pertaining to the release of POW's dated August 23, 1945 from the Vice Minister to the Chiefs of Staff of the various military districts, * ordered the carrying out of probationary release, suspension of execution of sentences and cancellation of detention of convicted and unconvicted POW's.

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14,687

Exhibit 1998, the list of POW's punished by military court martial from December 8, 1941 to August 15, 1945 was offered and received in evidence.

14,699

Exhibit 1999, supplement to main list of POW's already punished, from the Commanding Officer of the Prisoner of War Information Bureau to the Chiefs of POW Camps, July 27, 1943, stated * that punishments of POW's to be recorded in the supplement column are to be limited to those who have been tried by court martial. The cases in which there has been disciplinary punishment under Articles 6 and 8 of the treatment regulations are to be kept separately as records and reported monthly.

14,700

Exhibit 2000, certificate of MIYAMA, Chief of Correspondence Section, 1st Demobilization Bureau, dated August 5, 1946, stated that a notification was issued by the Adjutant General * under the order of the War Minister on August 14, 1945 to all Army troops that confidential documents should be destroyed by fire immediately. This notification was given by telephone to troops in Tokyo and by telegram to others. The telegram and its draft were destroyed.

14,701

Exhibit 2001, file of dispatched and received documents, was offered and received in evidence. The instructions for the disposition of documents * August 14, 1945, by the Chief of the M.P. Headquarters, stated that the destroying of documents by fire in the event of disarmament should be carried out. Such documents as will be helpful, such as those concerning foreign affairs, counter-intelligence, thought, peace preservation, and materials by which national power might be estimated and secret history should be destroyed as soon as possible. On the other hand, codes, M.P. personnel registers, general documents, should not be destroyed until of no use. Documents to be preserved for future use, such as a black list of leftists, should be ingeniously moved to another place.

14,702

A telegram from the Chief of the M.P. Headquarters, August 14, 1945, stated that special attention must be paid to destroying large quantities of documents rapidly. This can be done in air raid shelters by using natural draft. Pouring gasoline will quicken destruction, but retard burning. In case of extreme emergency decisive measures must be taken to destroy all documents and arbitrary and decisive judgment must be used. Confidential, secret documents and code books should be destroyed thoroughly according to instructions. Units near the coast

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should hide and store their documents further inland and be prepared to destroy them rapidly. Preparations should be made for an emergency.

- 14,703 A telegram from the same headquarters on August 20, 1945 stated that it is noted that the instructions of the 14th and 15th have been thoroughly executed. However, papers may have been left behind and since there were many examples of blunders inadvertently, a careful examination should be made. A close exterior inspection should be carried on around administrative buildings after destruction. Not a single sheet is to be left behind. * A list of possible places where documents might have been hidden was set forth to be watched. Most thorough measures were to be taken against the most trivial matters.
- 14,704
- 14,705 On August 27, 1945 the Senior Officer of the Western M.P. Unit sent a telegram to the Chief * of the M.P. Unit at Kagoshima which stated that hereafter disposition of documents would be conducted by dividing the documents into three categories: documents to be destroyed; documents to be prepared for destruction; and documents to be preserved. The first two classes should be clearly marked. Those to be destroyed should be destroyed thoroughly after use, and documents to be prepared for destruction were to be thoroughly arranged so as to be destroyed at a moment's notice. In the future documents from headquarters to subordinate units will be marked with the destruction classification. * Documents unmarked are those requiring preservation. All documents which have already been destroyed and which will be needed in the future must be reproduced at once.
- 14,706
- 14,708 Exhibit 2003, a list from the Chief, POW Control Bureau to the Chief of Staff, Taiwan Army, June 5, 1942, stated that * while working of POW officers and warrant officers is forbidden by the rules for working POW's, the policy of the control authorities is, in view of the Japanese situation and considering the health of the POW's, that they should be set to work voluntarily, conforming to their rank, capabilities, and physical condition. Proper orders should be given on this.
- 14,709 Suitable work * is that which uses technical skill and science, agriculture, raising of domestic animals and fuel, protection and supervision of working POW's, recording of materials for history, propaganda.

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14,710

Exhibit 2004, from the chief of the POW Information Office, Tokyo, to the Taiwan Army Chief of Staff, stated * that plans are being pushed for the use of POW's in production and they wanted to apportion as many as possible to Formosa. They asked for an immediate report of the requisite strength.

14,711

Exhibit 2005, letter from the Taiwan Army Chief of Staff to the Chief of the POW Information Office, April 2, 1942, stated * that the POW's will be used principally as laboring power in agriculture and as material for education and guidance of the natives. They would like about two to three thousand and British and American POW's. Informal consultation had been completed with the Governor-General of Hong Kong and the Taiwan Governor-General concurred.

14,712

Exhibit 2006, letter from the Taiwan Army Chief of Staff to the Chief of Staff of the Hong Kong Governor-Generalship stated * that they were conferring with him on the fact that they wished to use British POW's in Hong Kong as agricultural labor in Formosa. They wanted two to three thousand and had advised the Chief of the POW Information Office that they had informally conferred with the Governor-General of Hong Kong.

14,713

Exhibit 2007, letter Chief of Staff Hong Kong to Taiwan Army Chief of Staff, April 3, 1942, stated * that so far as that body was concerned the request of the Formosan Army for the transfer * of the POW's in Hong Kong to the Formosan Army had no objection but they would like a directive.

14,714

Exhibit 2008, letter from the Chief of Staff Taiwan Army to the Chief of Staff POW Information Office, April 7, 1942, stated that they wanted about two to three thousand agricultural laborers. However, the Governor-General wants to use * the POW's in public works and mines so they want in total about 7000.

14,715

Exhibit 2009, letter from POW Control Bureau, Tokyo, to Taiwan Army Chief of Staff, April 29, 1942, acknowledged receipt of the previous radio and asked that they report the approximate number of POW's that could be confined at Taiwan. They want to have as many POW's as possible there. * For purposes of control, the number in each camp is not to exceed 500. The Army will be responsible for control and supply, but POW camp facilities, excepting repairs and additional construction, are to be the responsibility of the Governor-General or the companies employing POW's.

14,716

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14,717 Exhibit 2010, from the Adjutant of the War Ministry to the Taiwan Army Chief of Staff, May 6, 1942, stated that by order of decisions made for POW's * the policy will be that POW's can be used for enlarging production and as military laborers. White POW's will be confined in Korea, Formosa and Manchuria. Those not suitable for the purpose will be confined in POW camps built on the spot. Those not to be confined will be put to practical use after they have been released on oath. By the end of August a part of the white POW's in Singapore will be confined in Korea and Formosa. Other than those necessary on the spot, superior technicians and high ranking officers will be included among the POW's confined in Formosa.

14,718 * The remainder will be confined in POW camps built on the spot. For control and security special units of Koreans and Formosans will be assigned. The POW camp will be a lumped organization in each Army.

14,719 Exhibit 2011, document from the Chief of POW camps to Chief of Staff, Taiwan Army, August 20, 1945, stated that personnel who mistreat POW's and internees * or who are badly disliked by them should be immediately transferred or allowed to flee without trace. Unfavorable documents should be treated as secret documents and destroyed. This was sent to the Korean, Taiwan, Kwantung, North China Area Armies and Hong Kong, and refers to all POW Camp Commanding Officers.

14,720 Exhibit 2012, from Chief of Staff Taiwan Military Jurisdiction to Chief of Staff Taiwan POW Camp, August 22, 1945, stated * that they had a notification giving fitting instructions. Preparations are being made on methods of dealing which will conform to transitions, but if further things need urgent settlement suggestions are requested. The notification dated March 17, 1945 stated that for handling of

14,721 POW's * when the state of things is becoming more and more pressing and the evils of war are being extended, they are enclosing a summary of arrangements for POW's in conformity with changes. In following it there should be no mistakes. This was signed by the Vice Minister of War and others.

Exhibit 2013, summary of the arrangements for POW's in conformance with transition in the situation, was offered and received in evidence. It is similar to Exhibit 1978.

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14,723 Exhibit 2014, letter from the Chief of Staff, Taiwan Military Jurisdiction, to War Ministry Adjutant dated March 16, 1945, stated * that up to now there had been directives on the duty hours of POW's, but in view of the fact that the demands of the situation make necessary the highest degree of efficiency in POW service, from now on duty hours will conform * to the actual situation on the spot, including the type of work, its relative difficulty, labor urgency, the season, the health of the POW's and local hours of labor. POW Camp Commanders will decide or change these hours at their own discretion and maintain elasticity.

14,725 Exhibit 2015, the journal of Taiwan Camp Headquarters in Taihoku stated * that on August 1, 1944 the answer had been sent to the Chief of Staff of the 11th Unit about extreme measures for POW's. It stated that if it was a mere explosion or fire, shelter could be had in nearby buildings. However, when the situation becomes urgent the POW's will be concentrated and confined * in their present location under heavy guard. 14,726 As to time and method of disposition the basic aim is to act under superior orders, but individual disposition shall be made when an uprising of large numbers can not be suppressed with the use of firearms, and when escapees may turn into a hostile fighting force. As for methods, they are to be disposed of as the situation dictates, individually or in groups, by mass bombing, poisonous smoke, poisons, drowning, decapitation. The aim is not to allow the escape of a single one, to annihilate all and not leave any traces. This was sent to the Commanding General of the Military Police.

14,728 Exhibit 2016, the Swiss correspondence, was offered and received in evidence. * It showed that on February 12, 1942 the Swiss notified TOGO that the United States will facilitate visits by the protecting powers to Japanese, and asks for the Japanese attitude on the application of the Geneva Convention to civilian internees. On February 17, 1942, the Swiss wrote to TOGO asking if Japan would apply the Geneva Convention * to civilians and whether they would be permitted to visit American POW's. On March 3, 1942 they asked TOGO for permission to visit internees camps and for a list of U. S. citizens. On June 3, 1942 the Swiss notified TOGO that the United States was disturbed over the fate of its nationals in Japanese occupied territories and asked for permission to visit. On June 5, 1942 the Swiss notified TOGO of Britain's desire for information and permission to visit. 14,729

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14,730

On June 11, 1942 the Swiss repeated the information of June 5 to TOGO with respect to Dominion subjects. On June 12, 1942 the Swiss notified TOGO that Japanese POW's in the United States could interview representatives of the protecting power and the Red Cross without restriction and asked for reciprocal facilities. * On July 29, 1942 TOGO replied to the letters of June 5 and 11 and stated that Japan would not recognize protecting powers in occupied territory and therefore visits could not be made. In Shanghai the visits will be allowed.

14,731

On July 30, 1942 the Minister replied in like terms with respect to the letter of June 3. On September 1, 1942 the Swiss communicated to TOGO the United States protest over the Japanese decision and requested access to all places of internment of U. S. nationals. On September 2, 1942 the Swiss replied to TOGO's letter of July 29 and gave the British protest. On September 3, 1942 the Swiss wrote to TOJO stating application had been made to competent authorities * to visit British nationals in Shanghai. This had been refused because only Tokyo could give consent. They asked for information on the necessary formalities. September 10, 1942 the Swiss again wrote to TOJO about its letter of September 1 and asked for the Japanese attitude.

14,732

On October 7, 1942 the Swiss wrote to Foreign Minister TANI stating that the Mission at Saigon had refused permission to visit camps because of the temporary installations and escapes. It stated that this was contrary to Japanese assurances and asked a revision of the decision. This letter was repeated on October 24, 1942. On October 28 the Swiss wrote to TANI stating that they had visited camps in Japan * and asking when they could visit in occupied territories.

14,734

On November 6, 1942 the Swiss asked for Japan's attitude on visits to POW camps in China, Indo-China and Thailand. * On November 13, 1942 the Swiss wrote to TANI protesting the refusal of permission to visit camps in Thailand and asked permission to make visits and send goods. They also asked for a list of names of POW's. * On December 24, 1942 the Swiss acknowledged permission to visit certain camps in Japan, and asked for similar rights in occupied territory. On February 5, 1943 they asked TANI for permission to visit camps in Japan, Korea, Shanghai, Hong Kong and other camps. On March 16, 1943 they asked for the right to have their representative converse with prisoners without witnesses and stated previous requests of June 12 and 18, '42 had not been replied to.

14,735

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14,736

On March 27 they repeated their request of January 13 to be permitted to visit camps in Taiwan. On March 31, 1943 the Swiss Minister stated to TANI that several previous requests to visit camps in occupied territories * had not received a reply. They asked for permission to visit and information as to internees in Malaya.

On April 22, 1943 Foreign Minister SHIGEMITSU replied to the letters of September 24, 1942 and March 31, 1943, confirming the letter of July 30, 1942 that visits to camps in occupied territories could not be permitted. On the same day SHIGEMITSU replied to the letters of March 16 and 19 and stated that they could not allow the Swiss to make unrestricted visits to POW's and that correspondence was permitted according to camp circumstances.

14,737

On May 12, 1943 the Swiss wrote to SHIGEMITSU referring to letters of October 23 and November 6 and stated that they had not yet received permission to visit Shanghai. They requested authority to visit all camps. On June 2, 1943 * the Swiss repeated their request for permission to visit camps in occupied territory and other camps in Japan, and asked information when they could revisit camps. On June 4, 1943 the Swiss requested SHIGEMITSU for the right to talk to POW's without witnesses. On June 24, 1943 SHIGEMITSU replied that regulations prohibited talk without a guard.

14,738

On June 28 permission to visit Hakodate prison camp was asked. On July 8 the Swiss asked for a text of the Japanese regulations. On July 16 they requested permission to visit all camps * and stated that POW's should be evacuated from the combat zone. On July 24, 1943 SHIGEMITSU replied that permission to visit occupied territories will be given as soon as it is opportune. Visits to camps in Japan already visited will be considered on specific application.

14,739

On July 29 the Swiss requested permission to visit camps in the Philippines. * On August 23 they requested the right to revisit camps in Tokyo and Yokohama. On September 4 they again requested to visit Hakodate. On October 22 they asked for a reply to their letters of August 23, June 28, July 29 and September 4. On December 10 they again asked for a reply to their letter of October 22.

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14,740

On February 12, 1944 the Swiss complained to SHIGEMITSU that requests to visit camps between August 1943 and February 1944 had received no reply and made a formal demand to visit all camps. On March 13 they again * requested to visit the camps and stated that Britain had received alarming reports of physical condition and work of POW's and asked for information on this. On March 25 they again requested the right to visit camps and quoted a statement in the Nippon Times that the government would facilitate observation. On Mar. 30, 1944 the Swiss wrote to the Foreign Minister stating that from February 1, 1942 to March 15, 1944 the Swiss had written 134 times regarding visits to camps. There had been 24 replies, with only 3 in the last nine months, and most had been in the negative.

14,741

On May 10 the Swiss notified SHIGEMITSU that visits to Japan's POW's in America were made without instruction and again asked permission to visit camps in Japanese controlled territory. * On June 30 the Swiss stated that the Japanese had raised the question that the Swiss had no authority to protect British and U.S. subjects in occupied territories, and again asked for permission to visit. July 1, 1944 the Swiss referred to the promise of SHIGEMITSU to examine the question of visits. They mentioned the statements of the U. S. on atrocities and asked for humane treatment.

14,742

July 21, 1944 the Swiss referred SHIGEMITSU to the statement that they would be authorized to visit POW camps in Japan and asked when. On August 12, 1944 SHIGEMITSU notified the Swiss of the attitude of Japan on denying visits to camps in occupied territories. On August 15 SHIGEMITSU replied to the letter of July 21 and stated that permission to visit camps in Japan * would be granted when asked for. On August 17, 1944 the Swiss notified SHIGEMITSU that they had never received a list of POW camps in Japan and therefore could not make specific application. They wanted permission to visit all camps and asked for a list. On September 12 they asked that humane treatment be accorded British prisoners and permission to visit all camps. October 28 the request for permission to visit all camps in occupied territories was again made. On November 10 the Swiss asked for confirmation of SHIGEMITSU's promise that permission to visit camps in occupied territories would be given on condition of reciprocity.

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14,743

On November 13 the Swiss were notified that they could begin visits in Manila, Shonan and Bangkok. * On November 16 the Swiss stated that they had been allowed to visit only five camps and asked permission for others. On November 17 they asked reasons why they could not permit visits in N. E. I. On December 8 SHIGEMITSU replied to the letters of July 1 and September 12 and stated that Japan would allow visits to POW camps in occupied territories if they did not interfere with military operations and on condition of reciprocity. They would commence negotiations with the Red Cross on visits in the Philippines, Shonan and Thailand. On December 12 the Swiss acknowledged this letter.

14,744

On January 13, 1945 the Swiss asked when the camps could be visited. On March 16 * the Swiss stated to SHIGEMITSU that they had visited two camps in Japan and asked about others. On April 7 they notified SHIGEMITSU, in answer to his letter of December 8, that reciprocity had existed for a long time. On April 17 they again asked for permission to visit camps other than the two in Japan. On April 19 they wrote to TOGO asking permission to visit camps. On April 28 they wrote about visiting camps in Japan, Formosa and Mukden. On May 10 the Swiss asked TOGO if the Japanese would allow visits to U.S. personnel in Singapore, Japan, Formosa and Manchuria. * On May 16 they asked permission of TOGO to visit all camps.

14,745

On May 30 TOGO was advised that visits to camps for Japanese POW's in Tinian, Saipan, Guam and New Caledonia would be allowed by the United States when Japan had favorably answered the letter of May 10. On May 30 they again asked to be allowed to visit all camps in Japan. On June 5, 1945 TOGO wrote to the Swiss in answer to April 7 and stated that Japan would lose no time in having a Red Cross representative visit POW camps in Thailand and as soon as the negotiations with the Red Cross are completed they would authorize visits in Malaya.

14,746

On June 13, 1945 the Swiss notified TOGO that the U. S. had agreed to all camps being visited. On June 14 * the Swiss asked for visits and notification of all names of POW's and the removal of camps from the vicinity of military objectives. On July 13, 1945 the Swiss complained about difficulties raised by Japan as to the person who was to visit, not allowing the Swiss to select their own visitor. July 13, 1945 the Swiss reported that their visitor would be sent in the clear as required by Japan. On July 31, 1945 they asked when visits to Thailand and Singapore would be permitted.

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14,748 Exhibit 2017, letter from SHIGAMITSU to the Swiss Minister, July 24, 1943, stated that with respect to the inquiry on the treatment of POW's in Thailand Camp, competent authorities had informed him that POW's are equitably treated and the sick had received the best medical treatment in the POW hospital.
* As for a visit, authorization will not be given for the moment.

14,749 Exhibit 2018, a verbal note of the Japanese Foreign Office, July 7, 1943, stated that the Foreign Office acknowledged the receipt of the Note Verbale of the Swedish Legation on June 28, requesting permission * for the Swedish Consul-General at Bangkok to visit POW's in Thailand. Under the present circumstances it is not possible to grant the permission.

14,750 Exhibit 2019, a note from the Foreign Office to the Swedish Legation stated that the Foreign Office acknowledged receipt of the Note Verbale of the Swedish Legation of June 25 * for permission to visit the Changi Civilian Internment Camp in Syonan. For the present the desired permission can not be granted.

14,752 Exhibit 2020, letter from the Foreign Office to the Chief of the POW Information Bureau stated that with respect to the proposal of the United States of June 19, 1943 the Government of Switzerland has inquired if it is all right for a representative of the Swiss to ask certain questions when he visited the camps. * The questionnaire and its translation are being sent to the POW Bureau.

14,753 Exhibit 2021, the reply of the Information Bureau, June 23, 1943, stated * that under Article 13 of the POW Treatment Regulations it is stipulated that interviews of POW's will be restricted in scope by the Chief of the Camp. The scope will differ according to the circumstances of each camp. The proposal of Switzerland could not be accepted in toto.

14,754 Exhibit 2022, a series of correspondence between the Japanese Minister of Foreign Affairs and the Swiss Minister was offered and received in evidence. On July 8, 1942 the Swiss Minister wrote to TOGO * stating that Sir Robert Craigie had sent him a copy of a newspaper showing British POW's cleaning the streets of Rangoon. The necessary representations are being

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14,756

made to Japan that POW's are not to be forced to work on this kind of work, especially in a country where street cleaning is coolie work. This was humiliating and Japanese papers should not publish this. * Switzerland is calling the attention of Japan to the fact that the dignity of soldier prisoners has been needlessly hurt, contrary to Article 2, paragraph 2, of the Prisoner of War Code. He asked that the matter be brought to the attention of competent military authorities. On August 1, 1942 the Swiss Minister wrote to TOGO * stating that Britain does not admit that POW's should be compelled to work on jobs belittling their dignity. Britain attaches the greatest importance to these matters.

14,757

On September 15, 1942 the Swiss Minister wrote to TOJO, conveying a British protest that POW's at Rangoon goal are confined * on rations limited to bread, salt and water twice daily with occasional vegetables; that they had to sleep on floors; that no cigarettes were issued; that their boots were confiscated and they were compelled to do heavy work while barefoot; that they had become thin, weak and dejected. They assumed that Japan is unaware of brutalities committed by the military in a distant theater of operation. There is no excuse for confiscating POW boots. Britain therefore protests and demands immediate redress.

14,758

On December 9, 1942 the Swiss Minister wrote to Foreign Minister TAKI * stating that he had conveyed to TOJO on September 15 Britain's disturbance on bad treatment to POW's in Rangoon. He asked that steps be taken to appease Britain's fears. On

14,759

February 9, 1943 the Foreign Minister replied that the competent authorities have made full inquiry * and the facts stated in the previous letters never occurred. On February 12, 1943 the Minister wrote to TANI referring to his previous letters about treatment of POW's in Rangoon. Britain has acquired additional information that Europeans and Indians were slapped until they lost consciousness and had been beaten. Injuries have been aggravated by lack of medical supplies, which were insufficient. Sanitary conditions were bad. Twenty to thirty men have died, many from dysentery during the first months of captivity, caused by insufficient water. Europeans have been forced to carry out * degrading work. Severe punishments have been inflicted, including deprivation of food for two days for minor offenses. Indians have been deprived of food for refusing to enroll in the National Army. Prisoners need clothes. Britain is strongly concerned that this

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14,762

state of things exists and insists that representatives of the protecting powers and the International Red Cross be allowed to visit POW's in Rangoon, Burma, Malaya and N.E.I. If permission is refused Britain will be obliged to conclude that the reports that have been received are correct and the conditions are such that Japan does not desire to admit neutral delegates. He stated his previous letters had not been answered and asked * that he be given, as soon as possible, permission to visit the POW camps at Rangoon, Burma and Malaya and in the southern islands.

14,763

On February 28, 1944 the Swiss Legation informed the Ministry of Foreign Affairs that there was much to be desired in the condition of POW's in Thailand and Burma. There are many cases of beri beri and medical supplies are non-existent. Britain has drawn these matters to the Swiss attention and insists * that Japan take all necessary measures to send essential medical supplies. On April 25, 1944 the Swiss Legation notified the Foreign Office that Britain had learned that POW's in Thailand and Burma lack medical supplies and asked that necessary measures to send them some as soon as possible be taken.

14,764

On June 10, 1944 attention was called * to the notes of February 28 and April 25 about the lack of medical supplies in Thailand and Burma. There had been no response and they were asking for a reply since it was of the greatest importance to know surviving prisoners had essential medical supplies. On July 4, 1944 the Swiss Minister wrote to the Foreign Office, stating that he had written to TOJO and TANI about the bad treatment of POW's in Rangoon prison. The London Government had furnished a number of particulars.

14,765

On February 9, 1943 * the Minister for Foreign Affairs had replied that the facts mentioned had not happened. This was sent on to England. Britain had brought the following matters concerning the treatment of POW's in Burma to the notice of Japan. With respect to Moulmein, according to postcards printed by Japan, 20,000 British POW's are kept in Moulmein. Transfers to this camp had never been notified and it is believed that the capture of many POW's in other camps has never been notified, nor any notification of deaths. Conditions * are known to be at least as bad, if not worse, than those in Thailand. During October and November 1942 POW's are known to have died at the rate of 10 per day, principally from dysentery. There is an even higher

14,766

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rate in other camps near Moulmein and in POW's working on the railroad, which are the direct result of camp conditions and the inadequate rations, the failure to provide medicines or equipment, and a complete lack of adequate clothing, footwear, and of severity of labor.

14,767

In February 1944 25 POW's were paraded through Moulmein in an emaciated condition, carrying notices in Burmese stating that they had been captured on the fighting front, which was not true. They were held up to ridicule. * This is unworthy of a civilized nation, apart from the breach of the POW Convention.

14,768

In the forward areas in Burma, in the course of the first two Burma campaigns, the troops committed a number of atrocities on POW's. The present campaign has been marked by massacres of British and Indian POW's, including wounded and medical personnel. The medical personnel were tortured and deprived of food for two days. No medical attention was given to wounded, and patients who groaned were shot and bayoneted. Others were put in the line of fire without attempt to evacuate them. On February 14 the Japanese evacuated the area, but before doing so deliberately massacred * the remaining POW's by shooting. These facts are known from eye witnesses. Further instances of Japanese brutality are then set forth. Britain considers it of great importance that Japan make a complete inquiry into these facts and take all measures to prevent their repetition.

14,769

On August 9, 1944 the Swiss sent a memorandum, in which they said in their recent visits to POW camps in Japan * the delegate had learned that there were several cases of beri beri of long standing. Britain believes that beri beri is always rampant in the Far East and has requested that necessary steps be taken to combat the disease. Britain has requested numerous times that medical supplies be sent to camps in Thailand and Burma.

14,770

On August 26, 1944 the Foreign Office sent a Note Verbale to the Swiss Minister * stating that they were making a reply after competent authorities had made inquiry. As to Britain's complaint that the transfer to Burma of allied POW's had not been made known to it, they stated that the majority

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of POW's in Burma had been POW's attached to Thailand and Malaya and provisionally transferred. Japan had communicated to the International Red Cross the names of 10,000 POW's attached to camps in Thailand and Malaya. The names of deceased POW's are in the course of communication. Other questions will be answered after an examination of the facts.

14,771

On October 3, 1944 the Japanese Government sent a memorandum stating * that Japan, by exercising great vigilance to the prisoners have enabled sickness to be treated in the first stage. As a preventative measure against beri beri the authorities give the POW's unpolished rice, rice bran, and concentrated vitamins. The number of POW's suffering from beri beri is less than 1% in Japan, the same in Thailand, and under 2% in Burma. Figures are diminishing because of proper treatment. There is no need for anxiety. So far as food in general is concerned, the authorities, despite obstacles, are giving prisoners * the same food in quality and quantity as is given to Japanese troops and that is much superior to that of the Japanese generally. As to POW's in Thailand and Burma the same measures are taken for their health and necessary remedies are provided.

14,772

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14,773

* On November 18, 1944 the Swiss Minister wrote that on August 26, the Foreign Minister had informed them that many POW's in Burma were temporarily there and were attached to camps in Thailand and Malaya and that Japan was trying to accelerate the transmission of names of POW's and that they would reply to other points. * In addition Britain desires to know as soon as possible the results of the inquiry on the treatment of POW's in Burma. They had more than three months to make the investigation. Further attention was called to atrocities in Burma, including the execution in 1943 of six British soldiers.

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14,776

* Finally the British Government wishes Japan notified * that it has received reports of conditions in Rangoon Central Jail as being extremely bad. The prison is used for 700 British, American and Indian personnel who are ill treated and a demand is made that proper medical supplies be sent them.

14,777

14,778

On December 4, 1944 the Swiss Minister wrote to SHIGEMITSU that Britain and Australia have called attention to the fact that 100 survivors from the S.S. Rakuyo Maru, torpedoed on September 12, have reached Australia and Britain. Britain has accordingly learned that * all available POW's in Singapore and Java were moved early in 1942 to Burma and Thailand under terrible conditions. They were marched 80 miles. They had to work on a railroad in a diseased infected jungle. It called attention to all the bad conditions. * When the work was finished those not needed for maintenance work were moved to Thailand and later to Singapore and Japan.

After the ship on which 1,300 POW's were on board was sunk the Japanese picked up all Japanese survivors but left the POW's to their fate. A strong protest is made against the inhuman treatment. A public statement will be made in England and Australia following the statement of the rescued POW's.

On December 5, 1944 the Swiss Minister wrote to SHIGEMITSU that there had been found in Burma a mimeographed booklet called 'Notes for Interrogation of POW's' put out on August 6, 1943 by the HAYASHI Division to be used as a guide to interrogate British,

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14,780

American and Dutch POW's. The booklet stated that care must be exercised when using rebukes, invectives or torture as it would result in telling of falsehoods. Torture includes kicking, beating and anything connected with physical suffering. This should be used only when everything else fails. * When using violent torture change the interrogation officer and good results can be had if a new officer interrogates in a sympathetic manner. Another form of torture is hinting of future physical discomforts such as torture, murder, starving, solitary confinement and deprivation of sleep. Also, they could use hints on future mental discomforts such as not being allowed to send letters and being treated differently from other POW's or being kept to the last. England calls Japan's attention to this matter and recalls that Japan has strongly denied that her authorities used torture. Britain presumes that these instructions were given unknown to the Imperial Government and requests * that Japan revoke them and punish the persons who gave them.

