

COPY

HEADQUARTERS EIGHTH ARMY  
United States Army  
Office of the Staff Judge Advocate

Yokohama, Japan  
5 September 1946  
Case No 23

UNITED STATES OF AMERICA VS UICHI IKEGAMI

Review of the Staff Judge Advocate

1. The attached record of trial of Uichi Ikegami at Yokohama, Japan, from 2 May 1946 to 4 May 1946, by a Military Commission appointed by paragraph 1, Special Orders No. 112, this headquarters, 30 April 1946, as amended by paragraph 9, Special Orders No. 113, this headquarters, 1 May 1946, having been referred to the Staff Judge Advocate, this review thereof is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Uichi Ikegami  
AGE: Twenty-seven (Japanese computation).  
RESIDENCE: City of Kamamoto, Kamamoto Prefecture.  
MARITAL STATUS: Married  
RELATIVES: Wife, infant son, widowed mother.  
EDUCATION: Graduate of Middle School.  
VOCATION: Employee of firm engaged in distribution of marine food products.  
MILITARY SERVICE: Inducted 23 March 1941, later commissioned; highest rank, 1st Lieutenant.

2. Synopsis of the Record and the Opinions:

<u>Charges and Specifications</u>	<u>Pleas</u>	<u>Findings</u>	<u>Legally Sustained</u>
Charge: Between 15 October 1943 and 15 April 1944 did unlawfully commit cruel and brutal atrocities and other offenses against Allied PWs; unlawfully disregard and fail to discharge his duty as CO to control and restrain members of his command, ordering or permitting commission of cruel and brutal atrocities and other offenses against Allied PWs, all in violation of the Laws and Customs of War.	Not Guilty	Guilty	Yes
Sp 1: In December 1943 and January 1944 unlawfully mistreat, torture and kill Elbert Knox, an Allied PW, by brutally beating him, and causing him to be beaten, and by confining him in the guardhouse without sufficient food, water, or clothing for an unreasonable period of time, to wit, about 15 December 1943 to 15 January 1944, thereby causing his death.	Not Guilty	Guilty	In part
Sp 2: In October or November, 1943, willfully and unlawfully mistreat and torture Albert Vasquez, Art Mead, and other Allied PWs by severely and brutally beating them with a club.	Not Guilty	Guilty	Yes

Sp 3: From 15 October 1943 to 15 April 1944, at diverse times, willfully and unlawfully abuse, mistreat, and torture numerous Allied PWs by brutally and severely striking them with clubs, sticks and other instruments.

Not Guilty No  
Guilty

Sp 4: From 15 October 1943 to 15 April 1944, willfully and unlawfully disregard and fail to discharge his duty as CO to restrain and control members of his command by ordering or permitting them to commit atrocities against Allied PWs by unlawfully abusing, mistreating and torturing numerous Allied PWs by brutally and severely striking them with clubs, sticks, and other instruments.

Not Guilty Yes  
Guilty

### 3. Prosecution Evidence.

In support of its case the prosecution introduced in evidence twenty sworn statements of men who had been prisoners of war in a camp over which accused was camp Commander during part of their confinement. All affiants explained that they were civilians working on Wake Island at the time of its capture on 23 December 1941, they were confined there several months, then taken to Japan and interned in PW Camp #18 at Sasebo which was under navy jurisdiction. They had insufficient food, clothing, and facilities, and were frequently beaten. The army assumed jurisdiction of this camp some months later and around 13 October 1943 the accused became camp commander (P. Ex. 4). Under his command the same conditions prevailed in general (p Ex. 17).

Specifically, the affiants complain that the accused ordered mass punishment by beatings for offenses committed by identified individual prisoners (P. Ex. 3, 11, 12, 15, 16, 17, 18, 19, and 21). In these accused took an active part himself (P. Ex. 12, 17, 19, and 20). On 27 November 1943 one of the prisoners, George Dillen, had a fight with his Japanese foreman and hit the latter with a shovel, severing an ear. For this all PWs were lined up and beaten with pick handles, clubs, and baseball bats for about an hour (P. Ex. 3, 15, and 21). In October 1943 because another prisoner, Curley Howe, made a cigarette-lighter contrary to regulations against fire hazards, accused ordered the guards to beat all PWs, giving each man ten blows. The guards carried out this order and, if a prisoner faltered, he was given still more blows, the affiant himself having received about eighteen (P. Ex. 16). According to one affidavit, clubs, sticks, bats, and pick handles were also used on this occasion (P. Ex. 18). In his mass beating, accused personally assisted and beat affiant Vasquez and Mead, a fellow prisoner, so severely that the former was not able to stand for forty minutes and the latter could not work the next day (p. Ex. 19).