14,781

14,782

On January 23, 1945, the Swiss Minister notified SHIGEMITSU that they had written on two occasions of Britain's complaint about ill treatment of POW's in Burma and Rangoon. On August 26, * Japan had notified the Swiss that it would answer after investigation. No answer having been received the matter is being called to their attention since Britain desires to know as soon as possible the result of the inquiry.

14,784

On March 19, 1945, the Swiss Minister wrote to SHIGEMITSU and stated that notes of July 4, November 18 and January 23 had had no response and demanded an answer.

* On April 23, 1945, the Swiss Minister wrote to the Foreign Office calling their attention to the fact that on December 4, they had taken up the matter of POW's in Thailand and Burma and the sinking of the Rakuyo Maru and asked for a reply. On May 15, 1945, the Foreign Office made a reply reporting on the matters of the letters of July 4 and November 18, 1944. They stated that they replied on the matter of transfer of POW's in the letter of August 26.

With respect to the Moulmein camps the situation in the outskirts of the city are such that concen-

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14,786

trated efforts of all sanitary service cannot prevent the spread of disease which is due * to the bad weather and interruptions of the rainy season of communications. Prisoners are not the only ones who suffer from this situation. Japanese troops do likewise. By extraordinary efforts in the Autumn necessary sanitary installations were completed and the number of sick and dead have decreased. There has been no exhibition of British POW's. Japan cannot accept Britain's allegation that atrocities were committed by Japanese troops in Burma. The competent authorities continue to guide * Japanese troops.

14,787

On July 2, 1945, the Swiss Minister asked for a reply to his letter of December 4. On July 5, 1944, the Swiss Legation again informed Japan that Britain had received a signed statement from a British soldier who described the tortures which he had gone through. A copy of his statement was recited in the letter. * Britain demands that Japan take necessary measures to prevent recurrence of like things and desired to be informed of the punishment inflicted on the official and soldiers responsible for such ill treatment.

14,790

Exhibit 2023, file of correspondence between the Swiss Minister and the Japanese Foreign Office, showed * that on July 5, 1943 the Swiss Minister notified SHIGEMITSU of Britain's protests of British POW's in Thailand are being ill treated and asked for authority for the Swiss Consul at Bangkok to visit camps.

14,792

On July 24, 1943, the Minister of Foreign Affairs wrote to the Swiss Minister, answering the letter of July 5, denying ill treatment and denying permission to visit the camps.

14,793

On August 30, 1943 the Swiss Minister wrote to SHIGEMITSU forwarding further British protests about Thailand; stating the POW's were living in the jungle under extreme hardship, insufficient food, numerous diseases and * deaths in excess of 3,000 without proper medicine. They requested help in improving conditions.

On September 29, 1943, the Swiss Minister wrote to SHIGEMITSU forwarding Britain's protest against POW's being employed in Thailand and demanded authority to visit POW camps in Thailand. On October 1, 1943, SHIGEMITSU stated that British POW's received the same

Page

treatment as Japanese soldiers and that the British attitude is based on unreliable sources and still refused to grant permission to visit the camps.

On October 20, 1943, SHIGEMITSU replied to the letter of September 29, denying the facts.

14,794

* On April 6, 1944, the Swiss Minister wrote to SHIGEMITSU saying that the Swiss Consul at Bangkok had been informed by the Japanese Ambassador that the commandant of POW camps at Thailand did not recognize the Swiss mandated to protect the American and British interests in Thailand and he, therefore, could not make gifts to POW's. That receipts for goods and funds were signed by Japanese. The Swiss Legation had replied that it did not see why it could not act as protecting power and that Japan's attitude was in violation of the Geneva Convention. The Legation retained the right to make a formal protest on this incomprehensible attitude.

14,795

* On July 20, 1944, SHIGEMITSU answered the memorandum of April 6, 1944, stating it was a mistake to assume that the Swiss had a right to visit POW camps by reason of the fact that Thailand recognized the Swiss as a protecting power and it was always possible to have the receipts signed by the prisoners' representatives.

14,796

Exhibit 2024, file of correspondence between the Swiss Ministry and the Foreign Office showed that on April 24, 1944, * the Japanese Foreign Office wrote to the Swiss Ministry replying further to the Swiss letter of December 23, 1942 on the protest of the U.S. on the treatment of American citizens in Japan's power and asked that his report be transmitted to the U.S.

14,797

* The report stated that with two exceptions, this treatment related to persons charged with criminal offenses including those serving prison terms after conviction. It is improper to apply the Convention of 1929 to those criminally accused who are tried like any other criminals. However, Japan has accorded to the American accused a treatment as generous as permitted by law and has taken into consideration the mode of their daily life and their social positions and ages. The U.S. protest has been made by distorting and exaggerating the facts which are contradictory.

Page

The usual conditions are as follows: In Bridge House, Shanghai in the cases cited by the U.S. are concerned with violators of military regulations. They are subject to restrictions provided by law applied without discrimination between Japanese subjects and foreigners. They are not to be considered on the same footing with those civilians interned under civil procedure.

14,799

* The Military Prison in Shanghai is used for all prisoners of all nationalities. All inmates are allowed to take proper exercise and given proper medical attention by army doctors and food is rationed alike to all. However, Europeans and Americans are allowed to eat articles as they receive from outside or purchase. As to wearing apparel, they use their own besides those supplied by the institution, including blankets.

The American inmates were given unusually good treatment and there was no impropriety nor negligence in the manner or method of their detention. No diseases due to detention mentioned.

14,800

In the Army Prison at Peking the six persons * mentioned in the note were arrested on violation of military regulations. They were taken to the North China Army Prison on March 11 and on the following day were ordered to detention. The agreement for exchange of diplomatic officials, etc, was concluded while the cases were being investigated. The proceedings were dropped and the men were released on June 8.

During detention one man was ordered to rest for 23 days and another for three days and both recovered from their illnesses, owing to timely treatment. One man was allowed to wear glasses. The remaining three were in good health throughout the period of their detention.

14,801

* In detention Japanese and foreigners are alike given soldiers rations. However, these men were served western meals for breakfast and dinner, and the soldier's food for lunch. They began to prefer the soldier's food. The daily ration per capita was 600 grams of cleaned rice, 187 grams of cleaned barley or

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900 grams of wheat; 21 grams of beef or 42 grams of fish, with 480 grams of vegetables, having in all 3,500 calories with a nutritive value. All meals were served warm.

14,802

Hot baths were provided twice a week with showers * substituted during the summer months. One man because of illness was ordered to refrain from bathing for 23 days. To the rest bathing was neither prohibited nor suspended at any time throughout the entire period. The men were ordered to take outdoor exercise one half to one hour daily and took exercise inside during bad weather except for the one man ordered to stop because of health. The others were never stopped for any reason.

Each cell had a floor space of approximately 16 square meters and was $3\frac{1}{2}$ meters high. It had one window and ventilation, electricity and toilet facilities. The walls were plaster and the floor and ceiling wood. The cells were kept clean. While five are usually kept in a cell the Americans were allotted one cell to two persons. The cells were the best that there were.

14,803

* All six were too big for regular prison clothes and they were allowed to use their own or that given to them. Bedding was supplied. These men were provided with extra bedding which was kept regularly laundered and cleaned. * They were permitted to wear their overcoats. The six men were weighed when taken into prison and when released. The average loss in weight amounted to no more than 258 grams. They were released in summer when all persons lose weight.

14,804

14,805

* In the prison no one could speak English fluently and the Americans did not know Japanese. A Japanese who had resided in America was assigned exclusively to the duty as interpreter for the Americans. The men appreciated this service. The alleged maltreatment of these prisoners mentioned in the American note is utterly groundless.

At Tsingtao the seven persons mentioned were all suspected of espionage and were taken to the Military Police headquarters on December 8, 1941 and placed in detention in the Assembly Hall of the Tsingtao Municipal Police Bureau for the purpose of examination until the 27th, at which time two were released while the others

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14,806

were transferred to the residence of the Manager of the E Wo Company where they * were held for preliminary investigation. They were sent free with the exchange agreement. The Assembly Hall was a large room with two large stoves and the temperature was maintained at 15 - 20 degrees Centigrade. The men were provided with improvised beds and were allowed to use their own clothes. As to food, they could have it sent from their homes. Daily outdoor exercises for an hour were permitted. The Manager's residence is one of the best houses to be found in the City of Tsingtao with complete equipment. The men were * allowed to have their own bedding and clothing and to have their meals sent from their homes and they used the facilities on the premises. They could meet their friends and families in the presence of officials. There was no foundation to the allegations made in the American note, such as they were confined in an unheated common jail for a period of three weeks.

14,807

14,808

At Fort Santiago, Manila one of the men was placed in the internment camp at Santo Tomas in April 1943. The other pretended not to be a soldier and entered the camp following * his discharge from the hospital on November 23, 1942 and remained there until January 12, 1943. On the discovery of his fraudulent act he was sentenced to minor imprisonment for three months and upon the expiration of the term he was put in the POW camp. In the light of these facts the protest of the American Government is irrelevant.

At Camp Stanley, Hong Kong all enemy nationals interned are being well treated. No such situation exists as is described. The internees are all doing well, having special permission to use their own things and to purchase what food they prefer.

14,809

At Santo Tomas the Japanese opened the camp on January 4, 1942 and let the internees take charge. They were told in advance to bring their personal effects * so that their life could be more comfortable. Despite this some didn't bring mosquito nets, clothes and bedding. Despite the disruption of communication and the immense number of internees to be dealt with the military granted them permission and facilities to send for their personal belongings. The Americans were very grateful and the usual situation was totally different from that

Page

14,810 described in the note. The protest on food is in contradiction with facts. At first, at the request of the internees not to have a sudden change of diet each was allowed to buy his own meals, but this arrangement might prove unsatisfactory * to those who did not have money. Beginning with the last day of February 1942, a ration system was adopted and the Philippine Red Cross was authorized to pay the cost. Those who wished were permitted to purchase supplementary food at their own expense. This system is satisfactory. The Red Cross did not undertake to loan money to individuals. The purchase and preparation of food was left entirely to the self-governing body of the camp, and the army helped to obtain hard to find commodities. The ration was never limited to 25 centavos. The Red Cross continued to distribute rations until June. Since then Japanese authorities have borne all the cost and all other expenditures, while management is in the hands of the self-governing body.

14,811 * The food since the opening of the camp has been satisfactory both in quality and quantity and is sometimes criticized as being too good as compared to the food available to the city. Order is maintained in the camp and various activities are carried on by the self-governing body under regulations formulated by itself.

At Davao for the first six weeks there was no work. Later, some persons for health's sake asked to be allowed to do some light outdoor work and they were assigned to it. The Santa Anna area where the warehouses for provisions were situated had been set on fire by fleeing American soldiers and the provisions had been carried away by these soldiers so that the people were faced with a shortage of food. They had practically nothing to eat but corn and millet, but at times the Americans were provided with meals containing certain amounts of corn due entirely to the generous efforts of the Japanese Army who also supplied them with cleaned rice, fish and canned foods out of their own stock. Those Americans were being fed far better than the average Japanese residents and the Filipinos.

By April 1942 the situation had gradually improved and the internees were permitted to purchase their food on their own, while staples were distributed

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14,813 by military authorities. At first all Americans were interned because it was feared they could not live alone. * But since September 1942, when the persons to be interned were decided upon the cost of provisions had been borne by the military authorities, while purchasing and cooking had been left to the self-governing body. Similar treatment has been given at other camps.

14,814 With respect to maltreatment and torture it was discovered on February 8, 1942 that an American being examined as a suspect for espionage was involved in a crime. He was taken to the police station and there was found that he was also guilty of another crime. * He appeared to be in good health and was kept from other criminals and allowed to occupy a solitary cell. His wishes for treatment were respected. Although a crime was already established his case was dropped on the Exchange Agreement and he was set free on May 25, 1942. He thanked the authorities and stated he had expected a most severe and rigorous examination. The American note stated that he was tortured six times in six days. As a matter of fact * gendarmerie were never allowed to come to the police station. The story is a fabrication. The record of the medical examination shows that he was sound and healthy when he was released. The charge is groundless.

14,816 The same sort of thing is true with respect to the other man. * The alleged beating of two at Ichang is entirely unfounded. No man could live after being beaten two hours with an iron rod. The two people concerned were allowed to remain at their homes and had to obtain permission to go out. They had special facilities for obtaining food and necessities. None of them ever visited the authorities except for housekeeping matters. There is no foundation on fact.

14,817 * Another man was placed in the Yokohama Penitentiary for examination and on February 21, 1942 he was indicted for violating the National Defense and Security Ordinance and the Foreign Exchange Control Ordinance and others. He was also accused on April 21 of violating the Police Peace Regulation. However, the Exchange Agreement was signed and the prosecution was cancelled. At the penitentiary he got favorable treatment

Page

14,818 being placed in the best western-style cell, well-lighted and ventilated and provided with desk, chair, bed, washroom and flush toilet. He was given a medical examination and visited daily by a physician. * Special attention was paid to the state of his health. He had exercised and bathed as usual and appeared normal. He never requested treatment for ulcers. Although questioned 21 times he was always in high spirits. Light handcuffs were used only when taking him to court as is always used in Japan.

14,819 With respect to solitary confinement, one man was arrested on December 8 for violating the National Defense Law * and taken to the Kobe Detention House where he was acquitted. It was established, however, that he was guilty of violating the Army Criminal Code and the Foreign Exchange Control Ordinance. He was released on March 5, 1942. He was indicted again on the same count. On April 5 he was sentenced to prison for seven months and while serving he was moved to Osaka. At the Kobe Detention House, because of his advanced age and to be given better conditions, he was given the best newly furnished cell * exclusively. He was allowed to use private bedding and clothes. As to meals he was permitted to obtain them from outside. During penal servitude he was furnished with regular prison bedding and clothes. He was allowed to wear shoes and was allowed to read books after censorship. He had the same consideration given in Osaka. His wife was allowed to visit him.

14,821 * Another man was allowed to remain in his own house until put in a civilian camp in Kobe. He was free to regulate his daily life as he liked. One woman was arrested on December 8, 1941 and taken to a temporary jail at the Tamatsukuri Police Station in Osaka for questioning. On the 25th of December she was transferred to the Osaka Detention House for further questioning. She was sent free on April 9, 1942. * She was not confined to the common jail but allowed to have exclusively a sunny and healthy cell in the women's section. There could be no fires due to house regulations and she was offered the use of a hot-water bottle, which she declined. She was allowed to wear an overcoat, rules on not bringing in personal effects being waived. She was allowed to bring books and was given first turn for bathings and given such food as

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she desired.

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* With respect to POW's, the U.S. states that it received reports of inhuman treatment. In the Philippines the U.S. is reminded of the situation during the days immediately following Bataan. Order was not restored and traffice had been destroyed. The Americans had burned everything and the Japanese Armies were finding it difficult * to replenish provisions and medical supplies. The number of prisoners was greater than anticipated. It was inevitable that the POW's should suffer temporarily. The Japanese military did their best to feed them and to care for the sick and wounded. The Americans captured at Bataan had to go on foot to Camp O'Donnel, owing to the destruction of the means of conveyances. The alleged instances of mistreatment on the way and after arrival are groundless. On April 28, 1944 the Japanese Government stated that it was dealing from a humanitarian point of view with POW's and civilian internees on the basis of the 1907 and 1929 Conventions. These intentions have been made known to the U.S. The U.S. states that the representatives of the Swiss Legation in Japan * are entrusted with protecting American interests in Japanese occupied territory. However, Japan does not recognize representatives of enemy interests in such territory and is not permitting visits. In view of the military operations visits are not being permitted.

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14,830

On August 16, 1944, SHIGEMITSU wrote to the Swiss Minister * stating that with respect to the protest of the U.S. they had certain additional data with respect to Shanghai, Canton, Hong Kong, Java and the Philippines and transmitted it. On March 1, 1945 the Swiss Minister wrote to SHIGEMITSU that the U.S. desired to address a communication to Japan which stated that Japan's reply of April 24 cannot be accepted since it distorted and exaggerated facts. The U.S. cannot accept a statement by the Japanese Government impugning its veracity. The U.S. charge is based on documentary evidence which cannot be refuted in such an arbitrary fashion. * The statements of Japanese are so far removed from facts that the U.S. can only conclude that Japan has permitted itself to be misled by fabricated reports of local officials and has not made an independent investigation of the matters. The reply is unsatisfactory and Japan will be held answerable. The U.S. will reply separately to Japan's protest making certain charges against the U.S.

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14,833 Exhibit 2025, communications between the Swiss Legation and the Japanese Foreign Office * stated that on December 15, 1942 the Swiss Legation wrote to TANI, making inquiry for the U.S. if Japan would apply articles 27 to 34 of the Geneva Convention. On January 28, 1943, TANI replied, stating that Japan employed POW's under the convention in non-dangerous work with hours being the same as that of civil workers in Japan and they were paid as non-coms and men of the Japanese Army. On February 4, 1943 the Swiss Legation asked TANI for a statement that Japan would not assign POW's to labor in * war industries or in work having connection with operations. On February 20, 1943, TANI gave the assurance that the work had no direct connection with operations of war. On March 4, 1944 the Swiss wrote to the Ministry of Foreign Affairs complaining that the men in Yokohama had to perform humiliating public work and were searched in public in violation of the convention.

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On April 22, 1944, SHIGEMITSU replied that Japan was not bound by the convention of 1929, but it was their policy to protect POW's against insults as provided therein and denied the POW's were forced to clean streets. On April 27, the Swiss Minister wrote to SHIGEMITSU and stated that Japan's statement * that it was not bound by the Geneva Convention did not coincide with previous declarations in which Japan agreed to apply provisions of the convention mutati mutandis, and asked what articles Japan thought inapplicable.

On June 9, 1945 the Swiss Minister wrote to TOGO transmitting protest from the U.S. against working American POW's excessive hours on war operations and for their being humiliated and beaten by guards. There was a demand for ratification and a statement that Japan, as well as the individuals concerned, would be held responsible.

14,836

On July 5, 1945, the Swiss Legation wrote to TOGO the U.S. protest with respect to Thailand and the quartering of prisoners there in areas close to military operations and using them on work * having relation to war operations. The U.S. again warned that they would hold Japan responsible. On August 1, 1945, TOGO wrote

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to the Swiss Legation denying that U.S. prisoners were subject to such labor.

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Exhibit 2026, correspondence between the Swiss Legation and the Foreign Office, stated that on June 16, 1943, the British Government was greatly concerned about the food supply of POW's and it is believed that the men were suffering * from undernourishment. Britain proposed that additional food in the form of soy products be distributed and it believes that Japan had a large quantity of these.

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On June 23, the Foreign Ministry acknowledged receipt of the previous letter, stating that Britain had previously made * the same proposal through the Red Cross and they had answered on June 10 that the authorities did not see the necessity of increasing the supply of any particular foodstuff.

DIRECT EXAMINATION OF YAMAZAKI,
SHIGERU, by Mr. Woolworth

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* The witness stated that he was a former officer of the Japanese Imperial Army and was such from January 1942 to 1943, when he served in the POW Information Bureau and Control Bureau in the War Ministry. He was a colonel.

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At the time of the outbreak of war the POW Information and Control Bureau acted according to orders of the Military Affairs Bureau. Prior to the establishment of the Bureau the Military Affairs Bureau handled POW matters. The two bureaus had the same officer at the head of them and the chief had control of policy in regard to treatment of POW's. The chief of the POW Information Bureau * had the power of decision only to a limited extent and on important matters he had to receive orders from the Military Affairs Bureau.

He recalled the protest filed by the Swiss Legation in connection with the treatment of the Doolittle flyers. He did not recall whether any reply was sent during his tenure of office, but the feeling within army circles was strongly against sending any such reply.

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CROSS-EXAMINATION BY DR. KIYOSE

- 14,843 * The witness stated that the POW Information Bureau was a special organ which Japan was supposed to set up in accordance with international treaty. It was a special bureau. At the time the POW Information Bureau was under the guidance of the War Ministry and was in cooperation with him. * All important matters had to go through the Military Affairs Bureau and unless this was done, nothing could be done. It was something far stronger than simply going through the Military Affairs Bureau. * The Director of the Bureau was Lt. General UEMURA and he was also Director of the POW Control Bureau. At first the Director of the Military Affairs Bureau was MUTO then SATO. * By rank MUTO could not give orders to UEMURA, however, insofar as actual work was concerned the Chief of the Military Affairs Bureau was a kind of Chief of Staff to the War Minister and was thus able to give orders, or transmit the orders.
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- 14,845
- 14,846
- 14,847 He had seen the rules of the POW Information and War Management Bureaus. * In form these bureaus were directly under the War Minister insofar as actual work was concerned. Nothing could be done without going through the Director of the Military Affairs Bureau. The Director had no authority to control the Director of the POW Information Bureau but received them from the War Ministry and was in a position to enforce them. He was the supervisory organ. The Director of the Military Affairs Bureau had no authority to control the POW Bureaus.
- 14,848 * As a member of the POW Information Bureau he thought that a reply should be sent on the Doolittle protest, however, the atmosphere in the War Ministry was such that they were reluctant to send any reply.

Page

14850 * The witness stated he had never gone
14851 to Sugamo prison, * but he had been investigated by
14852 I.P.S. in connection with POWs. * He said that he
had not said that the POW Information Bureau received
instructions from the Military Affairs Bureau, but
that the former could not do anything unless matters
were routed through the latter. Instructions were
received from the War Minister. No orders were ever
received directly from the Military Affairs Bureau.

CROSS-EXAMINATION by Mr. Kusano.

14853 * The witness said that he was a graduate
of the 25th period of the Military Academy, and was
in the same class as MUTO, and that he was a senior
of SATO. Before the revision of the organizations
14854 of the army, * he belonged to the infantry. After
the revision he was an officer in the main branch,
which includes artillery, infantry, gendarmerie,
etc., as distinguished from the army surgeon's office
and intendance office. He had not graduated from the
War College, and had never served as a staff officer.

14855 * The witness said that he knew that the
business of the War Ministry was conducted in accord-
ance with the regulations governing it, and at the
time he was in service he knew the regulations
governing POW camps and of the POW Information
Bureau, but he has forgotten them. He stated that
the POW Control Bureau had power of decision on non-
14856 important matters. * It is the delegated powers
mentioned in the adjutant's notification.

14858 * Although he did not recall exactly the
details of the stipulations, he believed that the
rules concerning control of the POW in general,
including accommodations, transportation, supplies,
14859 wages, and rations, were included. * The delegated
power to the Chief of the War Control Bureau was
within the limits of items delegated by the
adjutant's notification. What he meant by instruc-
tions through the Military Affairs Bureau was that
the opinions of the War Minister or Vice Minister
were conveyed through that Bureau.

Page

- 14860 * The POW Control Bureau head carried out the duties of his bureau by orders of the War Minister, as stipulated in the regulations. He had stated that the Military Affairs Bureau transmitted the directions of the Minister and supervised the Bureau.
- 14861 * By the word "supervision" it simply means that orders of the War Minister or Vice War Minister are to be conveyed. The Military Affairs Bureau received the orders from the War or Vice Minister and transmitted them to the Bureau concerned. He could not recall any concrete examples. General UEMURA was in charge of the Bureau. * He did not receive supervision or direction in the legal sense or in the sense of regulations governing the organization of the bureau. * There might have been requests or recommendations from the Chief of the Military Affairs Bureau, but he had no direct knowledge of them. Important matters were discussed or communicated among the various bureaus concerned at weekly conferences.
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- 14864 * The bureaus dealing with POWs did not act independently, but cooperated with the War Ministry. The Vice Minister supervised the Bureau Chiefs. As a matter of common sense, he knew that there were such regulations, but he never studied them. It may be that general regulations governing various departments are also contained in the War Ministry regulations.
- 14865 General UEMURA, at the regular bureau meeting, * asked directly for orders of the War Minister or Vice Minister, and made reports to the POW Information Bureau and handled information regarding POW, in accordance with its duties as stipulated in regulations.
- 14866 * The important matters, such as protests, were directly sent to the War Minister or to the Vice Minister, and a copy was sent to the Chief of the War Information Bureau through the Foreign Office. Items of a non-important nature were sent directly to Lt. General UEMURA. In the case of documents arising from the Foreign Office, these documents were first sent to the Military Affairs Section of the Military Affairs Bureau through the Secretariat of the War Ministry, and the matter was taken up and discussed with the bureaus concerned.

Page

This discussion was within the War Ministry and within the Army. The Military Affairs Board would be present if it related to POWs, and there was a communication from another government the Military Affairs Bureau participated. He could not say whether the bureau would dare to make a decision not approved by the Military Affairs Bureau.

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* Matters or documents emanating from the Foreign Minister and letters from the lower levels of the Foreign Office were generally sent to the Bureau of Military Affairs. The addressee of the letter should take the responsibility for any action taken on the letter.

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* The witness, being shown a communication, said it was addressed to the Chief of the POW Information Bureau from the Foreign Office, and all letters exchanged follow that form. He said on the face of it it was a letter from the Foreign Office to the Chief * of the Information Bureau, and he was not sure whether it contained word for word contents of the U. S. protest. * Protests from foreign countries are generally sent to the ministers concerned.

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Communications addressed to the Chief of the POW Information Bureau are generally through the adjutant's office of the Secretariat. Letters addressed to the Minister or Vice Minister are generally channeled through the Military Affairs Bureau, and if it concerned the POW Information Bureau a copy was sent there. The letters were channeled through the Secretariat of the War Ministry, and letters to the War Minister or Vice Minister * were channeled through the Military Affairs Bureau. There are other bureaus with which he was not connected, and he did not know anything about them. However, in view of the situation prevailing at the time, these letters passed through the Military Affairs Bureau.

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To ascertain whether the substance of the protest is consistent with the actual facts, the Information Bureau, as business routine, would communicate with the various commands and obtain the facts. * In asking for investigation on POW matters, the Chief of the POW Information Bureau had no right to ask directly for investigation by the army commanders. In such cases drafts were made and made into notifications, to be issued by the War or Vice Minister, and then sent to the commanders in the field through chiefs of bureaus.

Page

14874 Matters relating to hygiene, etc., would be sent through the Chief of the Medical Affairs Bureau, and those with respect to the gendarmerie through the chief of the Military Service Bureau.
* Replies on medical matters were prepared by the Medical Bureau and the various bureaus concerned. The witness did not attend any meetings of bureau chiefs at which protests were considered. Approval to the replies was given either by the War or Vice War Minister, according to the importance of the problem, and then sent out. The particular bureau concerned had its seal affixed to the draft of the reply. If there was a protest addressed directly from the Foreign Office to the POW Information Bureau, * it was sent to the bureau by way of the Secretariat of the War Ministry. When documents came from the Foreign Office they were routed through the War Ministry.

CROSS-EXAMINATION by Mr. Somiya.

14878 * The witness stated that there were no POW Information or Control Bureaus in the Navy. Those which entered the jurisdiction of the Navy were transferred to the existing Army bureaus. Before they were transferred to the jurisdiction of the Army bureaus, the Navy commanders in the field were responsible. * The Bureau was outside the cabinet, and POWs which were held, both by the Army and Navy, were treated equally under supervision and directions of the Prime Minister and the War Minister, who was the director of the Information and Control Bureaus by authority delegated by the Cabinet.

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14880 * Before POWs were transferred to the command of the POW information bureau, the navy was temporarily responsible. This was true both in Japan proper * and in the occupied areas.

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In March, 1943, the witness was transferred from the POW Information Bureau to the Headquarters of the North China Expeditionary Forces.

CROSS-EXAMINATION by Mr. Shiohara.

14882 * The witness said he had said that the Information Bureau was established in accordance with international treaty, and was under the supervision of the Prime Minister as an outside bureau of the Cabinet.

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* The witness said, as he recalled, the Information Bureau was outside the Cabinet, and matters pertaining to the POWs were relegated by the Prime Minister to the Minister of War, and since TOJO held concurrently the portfolios of Prime Minister and War Minister, the bureau was under his close supervision and direction.

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* From a strictly legal point of view, it may be said that the POW Information Bureau did not belong to the War Ministry. As a matter of fact, both it and the Control Bureau consisted chiefly of members of the army and only one member from the navy. As a whole, it was chiefly run by men from the army.

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The * man to whom a letter was addressed would have the responsibility in so far as the letter or communication is concerned, but with respect to the substance of the protest or to those who committed any infringement of regulations, the responsibility would rest elsewhere.

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* The witness could say nothing about SUZUKI's testimony, because he belonged to the Foreign Office and the witness knew nothing about this office. Actually, it was difficult not to pass orders through the chain of command of the army, although it may be done otherwise.

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* On treatment of POWs, the commanders of armies in the field directly supervised and directed POW matter, and matters had to be referred to the Army General Staff. In Japan or outside Japan, all matters pertaining to POWs in the field were directed and supervised by commanders in the field. If matters were not passed through them, the bureau was reprimanded.

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* With respect to POWs, certain powers were delegated to the Medical Bureau and to the Intendance Bureau, in so far as questions about their departments were concerned. He did not know whether these matters were written in regulations or provided for, but actually that is the way it was done. He did not recall whether they were written down. There were certain matters that the Vice Minister had delegated to him with respect to POWs, because they were matters which had to be authorized by him. He does not recall * that the Vice Minister had any powers delegated to him.

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14891 Exhibit No. 2027, the affidavit of E.
14892 Tomlin Bailey, Assistant Chief of the Special
Projects Division, Department of State, U. S.,
* stated he was in charge of the POW branch of his
division * since November, 1942. This branch was
charged with the duty of initiating and coordinating
State Department policy on all matters pertaining
to civilian internees and POWs. His statements are
based on the official records of the Department of
State, and relate to matters coming under his
cognizance.

14893 Immediately after the Japanese attack on
Pearl Harbor, the Department of State took up the
matter of according proper treatment for American
nationals in Japanese hands. Japan gave a commitment
to apply the principles of the convention to American
POWs, and so far as adaptable to civilian internees.
This was made through a communication * to the Swiss
Minister at Tokyo, and was received through the
American Legation at Berne on February 4, 1942.
In that Japan said that while it was not bound by
the Convention, it would apply its provisions
mutatis mutandis.

14894 On February 24, 1942, the Foreign Affairs
Ministry stated that he would apply on condition of
reciprocity the Geneva Convention for treatment of
POWs and civilian internees in so far as applicable.
The State Department, by repeated protests and
representations, repeatedly called to Japan's
attention its failure to live up to the undertakings,
and warned Japan that the U. S. would hold personally
and officially responsible all officers of Japan who
had participated * in the commitment, and with the
conclusion of the war would visit upon such officers
the punishment they deserved.

The protests originated in the POW Branch,
the witness personally preparing many of them. They
were based upon information obtained from representa-
tives of the Swiss Government, the International Red
Cross, repatriates and recovered military personnel.

On January 27, 1944, the State Department
sent to Japan through the Swiss, two telegrams
summarizing the protests which had been submitted to
Japan, and demanding amelioration of treatment.

Page

14895 The first telegram listed the principal categories of deprivations of rights, cruelties, neglect and mistreatment, and the second telegram * recited specific instances under each category.

From January 27, 1944, until the end of the war, the State Department made numerous additional protests and representations concerning additional instances. Pages 14895 to 14898 sets forth the additional protests.

14899 * All the protests filed with the U. S. by Japan during the period related to alleged mistreatment of Japanese nationals evacuated from the West Coast areas of the U. S. In none of these was the alleged mistreatment comparable in a remote degree to the mistreatment of American nationals which formed the basis for U. S. protests.

14900 On January 27, 1944, Japan was advised that it could assure itself from the reports submitted by Spain, Sweden, and the Red Cross, which have repeatedly visited all places where Japanese are held, that the U. S. consistently and fully applied the provisions of the POW Conventions in treating all Japanese held as POWs * held as civilian internees or evacuees. Japanese nationals had enjoyed high standards of housing, food, clothing, and medical care. The U. S. has accepted from the protecting powers and the Red Cross all suggestions for improving conditions, and have given effect to many of them, most of which have been directed toward obtaining extraordinary benefits and privileges of a recreational, educational, or spiritual nature.

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Exhibit 2028, a report of Australian POW's in the Far East showed that the known POW's was 21,726; returned to military control 14,314; and died while POW 7412.

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Exhibit 2029, a report of Canadian POW's * showed known POW's 1691; returned to military control 1418; died while POW 273.

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Exhibit 2030, strength and casualty reports of the United Kingdom 1939 to 1945, showed * that the total captured by Germany and Italy was 142,319 and died in captivity 7,310; * captured by Japan, total 50,016, died in captivity 12,433.

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Exhibit 2031, United Kingdom and Colonial POW's in the Far East to December 31, 1945 showed * total United Kingdom forces captured 51,103; died in captivity 10,873. Colonial forces, total captured 3,224; died in captivity 190. Total captured 54,327; died in captivity 11,063.

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Exhibit 2032, New Zealand POW's showed * total number of POW's 121, liberated 87, died while prisoner 31, unaccounted 3. As for civilians, merchant seamen and volunteers, total POW 238, total liberated 215; died while POW 22, not accounted 1.

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Exhibit 2033, United States POW's showed * total interned by Germany and Italy 93,154; returned to military control 90,139; died 2038; repatriated before VE Day 975; unrecovered 2. Japan POW's total taken interned 21,580; returned to military control 14,473; died 7,107; unrecovered 1.

DIRECT EXAMINATION OF JESSE L. STEWART
by Captain Robinson

14,911

The witness stated that he was a Master Technical Sergeant in the U. S. Marines, stationed at Corpus Christi, Texas, now on duty with Legal Section, SCAP. * He lived in Wyoming and had been in the Marines since October 1936. He was taken prisoner by the Japanese on December 23, 1941 on Wake Island and was liberated on September 11, 1945 at Honshu, Japan. From December 23, 1941 until May 12, 1942 he was on Wake Island. From May 18, 1942 to January 17, 1943 he was at Zentsuji, * from January 17, 1943 to May 21, 1943 he was at Tamagawa. From May 21, 1943 to May 21, 1945 he was at Umeda Camp, Osaka, and from May 21, 1945 until liberation he was at Tsuruga.

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He was wounded in the course of the attack on Wake in the head, shoulder and arm on December 7. On the 8th of December his left leg was shattered by strafing. Medical attention was given by a civilian doctor attached to Pan-American. This doctor was a civilian prisoner. After his capture he received no medical attention for three days. On December 26 they were moved into an old barracks and the Japanese allowed the doctor a slight amount of bandage and mercurochrome. In the middle of January the leg became infected. The doctor asked for instruments and supplies for an operation. A Japanese doctor looked at his leg * and recommended amputation. The American doctor refused and was slapped for being insolent. The Japanese doctor would not give instruments to the American, but he attempted to obtain them, and anesthetics, for about two weeks. About February 1 the witness' leg became discolored and swollen above the knee and the doctor decided it had to be operated on. The operation was performed with a pair of bandage scissors and a pair of tweezers, without anesthetics. The operation was successful.

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At the time of the surrender there were two underground magazines improvised as hospitals. * The equipment and supplies were moved to the Japanese hospital. About the middle of February Dr. MIYAZAKI came to Wake. He supplied the American doctor with instruments and supplies which the American doctor used. There were about 40 American POW's who were wounded and in bad condition and did not receive the medicine they needed. Between December 23 and the middle of February the American doctor requested supplies and instruments from many Japanese, * but his requests were always refused. This doctor remained on Wake Island until October 7, 1943 when he was executed. On January 12, 1942 1235 American POW's were taken from Wake. The American doctor could have left at this time, but he contrived to remain. He stated he could not leave the POW's who remained without proper medical attention.

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The prisoners taken on December 23 consisted of 1200 civilians and 400 service personnel. * The service personnel did not know their status until noon on December 25, at which time the Imperial Rescript was read to them, which said they would be interned as POW's until they had proved that they were ready to become loyal subjects of Japan. On May 12, 1942 as the service personnel was ready to leave, a Navy captain made a speech in which he said they were being transferred to Japan for internment. He said that until then they were missing in action, but upon reaching the new camp their families would be notified.

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14,919

When he arrived at Zentsuji the commander of that camp made another speech * in which he said they were to be interned as POW's and the families notified. This was May 18, 1942. The first notification of capture was received by the witness' wife on December 15, 1943 in the form of a recording which he had made at Zentsuji. The U.S. Government notified her of his being made a POW after that. While he was on Wake both the civilians and service men requested often that they be allowed to write letters, but they were always told that they had to wait until proper arrangements could be made. * The Japanese had two lists of all POW's held on Wake. Each man had a number and the list was used as a muster list. The second list was made in the middle of January 1942 and contained the name and address of the family and the next of kin, and it was stated that this list was to be used in notifying. This second list was made on January 15, 1942.

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Each night they could hear a motor running and could see lights. The Japanese guards said this was a radio station and they were talking to Tokyo. * The witness is a radio radar technician. There was also a 4-engine patrol plane which came to Wake at least once each week bringing mail and official documents from Tokyo. On February 24, 1942 the Island was shelled by American cruisers and 25 to 30 civilians were made to work in the raid. They had to repair the airport because they had radioed Tokyo for help and 2-engined bombers were coming. The planes landed that night. * While a prisoner they had receivers set up which were used in picking up news broadcasts from Tokyo, San Francisco, and Honolulu.

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The first threats made to POW's on Wake were that if they did not obey all orders they would be executed. The witness was threatened with death many times. About November 1944 the B-29's began raiding Japan and they were told about once a month they would be killed if the American forces landed. The first of August they were told that they would be killed if any more super-bombs were dropped. These threats were usually made by the interpreter, who stated they came from the commander.

The witness was interrogated about nine times on radio and radio locators. * Twice on Wake he was interrogated on aircraft radio and radio locator equipment which Pan-American was supposed to have on Wake Island. In Yokohama Harbor on May 17, 1942 he was questioned on radio locators dealing

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strictly with military installations. At Zentsuji and elsewhere he was questioned on any radio or radio locator knowledge. At Umeda he was questioned four times, three of them on radio and locators, and the last time in March of 1945 on radar. In all questionings he was told that refusal to answer or lying was punishable by death.

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He stated he did not know the status of the civilians on Wake. They separated them from the servicemen on December 24, 1941. On January 12, 1942 when the main detachment left they called out 365 civilians. These were told that they were to remain as a labor battalion and when the airport was completed and the island fortified they would be released and returned to their homes. Some objected but were immediately reprimanded.

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* When he left there were 362 civilians on Wake. About 262 left there in September 1942 and 100 did not leave. Of the 100 who remained, 97 were executed on October 7, 1943, one executed in July 1943, and one on October 13, 1943. The first civilian * was executed on May 10, 1942 for having attempted to break into a warehouse. The witness saw this execution.

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The man was sentenced on May 10, 1942 by a Navy Captain who was Island Commander. About nine o'clock in the morning this man was taken behind the hospital with all staff present and with about 20 American civilians * witnessing. The witness could see the civilians standing in two ranks and could see the Japanese soldiers. The doctor who had witnessed it came back to the hospital and stated that the man had been made to kneel at the end of a grave which was dug for him, and the order of execution was read. The doctor performed the execution by decapitation.

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He learned the fate of the other civilians on Wake from interrogating the interpreter and from the confessions of the Admiral in command on Wake in Tokyo. * One man was executed in July 1943 by decapitation and in October 1943 96 were executed by rifle fire. The interpreter did not witness the execution but he had gone to the barracks beforehand. On October 13, 1943 one American civilian who had escaped was executed by decapitation by the Admiral, who was Island Commander.

14,931

The reason why these men were executed is that the Japanese expected the American forces to land on Wake. The men were not tried and were not accused of any offense. The

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14,933 interpreter told him this. Five American service personnel from Wake were executed on Nita Maru on January 23, 1942 by decapitation. The reason was that the attempted landing of Japanese forces on Wake of December 12, 1941 met with failure and the men must lose their lives for this crime against the Japanese Navy. * The witness learned of this execution because three of his buddies had not been reported. On his return to Japan he and a lieutenant held an investigation on the Nita Maru and discovered this execution. The lieutenant was an investigator with the Legal Section. They learned about this from 16 eye witnesses who told this to them at the Meiji Building or at Sugamo.

14,935 Exhibit 2034, a letter from TOGO to the Swiss Minister,
14,936 April 20, 1942, stated that as a result of investigation of American POW's on Wake there are a number who can not be transferred because of wounds and illness and some who wish to stay and work. The sick and wounded are receiving medical treatment and the laborers are engaged in pleasant labor under agreement. The numbers and names are being investigated. * On April 20, 1942 he was on Wake. * The witness stated that none of the civilians or service personnel on Wake were there of their own accord. He stated that the people working on Wake were completing an airport, building entrenchments, entanglements around the replacements, and belting and cleaning ammunition. They were not working voluntarily.

CROSS-EXAMINATION by Mr. Logan

14,938 The witness stated he did not know what report was
14,939 given to TOGO by his investigation committee. * The witness stated that so far as he knew there were no investigations made by the Japanese on Wake about April 1942 relating to conditions of Americans on the Island. The witness was in the hospital throughout the time * he was held on Wake. When he left there were four civilians and three servicemen in the hospital. There were some people in the hospital down to April 20. He began moving about on crutches around March 1 and he left the hospital about that time. About April 11 there were about three men engaged in the laundry. All other men were doing military work. After the first of March the only medical attention he needed was dressings * and he got them. The doctor had two bandages for him and put one on while the other was being washed. Other sick and wounded were receiving medical attention. The medical supplies which were in the underground hospitals were transferred

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14,942 to the Japanese hospitals and there were medical supplies in them in December 1941. * He did not think the second Japanese doctor brought the supplies with him. He came in an airplane. The supplies were American medical supplies. In the hospital the witness received as good treatment as it was possible for the American doctor to give him. This American doctor, without anesthetic, opened up the front of his leg about four inches and removed bone splinters. After February 15 the American doctor had enough medical supplies and instruments * for appendectomies and minor operations. He received sufficient food while in the hospital at Wake.

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14,944 The interpreter read the Imperial Rescript. At that time they were on a coral strip, everyone in a small group. He was not moved to the hospital until late in the evening of that day. From December 8 to 23 he was in an improvised underground hospital. * The interpreter stated that the document was an Imperial Rescript. He could see the document in the interpreter's hands. The interpreter used the words "Imperial Rescript". The last time he saw the interpreter was in the Meiji Building in November 1946. His arrest has been ordered but he has not yet been apprehended. * He had testified at other trials but the trial is not finished. It is pending. The Admiral in command at Wake had been brought to trial, but the witness did not know where he was. * The witness stated he was employed as an investigator of the Legal Section, since September 27, 1946.

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CROSS-EXAMINATION by Mr. Levin

14,947 The witness stated that he landed at Wake Island on December 1, 1941 with 45 others and was NCO in charge.

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- 14,955 The witness stated that the only reason that the Japanese Doctor slapped the American doctor is that the latter had refused to let the Japanese amputate the witness' leg. He slapped him for being insolent. The interpreter did nothing but interpret and carried arms. The witness had little opportunity to see other punishments * since he was confined to the hospital. When the second Japanese doctor came the first one remained. The second belonged to the Air Corps while the first belonged to the troops that were on the island.
- 14,956

CROSS-EXAMINATION BY MR. BLEWETT

- 14,957 The witness stated that there was one Marine or Navy doctor with his outfit. When the American hospital was bombed on December 8th * they moved the patients into two magazine hospitals. The civilian had one and the Navy doctor the other. Before the fall of the island the American doctor had use of the equipment in the underground hospital. The witness did not know how long the American doctor had been on the island or how long the 1200 civilians had been there. Some had been there since the beginning of fortification. Most of the civilians were engaged by the Pacific Naval Air Base Contractors with a few Pan American men.* The work done after the surrender on the airport was the same. Before the war civilians did not have to build fortifications. There was only one hospital on the island used by both civilians and service personnel. There was a small sick bay at the camp but no hospital facilities. The hospital was bombed out on December 8th. Between December 8th and the 23rd, two magazines had been improvised as hospitals. These were equipped with instruments and medicines from the bombed out one. It was this equipment that was later moved to the Japanese hospital. * When the Japanese first took over on the 23rd, the witness was moved to a coral strip near the airport and held there until the evening of December 25. He was then moved to the contractors camp and on the morning of the 26th, was taken to a hospital in the barracks. The Navy doctor was a Lieutenant (J.G.). * The witness did not know whether he was on Iwo Jima now. Before the surrender the Marines had no barracks on the island but were billeted in tents. The American civilian doctor was kept in the same building as the rest of the P.O.W.s. The Navy doctor left on January 12, 1942. The civilian nurses were in the employe of the contractors. There were forty hospital patients and half of them were service men. All were confined in the same barracks as the other P.O.W.s. On March 11, 1942 * there were some
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14,962 ill on the island. The witness himself had not fully recovered. However, on April 20th, none were so bad that they could not move under their own power. They were receiving dressings. He did not know whether a list of P.O.W.s was ever sent to Tokyo. However, a list was prepared. The witness heard the interpreter order the P.O.W.s to get out of their shelter and work during the shelling by the cruisers. * This was on February 24, 1942. 1235 P.O.W.s left Wake on January 12, 1942. When the witness left in May, 20 left. He did not know the name of the officer who questioned him about radar. He was not physically hurt during the questioning. A Naval officer questioned him at Yokohama * and the witness was not harmed during that interrogation.

REDIRECT EXAMINATION BY CAPT. ROBINSON

14,964 The witness stated that he was interrogated at Zentsuji * and he was questioned on why he had refused to sign an escape oath. He was then kept confined along with thirty officers and eleven enlisted men from June 14 until September 23, 1942 when they were called before the Camp Commander and threatened with death if they did not sign. * Hoffmeister was apprehended about May 1, 1942 and kept in jail until May 10th when he was executed. The doctor had requested that this man be released due to his physical condition. * When they left Wake it was known that they had never been reported to the government.

14,965 The witness had with him a list of the names and addresses of the 362 civilians on Wake. The doctor had helped him make this list. The witness had added Hoffmeister's name to it intending to write to his wife. He was worried that the Japanese might not allow him to include an execution in the information. He was told not to worry because the death certificate was made out to go to Tokyo.

14,966 The witness said his wife first heard about him and his whereabouts on November 11, 1944.

RE-CROSS-EXAMINATION BY MR. LOGAN

The witness stated that he did not know what was included in the death certificate sent to Tokyo.

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- 14,968 Exhibit No. 2035, the Affidavit of R. H. Lancaster, stated * that on June 4, 1941 he was employed by the Pacific Naval Air Base Contractors to work at Wake Island arriving there on August 2, 1941. He was a Japanese prisoner from December 23, 1941 to September 14, 1945. *
- 14,969 at Wake. In April or May, 1942 an American civilian was beheaded. He had been apprehended for stealing cigarettes and other commodities from the warehouse and had been very belligerent and uncooperative with the guards who seem to dislike him. There was no knowledge that he had any trial. He was kept a prisoner for about a week where he was made to walk continuously until exhausted. After he was exhausted, he was beaten to make him continue walking. After a week of this they heard that the Commander has received orders or permission from Tokyo to execute him. A grave was dug and the man was led out blindfolded and tied and made to kneel over the grave. * The Commander and his staff were present and several of the prisoners were required to witness the execution. The witness was standing in the front row about eight feet away. Just before the execution the Japanese officer read a long statement and the interpreter repeated most of it. It stated that the Japanese are honorable people, that they do not believe it necessary to keep locks on warehouses and this man was guilty of breaking into an unlocked warehouse.
- 14,970
- 14,971 The 350 civilians were required to finish the runway and to make a ditch for machine guns and to build pill boxes. * All P.O.W.s were slapped and beaten practically every day. One man was beaten so severely with a crowbar that his leg ligaments were torn. Another was so badly beaten that he was unable to walk for four or five days.
- 14,973 Exhibit No. 2036-A, statement of Admiral Sakaibara at the proceedings of the Military Commission at Kwajalein on December 21, 1945 states * that on October 7, 1943 he gave an order to his lieutenant that using the men of his company he was to execute by firing squads all P.O.W.s. An hour and a half after his order, a report was made that it had been carried out, that 96 had been executed and one escaped. Around July, 1943 an unknown person broke into Headquarters Company food stores and was captured. A

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previous warning had been given that any persons stealing food would be severely punished. It was necessary to execute this man and he was executed by decapitation. The Admiral wrote out a statement giving his reasons and had it translated and read to the man who was executed. The prisoner who had escaped on October 7 when the executions were held was discovered and captured. At that time they had learned that a new and powerful task force had left Hawaii * and Wake Island was to be prepared for an attack force. To suppress any danger arising from this man, the Admiral was forced to have him executed. According to the news broadcast from San Francisco about the German trials, it was said that the issuer of orders as well as the executor would be prosecuted. If his orders became the source of any trouble, it would mean that his subordinates would be involved but his subordinates only carried out his absolute orders.

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The Admiral stated that he had called all company commanders and departmental heads to a meeting and ordered a false story be made. * After the end of the war, it was impossible for him to obtain the contents of the Potsdam Declaration. He had therefore reconsidered and desired to confess the truth.

14,977

Exhibit No. 2036-B, statement by Lieutenant Commander TACHIBANA from the same proceedings state * that on October 7 he and the Commanding Officer were together. Then, at that time the Commander ordered that all P.O.W.s be shot to death. The Admiral, however, was very careful and the deponent knew that he would not come to a decision unless he had given it consideration. He therefore, thought it justified to execute the P.O.W.s. An hour later he heard shots. * When he went out to investigate, he met the execution party returning.

14,978

14,979

About the 20th, a report came in that a Caucasian had been seen in the woods. An order was given to search the area but he could not be found. The next day he was found in the warehouse. The Commander ordered him to be executed and that he would do it personally. He did so. * To make sure that there were not any more American P.O.W.s, they checked on the remains of the P.O.W.s buried. On the night of August 15, 1945, they heard of the surrender from the radio but had gotten no dispatch

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- 14,980 from the Navy General Staff. The Imperial Rescript was received on the 16th. On the 18th or 19th, the Commander called a meeting of all Chiefs of Section and told them that he had heard from the radio that all war criminals and all officers who gave the orders were to be punished. * On the 20th or 21st they were all mustered again. The Commander told them that a good story would be that half the P.O.W.s died in the bombardment of October 6, 1943 and the rest escaped on the night of the 7th and resisted with gunfire and that all died in the fight. On August 22nd or 23rd, the remains of the P.O.W.s were removed. It took two or three days to dig out the remains.
- 14,981 On August 25th or 26th, an inquiry came from the Bureau of Military Affairs * on the P.O.W.s. That day all officers were ordered to give the information. This was sent. On September 8th, more detail was given concerning the fabricated story and all subordinates were ordered to be familiar with it.
- 14,982 Exhibit No. 2036-C, the statement of ITO TORAJI * stated that he arrived on October 7, 1943 and was made Commanding Officer of Headquarters Company. He then received an order to shoot all P.O.W.s. After the execution he ordered the platoon leaders to report to Headquarters. On the day of surrender * they were ordered to give a false statement.
- 14,983
- 14,985 Exhibit No. 2037, the Affidavit of Lieutenant Colonel Rudisill stated * that Captain John Hamas was under his direction. On October 1, 1946 Captain Hamas filed a report based on an investigation made by him and his personal experiences as a P.O.W. This report stated that upon embarking on the NITTA MARU
- 14,986 * the reporter was brutally clubbed with a heavy club, slapped and searched. Others were also clubbed. The enlisted men and civilian defense workers were forced to run through a gauntlet and were beaten by the guards. The men were herded like cattle in holds so crowded that they could not stretch or lie down. They stayed there for two weeks, were humiliated, clubbed, starved. * As a result of this mistreatment, many of young Marines contracted tuberculosis and other serious ailments. Two men were removed from one of the holds to the sick bay and never returned. Some of the men
- 14,987

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14,988

never disembarked at Woosung, Shanghai. They disappeared. It was obvious that they had been beheaded and their bodies thrown overboard. Prisoners were stripped of all their belongings.* Wounded and sick aboard were refused medical care by the Japanese doctor. During the voyage, the men were interrogated about military installations on Midway, Palmyra and Johnson Islands and in many cases they threatened the P.O.W.s with beheading unless the questions were properly answered.

By January 18, 1942 the boat anchored in Yokohama. The weather was freezing. They had no warm clothing. Many became sick.

14,989

* The following regulations for prisoners were published and stated that P.O.W.s that disobeyed the following orders would be punished with death. Those included those who disobeyed orders and instructions, showed antagonism and opposition, those who disordered regulations by individualism, those talking without permission, those walking and moving about without order, those carrying unnecessary baggage in embarking, those mutually resisting, * those touching the boat's equipment or climbing ladders, those showing action of running away, those trying to take more food and blankets than given to them.

14,990

14,991

Paragraph 21 of the regulations stated that those who obeyed all rules and regulations and cooperated with the Japanese would be well treated. Correspondence, food and clothing were stolen. The deponent's wife sent him twenty-four packages. He never received any. Most letters * were held in Japan and many destroyed. During three years and nine months he received one letter, one Christmas card and two short radio messages at the end of the war. Most of the letters she wrote were returned as "undelivered".

In the early part of 1945, just before they left for China, a tall slender Japanese prince inspected the camp as head of the Japanese Red Cross. He did not talk to the senior Marine officer but was rushed through the camp. Hamas was still in bad condition.

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14,992 Exhibit No. 2038, the Affidavit of KOHARA, YASUO stated * that the deponent at the time of the outbreak of the war was a Chief Petty officer in the Navy. From December 25, 1941 until January 31, 1942, he was assigned as a guard aboard the NITTA MARU.

14,993 On January 13th, the boat took aboard some 1200 American P.O.W.s and went to Yokohama, where they put off fourteen of the P.O.W.s. From Yokohama the boat sailed to Shanghai arriving on January 22. * All P.O.W.s remaining where then put ashore. The boat went on to Kure. The second day after the boat had left Yokohama, the Captain called the deponent into his cabin and showed him a piece of paper which was an execution order for execution of five P.O.W.s aboard the ship.

14,994 The Captain ordered him to kill one. The deponent flatly refused. The Captain then said that he was giving me a direct order and to use a Japanese sword. The deponent reasoned that the order was from his Commander * and therefore, from the Emperor and he had to obey it and if he refused he would be executed. He therefore felt that he could do nothing but carry out the order. Later, he was summoned to the deck. He saw the five American P.O.W.s lined up with guards and crew standing around. The Captain got up and read the execution order. He stated * that they had committed a crime and it would be no good to let them live. The first man was made to kneel down on a small mat and the beheading took place. The second one carried out his job. * The witness then carried out the Captain's order on the third man. The witness could not stand to witness the last execution. The five bodies he heard were thrown over the side of the boat but he never heard that they had been mutilated. The next morning the boat reached Shanghai and the American P.O.W.s were put ashore. While the boat was enroute to Kure, the Captain called all guards to his cabin and gave them jewelry taken from the P.O.W.s. * The witness had kept the order for the execution in his pocket and had kept it in his home until it had been burned in the air raid. The Captain never asked him for the return of this order and he was sure that he had not reported this execution to his superiors at Kure. If he had reported it, he would have needed the order to substantiate it.

14,995

14,999

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15,002

Exhibit 2039, a letter from the Swiss Minister to TOGO, May 26, 1942, stated * that according to the telegram received from the United States they wished to know the names of the POW's and civilians that the Japanese may have removed from the Island and the place where they are interned. They would like to have information on the fate of the Americans remaining on the Island.

15,003

Exhibit 2040, letter from TOGO to the Swiss Minister acknowledged receipt of the previous letter * and stated that Japan had sent a list of the names to the Red Cross as to POW's. As to civilian internees, Japan was ready to reply to every individual inquiry after fullest investigation.

15,004

Exhibit 2041, a letter from the Swiss Minister to Tani, September 21, 1942, stated * that the United States could not accept as satisfactory Japan's statement that lists of civilian internees and POW's are communicated as in the past to the Red Cross and urges both Switzerland and the Red Cross to impress upon Japan the great importance that the United States attaches to prompt fulfillment by Japan of the obligations under Article 77 of the POW Convention and Article 4 of the Red Cross Convention. It desires that it be called to Japan's attention that the American Information Bureau transmits to the Red Cross weekly lists of all Japanese interned, released, paroled, detained, POW's and transferred, based on official information regularly and promptly furnished to the Bureau. The United States has a right to expect Japan * to furnish the Japanese Information Bureau promptly with like information. It reminds Japan of its agreement that such lists are to be transmitted by cable at the expense of state of origin of the POW's.

15,005

The United States wants to know whether American POW's have been allowed to prepare and send capture cards within a period of not more than a week after arrival, to be forwarded as rapidly as possible. The United States would like to know how urgently these cards are being forwarded, if prepared. If they have not already been forwarded, it is suggested that they, and the complete lists, be forwarded * on future trips of exchange vessels.