Affiant Thompson claims that on 15 December 1943 accused ordered the guards to beat and imprison Elbert Knox who had cut up an issued blanket to make himself some socks. The two guards thereupon beat Knox for two hours, until he bled profusely, and placed him in a small solitary confinement cell. Thompson also says that from 16 to 20 December he heard Knox's screams coming from the stockade each evening after accused and the Guards entered it (P. Ex. 2). Concerning the same incident, affiant Scott states that early in January

he was confined in a cell adjoining that in which Knox had been placed. As there were spaces between the boards in the wall, he could see and talk with Knox to some extent. Knox had as clothing only trousers made of a material like gunny sacks, a shirt, and the top portion of an oil-slicker raincoat. It was cold and there was not heat in these cells; the prisoners received two blankets during the night only. Food consisted of two salted rice balls (about as large as baseballs) and a little water each day. Knox complained he was getting weaker, often cried, and called out for water. This affiant told the guards that Knox was getting weak but they took no action. According to Scott, Knox was a tall man weighing 160-180 pounds before capture. When confined he weighed around 120-130 pounds. Scott also states that Knox had been beaten by accused's guards prior to being confined. On the fourth night of this affiant's confinement, Knox was too weak to exercise or even wrap up in the blankets when they were brought to him at nightfall. The next morning, which was about 15 January 1944, Knox was found to have died during the night (P. Ex. 5).

Another affiant, Samuel P. Swift, states he had attended the investigation of Knox's offense. He says that accused asked Knox what would happen were he to confine him for thirty days. The latter replied that he would die, whereupon accused responded, "If you die, OK." (P. Ex. 9). According to one affiant's version of the hearing, accused is said to have told Knox when he confined him that he was to be kept in the prison until dead (P. Ex. 27). Still another affiant states that the order of accused was to beat and imprison Knox indefinitely (P. Ex. 2). Several of the prisoners of war assisted in the removal of Knox's body from the cell and its burial. They state that the body was terribly emaciated, weighed only about 80 pounds, as it could be lifted with one hand (P. Ex. 10), was unclean, and was covered with bruises (P. Ex. 22).

Prosecution introduced certified copies of the prison punishment record and the death certificate of Knox. The former recorded that he had been put into solitary confinement on 7 January 1944 because of his refusal to work; the latter attributed his death on 15 January 1944 to heart failure. It was shown that the certificate, though signed by a medical officer, had been made out by an enlisted medical orderly who was the only person who examined the body for cause of death, and who had no professional training himself (P. 51). This orderly was called as a witness and testified that, from examining the body, he could find no evident cause of death and for this reason he entered "heart Failure" as that cause in his opinion (R. 71). On the other hand, that the death of Knox occurred as a result of a combination of malnutrition, beatings, and exposure to cold weather with insufficient clothing and bedding, in their opinion, was attested to by the affidavits of a total of fifteen of the prisoners of war (P. Ex. 3, 4, 8, 9, 10, 11, 12, 13, 14, 16, 17, and 22).

#### 4. Defense evidence.

The accused, Uichi Ikegami, testified under oath in his own defense (R. 52-59). Regarding the confinement and death of Knox, he stated that he investigated and held a hearing on the matter of Knox having cut up an issued blanket. Knox admitted he had done so. As this was a violation of regulations, he ordered Knox to be put in solitary confinement for five days (R. 54). He ordered no beating of Knox nor was he latter beaten to his knowledge. The hearing was held in the presence of an interpreter, two guards, and the prisoner of war representative, one Joe Treuy (R. 55). This occurred on the evening of 11 January 1944. That night accused departed under orders on a trip to Fukuoka to attend a meeting of camp commanders. While there, several days later, he received a telegram informing him of Knox's death. He had neither seen nor heard of Knox from the time he sentenced him until informed of his death. He had issued no special orders regarding a limiting of food, clothing, and bedding for Knox. Because it was cold at the time, he had allowed him to retain his usual long underwear, undershirt, shirt, army uniform, and personal blankets in addition to those supplied prisoners placed in solitary confinement (R. 56). On his return to camp he conducted an investigation of the



death, could find no reason for it arising from any illness or mistreatment and concluded it was an act of God (R. 57).

As for his administration of the camp, he testified that conditions there had been bad, medical care lacking, and mistreatment of prisoners common while naval personnel were in charge of the camp. When he took over he did his best to improve conditions in general and had considerable success therein. As a result, far fewer prisoners had to be put on the sick-list and very few deaths occurred during his tenure whereas scores of prisoners had died under the previous navy jurisdiction.

Regarding mass beating, the accused testified this occurred only once and under the following circumstances: The prisoners were working for the navy. It was there that the Dillon incident and several others like it occurred. As a result the navy personnel criticized the army and especially the accused for being lax in disciplining the prisoners and threatened to take matters in their own hands unless mass corrective punishment would be meted out. The prisoners themselves feared this would happen and, because of their past brutal treatment by the navy, the prisoners' representative conferred with accused to plan a way to prevent such outcome. It was finally determined to line up all healthy prisoners, reprimand them for the general lack of respect and obedience being shown, and then have each man in the line-up slapped by members of the camp personnel. Civilian employees and guards of the navy were invited to be present to witness this so that they could report to their navy superiors and thus the complainants would be placated. This was completely explained to the prisoners before it took place and was done to save them from the wrath of the navy (R. 60, 61). It was the only mass punishment ever administered by accused and at no time did he ever order the beating of prisoners by guards or beat them individually himself (R. 61).