15,006

15,007

Exhibit 2042, a letter from the Swiss Minister to the Foreign Office, October 6, 1942, * stated that the United States is still without report on 400 civilians from Wake Island. While

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it welcomes Japan's offer to report on the welfare of individuals on request, it asks for a report under Article 77. The Swiss had not received any individual slips on American citizens captured at Wake.

15,008

Exhibit 2043, a letter from the Swiss to the Foreign Office, April 8, 1943, stated that the United States wanted to be notified immediately of the 400 names, and it is important to know the reasons for the delay.

15,009

Exhibit 2044, a Note Verbale from the Japanese Foreign Office to the Swiss Legation, April 19, 1943, stated that all information on Americans on Wake had been communicated under date of August 10, 1942 and February 25, 1943. As to the 400 whose names are allegedly not included in the list, the Ministry desires to know their names, * addresses, occupation, and other information.

15,010

Exhibit 2045, a letter from the Swiss Legation to the Foreign Ministry, August 21, 1943, stated that they were sending the list of 432 American civilians who should have been on Wake Island at the time of occupation, but whose names are not found on the lists. The United States thinks it of greatest importance to know as soon as possible what happened to them and where they are. Investigations would be facilitated if a delegate of the Swiss would be allowed to talk to Mr. Fairey, who is held as a POW. * This man might be able to furnish information regarding others on the list.

15,011

Exhibit 2046, a letter from the Swiss Legation to the Foreign Ministry, October 8, 1943, stated that on August 21 the Swiss had submitted to the Ministry a list of 432 American civilians and these men were supposed to have been on Wake * at the time of the occupation. The Legation takes the liberty of asking for a reply.

15,012

Exhibit 2047, a note from the Swiss Legation to the Japanese Foreign Ministry, December 10, 1943, stated that the Swiss had received from the POW Information Bureau a list of 205 Americans from Wake who were at Fukuoka. * About 15 names found on the Bureau list are not found on the list transmitted to the Ministry and the Legation now knows the situation of about 190 of the 432 Americans from Wake. They would like to have as soon as possible information as to the whereabouts of the others.

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Exhibit 2048, note from the Swiss to the Japanese Foreign Ministry, February 14, 1944, again called the attention of the Ministry to the matter of Wake Island.

Exhibit 2049, a note from the Swiss to the Foreign Ministry, September 25, 1944, repeats this request.

15,013 Exhibit 2050, a note from the Swiss to the Foreign Ministry, November 1, 1944, * called attention to the previous letters and repeated that Washington was quite desirous of obtaining a report on the actual residence and condition of these individuals.

15,014 Exhibit 2051, a note from the Swiss to the Japanese Foreign Ministry, March 19, 1945, stated * that on November 1 they had stated that America would like to get news of her nationals on Wake and no answer has been made as yet.

15,015 Exhibit 2052, a note from the Swiss Legation to the Foreign Ministry, May 15, 1945, * again called attention to the fact that no answer had been received and again asked for a reply.
15,016 * The United States is strongly desirous of being able to put the families of those concerned at rest, and Japan has had three years to compile the report requested.

Exhibit 2053, a note from the Swiss to the Japanese Foreign Ministry, July 27, 1945, substantially repeats the previous document.

15,018 Exhibit 2055A, statement of OBARA, from the record in his case tried before a Military Commission at Kwajalein, stated * that on September 2, 1942 nine POW's arrived at Kwajalein. Before this he had received a directive to the effect that the POW's were to be sent to Tokyo immediately. He was asked to arrange for temporary incarceration. * About October 10 he was ordered by his Commander to execute the nine POW's. The Commander said that in accordance with the directive received from Central Headquarters it had been decided to execute these men and not send them to Japan. When the deponent protested, his Commander said it was the intent of Central Headquarters and there was nothing that could be done about it. Execution was by swords and pistols.

15,020 In a forward area execution where emphasis is on form, it is the Japanese custom to behead the victim with a sword so as to render death instantaneous. Hanging was not used because

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it is not in general use by the Japanese. A firing squad wastes ammunition.

15,021

The POW's and the guards got along very well and the men had evinced a deep interest in the appearance of Tokyo. Aside from the question of infraction of international law he had liked these POW's and did not like his assignment. * However, he had to obey the command. He did not know whether the basis of the Commander's decision to execute was a directive from the Central Office or whether it was the personal view of his Commander, but he had received the impression that it was a statement of policy and not a private opinion. This explains why he did not repeat his objections, which he would have done if he thought they were private views. The Commander was particularly inclined to adhere to the wishes of his superior and knowing his character, to persist in expressing one's own opinion would have been insubordination in time of war.

15,022

15,024

Exhibit 2055B, the statement of Captain OBARA in the same trial, stated that he thought the nine American POW's were respectable and honorable soldiers who had carried out their duty and were unhappy fellows in the status of POW's. The order to kill the prisoners could not be easily comprehended since it ran counter to OBARA's belief in justice. The order once issued, being based on a directive from Central Headquarters, had to be obeyed absolutely. OBARA asked that they reconsider the matter, but this was not accepted. * He had merely to carry out the order.

15,025

15,026

Exhibit 2055C, the interrogation of Vice Admiral ABE in the same trial, stated that he did not issue any order to Admiral SAKAIBARA at Wake to execute 96 POW's in 1943. Admiral SAKAIBARA was under him and reported on the deaths. He stated that he had been stationed on Kwajalein, * arriving there on February 8, 1942 and leaving the end of November 1943. He was Commanding Officer of the 6th Base Unit. Captain OBARA was Commanding Officer of the guard unit.

15,027

He said there was no execution in January 1943. ABE was then given an oath and said he understood its value. * Having taken the oath he stated that there were American prisoners brought from other islands to Kwajalein and that they were returned to Japan. He said he did not remember

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15,029

hearing of any executions outside of Wake. ABE still denied that nine Americans had been executed. He was told he would be charged with perjury. He then said that the POW's had been taken in the Makin battle. They were sent to Kwajalein and, originally, ABE intended to send them back to Japan, but the Navy Ministry informed him that they could not divert a ship to Kwajalein. A staff officer on the General Staff in Tokyo came to Kwajalein, said he was not to ship POW's back to Japan, but was to dispose of them on the spot. This being the case, in view of Navy policy * he disposed of them. The staff officer, while he brought no order, expressed the opinion that ABE took to be the Navy policy that that is what he was to do. The staff officer was Lieutenant Commander OKADA. He could not say whether OKADA's view was the policy of the Navy, but he believed that it was. As for the actual killing, he issued orders to Captain OBARA.

15,030

Exhibit 2055D, statement of Vice Admiral ABE, stated * that because the Japanese military are directed to be in strict order by the Emperor, the primary and supreme duty of a military man is absolute submission to an order and it has been his principle never to disobey an order. As for the nine Americans he tried in every way to send them to Japan as soon as possible, but a directive was issued to dispose of them and he had nothing to do but obey it without question. Up to that time he had no idea of disposing of them, but when a directive came which had been discussed * by the Highest Naval Central Headquarters, there was nothing to do but to carry it out. From the Japanese point of view he, ABE, is completely responsible for the acts which the others did and they are free from responsibility, and the Highest Naval Central Headquarters is completely responsible for the acts which he did and he was, therefore, free of responsibility.

15,031

15,033

Exhibit 2056A, the testimony of Major MATOBA at the trial of Lieutenant General TACHIBANA et al, stated * that the first case of cannibalism occurred between 23 and 25 February 1945. On that day he reported to General TACHIBANA that a flyer would be executed. At headquarters the conversation turned to the Japanese forces in Bougainville and New Guinea and it was mentioned that they lacked provisions and had to eat human flesh. While at headquarters a call came through for a party being given by Colonel KATO for the General and MATOBA. When they arrived there * it was found

15,034

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that he did not have enough drinks and food. The General was dissatisfied and it became important to get something in the line of meat and more drinks. MATOBA telephoned that meat and sugar cane rum be delivered to headquarters. The meat was delivered and cooked in Colonel KATO's room and everyone had a taste of it and no one liked it. They all knew it was human flesh.

15,035 At a conference at headquarters in February 1945, TACHIBANA said that the supplies would diminish and ammunition run short and men would have to fight with rocks and be forced to eat their own comrades and the flesh of the enemy. * MATOBA heard this as did every battalion commander, not only once but several times. General TACHIBANA said that all POW's would be executed and their flesh eaten. He said that the invasion of the island was imminent and it would be the last battle prior to the invasion of Japan.

15,036 The enemy were beasts. * Prime Minister SUZUKI also used this word in connection with Americans. It was a byword in orders and speeches. This was used also by TOJO.

15,037 Admiral MORI and General TACHIBANA agreed that all flyers would be executed whenever Major HORIE was through with them. All flyers were then executed. After the party when the human flesh was eaten, he talked to Admiral MORI * and he asked that they bring to him a little liver from the body of the next flyer executed. The staff officers were present. There were one or two executions at the Yoake wireless station. The execution was performed by an officer with a sword. Human flesh was served in soup to both officers and enlisted men. Staff officer MIYAZAKI was present, although he did not know whether he actually witnessed the execution, but he was present at the party when human liver was eaten. He also took back a portion * to Naval Headquarters. Doctor TERAOKI was ordered to cut out the liver and deliver it by MATOBA. He gave the order after he received the report that the flyer was executed. Sergeant FURUSHIKA volunteered for the execution. * It is not Japanese custom to order an execution. However, MATOBA took full responsibility. He told TERAOKI to hurry up and remove the liver because he wanted to take it to Naval Headquarters. The liver was brought and left in his orderly room and MATOBA had it sliced and dried. The liver was eaten at battalion headquarters that night.

15,038

15,039

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- 15,040 He saw the men eat it, and ate it himself. Admiral MORI mentioned that during the Japanese-Chinese war human flesh was eaten as medicine. They all said that the liver was good for the stomach. MATOBA had human flesh three times. He also ate a small pill made from human liver in Singapore.
- 15,041 Exhibit 2056B, an order regarding the eating of flesh of American flyers, stated * that the battalion wished to eat the flesh of an aviator and it was to be rationed and the liver and gall bladder were to be removed. This was signed by MATOBA on March 9, 1945. The order was issued orally.
- 15,043 Exhibit 2057, the report of Captain John D. Murphy, Director of War Crimes, Pacific Ocean Area, stated that in his official capacity * he had caused investigations to be conducted through the Pacific islands and discovered that war crimes had been committed at many of them. The crimes committed were mistreatment of POW's, natives, and non-Japanese civilians and included murder, assault, battery, and cannibalism. In addition, there was neglect of duty in violating the laws and customs of war, and violation of those laws.
- 15,044 His investigations established that a large number of American military personnel were captured alive in the Pacific Ocean area. There are at least 698 known to have been lost. Many were undoubtedly killed in battle, but many were captured. Not one of the persons was found alive in any of the islands at the time of the surrender or later. How many were transported to Japan before has not been determined, but they appear to be relatively few and insignificant. 149 were
- 15,045 illegally executed while held as POW's. All records * were destroyed by the Japanese authorities and in every instance investigators have been confronted with false information in a deliberate intention to conceal any and all information on persons known to have been captured alive. It is therefore impossible to determine the specific disposition of each individual concerned. Where it has been possible to find out, it has been found that they were unlawfully killed by the Japanese.
- 15,046 His report contained a copy of a memorandum from Admiral Manning of the U. S. Navy. * This report showed that in the Marshalls-Gilberts area 98 POW's remaining on Wake Island were executed. Since all others had been accounted

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15,047 for, except the 98 persons, it is presumed that the 98 employees executed on Wake Island * were those unaccounted for.

15,049 Exhibit 2058, letter from the Swiss to the Japanese Foreign Minister, January 29, 1945, stated * that they were transmitting a protest from the United States to the effect that Japan had acknowledged receipt of notice that the U.S.S. Comfort was a hospital ship; on October 24, 1944 at 0200 the Comfort was attacked by Japanese aircraft. Although it was painted as a hospital ship and fully lighted with two lit crosses on deck and four on stack, three bombs were dropped, two landing close aboard.

15,050 On July 14, 1944 Japan acknowledged receipt of notice that the U.S.S. Hope was a hospital ship. On December 3, 1944 at 1600, this * was attacked by a Japanese torpedo plane in daylight; it was a conspicuously marked hospital ship. Following the attack the airplane returned to Mindanao.

The United States emphatically protests against these attacks as being a flagrant violation of the Hague Convention of 1907, as well as those principles, customs and usages of international law as to hospital ships. The United States demands that Japan give assurances that attacks by Japanese armed forces upon hospital ships will not be repeated and that persons responsible have been punished.

15,051 Exhibit 2059, note from the Swiss Legation to the Japanese Foreign Minister, April 23, 1945, the Swiss Minister * again pointed out the protests on the attacks against the Comfort and Hope and pointed out that no reply had been received.

Exhibit 2060, memorandum from the Foreign Office to the Swiss Legation, May 12, 1945, stated that they acknowledged receipt of the note of January 29 on the protest and advised that the competent authorities are now investigating the matter.

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15,053

* Exhibit 2061, protest from the Swiss to the Foreign Minister, May 25, 1945, stated that on May 12 Japan had advised the Swiss that they had begun an investigation of the attacks on the hospital ships Comfort and Hope. In the meantime the U.S. has called on the Swiss to send a notice relative to a second attack on the Comfort. On April 28, 1945 it left Okinawa at 2050 hours.* On the same day while observing full hospital ship procedure the Comfort was attacked and damaged by a Japanese plane. Thirty-nine were killed and thirty-three were injured. Japan acknowledged notice that this was a hospital ship on July 6, 1944. The U.S. protests and insists that Japan take positive action to punish those responsible and to prevent recurrence.

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15,056

Exhibit 2062, letter from Admiral Nimitz, Commander-in-Chief, U.S. Pacific Fleet to the Commander-in-Chief, U.S. Fleet, May 19, 1945, stated * that on the night of the attack the weather was clear, visibility unlimited, the boat was fully illuminated and carrying out full hospital procedure. The attacking plane flew over three times, once at masthead height and twice at 500 feet and there could be no doubt as to its recognition as a hospital ship. The ship carried no passengers and was complying with the Geneva Convention. There were no other vessels * closer than 20 miles to the Comfort so she was not being escorted with combatant ships.

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Inclosure A is submitted to show that the attacks may be premeditated and not simply the acts of a single pilot. Inclosure B, taken from the body of a dead pilot shows that he had been briefed on the presence of U.S. vessels off Okinawa in which there were two hospital ships. Inclosure A showed that on April 9, 1945 there was broadcast from Tokyo * that they were justified in bombing hospital ships since they were being used as repair ships to return wounded men to the fighting front. It also stated that Japan's mercy ship was long overdue. Inclosure B * showed that the Japanese knew there were two hospital ships among the craft.

15,060

Exhibit 2063, a report on the attack on the Comfort stated * that the Comfort was on its way to Guam from Okinawa with a load of patients on April 28, 1945 when at 2042 hours it was bombed. The plane

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15,061

dove into the ship. When the explosion occurred all normal activities of the hospital were being carried on. * Some personnel was so badly burned and mutilated that it was impossible to determine just what killed them. Four doctors and six army nurses were among those killed in action.

15,062

Exhibit 2064, protest from the Swiss Legation to the Foreign Minister, June 23, 1945, stated, that the government of the U.S. has requested the Swiss to present the following notice: That it has received * supplemental information that on the night of the attack the weather was clear and visibility unlimited and no other naval vessels were within 20 miles. That there was no doubt that the pilot could recognize it. That there was found in the wreckage of the aircraft a flight intelligence document which listed two hospital ships present off Okinawa. This indicates that no effort was made to impress attacking pilots with the immunity of hospital ships. Furthermore, the broadcast of April 9, 1945 announced that Japanese are justified in bombing hospital ships inasmuch as they are being used to repair ships and for the purpose of returning wounded men to fighting fronts. * The U.S. states emphatically that those hospital ships are not being so used or for any other purpose not permitted by the Convention. The U.S. again demands that Japan take positive measures to punish those responsible and prevent further attacks.

15,064

15,066

Exhibit 2065, the report regarding the adventures of the Netherlands Military Hospital Ship Op ten Noort. This ship went to sea on February 12, 1942 and was adequately marked as a hospital ship. On February 25, 1942, * a message had been received that this ship was acknowledged as a hospital ship by Japan. Notwithstanding the acknowledgment, the ship was attacked near Soerabaja on February 21, 1942 by Japanese planes dropping explosive bombs from a height of 3,000 meters. Three persons were killed and 20 were more or less seriously wounded and the ship damaged. On October 16 all patients had to leave the ship with the native medical orderlies and the crew. A Japanese captain came on board and read a statement stating that the ship had not been captured * but had been occupied by Japanese authorities as

15,067

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directed. The official detainment was to be continued and it was to be carried out to explain some affairs that could not be solved at Maccasar. The ship's crews and staff were not to be interned or made POW's then or in the future. Japan would fulfil its obligations under treaty, but for safety's sake it had to place a Japanese crew on board and to sail the Japanese flag. A guard detachment, armed, was to be placed on board to protect the ship against illegal attacks from American submarines. Sabotage or opposition would be severely punished.

15,068

* On November 22 the ship left for Japan with an occupation force of 100 armed marines. Escape was out of the question. On December 6 they reached Yokohama, suffering greatly from cold and having only tropical clothing. On December 17 and 18 the captain addressed some letters to authorities in Yokohama. On December 19 all had to disembark and unload their own heavy luggage. They were then taken to Myoshi where the Dutch team of 44 persons was detained until surrender. Several protests were sent from this camp.

15,069

* On August 21, 1943 they tried to improve their conditions by talks with the Japanese representative. This man tried to improve their condition and his attempts were unsuccessful.

15,070

Exhibit 2067, a letter from the captain of the Op ten Noort to the Japanese Navy Minister, stated * February 22, 1943 that on December 19, 1942 all personnel of the ship was forced to disembark at Yokohama. The staff and the whole medical staff were interned in a house where conditions left much to be desired. He pointed out that the Netherlands hospital ship * had been officially acknowledged by Japan and that when taking the ship the Japanese Navy had guaranteed that it was not to be seized and his personnel was not to be interned. He protested. He asked whether Japan intended to adhere to its acknowledgment of the ship as a hospital ship and the reason for his actual internment. He also demanded that they be permitted to re-embark as soon as possible.

15,071

Exhibit 2068, letter from the captain of the Op ten Noort to the Japanese Prime Minister, February 23, 1944, pointed out the action taken toward the ship and that the internment and detention of the crew had

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15,074

been prolonged. Since this was contrary to the Geneva Convention he felt that the Prime Minister was not acquainted with the internment and detention. * He had not received any answer to his letters of protest or to his earlier protests. He felt that it could not be the intention of Japan to waive the rules of the Geneva Convention, because Japanese military hospital ships are still sailing, marked as prescribed. He asked for a neutral investigation of the deplorable internment conditions.

15,076

Exhibit 2069, a speech by the Prefect of Hiroshima to the personnel of the Op ten Noort, stated that it was a lie to have said that the Dutch treated the Japanese internees decently and the Japanese are indignant at the treatment. America had violated the law. * He stated that attempts to escape would be severely punished.

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15,079

Exhibit 2070, a letter from the Chief Medical Officer of the Op ten Noort to the Japanese Prime Minister, June 29, 1944, stated that a protest had been made in October * in which a complete survey had been given of all instances occurring on board the ship and thereafter and requesting the injustices be stopped. * There have been no replies. It is now obvious that the naval and civil authorities have acted by order of the Japanese government and the government is responsible. Japan has detained a hospital ship, occupied it and used it for her own benefit. * Japan has persisted in her untruthful declarations. He accused the Japanese government of having instructed high ranking authorities to make misleading statements and not having properly answered any protests and not permitting the captain to contact the Red Cross and not permitting the captain to guard the interests of the hospital ship through the intermediary of a non-belligerent.

Exhibits 2071 to 2075, protests by the Netherlands to Japan on the matter were offered and received in evidence.

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15,082

Exhibit 2071, dated May 28, 1942, stated * that it was reporting * additional details. On February 21, 1942 the ship was bombed and damaged requiring repairs. When the repairs were completed the ship sailed out again on March 1 to search for survivors of a naval

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15,083

battle. On this occasion the vessel was captured by Japanese torpedo boats and there has been no further information received by the Netherlands. As to the * incident of bombing the Netherlands would appreciate being informed of the result of the investigation. He, furthermore, asked that the ship be released according to the stipulations of the convention of October 7 which has been ratified by Japan. This was sent to TOGO.

15,084

On June 9, 1942, Exhibit 2072 was sent by the Foreign Office to the Swiss Minister * acknowledging receipt of his previous letters on the bombardment and detention of the Op ten Noort. It stated that the fact that it was being used for military purposes and that it attempted to escape constitutes an express violation of the Convention of 1907. Investigation shows that absolutely no bombardment was carried out by Japanese planes on February 1. The Japanese Army and Navy have received formal orders not to attack * hospital ships. Such a thing could never take place.

15,085

Exhibit 2073, letter from the Swedish Legation to the Foreign Minister pointed out that Holland maintained the exactness of its information with respect to the Op ten Noort.

Exhibit 2074, the Swedish Legation sent a note to the Ministry of Foreign Affairs on September 10, 1945, requesting information as to the present whereabouts of the Op ten Noort and that immediate arrangements be made for its return.

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Exhibit 2075, from the Swedish Ministry to the Foreign Office, dated October 30, 1945, stated * that the captain, his officers and staff had been interned in Japan since December 1942 without the Swedish Legation being informed. After surrender a representative of the Legation had visited the camp and obtained a written report on the capture and conditions in the camp. He was transmitting a copy of the report.

15,087

Early in October * the Op ten Noort was reported as sunk. Japan had agreed to replace the ship by a similar vessel.

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15,090

Exhibit 2076, protest from the Swiss Legation to SHIGEMITSU, June 19, 1944, stated * that the U.S.S. Richard Hovey, carrying cargo and one passenger was on March 29, 1944 at 11:20 hours torpedoed by a submarine. After torpedoing, the submarine attacked escaping personnel. Reports from survivors described the submarine surfaced after releasing three torpedoes and then opened fire on the men in the life boats. The survivors took to the water, keeping the lifeboats between them and the submarine. The submarine rammed one of the lifeboats. It cruised among the others, taking pictures and firing. The submarine then made another circle and fired her big gun on number 4 lifeboat, * making it difficult to use. The submarine finally approached the master boat, took on board the master and three others and took the boat in tow.

The U.S. protested most emphatically against this most inhuman form of warfare and demands effective assurance from Japan that such criminal acts will not be repeated. It is expected that Japan will punish those persons who with premeditation and full knowledge of their actions have so flagrantly violated the primary humanitarian concept of maritime warfare.

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Exhibit 2077, note from the Swiss Minister to the Foreign Minister, September 15, 1944, * stated that twice in June the Minister had transmitted to SHIGEMITSU the U.S. protest about the Hovey. They asked for an answer.

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Exhibit 2078, letter from SHIGEMITSU to the Swiss Minister, November 28, 1944, stated * that he had received the letters on the Hovey. That an investigation carried out by the authorities shows clearly that there are no facts corresponding to such attacks.

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Exhibit 2079, a letter from the Swiss Minister to SHIGEMITSU, stated that the U.S. * says that with respect to the facts stated in its protests regarding the attack on the survivors of the U.S.S. Hovey, they are based on evidence which is most specific. The statements are of unchallenged validity and the U.S. reserves all right in the matter.

Exhibit 2080, note from the Swiss Minister to the Japanese Government, December 29, 1944, reported

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15,095 the * torpedoing of the American merchant ship S.S.
Jean Nicolet. A protest was made on December 29, 1944,
15,096 to the Foreign Ministry. * On December 30, 1944 the
Swiss Legation stated that they had sent a notification
that on July 2, 1944 the U.S. merchant vessel Jean
Nicolet was torpedoed by a Japanese submarine. Seventy-
five survivors were murdered when, after leaving the
ship some 95 to 100 persons from the vessel were sub-
15,097 jected to treatment * in contravention of the laws and
customs of war. The U.S. protests: 1. that the life-
boats and liferafts were machinegunned to render them
unusable by survivors; survivors who were swimming were
machinegunned; 2. that survivors were robbed of all
life belts, papers and valuables; 3. survivors were
bound after getting aboard the submarine with rope or
wire and were compelled to sit with heads down; 4.
15,098 that half the survivors were compelled to run the
gauntlet and were subjected to severe beating and
while still bound * were forced off the submarine into
the water while the vessel was underway; and 5. the
submarine without warning suddenly submerged, leaving
a large number on deck to be thrown into the water
without means of self-preservation.

The master and first mate were made prisoners
and treated like the survivors of the Hovey. The U.S.
demands urgent information on the present welfare and
whereabouts of these men and protests emphatically
against the treatment of the survivors. It demanded
15,099 * a full and thorough investigation from Japan and that
the persons responsible be punished and that Japan give
specific assurance that this criminal action will not
be repeated.

Exhibit 2081, note of the Swiss Minister to
the Japanese Foreign Office, December 28, 1944, stated
15,100 * that the U.S. was attaching a lot of importance to
the case of the Nicolet and they wish the Swiss Minister
personally to find out about the fate of the rescued
master and chief.

Exhibit 2082, letter from the Foreign Office
15,101 to the Swiss Minister, January 19, 1945, stated * that
they had transmitted the contents of the protests to
the proper authorities.

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15,102 Exhibit 2083, a letter from the Swiss Minister to the Foreign Minister, April 19, 1945, stated * that on December 29 they had protested upon behalf of the U.S. about the Nicolet. The U.S. Government asked for a quick investigation and other things. Under date of January 19 the Ministry acknowledged receipt of this note. * The Legation wishes to know whether the investigation is now finished and its results.

15,104 Exhibit 2084, memorandum from the Swiss to the Japanese Foreign Ministry, April 28, 1945, again referred to the protests previously made * and demanded an answer.

Exhibit 2085, letter from the Swiss Minister to the Foreign Office, February 20, 1945, was another protest on the matter.

15,105 Exhibit 2086, note verbale from the Japanese Foreign Minister to the Swiss Legation, dated May 15, 1945, stated * that they received the note of last December 29 and earnest investigations made by the authorities have not found any facts which correspond to such an accident. Japan affirms that all Japanese warships and boats rigorously observe the laws of war.

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15,109

DIRECT EXAMINATION OF JOHN ALEXANDER
MC DOUGALL BY COMMANDER COLE

15,109

The witness stated that he lived in California, was 21 years of age, that he had been taken prisoner by the Japanese on July 2, 1944 when he was with the Merchant Marine aboard the S.S. Jean Nicolle. This boat had loaded in San Pedro and left for Fremantle destined * for Calcutta with a stop in Ceylon. On July 2nd they were ten days out of Fremantle and three days south of Ceylon. There were a hundred passengers and crew.

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About 7:06 in the evening the first torpedo struck. The witness was thrown back against the bulkhead. The witness took his position * by his boat station. They got things ready and the Captain came out. A fire had started. When the second torpedo struck, the Captain gave orders to abandon ship. They lowered away and got the boat safely away with only one casualty, a broken arm. There were six left on deck. These six went below to get their life-jackets and knives. They gathered in the forward part of the boat and decided to take a raft. * The raft was let go and the others got on the raft with him. They sighted a man in the water and picked him up. They lashed two rafts together. Thereafter the Captain went aboard the motor launch. He had seen a light on the ship and he wanted to check again. When the launch started to return to the ship and when she was half-way there, the submarine surfaced and pointed their deck gun. The motor in the lifeboat was cut lest the submarine pick it up * and the motor boat came back. As soon as they spotted the submarine, they threw away their white hats and skiffy shirts and laid down. However, the sub spotlighted them and pulled along side of them. When they pulled along-side of the raft the men got off the raft and into the water. One 17 year old boy was taken on board first and they lashed his hands behind his back * and then shot him. They could not see what was happening but they heard machine gun fire. The Japanese then threw a line to the men but they only let them come aboard one at a time. As soon as the witness came on board they made him take off the life jacket. A Japanese cut it off. * They tore his watch from his hand and tried to take off his ring but it was too tight. The Japanese then acted

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as though he were going to cut the finger off but the witness took off the ring. They searched his pockets and then lashed his hands behind him. He was made to sit down on the deck. All but three of the survivors of the Jean Nicolet were taken on board. These three survivors tried to swim away. They were spotted and machine gunned but were not hit. Later they got to one of the rafts. The men were made to sit aboard the deck with their legs crossed and chin on chest and ordered * not to move. After all were taken on board, they machine gunned the raft and sunk it. They then started to pick up the rest of the survivors and would always machine gun the boat or raft after they picked up the men.

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They then took us back to the ship. The Japanese officer * came out on deck. He had a sword and he swung it over our heads. He brought out the gun and fired three rounds of ammunition into the ship. One of the Japanese started beating the witness over the head with a pipe. He told them that they were fools for letting Roosevelt lead them to war. He further said that they sunk every ship that came into the Indian Ocean. * They then misused the chief mate and kicked the Captain. They took the Captain and the first, second and third mates to the conning tower and they were never seen again. They checked the bindings two or three times. Those who had gotten loose and free were beaten with pipes and lashed again. * They took the men up into the bow by rows. One man was held by one Japanese and run through by another with a bayonet and then pushed over the side. They were kept prisoners on deck for about four hours. Along about that time a horn blew and the Japanese ran towards the conning tower. All the men jumped up because they knew the meaning of the horn. One of the men had a knife hidden which had not been found. They were * able to cut some of the men loose. At that time the submarine was submerging. The fellows who were still tied up were washed off the side. The rest stood up and jumped as far as they could to get clear of the propellers and then took off their clothes and started swimming. They got fairly close to their ship and during the night the submarine submerged. A PBY flew over about 15 minutes afterwards. They swam all night. The next morning the submarine came to the surface * looked around with search lights and fired a few shots. The man laid still in the water. Finally

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the submarine cruised off and submerged. The men started swimming and made the ship which was very badly damaged from fire. One of the men found a life-ring to which a couple of the men hung on for an hour or so. * One of the men swam back to the stern of the boat and got a small navy raft and a canteen of water. The witness and a couple of others got on the raft with him. A short time after that the ship sunk and one big raft which was left on the boat floated to the surface. They got that. The PBY came back and dropped them some life jackets. There was also a flare kit and some water and bread. It was from the Royal Canadian Air Force. A short time later, they picked up two men who were swimming around. * When one man came swimming up, the back of his head was full of blood. When he was asked what was wrong he said he had been taken to the back of the submarine with the rest of the men and the guard behind would hit them over the head, push them through a line and the rest of the Japanese struck them with weapons until finally they dove into the water.

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They remained on the raft the whole day and night and were finally picked up the next afternoon by the H. M. S. Hoxa. There were 24 survivors of the Jean Nicolet and he met two of them on the Hoxa. One of them had been run through the gauntlet and thrown into the sea. His head was split open from ear to ear. He had spoken to another man on the Hoxa who had been taken away while on the submarine. He had a similar experience. * Approximately 60 men were thrown off the conning tower and three survived. 35 men were on the deck when the submarine submerged and 21 survived. The Hoxa took them to Addu Atoll in the Maldive Islands.

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The witness was the only one who was not put in the hospital. A day or two later the next island was occupied by the Canadian Air Force. A day or two later the Canadians came over and questioned the men on armament of the submarine, speed * and her weak points. They invited the witness and another to come over to their island. * The pilots stated at at the time they flew over the submerging submarine they had spotted a man who was floating with his hands across his chest and they made a circle to drop him a life preserve. They saw that his head was gone. They saw another man swimming in the water but when they got back to him part of his leg was gone. There were sharks all around. When the men kept moving they did not seem to bother them. They left Addu about a week later for Ceylon. When they arrived there, there was a Coast Guard Commander, a Navy Intelligence man and a British

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Commander. They went to Ceylon on the Sunavadi. It had gone out and picked up some of the other men. On board was an Indian crew and officers of a British ship which had been torpedoed. He had spoken to the First Mate of this British ship who stated that they had three women on board, one with two children. After the torpedoing the submarine came to the surface and pulled along the second life boat in which the two women were. * They took the babies and threw them over the side into the water and took the women into the submarine. After he reached Colombo, he spoke to the other survivors of the British ship. The Chief Petty Officer told him exactly what the First Mate had told him. At Ceylon they kept all survivors and questioned them for two days and according to the description, they said that it was undoubtedly a German built submarine and they also said that some of the submarines operating in the area had German Captains or officers and a Japanese crew.

CROSS-EXAMINATION BY MR. LOGAN

15,131 The witness stated that he had been in the Mer-
15,132 chant Marine approximately 13 months before he went on
the Jean Nicolet and that he knew that that boat was a
vessel owned and operated by the United States through
the War Shipping Administration. He however, was employed
by the Oliver J. Olsen Steamship Company. He had signed
shipping articles * but he had not read them since they
were all about alike. * The Jean Nicolet was an armed
merchant ship and had 28 and a gun crew including the
gunnery officer. The boat crew was about forty or fifty.
15,133 Among the passengers there were four Captains, one
Lieutenant and about eight or nine Army men. The boat
was not sailing in convoy. * No one was killed in the
torpedoing, there was only one broken arm.

He did not see the man being shot in the head because he was behind in a raft but he had heard the shot. However, the men in the life boat saw him shot and there were quite a few survivors out of that boat.

15,134 When they went aboard the submarine * the Japanese
tied the hands of everyone behind their backs. The pipe
with which the Japanese struck the men was about two and
one half feet long and he did not see it closely and did
not know how thick it was.

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15,135 He was knocked over on his face but not unconscious. He saw the pipe when the man sat down to talk to him. He was holding it across his lap but he could not see how thick it was. * All but three of the survivors got into the submarine and about 60 were led aft but the witness did not see what happened to them.

They got off the submarine around midnight and reached the Jean Nicolet about seven or eight in the morning.

15,136 When the man who told him the story about being
15,137 made to run the gauntlet jumped off the submarine, his hands were tied and he either got them loose or found someone to help him get them loose. * The cause of the submarine submerging was the airplane coming over. *

15,138 The testimony about the other British ship is based on what he had heard. He did not think there were other survivors of the Jean Nicolet picked up by the other ships because the airplane searched the area pretty thoroughly. There were only 24 survivors that he knew of but he had never seen any final report. Naval intelligence told him that the submarine was German built. * They merely said that it was a German built submarine and that some submarines in that area were operating with German officers and Japanese crew. However, they only saw one officer and he was Japanese and the rest of the men were Japanese. He did not know if there were any Germans below. * There were no markings to show whether it was a German or Japanese submarine. He did see any Germans but only Japanese. He did not know how many men were in the crew of the submarine.

15,141 Exhibit No. 2087, the Affidavit of Charles E. Pyle, First Assistant Engineer of the Jean Nicolet stated * that the submarine made its appearance and the first questions directed from the submarine were in good English. The first questions were about the name of the vessel and the location of its officers. This information was given and orders were given to come aboard the submarine. When they started going aboard the Japanese crew men helped them over the railing. After the survivors gained the deck the Japanese fired at the life boat with a machine gun to sink it. This was apparently accomplished.

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15,142 The Japanese stripped the men of all possessions excepting clothing. Each man, including the Captain, * was bound with his hands behind his back. During the entire stay, he did not see any men whom he thought were Japanese Naval officers but saw only Japanese crew members with red patches on the left sleeve. However, he heard some of the members say that they saw a Japanese officer with a samurai sword. The first man bound was led forward and for no reason was shot and pushed over the side. Pyle saw the body float into the sea. Around midnight he was picked up and led aft noticing that the deck guns were secured and that about 35 survivors were still sitting on the deck. He learned that the Japanese * were employing a tactic like the old Indian, running the gauntlet. This process had been going on for some time. There were about eight men on one side and five on the other. While he watched he was struck a terrible blow at the base of his head and then pushed through the two lines of Japanese who beat him with various objects, one of which had been a bayonet or sword. When he reached the end of the gauntlet he fell into the sea. * He kept afloat by treading water.

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Exhibit No. 2088, the Affidavit of Robert Calvin Butler stated that on April 24, 1944 he reported to the Guard Commander aboard the Jean Nicolet for duty as a member of the Navy Armed Guard Crew at Oakland, California. On April 20, 1944 the Jean Nicolet went to San Pedro and left Wilmington on May 12, 1944 for Colombo, Ceylon via Fremantle. They arrived at Fremantle on June 14 and left next day.

15,146 On July 1, 1944 * an empty life boat was sighted.

As each boat or life raft left the sinking boat, the Japs would ask for the Captain but none would tell who he was. Later the First Mate revealed his identity and that of the Captain. They were taken aft but were never seen again. They might have been taken inside but he did not think so. They asked for other officers and merchant marine radiomen. They also were taken away. However, no one was sitting near the entrance to the conning tower, or what went on the deck. Butler did not see anyone killed or anyone shot.

15,147 The strafing was done with machine guns in the aft and for all he knew they might still be firing at the boat. Several of the Japs spoke good English and several saw Japanese whom they thought were officers. * One Japanese said they were going to hit the men over the head and throw them over the side. The Japanese started picking

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out men and taking them aft. He did not know what they were doing since he was sitting far forward and could not hear anything in the stern. Soon they took him aft where eight or ten Japs lined against the conning tower holding sabers, clubs and lead pipes. One tried to kick him in the stomach. Another hit him over the head and another cut his eye. He managed to break away and jump overboard. The submarine began to submerge.

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He did not see any other men running the gauntlet but knew three others who had gone through it. He later learned that the submarine submerged * with about 40 men on deck. As he drifted towards the ship they began to machine gun and he swam away from it.

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Exhibit No. 2089, the Affidavit of Charles H. Rhodes stated that he sailed from San Francisco on October 25, 1944 as Second Assistant Engineer on the S.S. John A. Johnson. On Sunday, the 29th this boat was torpedoed. * After the torpedoing, machine gun fire was opened on the group in the water from the submarine. The men were only about thirty feet away and Rhodes was hit by a bullet in his left shoulder.

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He laid in the bottom of his boat as though dead and then when the submarine passed by, a brilliant white light was placed on the boat. He believed it was used to take a picture since no guns were fired at that time, although * as soon as the light was removed, the submarine turned hard obviously to involve the boat and as many men as possible in the screws.

The Japanese crew laughed at the men's predicament. He saw five men wounded as a result of gunfire from the submarine. He saw these men when they were taken aboard the U.S.S. Argus which rescued the survivors. The submarine disappeared when planes appeared overhead.

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Exhibit No. 2090, the Affidavit of James Dixon Pearson stated that when the submarine opened fire, it fired indiscriminately at all persons. He noted that a pistol was being fired * by a man who appeared to be an officer. He heard a great deal of Oriental jabbering and occasional shouts of "Banzai". After some time he swam to the life boat and was taken aboard and noticed that there were five who had been wounded by submarine gunfire. He learned that machine gun bullets had been splattering all around. He had felt some burns but did not know until next day that he had receive three bullet burns.

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Exhibit No. 2092, a letter from the Swiss Minister to SHIGEMITSU, June 5, 1944 stated * that Britain had asked the Swiss to hand to Japan * a communication that Britain had received numerous reports from survivors of torpedoed merchant ships which make it plain that certain Japanese submarine crews in the Indian Ocean are acting in complete disregard of International Law and humanity. There had been a number of serious incidents.

On September 13, 1943, the SS 'Daisy Moller' was torpedoed and sunk at 2100. Ship's boats containing survivors were rammed by the submarine and the survivors were fired on in boats and machine gunned.

When on February 22, 1944, at 0530 the SS 'British Chivalry' was torpedoed and sunk, two boats and four rafts were subjected to deliberate machine gun fire by the Japanese submarine. The master of the ship was compelled to watch this.

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On February 26, 1944, at 1835 the SS 'Sutley' was sunk. * The Japanese submarine fired small arms upon the survivors clinging to rafts.

On February 29, 1944, the SS 'Ascot' was sunk and its life boat was subsequently machine gunned by the Japanese submarine killing 44 out of 52 survivors.

On May 18, 1944 the SS 'Nancy Moller' was torpedoed and a Japanese submarine fired repeatedly on the survivors killing many.

All these ships were British but Britain had received reports of similar incidents involving ships of their Allies.

Survivors from the Dutch ship SS 'Tjisalak' were treated brutally and Britain joins in this protest of Holland because a number of British were killed in the massacre.

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Britain makes most emphatic protest against this criminal action * and demands that Japan issue immediate instructions to prevent repetition and take disciplinary action. The number and circumstances indicates that several Japanese Commanders have violated this most flagrant elementary principle.

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Exhibit No. 2093 is a note from the Swiss Legation to SHIGEMITSU repeating the protest.

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Exhibit No. 2094, the statement of R. J. Weeks, Master of the SS Daisy Moller states * that on December 14th the vessel was struck by a torpedo fired without warning and the vessel immediately started to sink. All boats were ordered to be lowered. Everyone got away from the vessel which sank in three minutes.

As the vessel sank, the submarine appeared and approached the boat after firing a tracer bullet. Three minutes later the submarine learned the Captain's boat and the Captain was forced to swim to a raft about a mile and a half away from the other boats which were then rammed and machine gunned. Twelve men were then hanging on the raft.

At daylight they saw two other rafts with one man on one. Finally they got the three rafts together and divided up the men. They made a sail and on December 17th at midnight, they landed at the Krishna River delta and proceeded to Masulipatam. The total number of survivors were sixteen out of seventy-one.

Exhibit No. 2095, the log of the British Chivalry stated that after sinking the vessel the submarine opened fire on the two life boats. This gunning ceased when a white flag of truce was displayed. Attempts to semaphore were made and the submarine waved them alongside. It was manned by Japanese. They stated that they wanted the Master to board and he did and the boat were then ordered off.

After the boats were away for five minutes the submarine altered its course and machine gunned them. Most of the men dived into the water and some laid down inside the boats, and after one ship had been sunk and the last sinking, it went off.

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Strenuous efforts were made to bale out the remaining boats and it was finally put in condition to be used. The survivors were gathered together and a roll call was taken. The 38 men * were cast adrift for 37 days in an overcrowded boat.

Exhibit No. 2096, a statement of P. H. Rees, Chief Engineer of the Sutley stated that the vessel left Aden on February 15, 1944 in convoy for Australia.

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15,162 The convoy split up in five days. On February 26 the ship was struck by a torpedo. After it sunk the submarine appeared on the surface * and stopped their efforts to save the men. They asked for the master and other information.

It was a Japanese submarine, and they attempted to ram all rafts and machine-gunned at random.

Exhibit No. 2097, the report of the attack on the S.S. Ascot stated that the boat had left Colombo on February 19, 1944. The torpedo struck the ship and two of the life boats were blown away. Four people were killed by the first explosion. 52, however, got away safely.

About ten minutes after abandonment, the submarine surfaced, circled the ship and began shelling her. No effort was made to board.

15,164 They approached the boats. The submarine was about 300 feet long with a high conning tower * forward. It was dark grey. There were no marks but all the survivors picket it out as a Japanese submarine.

All men on deck of the submarine were Japanese. There was a European in the conning tower wearing a European type of Naval cap.

15,165 A Japanese asked for three of the officers but when no one replied a burst of machine gun fire was opened. The Captain was then ordered to board the submarine. After they had the master's briefcase, he was slashed across the palms with a knife and thrown into the water where he was picked up by a life boat. * Fire was then opened with light machine guns and all survivors jumped into the water. Ten men were killed so far as is known. The submarine then left the boat and began shelling the ship. The survivors got back into the boats and raft.

15,166 At 1600 the submarine returned and commenced machine-gunning. With the exception of two men who were too ill, the men on the raft took to the water. " The submarine machine gunned the survivors intermittently until dusk and then disappeared. There were seven men left in the raft at the time.

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The following morning, March 1st, a life boat was sighted but lost sight of. On March 2nd this life boat came back and the men in it taken on the raft.

Exhibit No. 2098, statement of S. K. Chu, Second Mate, S.S. Nancy Moller, stated that the submarine approached one of the rafts and ordered the men on it to board the ship. One man was taken for examination and the remaining five were made to kneel in the bow. The Second Engineer was shot * and kicked into the sea and drowned. Another man was shot and managed to struggle in the water and was picked up. The three Indians were driven into the water without being shot and were picked up.

The Japs then turned a portable machine gun toward the other raft and opened fire. However, no one was hit since the survivors hid their bodies in the water. The submarine then went away. There were 32 survivors out of an original 65. The survivors drifted for four days and were finally picked up on March 22.

Exhibit No. 2097, statement of F. deJong, Chief Officer of the S.S. Tjisalak stated * that they had on March 7 from Melbourne for Colombo with a crew of 76 and five first class passengers and 22 Lascars, a total of 103. There was one American lady on her way to her husband in Calcutta. * After the submarine shelled the boat, they ordered the master to come along the sub and he did. The Captain and Europeans in his boat boarded the submarine. The other men tried to get away from the sub. They were, however, ordered to report and the Europeans were told to board the sub. When he stepped on deck he did not see anything of the Europeans in the first boat. He saw someone disappearing into one of the man-holes, however. They were made to sit on the foredeck facing forward and were in no case to look back. They kept them covered. * They fortunately did not take his life belt away. Two Japanese, one with a revolver and one with a coil of rope appeared. There seemed to be little discipline and everyone tried to please himself and tried to get souvenirs. One Jap was preparing to tie the men up and another was fumbling with his revolver. Most of the crew did not obey the order of not looking back. The deponent thought it better not to irritate the Japs and he told the Europeans that the end was near. * The men acted very bravely.

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* They suddenly called the Fifth Engineer and told him to start walking aft. They shot him. The deponent was then called. One Jap tried to pull off his life belt. He realized that if he dived with the life belt it would be very difficult and his chances would be nil as he could not keep under water and he would be shot. When five or six feet from the stern, he stopped expecting to be shot but he was told to carry on. When he arrived at the end of the deck he heard a bang and felt a shock in the head and toppled in the water just missing the propellers.

When he came to he was in the water with plenty of blood everywhere and had trouble breathing. He saw the sub about a mile away. He found no hole in the bone of his head and decided that he would probably live. He kept the submarine in sight but when she passed he ducked his head under the surface. Now and then he heard shots. It was impossible to send ships unprotected anywhere on the Indian Ocean.

Exhibit 2100, a chart showing the location of the sinkings of the ships mentioned in the previous Affidavits is offered and was received in evidence.

Exhibit 2101, a note from the Swiss to the Japanese Foreign Minister, September 16, 1944 * asked for the answer of Japan to the protest made on June 5 and 20 with respect to the attack on survivors of British merchant vessels by Japanese submarines.

Exhibit 2102, a note from SHIGEMITSU to the Swiss Minister dated November 28, 1944 states * with respect to the British protest that he had the matter investigated by competent authorities and it was clear that Japanese submarines had nothing to do with such facts as were mentioned in the protest.

Exhibit 2103, a letter from the Swiss Minister to the Japanese Foreign Minister, May 17, 1945 stated that he had forwarded to Britain answer of

Page 15,180 Shigemitsu and that Britain had asked that the following communication be sent. In its reply Japan denies all knowledge of the facts mentioned in Britain's communication which Britain finds unacceptable. In all cases mentioned in the protest, there were survivors who identified the submarine as Japanese. * Britain desires to draw Japan's attention to an operation order of March 20, 1943 issued by the Admiral of the first Japanese Submarine Corps. The fifth paragraph authorizes submarine commanders not to stop with sinking Allied ships but to carry out complete destruction of Allied crews except such members as are desirable for intelligence purposes. The order makes it clear that the inhuman practises are officially sanctioned and prescribed by high authorities of the Japanese Navy. Britain demands that these inhuman practises cease forthwith and strict disciplinary measures be taken against individual commanders responsible and Navy authorities who prescribe them.

15,183 Exhibit No. 2104, an official report of the killing of survivors of the British ship Behar, stated that the reporter was a Captain in the Japanese Navy on the Cruiser Tone. On March 9, 1944 the S. S. Behar was sunk by gunfire. After they reported the sinking of the Behar and the picking up of 115 survivors they were ordered to arrange for immediate disposal of the prisoners with the exception of two or three. * The deponent objected as this was inhuman and that he had been responsible for the rescue which was done in spite of high seas running. The Captain in charge reported that the P.O.Ws were still under investigation.

On March 18th, he was told by his superior that the execution had to be carried out that night at sea. The reporter refused to be associated with them. The execution party was mostly gunroom officers. He did not know the exact methods used but he heard that the prisoners were knocked unconscious and beheaded.

15,185 Exhibit No. 2105, a statement from the Flagship Heian Maru at Truk March 20, 1943 of the First Submarine Force stated * do not stop with the sinking of enemy ships and cargo but at the same time carry out the complete destruction of enemy crews and if possible, seize part of the crew and try to secure information about the enemy.

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15,187

Exhibit No. 2106, the interrogation of Oshima stated * that he had spoken to Ribbentrop about Navy matters but actual Navy and Army matters were always handled by Attaches. He did not remember whether it was at the meeting of March, 1943 or not, but he did recall that Ribbentrop suggested that Japan institute submarine warfare as Germany had done and for this, Germany would be willing to let Japan have a new type submarine. They did send two German submarines.

15,188

The negotiations were handled by Oshima. The details were handled by the Navy and he believed that one was sunk * before arrival in Japan. Ribbentrop also discussed the difficulty of cutting down not only the number of merchant ships but also of merchant sailors.

15,189

He also discussed the German U-Boat order of September 1942 with respect to failing to rescue survivors of torpedoed vessels. The order was that they were not to rescue survivors. * He did not think that the German order went so far as to order them to destroy survivors. He did not know anything about the Japanese order but he did not believe that the Japanese would put out such an order. He did not see it. He did not tell Ribbentrop that he should stop doing this as it was not of his business but he did not encourage it. Some among the Germans did not see the order. He did, however, tell the Naval Attache about the Germany policy but he had no recollection of sending dispatches * to Japan about the matter.

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15,191

* He did not believe that Japan ever did anything about it. He did not know of any protest on this matter filed by the United States although he did know that they protested many times about P.O.W. treatment. He had never heard anything about the machine-gunning of merchant sea men. He did not know anything * of the order of March 20, 1943 and if there had been such an order, it would never have come into his hands. The order is like that of the Germans. If such an order had been issued it would have been done independently since the Japanese Army and Navy are not in the habit of taking suggestions from outside sources. If Japan had followed Germany, they would have sent Oshima a communication saying that they had done so

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and he did not get any. If there had been any communication, it would have gone to the Naval Attache to be passed on to the German Navy. * He knew nothing further about the sending of the two submarines since it was all handled by the Navy. There was some talk in the German Navy with Admiral Nomura about the necessity of Japanese submarine operations in the Indian Ocean.

He knew nothing about the sinking of the Jean Nicolet. Ribbentrop did not later come to him saying that the request for a submarine campaign appeared to be bearing fruit. His own opinion was that Japan was not successful in her submarine warfare.

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By the use of the words "intensified submarine warfare" * he did not believe this included the destruction of survivors. Ribbentrop did say that part of the German submarine warfare was a policy of destroying crews.

Oshima did convey to the Naval representative the matter of the two submarines and the request to intensify submarine warfare but he did not recall whether he actually spoke to them about the order being stressed. Nomura or Yokoi could tell if he conveyed this to them or not.

15,195

* In December, 1941, a joint military commission was set up to decide matters of tactics and operations but Oshima had no hand in this. If someone told him something military, he passed it on to the military commission. The commission consisted of Nomura, Yokoi and Lt. Gen. Banzai. The commission met in Berlin. The German members were Field Marshal Keitel and Admiral Doenitz.

15,198

Exhibit No. 1485, the protest transmitted by the Swedish Legation to the Japanese Foreign Minister, May 19, 1945 stated that about forty prisoners succeeded in escaping * in the Palawan massacre by jumping over a fifty foot cliff. Landing barges patrolled the bay and fired on them. Many were buried alive. One was recaptured. The Japanese guard poured gasoline upon his foot and set fire to it. They deliberately set fire to his other foot and both hands and then they bayoneted him until he collapsed and finally burned his whole body.

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15,199

This barbaric behavior on the part of the Japanese troops is an offense to all civilized people and the Japanese government cannot escape responsibility for this crime. The United States demands punishment of all those who participated and receipt of notification that such punishment had been inflicted. * The United States demands that Japan take such action as may be necessary to prevent repetition.

15,200

Exhibit No. 2107, a protest of the Swiss Legation to Togo, June 3 and 4, 1945, stated * that the Swiss delivered personally to Togo on June 3, 1945 a note * stating that on May 30 he had protested concerning the massacre of 150 American P.O.Ws. at Puerto Princesa, Palawan.

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The United States refers to its protest and charges further that Japan in its administration of the camp most shamefully violated its commitment to apply to American P.O.Ws. in its custody the humanitarian standards of the Geneva Convention. * The United States repeats that it expects Japan to impose on those responsible the punishment which their behavior merits and that Japan take all steps to compel its subjects to fulfill the obligations assumed by it. The United States expects an early reply.

15,204

Exhibit No. 2108, a note from the Swiss Legation to the Japanese Foreign Minister dated June 7, 1945 restated the previous protests.

On July 5, 1945, * a note verbale from the Japanese Foreign Office stated that a reply would be made after an immediate investigation.

NARRATIVE SUMMARY OF THE RECORD
(January 14, 1947)
(B & C Offenses, Bogue--Direct)

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DIRECT EXAMINATION OF DOUGLAS WILLIAM
BOGUE, by Captain Robinson

15,204 * The witness stated that he was a Gunnery
Sergeant in the Marine Corps, now stationed in Tientsin,
China. He is 28 years old and lives in Los Angeles,
15,205 California. * He had been with the Marine Corps 11
years and had been taken prisoner by the Japanese on
Corregidor, May 6, 1942. He escaped at Puerto Prin-
15,206 cesa, Palawan on December 14, 1944. * From the time
he was taken prisoner until May 29, 1942 he was at
Corregidor. From May 29 to June 3, 1942 he was in
Manila. He arrived at Cabanatuan on June 5 and taken
to Camp No. 3, where he remained until July 1942. He
arrived on the island of Palawan August 5, 1942 and
remained there until December 14, 1944. He had never
been wounded in combat prior to December 14, 1944.

15,207 He had good occasion to direct observation
of provisions for POW's with respect to medical
facilities as provided by the Japanese * at Corregidor,
Cabanatuan and Palawan. Troops at Corregidor were
very fortunate if they received any medical treatment.
Those who were not taken to the hospital but were
gathered in aid stations were confined in the 92nd
Garage Area and the only aid these men received was
from the first aid packets which they had with
them. No Japanese supplies or American supplies con-
fiscated by the Japanese were given to help the
15,208 American wounded and * most of the wounds continued
to get worse. Some got better.

15,209 About two days after the surrender the wit-
ness became too weak because of dysentery. The doctor
told him that the only way he could receive any medical
attention was to help carry some of the men seriously
wounded to the hospital where some were being admitted.
By doing so he was able to get to a doctor who gave
him an examination and found that he had amoebic dysen-
tery. He was let into the hospital where he was told
no Japanese troops were allowed except to inspect and
that no other supplies other than on hand were avail-
able. While in the hospital he saw the condition of
the wounded men. They were fairly well taken care of
because of medical supplies on hand. The hospital was
overcrowded * and there was poor ventilation in the
tunnel and there was a high death rate. The food

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distributed was very meager. Prior to going to the hospital Dr. Wade told him that he had made continual requests for medicines to stop dysentery and received no response.

15,210 At Bilibid in Manila they had a hospital area there. The witness had no chance to see this hospital in operation because he was only there a couple of days and went on to Cabanatuan, but the men who were with him were in a very weak condition from malaria and dysentery * and a couple died en route. At Cabanatuan they were taken to a stockade where they were given a meager meal of dirty rice and then were left over night in the rain. The next morning they were marched 20 kilometers to Camp No. 5. One man with him had a shell fragment in his shoulder and had received no medical attention and he was still forced to walk. * The only medical supplies furnished at Palawan were quinine and foot lotion.

15,211 One of the buildings had been taken over by the Japanese and made into a hospital with a large Red Cross painted on the top but this was solely for the Japanese. There was a small room to the entrance of the compound which was designated as the sick bay and dispensary for the Americans. On arrival at Palawan there were two American doctors but one was transferred in September 1944. These two doctors * and two or three medics were the only source of medical attention available for the Americans.

15,212 At Palawan they had to work building a military air strip. This consisted of clearing out a jungle area with no tools except picks, shovels, mattocks and a few trucks. The work would begin early in the morning and last until late in the evening. The jungle was dangerous because of malaria and the men did not have proper clothing or food. The work was also dangerous because of the large number of trees that had to be cut down and it was sheer luck that no one was crushed. * As they got the jungle cleared the men had to work in the blazing sun all day. Sometimes they would be given a five minute break every hour and at other times a fifteen minute one twice a day. Any other attempt to rest resulted in severe beatings. They received one canteen or water per day. The food consisted of half a

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15,215

mess kit of rice with some watery soup. As soon as the field was ready for planes the men started to work on defense measures such as building the revetments for the planes, dugouts and gun positions for the troops. Bombing began on Palawan on October 19, 1944. * The work done by the men did not stop the American air raids. They continued to work on the air field during the actual air raids and during intervals. During one of these raids one man was injured. He was hit on the back of the head from a bomb fragment or rock and paralyzed. The Japanese doctor told the American doctor to do what he could since the Japanese medical supplies were very meager and they were unable to help; so Dr. Mango made his own tools outside of a pair of forceps and a scalpel and opened the wound. No anesthetic was used.

15,217

In a previous case a man was struck with appendicitis and the Japanese doctor ordered the American doctor to operate. They also permitted this man to be taken to Iwahig for assistance, but during the operation the American doctor discovered he had to operate with a small light, one scalpel and a few forceps that had not been used in sometime and no anesthetic. The American agreed to proceed with the operation. After it was over the doctor had to use abaca fibre to sew up the incision. A few days later the man was returned to Puerto Princesa.

15,218

While at Camp No. 3 at Cabanatuan there were four American POW's picked up on the road. They were brought to the camp and tied with a pole passing under their knees and their arms interlocking so they could not sit or lie down, but had to squat. They were told they were being punished for trying to escape. The witness did not know their true intentions. Whenever one of the men fell over, the Japanese guard would beat him until he managed to crawl back up on his feet. The American officers tried to find out how long this torture must continue or what they intended to do with these four men; and the Japanese commander replied he had contacted Manila * for further orders. After two days they were marched out of the area, visible to all the men where four graves had been dug. They were forced to stand at the end of these graves and were shot.

On Palawan four men had been caught supposedly talking to the natives and for having some canned beef in

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15,219 their possession. They were thrown into a cell and left without food or water for two days. Then, without trial, they were forced to hug a coconut tree and a Japanese would stand behind with a wire whip and severely lash the men across the back until the Japanese could swing no more. Thereafter, another Japanese beat them with a six foot pole, two or three inches in diameter, until they could swing no more. * The witness saw the beatings.

(January 15, 1947)

15,221 * On December 14, 1944, there were 150 American POW's on Palawan, 100 were soldiers, 15 belonged to the Navy and 35 to the Marines. * About 141 died that day, killed by 70 to 80 Japanese soldiers and sailors by shooting with rifles and machine guns, bayoneting, clubbing, dynamite, hand grenades and ignited gasoline. About 111 were killed in the air raid shelter and about 30 more were killed on the beach and in the bay. At first the witness was in the air raid shelter and was later on the beach and swimming across the bay to escape. Of the 150, nine escaped. There had been no warning of this attack but early in 1942, * the American POW's in conversation with the Japanese discussed the disposition of the American POW's. These Japanese soldiers said that if America lost, they would be returned to America, but if Japan lost, they would all be killed.

15,223 After the arrival at Palawan the commander of the camp, in 1942 informed the men that he and his men would strike the POW's like Pearl Harbor if there was any trouble. In October 1944 after the first air raids, the Japanese cook told the witness that if America invaded Palawan, all American POW's would be killed. Another Marine corporal was also told this by a man in charge of the working party two weeks before the actual attack. * In a conversation with a Japanese radioman the witness was told the Japanese commander had been receiving many messages from Manila about the POW's. Many other POW's had light conversations from 1942 until December 14, 1944. * The Americans were the only POW's at Palawan. The combined Japanese forces in that area were between 2,500 and 3,000.

15,224 * The preparation for the attack was the building of the air raid shelters in a confined area and in

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15,227

such a manner as to make them a trap. After October 19, the date of the first air strike, it became apparent that shelter was necessary. At first the Japanese herded the POW's underneath the barracks which had only one entrance and was no cover from actual air attacks. The American officers complained that a better shelter was necessary and the interpreters replied that they would take the matter up with their Commander. The American officers submitted by diagram their idea for an air raid shelter, it being an open zig-zag trench close to POW quarters. * The interpreters returned the commander's decision several days later. This was to build three separate shelters in a confined area next to the quarters. They were to have an overhead covering and only one entrance. There were to be fifty prisoners for each shelter. The officers complained that more entrances were needed to get in and out of. Finally the American officers were told that there could be two entrances to each shelter.

15,229

The witness had prepared a sketch of the area referred to and identified it as Exhibit 2109. * He said that the X line on the exhibit represented a double barbed wire fence encircling the compound, seven feet in height and the two fences were two feet apart. At the left of the fence there was a sharp cliff with underbrush descending to the beach of about 50 to 60 feet in height. On the top and right the pointer lines are symbols representing Japanese riflemen and the circles with arrows represent machine gunners. The diagonal shaded portions are the air raid shelters and the numbers along the edge are the number of men who occupied the shelters. * The shelter he occupied was the square one with the opening in the center in the upper left-hand corner. The shelters were four to four and a half feet deep and the shelter by the staircase with the figure '2' alongside had an overhead with a small entrance and two men in it. On the right-hand side of the sketch the shelter contained 50 men and was about four to four and a half feet deep, had a thick overhead which rose to about eighteen inches above the ground and had one main entrance. The next shelter was slightly above and to the left of 'A' Company's shelter and was built in the same manner and was for the four American officers and they were in it at the time of the attack. The two shelters marked 'B' Company and 'C' Company were built similar to a trench

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14,231 * Due to the length and the depth the men had to sit bunched up, with their knees under their chin. One man had to be brought in on a stretcher but the stretcher could not be brought inside and he was forced to lie on his stretcher exposed.

14,232 Directly south of 'B' Company there is a square shelter with a small entrance to the overhead where three men were sheltered. This was similar to the others * and the witness was in this one. Only one man could go in or out at a time. The Japanese would not permit a larger entrance. The air raid shelter above this one corresponded to the others exactly and had five men in it and only one man could get in or out at a time. The remaining shelter was constructed similarly.

14,233 * On December 14, 1944 at 1400 hours all POW's were gathered in the air raid shelter area, having been brought in from work. No one was permitted to leave between one and 1400. Just prior to 1400 Japanese soldiers armed, approached the outer fence and took up their positions as shown on the diagram. At 1400 two American P-38's circled at about ten to twelve thousand feet. The Japanese lieutenant and guards began yelling and ordered all men into their air raid shelters, with orders to keep their heads below the level of the entrance with the excuse that hundreds of planes were coming. * This was the first time the Japanese had shown concern about cover for POW's. It was mentioned that this might be the actual invasion of Palawan and it might be best to obey.

14,234

No sooner had the witness gotten under cover when he heard a dull explosion and incessant yelling and laughing and the shooting of machine guns and rifles. The witness stuck his head out and saw a black pillar of smoke coming from 'A' Company shelter. About 50 to 60 soldiers armed with rifles, hand grenades, light machine guns, gasoline and torches were attacking this shelter. They would first throw a bucket of gasoline into the shelter and then a torch. As the men were forced to come out they were bayoneted or stabbed. He saw men still on fire fall from being shot. Some of the Japanese branched off and attacked the entrance of 'C' Company and 'B' Company. The whole thing was visible at a glance.

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15,236

* He saw a man whom he presumed to be the American doctor staggering on fire mowed down by a light machine gun. Other prisoners who were coming out were being shot and falling while trying to run towards the fence above the cliff. The Japanese soldiers seemed to be enjoying their task and the lieutenant was giving orders. Before he withdrew his head the Japanese outside the fence had begun firing a grazing fire over the entrances that the Japanese attacking force had not yet attacked, in an effort to keep the men down until the attacking force could get to them and mop them up.

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The witness told his two mates who were in his shelter what was taking place and that their only escape was to go out one at a time to get through the fence and get down to the beach. He climbed out quickly and scrambled through the wire * and yelled to the other two that they could make it now. In the few seconds that he was exposed he was hit in the right leg. Both of these men were shot down, hanging partly through the fence and lying across the shelter.

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A number of other men were scrambling down this cliff from 'C' Company shelter where they had a previously arranged escape hatch. This escape hatch was made due to the indications that they had received because of the previous conversations. He saw one man crawl from the entrance of the 'B' Company shelter and tumble down the cliff. He then scrambled down the cliff to the water's edge. On arriving there he saw two bodies shot through the back. The Japanese were standing along the fence above * and shooting at the men who had managed to get over the bluff. He was then joined by two other prisoners and told them he was going to follow the rocks on the beach down toward the dock area and try to get into the underbrush, circling from there into the jungle. The other two attempted to swim the bay but were shot. * After seeing both men killed he proceeded toward the dock area and after going 50 to 100 feet he stumbled on three Japanese sailors attempting to set up a gun to cover the path which he had just come over. They fought into the water where the witness fell and remained under water, holding the Japanese with him until they were forced to release their hold on the gun and him. Coming out of the water he killed the three Japanese sailors with the machine gun. Seeing another machine gun * he was forced to return the way he

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had come to find a hiding place. To get in he had to throw the machine gun away. He could hear the screaming and the Japanese laughing and he could smell the burning flesh and odor of dynamite.

A short time later a Japanese landing barge went out on patrol to find any prisoners who managed to escape, and upon finding them, they would be shot from the barge. The witness and four others swam the bay and managed after a few days in the jungle to join with Philippine guerrillas.

CROSS-EXAMINATION BY MR. LOGAN

15,241

* The witness stated that he was not in a direct position to know the exact amount of supply that the Americans had on hand at Corregidor, other than the fact that just prior to the surrender it was impossible to obtain any quantity of quinine or alcohol in the field except in the hospital. He did not know whether the Japanese supplied any medicines to the hospital at Corregidor except one American doctor who was treating the witness told him that the supply of emetine was very very low and there was no means to replenish it. * He did not say whether the Japanese had any emetine or whether they had an ample supply of drugs. He presumed that the POW's got the best possible attention at Corregidor, but there was always continual complaining by doctors and nurses that there was a shortage of major medicines and instruments. He didn't know whether the Japanese were short, but they did tell the American doctors that they must get on with what they had.

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* He could not say whether the men in the aid stations got the best attention under the circumstances. His own illness was contacted on Bataan due to field conditions, but it became serious at that time. The lack of food was partly due to the fact that the U.S. had lost a great deal of it in the last few days of fighting * and the fact that it had not been gotten to the men due to intensive shelling and bombings which kept all roads closed. If the men were near a chow dump, they could get food. If they were not, the Japanese made no effort to see that they got any. After the witness was on a working party he was furnished American food. If not, he got no food. The

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15,245 first two days after the surrender there was no effort made by the Japanese to see that they got food or water, but after he got into the hospital there was food given to the hospital by the Japanese * to patients and personnel.

At Bilibid he was in the hospital and didn't know whether it was crowded. However, the prison itself was so crowded that men had to sleep on top of each other. Bilibid was just a stopover before they could be transported to Cabanatuan, which had been prepared as a large POW camp for the distribution of POW's into working parties.

15,246 The two men who died on the train appeared to have died from malaria and dysentery. * The malaria might have been contracted before the surrender and the dysentery either before or after.

15,247 At Palawan, other than the foot lotion and quinine, they received some gauze and adhesive tape but there was never sufficient to take care of all the men. There was maybe one roll of bandage and one roll of tape for 150 men for a week. Every week one of the corpsmen would go to the supply house to draw the one roll and maybe * one bottle of foot lotion and enough quinine to allow one tablet a day for that week or ten days. No instruments or drugs were ever given to the Americans.

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Due to the fact that there was a separate Japanese hospital building and the Japanese doctor would continually converse with the Americans on medicines and tell of the different sicknesses and wounds and operations he had performed and treated at Puerto Princesa, he had presumed that they had adequate equipment.

15,249 With respect to the Stidham injury, sometime before that they had received a Red Cross shipment. * There was one or two boxes of medical supplies for American POW's. Before being given to the American doctors they had been opened by the Japanese and the drugs and instruments removed. This was discovered from the inventory slip. This was conclusive that they had not only their own drugs but American and had no intention of giving any to the Americans.

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15,250

This was before Stidham was injured. Due to the fact that there were few men in the Japanese hospital suffering from sickness and wounds it was obvious that they could not have used up all the supplies. There was no way for Dr. Mango to check on the Japanese doctor when he told him that medical supplies were very meager. * He heard this through his discussions with some the doctors and he could overhear the doctors' conversations.

Doctor Knight mentioned that this statement was similar to their saying that they were short on food while they had 2,000 110 kilo sacks directly underneath the barracks.

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Stidham was injured sometime in November 1944 and he did not know whether the Japanese medical supplies were being exhausted at that time. He didn't * know whether the Japanese had any anesthetics. The Japanese doctor merely looked on. The American doctor did not operate on any Japanese.

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With respect to the four men who had been executed, all stories seem to indicate that they were merely trying to buy some food from some Filipinos along the road. This took place in June or July 1942. * These men never had a trial because they were never taken inside. They were kept in one spot and taken from there to be shot. A couple of days elapsed between taking and shooting. So far as he was personally concerned they could have had a trial without his knowing it, but they were always in view of some of the men in the camp who said they were kept out in the open and beaten until shot.

15,253

Palawan is about two to three hundred kilometers long and 50 to 80 wide. The first air raid was in October 1944 and several times there were a few days between raids. Towards December the raids became daily and also took place at night. Prior to December 14, * no American army force had landed on Palawan. There were several crews from Japanese vessels stranded on the island. When he arrived the machine guns were not set up around the barbed wire fence, but were set up on the same day just prior to the attack. He did not know where they had been before. The Japanese were quartered throughout the town and he did not know the exact number of them in any spot. In the compound there

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15,254 was a regular guard of 25. * The words of the captain that he and his men would strike as at Pearl Harbor were as they were interpreted by the Japanese interpreter. As to the previous escape hatch in 'C' Company due to the various rumors of what might take place, a few of the men had smuggled a pick and shovel and dug from the bank side of the shelter to within six to twelve inches of an opening onto the bank. This was done without Japanese knowledge and the pick and shovel were hidden in the shelter. * There were no other means of escape devised. If there was a drain which was enlarged, he knew nothing about it. He knew a Mr. Barta. * Aside from reading the statement of Barta about his escape through a drain this was never mentioned to him. Prior to December 14 there had been two or three successful attempts at escape, but he did not know of any unsuccessful attempts.

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A very few minutes elapsed from the time he reached the shelter and got into it till the time he heard the explosion. He had not looked out until he heard the explosion. The prisoners did not try to escape before that * because they had nothing to escape from and there was no reason for them to attempt to escape. He had conversed with the men who had used that escape hatch and survived and stated they had made no attempt to use it until they heard the explosion and then under the same circumstances as himself. It was just a matter of minutes from the time that he got into the shelter to the time of the first explosion. When he got there the two boys were already dead.

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15,258

CROSS-EXAMINATION by Mr. Blewett

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The witness said he was captured by the Japanese Army. In the last position at Corregidor he was approached by a Japanese party and an American officer acting as interpreter. The American stated that the Philippines had surrendered and that the Japanese would give them * three minutes to make a decision. The officer stated they would be killed if they did not surrender. If they did, they would be treated as POW's. Twelve decided to surrender, and did so. The Japanese officer picked up his sword and hit the witness on the head, knocking him unconscious. * He did not know the highest ranking Japanese officer in charge of POW's on Corregidor. The Army was in charge of POW's from May 6 until August 5.

15,261

The highest commander was a captain at Palawan. The days of work at Palawan varied, but it averaged six days a week, except for inclement weather, until the air raids started, when they worked seven days on an average of 10 to 11 hours per day. The men worked from the day they arrived at Palawan until the day of attack. Any man able to be on his feet had to work. * The witness had several positions. He worked regularly in the field with pick and shovel, cut trees, chopped wood, broke coral, and poured concrete. He had no administrative work. The guards were from the Army. He had no experience or training in recognizing different drugs or medicine, but he did know first aid under combat conditions.

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The Red Cross was on the hospital during the raids in October, November and December. * The only planes passing over Puerto Princesa prior to December 14, 1944 came to attack, but on December 14 two P-88's circled over him and during actual attacks the planes would drop their bombs, come in low and strafe and circle the area. The attack on the 14th was about 1400. Men had been working until noon but had been called in. Due to Japanese preparedness during the night they had heard troops quartered next to the POW compound shuffling around. * They were getting their equipment ready and falling out with full equipment and ammunition. They were burning papers. Also the Americans had seen these troops and others, fully armed, moving toward the beach to the defense positions. The island was retaken on February 28, 1945. He did not know whether Lt. SATO was ever tried by a military court, and the camp was not inspected by any high ranking Japanese officer.

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CROSS-EXAMINATION by Mr. Brooks.

The witness said that at Corregidor, prior to the surrender, they had not destroyed documents, equipment, or anything. His own orders were to defend the beach until the last. The only destruction he knew of was that the 12 men, when they surrendered, destroyed their weapons before surrendering. He did not know whether in the rear areas supplies and equipment were destroyed.

15,266 The POW's had a slight organization on Corregidor. That is, for the one day when he was with the other POW's before transfer to Manila, but during the transfers they were merely counted off in columns of four and placed under so many Japanese guards. At Manila they moved out a lot of men who should have been put in the hospital but were not. He did not know that any were transferred to any hospital. To his knowledge, * there was no administrative officer set up to be placed in charge of the group while in Manila. He never saw the Camp Commander at Bilibid. They were there only a couple of days, but he remembers seeing a couple of high-ranking noncommissioned officers and junior officers. All personnel were Army. He did not know whether they had a separate office for POW administration. There were no POW officials at Manila to his knowledge. The men were sorted out and moved out
15,267 * and they never saw any prison officials or had any conversations.

The only selection of POW's was done at the hospital on Corregidor. The Japanese had ordered any man able to work to be evacuated, the day before Corregidor was evacuated, and go with the rest of the POW's from the 92nd Garage Area. Ambulatory patients were placed on the list. The bedfast were excluded. He did not know if the men who died during their transfer were ambulatory patients at the time they were selected. Most of the men requested to be accepted by the hospital at Bilibid. At Corregidor there was nobody to take a request since there was no administration other than guards and commanding officers.

15,269 Corporal Wood was in the hospital at Corregidor prior to the transfer and at the time of the selection of those to be transferred. He was ambulatory and the witness was with him in the hospital. * There was no Japanese whose attention he could call to his wounds. There were some American doctors who were carrying out Japanese orders. These American doctors selected
15,270

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15,271

the men under Japanese supervision. A group of Japanese passed through the hospital just prior to issuing orders and they were told after the men had left that the POW's were to be taken from Corregidor and any man able to walk, regardless of wounds, would have to leave. * It may have been different in other wards, but where the witness was the selection was made by American officers. It was the policy to keep the prisoners well, if possible, because certain work must be done. The only help from the Japanese doctors, however, was in the issuing of quinine for malaria, but there was no participation in operations. In addition to the two doctors transferred there was other medical personnel, including three or four Army medics, and all medics were trained in first aid. He did not know whether there were any emergency supplies of food or medicine held by the Japanese for times when shipping would be cut off.

15,272

The reason rice was under the building was that the Japanese heard that American planes might get information that there were POW's there and would not bomb the American barracks. There was nothing else in this storeroom but food and it was kept locked. The food was issued to the Japanese only daily from that storeroom and the storeroom was replenished from time to time. * There were other supplies stored in that area but exactly where he does not know. The Japanese doctors did not help the American doctor with operations or supply him with anything. These operations were performed at Iwaki, 20 or 30 kilometers away. He did not know anything about it except what the doctor and the men operated on told him. The doctor did not tell him that the Japanese had supplied any equipment or medicine or medical aid for the latter operations.

15,273

15,275

When they first arrived at Palawan the men were working only six days a week. The seventh day there was no church service and so sports were suggested. However, the men were too tired from working all week to start playing baseball or football. Some few games were actually played. * There were no chaplains among the group.

15,276

As to the four prisoners who were tied to a pole - this pole was passed under the back of their knees and they were forced to squat down on it and then their arms; it went on the inner side of the arms so that they bent just opposite, and they were securely lashed to their arms and across their knees. All the men were not fastened to the same pole.

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15,277 With respect to the men who were beat, they were compelled to circle the tree with their arms, clasping their hands. They were not tied. They just stood hugging the tree, * while they were being beaten with the long poles. The shock was so terrific that after they were hit three or four times the men would fall in a semi-conscious or unconscious condition. He would be revived and dragged back and forced to resume his position. The time of beatings varied. It depended on the stamina of the guard. When the guard became exhausted it would stop. He had watched these beatings and he was there until the men were taken back to the brig. He could not say the exact time the beatings took place, whether it was before or after dinner. * The whips that the men were beaten with were a piece of cable that had a semblance of a handle attached to it. He did not recall what he had been doing previous to watching this beating and he did not know whether the beating took place in the morning or afternoon.

15,278

Exhibit 1946, the affidavit of Rufus W. Smith;
Exhibit 2111, the statement of Sergeant William J. Balchus, et al;
and Exhibit 2112, the affidavit of Fern Joseph Barta corroborated Bogue's story.

CROSS-EXAMINATION OF ONO KATSUMI
by Mr. Blewett

15,283 Witness stated he lived in Tokyo and was a government official in the Foreign Office from 1929 to the present. He had made an investigation as to the persons attending certain liaison conferences during 1941, on behalf of the Japanese * Government. He learned these on the basis of memoranda and other documents left by officials in charge or who were concerned with liaison and Imperial conferences in the various ministries and he gathered the data. He studied * and edited the matter by order of his senior official.

15,284

15,285

15,286 He was familiar with the reports submitted by Mr. Iguchi dated June 10, 1946. He had not read it but knew that it had been sent out. He knew that it contained a list of the members of the government who attended the four conferences. He did not have actual knowledge whereby he could speak of such matters at the present time. * The memorandum was largely based on the assumption that the officers would attend,

Page

but it was also based on the knowledge of the officials concerned in the various ministries which had to do with the conferences. These men were used as reference. In as much as many of the documents were lost in the air raid the necessary data was not completely available and the memory, knowledge and recollection of the competent officials was gathered together and used as reference.

CROSS-EXAMINATION by Mr. Levin

15,287

This list was not prepared from any written record.

REDIRECT EXAMINATION by Mr. Higgins

15,288

The witness stated that the list of attendance and the dates thereof were reliable because in cases where the originals were lost as the result of air raids, the knowledge of the competent officials in the competent ministries were relied upon for information and it is believed that the list was prepared under such conditions by the fair and just efforts on the part of the officials concerned.

15,293

The attention of the Court was called to Exhibit 663, in which in the Supreme War Guiding Conference of February 1945 it was stated that even if the French reject the Japanese demands, the relation between the two will not be considered as being at war, but Japan will not be bound by existing treaties concerning French Indo-China.

Exhibit 665 contained the text of a warning addressed by the French to Japan on the subject of violence perpetrated on the peoples of Indo-China by the Japanese Army.

15,294

Exhibit 663, the Supreme Headquarters of the Japanese Army of the South * stated that the disposition of French Indo-China was based on directives of Tokyo and was not an arbitrary decision of the local Army. All Japanese act solely by orders of superior commanders.

15,296

Exhibit 2113, the affidavit of Jullien Remy, stated that he was at Vinh on March 9 and was arrested on the 10th by the Kempai Tai and held * for two days. On the 13th he was home when two Japanese soldiers came to rob. The witness was wounded in the stomach with a bayonet. The Japanese took some articles.

Page

On April 5 he was appointed French representative in Vinh and Nord Annam and in this capacity he was able to prove the death of several French killed by the Japanese Kempai Tai as a result of ill treatment, cruelty and privation.

15,297

As a delegate the deponent had occasion to enter the Military Police at Vinh. He heard cries of anguish from the torture chamber. During May he saw an American air officer being taken to the Kempai Tai and he was taken into the torture chamber, and they could hear the cries of pain. This man was not a POW and should not have been interrogated at the Kempai Tai. The Japanese stole this man's ring. A Frenchman bought it to give it back to his family.

15,299

Exhibit 2114, the affidavit of Jean Francois Coudox, stated * that he was arrested on June 13, 1945 by the Japanese Military Police for having hidden and supplied food to a fugitive. On June 14 he was taken to the Military Police and remained there until August 18. While in confinement he heard four times the punishments inflicted on Mr. Sureau. They were always inflicted by a sergeant dressed in civilian clothes. Mr. Sureau was undressed * and laid on the ground naked, his arms stretched out and tied to a bar. The sergeant would pass a lighted torch soaked in petrol all over his body, burning him. The man had burns all over his body. Sometimes they subjected Sureau to the water cure and also caused an electric current to pass through his body. The proceedings usually lasted three hours. For 10 days they refused to let him attend to his wounds. He finally died of his injuries about August 20.

15,300

15,301

He also witnessed the corporal punishment inflicted on Mr. Uriet on June 28, 1945. * He was interrogated for the last time on his knees. He was struck on his bare back and on the arms with a heavy cudgel. After two days his body was covered with wounds and he could no longer move about. Together with the diet of a ball of rice and his torture he went down hill rapidly. The Japanese refused to send him to the hospital. On the 30th he was put in a ricksha and transferred him to the Citadel but he died in the ricksha.

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15,302 Exhibit 2115, affidavit of Madame Veuve Bertrand, stated * that she discovered the body of her husband at Saigon in the Military Police Headquarters. The Commandant stated that her husband had a fever and the Commandant gave him an anti-malarial injection and he did not awake. Her husband's body was on a short stretcher covered with a covering. The body was covered with bruises. One eye was shut and the other open. She asked them to take the body to the morgue of the Grall Hospital. She got into the same vehicle. When they reached the Grall they asked the chief medical officer to confirm the state of the body and put it in a coffin. Friends were forbidden to enter the morgue. She had to sign

15,303 * a paper which ordered her to say nothing on the death of her husband and a receipt for 100 piastres. She was taken to the cemetery accompanied by the Military Police.

15,304 Exhibit 2116, the affidavit of Jeanne Monnet, stated that she was sleeping in the servants' quarters with her sister. On March 14 about 10:00 PM * two officers of the Colonel's staff came into her room. While one held her the other took off her pajama trousers and abused her. They then changed roles. She fainted and can not say what was done to her sister.

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15308

Exhibit No. 2117, the letter of Captain Merian, stated that having appeared some cases of disloyalty at Concession Saint Michel at Langson among the coolies bringing water to the camp on June 11, 1944, the Japanese seized a nineteen year old man who had left work, bound him to a tree, beat him violently, and he was found dead on the morning of the 12th from strangulation.

15309

Exhibit No. 2118, the affidavit of Denise Avisse, stated * that she lived at Langson with her family. On the morning of the 12th when the firing ceased she was taken to a shelter where she was introduced to a Japanese officer, who stated * that she could go because they did not take women prisoners. When they were out of the gate they were stopped by bayonets. The Japanese officer would not let them pass. When they had gone through the gates a second time the Japanese drew a line in the road with his sword and forbade them to go beyond it. They went back to the post and were kept with the wounded under guard. One wounded man asked for a stick to help him walk, and when it was given to him the Japanese took it away. They were taken in the direction of the market. They came to a place between the market and the subdivision, and a Japanese went to examine the trenches near the wall. When they went forward again * and went around the market, they stopped between it and the citadel, and they again examined the trenches. They then went in the direction opposite the citadel, toward a hotel, and were taken to the Officer's Club.

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There was a trench and the Japanese ordered everyone into it. When everyone was inside they were looted. A Japanese pulled on the arm of the deponent's child to take off his bracelet. Then the Japanese fired on the people at point blank range. The deponent received a bullet in her left side and one in her arm, and her baby son received one in his skull. The Japanese left after five minutes, thinking everyone had died. * There were about fifteen, and two managed to escape to the river bank. She went to see if her friends were dead, but hearing the Japanese coming back she returned to her place. They attempted to speak to her, but she pretended to be dead. She then left the trench.

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- 15313 Exhibit No. 2119, the affidavit of Taputuarai Tetani, stated * that about 10.30 four Japanese took her back into the magazine, where she was pushed into the room. There one of the soldiers threatened her with a bayonet, and another struck her and laid her on the ground. She was violated by one while the others watched.
- 15314 Exhibit No. 2120, the affidavit of Nguyen-thi-Thong, stated * that after four days of freedom, he was arrested and taken to the Military Police Headquarters. * One day he saw in one of the outhouses the body of a captain hanging by the thumbs. He appeared to be dead.
- 15315
- He was kept shut up for eight days and was then let go, but was arrested on several occasions and beaten violently. He saw the corpses of six French soldiers, one of whom had been decapitated, and then three others. He was able to wander around and saw numerous corpses of French soldiers, unburied. In the course of their investigation at Langson, the Japanese forced several native women who were living with French soldiers, to enter a brothel.
- 15316 Exhibit No. 2121, the affidavit of Fernand Casaula, stated * that on March 27, 1945, he was called by a Japanese corporal and taken out of the post to a native hut where 15 Indo-Chinese were gathered around a wounded prisoner. The deponent was able to identify her. * According to her story, after her father had been killed on March 9, she and her mother had fled and had reached Lang Van. On March 26, 1945, she and her mother were stopped by Japanese, who violated them and then killed the mother. She herself was wounded. During this story the Japanese corporal was acting in a disgusting manner. The deponent asked that medical care be given to this woman, but no attention was paid. He presumed that she had been violated again during that night * and that she died as a result of the outrages and her neglected wound. They had never been able to find any trace of her.
- 15317
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15319 Exhibit No. 2122, the affidavit of Madame Remigereau Paulette, * stated that at about 7 or 8 a Japanese told her to go out and he gagged her with a napkin. She was able to pull off the napkin and return to her bunk. She was allowed to be quiet for an hour, and then told to get off the bunk. She refused and was struck by a Japanese with a bayonet on the abdomen and slapped. To see if she were asleep they would strike her feet with their bayonets or burn her ankles with cigarettes.

15320 On March 11 they brought in ten prisoners, and a Japanese ordered the deponent and another woman to follow him. They went upstairs. They made her take off her slip and stretch out on a mat, but she was saved by her state of pregnancy. * The other woman was violated at least five times that day, and at least five times the next day.

15322 Exhibit No. 2123, the affidavit of Cecile Cazajous, stated * that she and her husband were placed in a yard, stripped of all possessions, bound, and struck with rifle butts. They were then taken to a bridge, where they served as shields between the French and Japanese troops. The following morning they were taken to one of the amusement centers in the neighborhood. She was at first kept in one of the rooms with her husband and some other people. The 23 military personnel in the room were assembled and massacred. The others were kept in the quarters, where under the eyes of her husband she had to suffer the assaults of the soldiers, which she resisted.

15323 * On the night of March 10 and 11, 1945, she was taken to a neighboring room with another woman and had to yield five times to the Japanese, including once under the eyes of this woman. The persons who did the violating were always armed and completely equipped. Her husband could do nothing, because he was kept bound, and every time they took her out and he attempted to intervene he was beaten.

15324 Exhibit No. 2124, the affidavit of Albert Moullet, Battalion Commander, stated * about the violation and assassination of two French women, and the schedule of executions of POWs at Hagiang.

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15325 Exhibit No. 2125, report of Captain Merian, related * to the instances of beating and wounding of three Indo-Chinese at Bac-Ninh, one of whom died as a result.

Exhibit No. 2126, the report of Captain Merian, recorded the tortures and ill-treatment undergone by an Indo-Chinese and a Frenchman at Hanoi.

15326 Exhibit No. 2127, the Report of Captain Merian, related * to the grave violence in 1942 suffered by a Frenchman, who was shut up in a cage at Hanoi.

15327 Exhibit No. 2128, the affidavit of Pierre Babin, stated * that for an unknown reason he was arrested and shut up in the police station from April 12 to May 24, and then at the citadel to August 29. He personally did not endure any of the cruelties practiced on his comrades, but he witnessed them. He saw one man made to kneel down on broken bricks and beaten savagely with a club for two hours. Another man was made to kneel on wooden bars with sharp edges and beaten violently with a horsewhip, belts and fists, and then was tortured by electricity for nearly an hour. Another man was so savagely beaten from neck to feet * that he remained for three days in a condition of coma.

15328

The diet consisted in the prison of the remains of rice mixed with lime in a ball, two balls a day for each person, and weeds boiled in water. In all they had 150 grams of rice a day. For twenty days they had one bowl of a rice mixture for six prisoners.

Exhibit No. 2129, the affidavit of Philippe Duquesnay, told of the tortures and ill-treatment of French civilians at the Hanoi prison and in the premises of the Shell Company, which was made a Military Police Headquarters.

15330 Exhibit No. 2130, the affidavit of Guy Nourrit, stated * that he was arrested on May 19, 1945, for belonging to the resistance group, and was shut up in a cell where he found another person similarly arrested in April. Two other persons were brought in later. There were two kind of prisoners, those kept in the cell and those put in a cage.

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15331 There was no special criterion to determine which were to go in the cage, but was left to the whim of the jailers. His cell contained four persons, of whom one was an Annamite. The Japanese spared no pains to increase the inconveniences of the French, but put them with one or more common law felons. There was a bunk on which only one could lie. * The rest had to squat on the earth at night, and it was impossible to change position. The cell was three meters long, and if one stretched his arms he could touch both walls. Daylight came in from a small grating in the door, which was kept open for five minutes to allow the men to go to the toilet. Prisoners in the cage, which was 20 meters by 7 meters wide, never went out at all, there being a toilet in the enclosure. They could walk and talk with about ten other prisoners, and saw daylight through two or three windows. Thirty or forty were penned up in an enclosure. The cells swarmed with vermin. On one occasion a dead body was kept 24 hours, during the summer.

15332 Twice a day they received a ball of rice with a little salt, a bit of herbs and some tea. * They never had meat, and there was a perceptible loss of weight, which was very weakening. They received no change of linen.

The monotony was broken by interrogations, which were accompanied by beatings and electric tortures. Some men were reduced to such a bad condition that they had to be hospitalized, and one man died. His companion in the cell was one of the most tortured prisoners detained. He was kept in the cell about five months.

15334 Exhibit No. 2131, the affidavit of Henry Talba, stated * that at Tong and Hanoi he was savagely and repeatedly beaten by fists and rifle butts, and was tied to a tree. He was left there for six days, from April 6 to April 12, without food or water. His wife tried to feed him, but the Japanese drove her away. Every evening an Indo-Chinese with fixed bayonet rifle, was stationed so that he could not take any rest, since if he went to sleep the bayonet would have plunged through his throat. In the daytime the Japanese soldiers put on boxing gloves and practiced on his bruised body and face. * He was not even untied to go to the toilet and had to soil himself, and could not wash before April 12. He was then taken to Hanoi.

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15336 Exhibit No. 2132, the affidavit of Joseph Tanguy, * told of the assassination of a French couple at Hanoi.

15337 Exhibit No. 2133, the affidavit of Antoine Belgodere, stated that he saw one man subjected to torture by magneto on several occasions. He saw others beaten with rubber clubs. * He saw the brutalities inflicted on another man by means of a hard wooden ruler with metal edges.

15338 Exhibit No. 2134, the affidavit of Robert Marcel, stated * that he was arrested on March 20, 1945, and kept at the post until April 4, and then successively transferred to Langson and Hanoi. To force confessions concerning arms and munitions and other supplies, he was subjected to several acts of violence and torture. His hands were bound behind the back of a chair on which he was sitting. He was kept hanging from his wrists with his feet about two meters above the ground, several Japanese soldiers hitting him with a whip, stick and rifle butt as he swung towards them. This continued for two hours.

The Japanese decided to use him as an interpreter. He was brought to the place of torture. The confessions not being forthcoming, he was given another group of tortures. One soldier held his head and stopped his mouth, while another poured water into his nostrils. This was repeated about fifteen times. He had about three or four liters of water forced down him.

15341 Exhibit No. 2135, the affidavit of Dominique Poli, stated * that he was taken to Japanese Police Headquarters and told to take off his clothes. He was bound to a table flat on his back, and was given the water punishment several times. This was repeated the next day, all day long. He was threatened with having to submit to torture while his children watched. This torture continued until the 27th, the day on which he was to be shot. He was finally taken back to the police station.

15342 Exhibit No. 2136, the affidavit of Francois Limousin, stated * that he was arrested on April 12 as an F.F.I. The Japanese took him to the headquarters, where he was kept in an underground dungeon after he had been robbed.

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15343

* There were about twenty French there and some verminous Annamites. The result was everyone became covered with lice. Each received 120 grams of rice per day in all three bowls. They were forced to sit Japanese fashion, and it was forbidden to lean against the wall or change position. They could not receive anything from outside.

On April 17 he was taken out for interrogation. He was clubbed on the head. This continued for the 18th, 19th and 20th. For 17 days he had no bowel movement due to scantiness of food. Some people went longer. On May 10 they were removed to the Central Prison in Hanoi, all ill and weak. Forty-five were kept in a room built for 24, with one bucket in the middle of the floor for relieving themselves. The food was tainted, consisting of poor rice with a few slices of sweet potato and broken bits of dried fish.

15344

On * May 22 he was handcuffed and chained to another prisoner and taken to the police station, where he was again interrogated. His negative answers got him a severe beating and the electric treatment through the ear. These shocks were of high frequency and flung him about uncontrollably, and caused him to lose consciousness several times. To get admissions these experiences were repeated for four days. His jaws became paralyzed and he bit through his tongue. He was taken back to prison, * overcome by nervous trembling, and he could not eat for about twenty days. The Japanese, realizing that he could not speak, after jesting for a while, seized his sexual organs and twisted them violently. He was then brought to, kicked in the ribs, and taken to prison. This was the last time he was tortured. His chief died as a result of torture.

15345

The deponent was imprisoned at Hanoi, and found that he had lost 40 lbs. He had a hernia on both sides.

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Exhibit No. 2137, the affidavit of Jeanne Clave, stated * that she was wounded by a bayonet, her house looted, and that she witnessed a violation.

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Exhibit No. 2138, the report of Captain Merian, * reported the details of the torture inflicted on an Indo-Chinese arrested on a false charge of theft.

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15348 Exhibit No. 2139, the affidavit of Louis Chevin, stated * that he was arrested on April 17, 1945, along with all who had belonged to the Resistance, after having been called to the Franco-Japanese Liaison Mission. He was questioned by an N.C.O. of the Military Police. During the questioning, which lasted eleven hours, he was struck, had his joints dislocated, choked by strangulation and thrown down by jiu jitsu.

15349 He was again questioned in the same manner * on the 18th and 19th, and he refused to point out the location of the arms. The torturers paid special attention to the places where he had been injured previously. The military police who did the torture was the same man who executed an American airman outside Haiphong.

As a result of an infection, the deponent was taken to the hospital in July. On August 14, while still under treatment, he was taken back to prison and shut up with severely wounded officers and NCO's in the condemned cells. They were freed on September 9 by the American mission.

15351 Exhibit No. 2140, the reports of Martial Massot, stated * that a radio direction finder station of the Kempei Tai detected waves sent out by a secret sending station near the M.I.C. factory. Since these transmissions were very frequent, four per day and at fixed times, * and the transmitter not having been moved, the exact point of transmission was quickly learned. An investigation was ordered, with instructions to put a stop to it. It was learned that the villa was occupied by a Chinese family, and that the husband operated it. Two Chinese, who were the only ones who came frequently, were tailed and arrested. Other people were watched as a result of it.

15353 After about 45 days all of the members of the net were known and lodged. During October the arrests were all made at the same time. Thirty persons were arrested. Fifteen were released and fifteen sent to the Saigon Kempei Tai. By submitting to torture these fifteen, * the Japanese obtained confessions that the station had been in direct communication with Chungking. The fifteen Chinese were condemned to death by a tribunal of Japanese Kempei Tai, with the execution set for early December.

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15354 A group of men left Kempei Tai Headquarters to find a place of execution and to dig a trench. A second detachment of prisoners left for the airfield. The prisoners consisted of three women and twelve men, with their hands tied behind their backs. The first party directed the new arrivals to the position. With two sabers, the Kempeitai began the executions. * The prisoners were assembled about thirty meters from the ditch, so they could not see it. Each Kempeitai had one prisoner to execute. He would find his victim and then would cover his eyes with bandage. He then led him to the edge of the ditch, and would decapitate him with a saber. The saber would be washed and the next execution would follow. The executions lasted an hour and a half, with the three women being executed first. One woman had to be bound.

15355 * The Adjutant of the Kempeitai directed the executions. Right after the ditch was filled a shrub was planted. The reporter had gone to the place of execution and exhumed the bodies. On August 15 they found fifteen skulls, on the most of which there were bandages over the eyes.

15356 Exhibit No. 2141, the report of Medical Lieutenant Cartier, * stated that he had exhumed 17 bodies, they being a group of French civilians and soldiers executed at Thakhek during a collective massacre. * The bodies were found in four pits. Parts of the bodies were not entirely destroyed. The pits were not too deep, and the bodies were found intermingled. It would seem that the bodies * were placed in the pit after death and before rigidity. Three skulls were found decapitated. All bodies had their arms bound behind the back, and their eyes were covered. There were no perforations in the skull which would give rise to a bullet wound or other fractures. * All the bodies were in a state of decomposition, indicating more than a year in the soil. Burial must have taken place immediately after death.

15360 Exhibit No. 2142, the report of memoranda and record of judgements from the French Mission at Tokyo, * showed that at the Permanent Military Tribunal of Saigon, it was found that on August 18 at Temporary Camp C, the Chief Inspector of the Security Police died.

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15361 Despite numerous oral complaints and written reminders, the Japanese doctor refused to do anything * from April 20, 1945. He would not send him to the hospital or give him medicines. The man had lost 88 pounds before he died, and was unconscious. The doctor deliberately left the prisoner who was under his care to die. The man was found guilty and sentenced to eight years penal servitude.

15362 A second man, who was in command of the Military Police Detachment * of Panthiet from February 15, 1945, was the chief perpetrator of serious cruelties and ill treatment on the French, who were imprisoned after March 9, 1945.

One missionary was a particular victim. The man was found guilty and sentenced to ten years penal servitude.

15363 In another trial, seven Japanese were tried and convicted. * Two were sentenced to penal servitude for life, and the other five condemned to death.

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Exhibit 2143, the declaration of Leon Antouard, stated * that immediately after his capture on March 9, 1945 he was taken to the Kempei Tai Headquarters at Mytho and bound with ropes that were so tight they wounded his wrists. He was left that way until noon the next day. * He was put to four interrogations, two about one hour and a half each on May 9, the third on the 10th for three and one half hours, and the last on the 11th for seven hours. He was very often struck with fists, sticks, particularly on the soles of his feet. He was given the water torture. He also had electric current applied to his feet but this did not work. The result was that he had one rib bashed in, lost 10 teeth. No information having been given * he was left in his cell for 17 days without interrogation and brought back to Virgil Camp on May 28.

There were no witnesses to the interrogations. They were conducted by non-coms and an interpreter. In the last 20 days of incarceration he was beaten and kicked daily and this happened to the other prisoners. Food was insufficient, consisting three times a day of a little rice ball and a quarter of a cucumber or radish. Beverage was insufficient and always boiling hot. There was no care for cleanliness. Men were obliged to sit directly * on the floor from the time they got up until 9:00 PM. They could not speak, lean, lie, nor sleep and were punished by cudgelling for all infractions. The electricity was never put out and one could not protect oneself from it because one was not allowed to sleep on one's stomach. The cell was 4' x 4' and had 17 POW's including many criminals. The latter suffered from very serious diseases. The prisoners were in constant contact with each other and the heat was intolerable. No care was given to the ill, even in serious cases.

Exhibit 2144, a report of Captain Beauvallet, stated * that from March to August 1945 the Japanese had set up a building for Kempei Tai purposes with six cells, making use of six magazines, and closed off their inner openings with wooden grills. The cells looked like cages and allowed guards to watch detainees all the time. The entrance was through a one metre high door. The cells were 4 x 5 metres with plank floors and permanently lit. A wooden bucket with a cover was used for toilet needs and was emptied daily by one of the detainees. Some straw mats were distributed * and in the evening some bedding was given out, on the average of one for three people.

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Of the six detainees who died at the time or shortly thereafter, the majority died from bad treatment and lack of care. Certain MCO's on guard showed evidence of great brutality. They inflicted painful punishments for no reason, including beatings with sticks or leather belts and having a man stand with arms extended for several hours.

15,372 Since he refused to speak, the deponent was subjected to particularly painful tortures, such as being bound to a bench with an extremely tight rope which cut into his flesh. At the same time he was beaten on his feet with a hard wooden club and rattan cane * and on the other hand he was given the water treatment and another Kempei Tai burned his body with cigarette ashes. He received about 200 blows on his feet; as the blows were applied the ropes binding his ankles drove into the flesh. The result was his feet swelled considerably and he could not stand and needed help and had to be carried back and forth to his cell. The water torture was given under extremely painful conditions. * At the end of an hour and a half the interrogator placed the bench vertically in such a way that he was hanging head down by the ropes around his ankles. He stayed half an hour there under these conditions with water being poured down his nostrils. He was then unbound and placed on another bench but the beatings continued. His denials brought new brutalities. * On another occasion he was beaten while being forced to remain kneeling during the interrogation. On the 24th they tore out tufts of hair from his head and beard, twisted his wrists and arms, and tried to strangle him. They also at the same time caused a wound on his feet by a see-sawing movement on the cord, and they tried asphyxiation by water.

15,375 Exhibit 2145, the affidavit of Georges Rouan, stated * that on the afternoon of March 12 he found the corpse of a doctor at the hospital. The lower part of the body was completely stripped but the corpse was still wearing the white shirt with the insignia of a Red Cross * and there was blood everywhere. According to the reports of eye witnesses, on the night of March 9-10 this doctor showed himself in full light before the Japanese dressed in the shirt with the Red Cross. He was moved into his office and killed. A male nurse was also killed by a sabre blow.

15,376

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15,379 Exhibit 2146, the affidavit of Andre Quenardel, stated that one of the most painful spectacles during the fight of March 10 was to see the condition in which the wounded French soldiers were left by the Japanese. The senior medical officer was massacred. All wounded were abandoned and they could not be helped until the end of the third day. One man, seriously wounded, had to lie unable to move for three days and nights, dying of thirst, without receiving the least assistance. They forbade the French wounded to leave the place of gathering. On March 10 the deponent was ordered to go to the Citadel to collect dead and wounded. He finally got there about 2200. They saw many cases, including several officers, * with their hands bound together and shot through the heart with a bullet. This was a case of execution of POW's and of officers for choice. There was no reason for such executions.

15,380 Exhibit 2147, the affidavit of Le-Dinh-Bao, stated * that on March 13, 1945 he was with the detachment near a village near Tonkin composed of 8 French and about 40 Indo-Chinese soldiers. At 7:30 it was attacked by a strong party of Japanese and after half an hour all the French were taken prisoner. The deponent was unable to move and remained in their midst. Half an hour after capture several officers were decapitated and several more were massacred by bayonet blows. To facilitate penetration of bayonet the Japanese had opened the clothing to bare part of the chest.

15,382 Exhibit 2148, the affidavit of Laurent Porte, stated that on June 11 300 men left for work, on June 30 1500 more went, and on August 1 1275, a total of 3075. The return was staggered from August 22 to 27. POW's were distributed in various camps from Kilometer 40 up to beyond Hoa-Binh. * In most camps the Japanese had made no preparation to receive POW's and they remained exposed to inclement weather while building a roof. In one camp they forbade the building of floors and the POW's had to sleep in water. In another camp they did put in some, but put some POW's below. Most POW's did not have mosquito nets. The diet was rice of varying quality and aqueous vegetables of 100 to 150 grams, 5 to 10 grams of starches, and 10 grams of salt. During the whole month of July there was no fat, meat, fish, eggs, nor sugar. Tiny quantities of sugar were allotted from time to time in the month of August. The minimum ration was 1180 calories; the maximum 2020; the sick got half.

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15,384

In several camps it was arranged that POW's should get less than one liter of tea per day. The men were forced to drink dirty water from rice paddies and dysentery was rife. Work consisted of building embankments, placing wooden bridges, boring tunnels, timbering tunnels, and transporting by hand carrying. Work stopped on August 16. There was formal refusal of medical evacuation from and after July 10 and of all medicines up to August 15. Sixty-two died on the spot and 36 upon return to the fortress. There were 98 dead as of September 12. * Four hundred and nine seriously ill patients were sent to hospitals. About 300 were not sent owing to lack of space, or a total of 790, or 26%. Marsh fever, dysentery, beri beri, edema were predominant in the death and disease rate.

In one camp a man was beheaded; in another, dysentery cases were shut up in a cage with a little water and rice handed through a hole. There were not many atrocities in the strict sense of the word, but there was systematic ill treatment with intent to induce death. Work was excessive at all times and the diet was both inadequate and unbalanced. There was systematic sending out of the sick to work under beatings. There were beatings on the slightest pretext and the refusal of medicine and medical evacuation. The captain in charge revealed the attitude of the Japanese when he said they were prisoners and they could kill themselves if they were not satisfied. If he wanted to, he would stop food for days on end. As for the sick, those already dead and those yet to die don't matter a damn.

15,387

Exhibit 2149, affidavit of Henri Laurent, stated * that on August 1 they were sent to Hoa-Binh, the reprisal camp. Every morning the sick would be mustered out in front of their huts. A Japanese non-com would strike the men several times until they fell to the earth half-conscious. Then he would make them get up and beat them again until they were carried away. The sick were deprived of one meal out of every other because they did not work.

15,388

Exhibit 2150, deposition of Adjutant Suryau, stated * that after the surrender of Hagiang, the French were taken into the court yard in three groups. The first group consisted of certain officers and non-coms; the second of non-coms and their men; and the third of non-coms of the Legion, a sailor and some Colonials. A Japanese non-com asked the lieutenant what should be done to the prisoners. He replied with the sign of sweeping them away.

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15,390 The soldiers fell upon the second group and slaughtered them with bayonets. The third group was killed by revolver shots. The lieutenant took a sword and began to strike the captain and the captain was finished off with a pistol shot. The other members of the first group were simply beaten. The massacre resulted in 44 dead. The survivors were taken to the residence to obtain the surrender of the Commander. Six or seven Japanese officers threatened to kill them. After the surrender of the Commander they were taken to prison. Later he learned * that some other men had been shot.

15,391 Exhibit 2151, the deposition of Adjutant Potin, stated that at Hagiang, after being taken prisoner, he saw about 20 bodies on a bank of the river. On March 12 he was told that * a Legionnaire was hidden in the rocks. He tried to get him to join up but this was not possible as the deponent was taken to the civilian hospital. He learned later that he had been taken prisoner and shot.

On March 15 he heard that another Legionnaire also hidden there had been taken. From his window he saw him brought to the hospital and bound and ordered to sit on the ground. The Japanese began throwing stones in the face of the prisoner. They then conducted him to the bank of the river and killed him with a bayonet thrust in the chest.

15,393 Exhibit 2124, the affidavit of Battalion Commander Albert Moullet, stated * that the French garrison of Hagiang, with 150 Europeans and 500 Indo-Chinese, was attacked by surprise by a Japanese battalion of 900 on March 9, 1945. A group of French officers fell into their hands at the start. The deponent was able to get to the upper floor and he resisted until the next day when, under the pressure from the Japanese of threatening to kill his wife and child whom they had captured, he gave up. The defense elements surrendered one by one. * The fortress surrendered on March 10.

15,395 When the barracks surrendered, the Japanese massacred almost the whole number. Other executions took place between the 10th and 20th, to a total of 88 victims. Finally the deponent gave himself up on March 12. The Japanese forced two officers to accompany their detachment * as hostages for parleys. The deponent was ordered to replace one of the officers and was told that his family and other French prisoners would be executed if he escaped.

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15,396 Loatchay was occupied without combat on March 13 and other places were occupied on March 14 and 15. On the morning of the 15th they were joined by another detachment that likewise had French hostages. On the 15th the witness and other officers were placed in the court yard at Hoang Su Phi. * They had hardly reached there when they saw the Chief of the two Japanese detachments climb upstairs and shut himself up in a spare room. A little French girl came down shortly afterwards sobbing. He learned that she had come to Hanoi to spend a few days with her sister and she had been surprised by the events of March 9. The lieutenant then came downstairs and took the little girl from them. Her sister appeared a few minutes later. * She then told them that the captain of the French company had undertaken to conduct them to the Chinese frontier. He had left them at Tonkin while he was fighting. They had stayed there until the arrival of the Japanese.

15,398 The lieutenant had gone upstairs, revolver in hand, and ordered them to undress. When they refused he undressed them himself. * He, however, let the little girl go. He beat her older sister and then violated her. He took some money. During the night of the 15th this woman stayed with them and they had a great deal of trouble preventing the Japanese non-coms and men from taking them away. On the morning of the 16th the Japanese moved on, taking the three French officers with them and leaving a small guard * with the two women. They returned on the 17th, the two women having been left without food and water but otherwise unmolested. They went through the same performance during the night of the 17th and 18th. On the morning of the 18th they were transferred to the military post where two beds for them were set up in the middle of the barracks room. They were closely watched, prevented from leaving the room, and completely at the disposal of the 50 Japanese. The lieutenant who originally started it was the responsible officer.

15,400 When it was told that the French officers were to go back to Hagiang, the deponent asked to take the young women with him to Hagiang * where there were other women. All kinds of excuses were offered not to permit it. The lieutenant promised to send them back when he had horses. On several occasions at Hagiang the deponent asked the Commandant to have the women come there but with no result.

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15,401 Another Battalion Commander captured on March 27, 1945 was transferred at the beginning of April * to Hagiang via Hoang Su Phi. He arrived at the latter place on April 6 and he verified the miserable fate of the two women. He learned from the older one that the Japanese, not content with violating them, beat them unmercifully and that her sister was going insane. She begged this Commander to have her returned to Hagiang or given separate quarters. The new representations made to the Commandant at Hagiang had no results.

15,402 On May 7, 1945 the Commandant announced that the two women had run away. * The men were transferred at the end of May and they were without news of these women until Japan surrendered. They learned in the first months of 1946 that the two girls had been butchered at the beginning of May on the orders of the lieutenant as a reprisal for the attacks of April 28 and 29. Some natives say that they were beheaded, and others that they were shot.

15,404 Exhibit 2152, the deposition of Captain Furukawa, stated that at Hagiang fighting began on March 9 and lasted for 4 hours. At daybreak, after surrender, the deponent assembled the prisoners and sent them to the Battalion. On March 10 he left for Than Thuy. Three days after he went to Hoang Su Phi and then to Xin Man, staying in each place a week. * On May 15 he was sent to Hanoi.

15,406 * He had taken Major Moullet with him to Hoang Su Phi and Than Thuy.

On March 15 or 16 he arrived at Hoang Su Phi and learned of the presence of two young French girls and was told to go and see them. He did go with two soldiers. He found the two young girls lying in bed. He searched them. Thinking the search was insufficient he opened another door and had them go in, leaving the two soldiers in the other room. He then made the two young girls undress under the menace of his revolver. He sent the younger one away but kept the older one and violated her. He then returned to the first room where he searched the baggage, taking some money for his own benefit.

15,408 On May 25, being embarrassed by his prisoners he got rid of Captain Pares and Lieutenant de Parelle. He himself killed both of them, leaving the corpses to be buried by his soldiers. He kept the third officer, a Major. He was afraid of a revolt by his prisoners * at Hoang Su Phi. Between the 20th and 25th he executed his plan. One day he made them go out

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one by one and decapitated them one by one, 40 in all. Three succeeded in escaping. The highest killed was a warrant officer. Believing that the young women might furnish useful information to the French, he decided to have them disappear. On May 3 he took them out behind the house and fired a shot into the back of the neck of the elder, while another officer killed the younger.

15,411 Exhibit 2153, the affidavit of Si-A-Phuc, stated that at Dam Ha the Japanese ordered him to sweep the yard and to throw the sweepings in the river. * He saw them make a funeral pyre and put two corpses on them and douse them with gasoline. About 2:00 PM a bearded French soldier was brought, with his arms tied behind his back. He was brought on to the concrete terrace and again bound his arms and legs with iron wire. The coolies were ordered to bring wood from the kitchen and the Japanese made a pyre with the soldier in the middle. A Japanese doused the soldier and the wood with a can of gasoline and set fire to his feet. The coolies continued to bring wood. About 4:00 PM the two coolies, who had dug a hole, took out the burned bones and threw them in the hole with the ashes of the two corpses burned in the morning.

15,412 Exhibit 2154, the affidavit of PFC Vong Deng, stated
15,413 that at Dinh-Lap * a Japanese officer entered the post and fired two revolver shots at a French officer whose hands were tied. He fell near a trench. The surgeon was brought near this officer and forced to sit down and was then decapitated. All were grouped in the yard at the time to witness the execution, with the Japanese surrounding them. * The officer gave an order and a group of 19
15,414 were taken near the post office. They were lined up at the side of the road with hands tied behind in groups of two. Two Japanese soldiers armed with rifles and bayonets fixed began to kill the prisoners. The witness received five wounds and did not move. The Japanese left about 4:00 PM. The witness was then untied. The inhabitants buried the 18 dead riflemen.

15,415 Exhibit 2155, the sworn evidence of PFC Cron, stated
15,416 * that at Dong Dang on March 12 the Japanese succeeded in scaling * the outer wall and 800 of them entered the fort under a General. The French were assembled under the veranda and the Japanese flag was flown. The General sent for the French captain, made him sit on a chair in the middle of the court yard * and designated nine
15,417 French military personnel and forty Indo-Chinese. He saw two

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15,418 Japanese officers talking to the Captain and one struck the Captain on the neck with a sword and he fell to the ground. The military personnel designated were taken in double file to the customs house where they were locked up. In the evening they were undressed, their hands bound behind their back, and were led to a hill. They were made to kneel at the edge of a trench and began to massacre with sword strokes on the back of the neck. They went to fetch gasoline. The deponent and two others fled. When they got 300 metres away they saw a great light coming from the place where they had been. The bodies were being burned. * The deponent fled into the mountains and thereafter joined a detachment. Of the 50 military personnel designated for massacre, the only ones who escaped were the deponent and the two sharpshooters.

15,420 Exhibit 2156, the affidavit of Sub-Lieutenant Louis Chomette, stated that at Langson immediately after the surrender on March 10 the Japanese looted all premises and all prisoners were searched and relieved of all possessions. * The Japanese refused to evacuate the seriously wounded to the hospital. The next day all prisoners, excepting the seriously wounded, were divided into four groups, three of 20 and a group of officers of 5, and fastened to each other by the left wrist. Each of the groups were taken in succession to the ramp of the fort and placed one behind the other. Thereafter, about 15 Japanese armed with rifles and 2 machine guns took up a position facing the group. The Japanese began firing. * The number of shots fired was comparatively few, one round each from the rifle and two short bursts of machine gun fire. Many were wounded, but the number of dead was not high. The men tumbled on one another. During the next two hours there were scenes of unparalleled savagery. The Japanese threw themselves upon the bodies and used them as fencing targets. They fired rifle and revolver shots into the ears of those who did not appear dead. The least tremble marked a new victim for the bayonet. The deponent was wounded four times. When the Japanese thought not a single one was alive, they had the bodies removed and thrown into a ravine. The bodies rolled for 200 to 250 meters. The deponent came to and after nightfall * he and another were able to get back to the hospital at Langson. As to the others who were not shot with the group he had learned that they and the other wounded were led to the top of the fort and made to watch the execution of their comrades and were then executed themselves by revolver bullets.

15,421

15,422

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DIRECT EXAMINATION OF FERNAND
GABRILLAGUES, by Mr. Oneto

- 15,424 * The witness stated that he was a French
15,425 officer with the rank of Captain, * and he is presently
a delegate of the War Tribunal in Indo-China in Saigon.
At the beginning of the war he was a student. Until
September 1942 he was in France and then went to French
Equatorial Africa where he joined the Colonial Service.
He was mobilized almost immediately and he served in
15,426 North Africa, Italy, France and Southern Germany. *
He learned about war crimes committed in Indo-China
by the Japanese through his study of the documentation
made in Indo-China. His statement and the map are
based solely on the documentation he had gathered.
He recognized the statement and stated that his signa-
ture is affixed to it.
- 15,430 The document was admitted as Exhibit 2157
and stated * that he is in charge of the Investigation
Bureau for War Criminal Suspects and has made a com-
prehensive study of the documents which has permitted
him to have cognizance of the war crimes committed by
the Japanese in Indo-China. The number of crimes is
considerable, the documentation is voluminous, and there
could not be a complete expose. Certain crimes will
remain unknown because of the absence of witnesses
and the systematic destruction of files by the Japan-
ese in anticipation of Allied landings.
- 15,431 * He would call attention to the atrocities
committed on the premises of the Kempeitai and in the
POW camps. While the Japanese in FIC were concentrat-
ing on the French in cities, within inclosures ex-
posed to Allied bombings the Kempeitai carried out
atrocities. Hundreds were imprisoned and subjected
to a state of affairs worse than that of common crim-
inals. They were kept in cramped quarters under dis-
tressing conditions without medical care, clothing or
water and sometimes deprived of food for whole weeks,
most often receiving all in all nothing but a single
ball of filthy, loathsome, dirty rice.
- 15,432 On pretext of interrogation * a great variety
of tortures were systematically inflicted: clubbings,

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lighted matches slipped under the nails, burns by cigarettes and lighted tapers, tortures by blocks, by water, electricity, and hanging. These conditions and tortures caused the death of many POW's. Some were tortured to death and others died in prison.

At the various camps where the Kempeitai were, hundreds of French and Allied nationals were subjected to degrading treatment from which the only deliverance was death. Those who escaped death left prison with their health definitely broken.

15,433

In the POW camps the atrocities * committed did not lag behind those carried out by the Kempeitai. Officers and men were forced to work like convicts at defense work. The sick were forced to work and were beaten with iron bars at the slightest falter. They were scarcely fed, left without medical care, and crowded into huts which they themselves constructed. The prisoners died in great numbers, ninety-eight in a period of fifty days at Hoe-Binh camp at Tonkin. In many parts of FIC the POW's were massacred.

15,434

* At Langson, sixty were shot and bayoneted. Also there more than 200 French POW's were massacred in batches of fifty each, with sabers, bayonets, pick axes. Massacres of POW's and civilians took place in various other parts of Langson. A few months' old child had its skull smashed. At Dong-Dang, after a three day fight the garrison surrendered and was congratulated by the Japanese for heroism. In a few minutes the Captain * was slaughtered in view of his men and all other defenders were executed by sabers and bayonets. At Dinh Lap, all French and Annamite soldiers were killed. There were similar massacres at Tien-Yen, Hanoi, Dam-Ha. In the last place five were burned alive. There were also massacres at Xin-Man, Hoang-Su-Phi and Hagiang. This was done by the 225th and 226th Regiments of the 37th Division.

15,435

At Hagiang several cases of rape occurred. Two women were compelled to cohabit for weeks with 50 soldiers who treated them badly. One went mad and both were killed. * A young French girl of 15 and her mother were violated and then assassinated. In several regions native women were forced into prostitution.

15,436

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- 15,437 With the 21st Division massacres were equally frequent, particularly during actions when the French were trying to get to China. At Tong, seventeen POW's were executed. At Tan-Qui fourteen were killed by bayonet, one surviving. There were also executions at Yen-Bay, Phuto, Sonla, Laichau, and Malita. In Loas all male Europeans were massacred, a total of 55, including two Bishops and Resident. Colonel TSUNEYASHI, Chief of Staff of the 37th Division, * stated that General NAGANO, Commander of the 37th, congratulated the troops and stated he considered them to be acts of war. General TSUCHIHASHI, Commander-in-Chief of the Japanese troops in Indo-China, when the massacres were reported to him stated that they were to act as if he knew nothing about it.
- 15,438 * The witness stated that there was an attached outline map indicating the majority of the localities in Indo-China where murders and atrocities were committed.
- 15,439 * The wood-block torture consisted of making POW's kneel on blocks of wood with sharp edges turned upward. While the POW's were kneeling a non-com who was supposed to interrogate would jump on the legs.
- 15,440 * There are a few details on the massacre at Takhek. Fifty-five French, including 40 civilians, 10 soldiers, two women and one child were massacred. The bodies were found and a certain number had their heads cut off while others appeared * to have been hanged. After their resistance had been overcome all civilians had been taken. After a lapse of time the women were separated and they survived as long as the Armistice. Most did not know what had become of their husbands and children. With two exceptions they had been massacred.
- 15,441
- 15,442 There was one massacre at Fort Briere de l'Isle, one in the Citadelle and several others in town. They have a few details on what took place in the Citadelle from Captain IMUDA * who stated that they were taken out by groups of 50 or 60 and killed by the river. He witnessed the massacre of the first batch. * The first 50 were taken to a courtyard where a fire had been lit. They were lined up with one Japanese behind each. All
- 15,443

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were killed with bayonets or sabers. Survivors were executed with picks. Captain IMUDA ran away and hid so that he could not see it further.

CROSS-EXAMINATION BY MR. LOGAN

- 15,444 * The witness stated that he was concerned
15,445 with research for the War Crimes Tribunal of FIC since
 the early part of September 1946. * He, himself, did
 not take any depositions. He read most of the affi-
 davits and complaints made by witnesses. He, however,
 had not interrogated witnesses, this not being his work.
15,446 He did not know whether the POW's mentioned in his
 statement were De Gaullists. * The soldiers mentioned
 in his affidavit belonged to the Indo-China Army. He
 did not know of any who were De Gaullists. Some of
 them were supposed to have belonged to the underground.
 The Indo-China troops were part of the French Army of
15,447 Indo-China and were under orders of the Senior Command-
 ing General * of troops in FIC. They were fighting for
 France. He did not know whether these troops were op-
 posed to the Vichy Government. He had concerned himself
 with the identification and search of war criminals.
- Criminals are judged by the crime they commit
15,448 and not the army they belong to. * He made his re-
15,449 search from the complaints he received. * The leader
 of the FIC army was General Martin, but he did not know
 whether he was a representative of the Vichy Government.
 He is in charge of the Investigation Bureau. As such
 he had never considered these POW's to belong to
15,450 guerrilla bands. They belonged * to the French Army,
 or belonged to the Army of FIC and all were either
 French subjects or French citizens. He had never seen
 a document which gave the Japanese Army the right to
 go into Southern FIC in July 1941. He didn't know
 whether the Vichy and De Gaulle forces were fighting
 in FIC.

(January 17, 1947)

- 15,455 * In the course of his investigation he found
 out the Japanese troops entered North Indo-China in
 1940. He had not bothered to find out when they entered
 Southern FIC. The documentation he consulted did not
 allow him to answer that question. It is possible that

Page

- 15,456 that is true, * but he couldn't give any details. He knew that the Japanese had penetrated into Southern FIC but he did not know the exact date of penetration.
- 15,458 * His recollections on the precise date the Japanese entered FIC are not clear. He recollects that there were some complaints dating from 1943, 1942, 1945, and 1946. * The document did not allow him to answer precisely that after Japan entered FIC that a resistance sprang up.
- 15,459
- 15,460 He was at the War Crimes Office in charge of POW research. Complaints were received and on the basis of them he made his investigation. His work was looking into the crimes that had been committed and where the criminals were. During his research he sometimes found the words 'resistance' or 'underground' in the document, but he did not investigate to find out what they were. * No one else took it up either and he didn't ask anyone to. * He had no precise knowledge on the movements of the underground or movement of the resistance. * The witness was unable to ascertain whether the members of the resistance wore uniforms. He had practically no knowledge of the movement concerning the resistance movement. He received complaints of victims of atrocities and confined his activities to that. * The witness had no information on the point of the resistance.
- 15,461
- 15,463
- 15,464
- 15,465 He was drafted in February 1943. * He understood very little English. He was drafted into the French Army of Africa. He was drafted as a French citizen who was still under military obligations. He belonged to the French Army of West Africa. General La Clerc was not there and the witness did not serve under him. He did not serve under some general of the Vichy Government. He received his pay for 1943 * from the disbursing officer of his unit.
- 15,467
- 15,468 It was not for him to judge whether the witnesses made false depositions. * The people who claimed to have suffered alleged atrocities were members of the resistance force. Some of the civilians mentioned in the affidavits were also members of the resistance force and some were not. He did not know whether General Martin was in charge of the resistance force in FIC.

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CROSS-EXAMINATION BY MR. SHIMANOUCHI

15,469

* The witness stated that he went to Africa as a Colonial civil servant. After he was drafted he became an infantry platoon leader. He had never been engaged before in any legal business either as a prosecutor or a lawyer. In his testimony he had only repeated what Colonel TSUNEYOSHI had told him and added no commentary to it. He did not interpret it. He had no interpretation to give on the words.

CROSS-EXAMINATION BY MR. BROOKS

15,471

The witness stated that in certain localities the Japanese may have been irritated by the attitude of the French people. The massacre at Langson and other places, however, did not aim at suppressing the activities of franc-tireurs. * He had not spoken in his deposition of the relations between the Japanese and franc-tireurs. He had not tried to discover why the Japanese acted as they did. He had heard some of it from the complaints.

15,473

Exhibit 2158, note from the U.S. to the New Zealand Legation, Washington, May 31, 1945, stated * that four of the Catholic Priests inquired about were quartered in the New Bilibid Prison Camp. One of these priests * was subjected to extreme torture in the presence of a large group of Filipinos in July 1942 for three days. When last seen one of his eyeballs was hanging entirely out of his head and there was a large hole in his forehead. It is believed that he is dead.

15,474

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15,476

Exhibit 2159, JAG Report No. 33, stated that when the Japanese entered Manila on January 2, 1942 the Chinese Consulate officials in Manila went to hide in the Swiss Consulate excepting one man who moved to the Manila Hotel. They remained there for a few days and then returned to their home on January 4. On January 8 they were taken into custody and interned at Villamor Hall in the University of the Philippines for examination.

15,477

They were kept in a room about 6 x 20 metres in size * without any bedding, clothes or food except that brought by their families. At first the treatment was fair and they were allowed to move around under guard and their families were allowed to visit. The Japanese in charge were members of the Kempei Tai with headquarters at Fort Santiago. From January 8 to March 28 they were questioned. On March 15 Dr. Young told the Commander of the MP's that the Chinese in the Philippines had contributed twelve million pesos to Chungking since 1937. He was then told that the Chinese could contribute more than that to the Japanese Army and demanded that they contribute twice that amount within three months. They also demanded that they denounce Chungking and recognize Wang Ching Wei.

15,478

* He was given three days to make a decision but after consultation refused.

On March 28 the group was transferred to Fort Santiago and placed in Cell 14 in a temporary unaired building. They could rarely receive their families and the usual means of conversation with them was through a slit in the cell. They slept on empty rice sacks, wore only their underwear, and could only bathe or exercise once a week. Treatment was very poor and on April 15 Dr. Young complained to the man in charge.

15,479

On April 16 they were informed that they would be moved to Mantinglupa Internment Camp in Rizal. One woman was advised on the 17th that she could visit her husband * the following day. That afternoon she was informed that they had been transferred. Despite this, on the 18th some of the women went to Fort Santiago but were told that their husbands had been transferred to the Army. They said their whereabouts were a secret but they could return in 10 or 12 days for an answer after he had wired the Emperor. After that period had passed she returned but he told her the Emperor had said no. All wearing apparel and personal property was returned to the families except the articles the husbands took.

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- 15,480 Between April 16 and 19 two internees saw 3 or 4 Japanese officers with pistols and sabre line up the Consulate group, tie their hands and march them away. On April 17 a Japanese convoy carrying the Consulate officials entered the Chinese cemetery at Santa Cruz, went to the chapel and turned to the right. They then stopped about 100 yards in an open field. The Consulate group was taken from the truck and made to sit in a circle. After a priest had moved around the circle they were lined up in front of a prepared grave with their hands tied, and blindfolded, and made to kneel. A Japanese soldier with a rifle stood behind each. Each soldier shot his victim and those who did not die instantly were
- 15,481 beheaded. * The bodies were thrown into the grave. The grave was marked with a wooden marker stating "Community Grave". The superintendent of cemeteries entered in his book without knowledge of the Japanese the date of burial and the number of bodies. The record shows 8 bodies were buried in a grave prepared on order of the Japanese. On June 14, 1945 these remains were exhumed in the presence of certain relatives of these men. They were able to
- 15,482 positively * identify the bodies as those of the Consulate officials from their skulls and personal property.
- 15,484 Exhibit 2160, the affidavit of Lieutenant Colonel Pozinzky, stated that on August 2, 1938 he was a captain with the Artillery Regiment at Lake Hasan with the duty of coordinating * with other units of the Red Army to drive out Japanese troops. The Japanese had been driven out of the area south of Lake Hasan but were still holding the lake and Hill Zaozernaya. On that day he found 2 corpses of Soviet Army men and one of a Soviet officer. All were atrociously mutilated. The officer was bayoneted in the face, chest, body and legs, and the bayonet had been driven into his mouth, and cartridges shot into his eyes. The corpses of the men were stabbed with bayonets and the mouth of one was slit to the ears and the head of the other was broken in many places with a heavy instrument. There were 10 bullet holes in the chest.
- 15,485 Exhibit 2161, the affidavit of Major Omelchenko stated * that in 1939 he was a lieutenant in a Rifle Regiment in the area of the Halhin-Gol River. In the course of the fighting a Junior Lieutenant was wounded and taken prisoner. This was on
- 15,486 the night before May 29. * In the morning the deponent found the lieutenant's body. Five stars had been carved out of his back and a large star with sickle and hammer was carved on his chest. Cartridges were driven into his eyes. Skull, wrists and ankles were broken. His sexual organs were cut off. There was

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an anti-tank shell in his stomach, his heels were scorched, finger nails torn off, tongue and ears cut off, and all his body pierced with ramrods.

On June 24, 1939 a Japanese group surrounded a Russian group of 13 men and one officer. All were taken prisoners. When a Battalion drove the Japanese out they found that the 14 men lay cut to pieces in one spot.

15,487 Exhibit 2162, the interrogation of Colonel Kobzev, stated * from July 1939 to October 22, 1939 he was a captain and Chief of Staff of an artillery regiment at the Nomangan River battle area. When he arrived there was fighting and the Russian-Mongolians were trying to clear out the Japanese from the Mongolian People's Republic. I saw atrocities perpetrated on the Soviet soldiers and officers by the Japanese military. * On August 27, 1939 a part of the territory near Peschanaya Hill was freed. When he arrived there he saw a corpse of a Red Army soldier with its nose and ears cut off, pinned to the earth through the chest by the bayonets of 3 Soviet rifles.

15,489 On September 2, 1939 near Zelenaya Hill he found 15 Red Army corpses which were decayed. The legs and arms had been cut off. The limbs of some were not cut off completely. There were traces * of innumerable blows on limbs with some sharp cutting weapon. The skin on some of the chests was almost all cut out. All had a large number of stabs and cuts.

15,490 Exhibit 2163, the affidavit of Nikolai Tomilin, stated that in 1939 he was a major with an artillery group in the area of the Khalhin-Gol River. In September 1939 he was appointed to the committee for exchanging POW's and delivering corpses. * He received about 60 Soviet POW's according to the list of the Japanese. All were extremely exhausted and could hardly stand because of weakness. Their thinness and paleness was striking and they were scratched and bruised. They told many details about brutal treatment and had been subjected to systematic beatings and starved.

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15,491 Exhibit 2164, the affidavit of Amano Isamu stated
* that on August 9, 1945 when war broke out with the Soviet
Union he had summoned the chief of the 5th Intelligence Section
and gave him instructions to arrest Soviet citizens in Hailar
and to murder them. They were also instructed to murder Soviet
scouts who were kept under arrest in the police prison. He
15,492 then left * for the fortified area. His subordinate reported
that the order had been executed and the Soviet citizens in
Hailar considered suspects had been arrested and murdered, as
had the Soviet scouts. The number of people murdered was not
reported to him. However, there were no fewer than 20 scouts
in the prison. When he was arrested he was shown a ditch
where there were 43 bodies buried, so he could say that in
Hailar they murdered about 20 Soviet civilians.

15,493 The order of the Commanding General of the Kwantung
Army required the police to make up a list of Soviet citizens
each year * in the event war broke out with the Soviet. These
people had to be murdered when the war broke out. The order
was to be put into practice by the Police Department. On
August 9, 1945 he took the initiative into his own hands and
gave instructions to murder. There were no concrete charges
against these Soviet people, but in accordance with the order
of the Commanding General of the Kwantung Army they were put
on a list of suspects because they thought that during a war
these persons might carry on espionage and sabotage.

15,495 Exhibit 2165, interrogation of Nicholai Romanov stated
that as medical officer in X Regiment in August 1945 in the town
of Dunnan, on the order of the Deputy Commander of the Regiment,
he went with him to the place of massacre of the Chinese popula-
tion. At the edge of a wood they found 22 corpses * including
two females. One woman was a European. The majority of the
corpses were decayed because the weather had been very hot.
Their hands were tied behind their backs and some were on their
knees with head bent to the ground. There were wounds on the
necks of the corpses. The legs of one female were cut off.
They succeeded in establishing that the people had been mur-
dered by sabering the neck but were not beheaded at once.
A vertebrae was slightly cut and the people had a long and
painful death. Several corpses showed that the people had
been alive for days and had crawled and died from hunger and
loss of blood. As a medical officer he considered the method
of murder to be atrocious.

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15,498 Exhibit 473 was corrected. The important correction showed * that the correct title is Chiefs of War Camps in Malaya and Siam. Under distribution it is to be noted that the Military Affairs Section was to be notified. It also proposed that there was to be a report to the General Staff Headquarters and a reply to be submitted to the Foreign Office. * It stated that the matter concerned the sacrifice of the administration of POW's for operational reasons temporarily and contained no material for refutation against the enemy protests. It also showed that there was to be a composite reply to the Foreign Office when all reports were collected.

15,501 In explanation of Exhibit 475, Exhibit 2166 was admitted into evidence. It stated * that the report is an official document submitted to SCAP on November 27, 1945 and is being presented voluntarily. On receiving protests from Britain and Australia regarding employment of POW's on the railroad they investigated.

15,502 * They submitted to SCAP 2 copies of their investigations.

15,503 Exhibit 2168, a list of Japanese tried by Australian military courts against whom sentences have been confirmed up to April 2, 1945; and Exhibit 2169, a list of Japanese tried * up to May 28, 1946, were received in evidence. * These two documents show that 35 were sentenced to death, 198 to life imprisonment, and 100 found not guilty. The crimes were murder, massacre, rape, cannibalism, mutilation of the dead, torture, and ill treatment.

DIRECT EXAMINATION OF SUZUKI, Tadakatsu
by Mr. Woolworth

15,507 Witness stated he lives in Yokohama and is director in charge of the office relating to matters of Japanese nationals in enemy countries. He held that position in the Ministry of Foreign Affairs from 1942 to 1945. He identified Exhibit 2170 as a copy of a document in the files of the Foreign Office. This document * noted that the Vice Minister of Foreign Affairs on January 13, 1942 wrote to the Vice Ministers of War, Navy and Home Affairs, that the Swiss Minister had sent the United States note with regard to the adherence to provisions of the International Treaty and the Red Cross Treaty on POW's and he was sending a copy to each for his opinion.

15,509 The witness also * identified Exhibit 2171 as an official copy of a document in the files of the Foreign Office.

15,510 This document asked * the Vice Minister of Overseas Affairs on

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January 21, 1942 for his opinion concerning the policy for treating overseas non-combatant internees.

15,511 Exhibit 2172 was identified as an official copy from the files of the Foreign Office * and was a letter from the Vice Minister of Foreign Affairs to the President of the Japan Red Cross Association, transmitting on January 13, 1942 the American note with respect to the Conventions and Treaties.

15,512 The witness identified Exhibit 2173 as a document from
15,513 the Foreign Office. * This document was addressed to the Ministers of War, Navy, Home, Justice, Greater East Asia, and the Chief of POW Information Bureau from the Vice Minister of the Foreign Office, under date of February 12, 1944. He transmitted copies of the American protest, given through the Swiss Minister. With respect to counter measures to meet the protest, he desired to confer with all of them later and asked for an interim investigation on particulars concerned with the bureau of each.

15,515 The witness also identified Exhibit 2174 as a document of the Foreign Office. This document from the witness was addressed to the Military Affairs Bureau of the War Ministry, the POW Information Bureau, and a copy to the Chief of the Naval Affairs Bureau on April 25, 1945. * It stated that they had a protest to the Swiss from the United States with respect to the treatment of POW's in the Philippines. He asked for an investigation and detailed reports and opinion as to how to reply to the protest.

15,516 The witness stated that he had attempted to find documents IOC, D, E, F, G, H, I, J, K, L, N, P, T, U, and X, but despite his best efforts to find them the search was unsuccessful. The letters of transmittal were not found.

CROSS-EXAMINATION by Mr. Logan

15,517 The witness stated he was not in the Foreign Office in January 1942. * Together with the letter of transmittal, Exhibit 2170, there was a copy in translation of the protest delivered from the Swiss Legation. After his office was established he read the documents which were handled previously. His understanding was that the POW Information Bureau was established shortly after the outbreak of the war, but he can not tell whether it was established prior to the time Exhibits 2170-72 were sent.

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15,518 When he was in office his letters were not necessarily
addressed to the Chief of the POW Information Bureau only. He
15,519 stated that he presumed that the POW Information Bureau was es-
tablished before the letters were sent. * With respect to the
handling of official documents transmitted by the Swiss at that
time he would have to say that there was no arrangement or routine
established. The words in Exhibit 2173 that he wished "to confer
with you later" referred to the Chief of the POW Information
Bureau. The notation on the bottom that the letter was addressed
to the various ministers did not mean that copies went to the
various offices. What it does mean is this - that when the pro-
test was sent out, the same protest was also transmitted in the
name of the Foreign Minister, himself, separately to the War, Navy,
Home, Justice and Greater East Asiatic Affairs Ministers, and
15,520 this particular document * was sent to the Chief of the POW
Information Bureau in the name of the Vice Minister for Foreign
Affairs. To these various departments separate and individual
letters of the same text were sent. Simultaneously, as the letter
was sent to the War Minister in the Foreign Office, it was also
sent to the Chief of the POW Information Bureau.

15,521 In all official communications the names of addressees
are indicated in a similar manner, and those names appear on all
copies sent out. This did not mean that the letter was addressed
primarily to and primarily for the attention of the Chief of the
POW Information Bureau. It happened that only * the copy of the
letter sent to the Chief of the POW Information Bureau was found
in the Foreign Office and the others were not found. The letter
sent to the War, Navy, Home Ministers, etc. did not have the words
Chief of the POW Information Bureau written on the top. Each letter
had a different salutation. The name at the top would say - War
Minister, or Home Minister, or to whomever it was sent. The cover-
ing itself was a very simple thing, while the text of the protest
was rather large and bulky and contained many items and the subjects
15,522 inquired into * are investigated by the various agencies concerned.
The Foreign Office had to assemble the reports and information and
coordinate them and the basis of the results of the Foreign Office
grew out of consultation with the departments concerned.

In the letter particularly addressed to the Chief of the
POW Information Bureau, the "you" referred to that Chief. In the
letters sent to the other Ministers, the "you" in the letter would
be addressed respectively to the addressees. According to the
letter he wished to confer with each and everyone of these people.

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15,524 In the letter of April 25, 1945 the same text was sent simultaneously, independently, and separately to the Chief of the Military Affairs Bureau and the Chief of the POW Information Bureau, and the copy of the letter sent to these two was sent to the Chief of Naval Affairs Bureau. * A copy of the enclosure went to the Chief of the Military Affairs Bureau and to the Chief of the POW Information Bureau, and a copy of the covering note was sent to the Chief of the Naval Affairs Bureau, together with a copy of the protest in translation.

15,526 Exhibits 2170-74, as certified to by the Chief of the Archives of the Foreign Office, were the only documents to be found. * With respect to documents 10N and 10S he had seen these documents. He would like to say what he had said before in different words. In his affidavit he said in case letters were sent to the War Minister, the Vice Minister, Chief of Military Affairs Bureau and Chief of POW Information Bureau, copies were also sent to other agencies of the War Office concerned. With respect to documents 10N and the remainder, the arrangement was established at the time that instead of having copies * addressed to these four people sent to the other agencies of the War Ministry, the arrangement came into being wherein the text of the same letter or a letter of identical text was sent separately to all of the agencies, even though they were related to the War Ministry. On the basis of regulations governing the handling of POW business the matter was in charge of the POW Information Bureau, but at the request of the War Office this new arrangement was established.

15,527 With respect to Exhibits 1477-1487 inclusive, he did not have copies of the ones in question and he could not speak, but on the basis of memory and experience in handling the documents he could say that the arrangement was carried out. He thinks it could be said that with respect to all documents addressed to the POW Information Bureau they were also at the same time sent to the Chief of the Military Affairs Bureau and/or to the Vice Minister of War and in some cases to the War Minister.

15,528 With respect to the documents other than the two mentioned, he could not speak concretely. However * these documents were channeled through the two routes he spoke of. These documents were always addressed to the Chief of the POW Information

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Bureau, but whether it also went to the Chief of the Military Affairs Bureau, the Vice Minister of War, or the War Minister he could not say, but it went to one of the three.

CROSS-EXAMINATION by Mr. Blakeney

15,529 The witness stated that it was his practice to dispose of matters as speedily as possible and that they made every effort to do so. * The Foreign Ministry officials from time to time made oral recommendations to the other authorities and from time to time they requested the War Ministry officials to hasten replies and even to make re-investigations in cases where replies had been received.

15,530 Prior to the institution of his bureau the Treaty Bureau of the Foreign Office was concerned with these matters. The Treaty Bureau handled the business for one year after the outbreak of war. * When his office was established they followed the same arrangements and routines. Aside from transmitting and referring the letters, the Foreign Office had no other authority in the matter. Replies were always formulated on the basis of information furnished from the War Ministry and the Foreign Ministry had no other means available of obtaining information except from the War Ministry.

15,531 * When replies were prepared they were always forwarded immediately upon receipt of information. The primary and official function of his office was to look after the interests of Japanese nationals in enemy countries, especially those interned. * In view of the

15,532 fact that the question of Japanese interned in enemy countries and POW internments in Japan were related, he strongly desired to seek improvement of the conditions of prisoners of war. They gave every possible effort toward that end.

REDIRECT EXAMINATION by Mr. Woolworth

The only search he made in connection with documents was for the ones referred to in his affidavit.

Exhibit 2174, a new photostatic map of the frontier between the USSR and China attached to the Hunchun Agreement of 1886 was introduced and received in evidence as supplemental to Exhibit 753.