Accused testified at great length regarding his general relationship with the prisoners in his charge, recounted specific incidents tending to show that he was on friendliest terms with the internees, and cited examples to demonstrate the latter's appreciation of his efforts in their behalf. Chief among these was the fact that he allowed them to have a holiday on Christmas Day, sent out a detail the previous afternoon to obtain Christmas Trees for the recreation hall, supplied decorations, enabled them to hold Christmas Ceremonies in the morning, conducted athletic events that afternoon, and provided extra camp and Red Cross food and supplies for a large Christmas Dinner that night followed by a party. On this occasion the prisoners presented him with testimonial letter expressing their gratitude for his conduct of the camp and also gave him a gift of a combination cigarette case and lighter with his name engraved on the case and with an inscription engraved inside reading, "presented to Mr. Ikegami, Camp Commander Fukuoka Prison Camp No. 18 Merry Christmas from American Prisoners of War, December 25th, 1943." (R. 62-65, D. Ex. A).

The remainder of defense testimony included witnesses and records attesting to the facts that the period of confinement to which the deceased Knox was sentenced was normal for his offense and was of five days duration only, that the latter's death occurred about four days after his confinement by accused, that the confinement was the result of a fair hearing and investigation, that accused never beat or ordered the beating of Knox or other prisoners, and, lastly, that Knox died at a time when accused was away from the camp on official business (R. 69-84).

##### 5. Errors and Irregularities

There are no errors or irregularities which injuriously effect the substantial rights of the accused. The defense moved to strike specifications 2 of the Charge for multiplicity, in view of Specification 3, and Specification 4 for vagueness (R 13). Prosecution conceded that the allegations of Specification 2 were included in Specification 3 and indicated it would not oppose this part of the motion of defense. Prosecution argued that Specification 4, an omnibus clause, was pleaded as definitely as possible under the circumstances and that it protected the accused by putting him on notice that he was to be tried for all offenses that occurred between 15 October 1943 and 15 April 1944. The court

ascertained that all prosecution evidence had been furnished to defense several weeks before trial, including any in support of the omnibus specification, and thereupon denied the motion in its entirety. That there is multiplicity between Specifications 2 and 3 is obvious. One of these, preferably number 3, should have been stricken. The error of proceeding with the trial on both specifications, however, is not necessarily fatal. The defect, if any, did not prejudice the accused and will be abated in view of the fact that the finding of guilty of Specification 3 is without evidence to support it, other than evidence in support of Specification 2, and should be disapproved by the reviewing authority as will be further advised in Section 6 of this review.

Defense objected to the admission in evidence of telegraphic communications exchanged between the Japanese and American Governments relative to the former's agreement to abide by the Geneva Red Cross and Prisoner of War Conventions (R. 15). The commission properly overruled this objection. It is true that no showing was made of prior authorization by the Japanese Government of the diplomatic messages involved. Under the exigencies of war, however, a nation may properly be held bound by the acts of those with apparent authority to act in its name. Especially is this true where regularly established channels of communications, as here through the offices of a neutral nation, are employed, and unquestionably so when the government concerned has never itself denied the authenticity of the communications whereby its adherence to those particular treaties was announced to the other belligerents. The form of the agreement is of no import (Briggs, *The Law of Nations*, 406-411), and the duty of any nation to make known to its citizens its and their duties under international obligations is universally recognized (Publications of the Permanent Court of International Justice, Series B, No. 10 at P. 20; Briggs, *Op cit.*, *SUPRA*, 20, 53-54, 432-434; I Oppenheim, *International Law*, 4th Ed. 1928 McNair), 17 *et seq.*).

The admission into evidence of affidavits by former prisoners of war who were interned in the camp during accused's time as its commander were objected to by defense, such evidence is expressly admissible under paragraph 5 d (1) (c) SCAP Regulations Governing the Trials of Accused War Criminals, 5 December 1945. This portion of the SCAP Regulations is legal and conforms with established practice in trials by Military Commissions. *Vide*; Application of Yamashita, 66 S. Ct. 340; *Ex Parte* Quirin, 317 U. S. 1, 63 S. Ct. 2; Fairman. The Law of Martial Rule 276-277.

## 6. Opinions:

As to Specification 1 of the Charge: evidence shows that the deceased, Elbert Knox, had been a prisoner of war on Wake Island for several months and in a camp in Japan for considerable time prior to the accused's assumption of command over the latter installation. During that time he suffered hardships including lack of food, facilities, and clothing and suffered cruel tortures along with other prisoners many of whom died as a result. Deceased also lost weight extensively and became ill, weakened, and emaciated. He and other prisoners were in this condition when accused became commander of their camp. Thereafter he violated regulations by cutting up an issued blanket and accused, after investigation and hearing, sentenced him to a disputed period of solitary confinement. While under this punishment he died but his death occurred at a time when accused was away from the camp, having left under orders on official business. All the unfortunate experiences, hardships, exposure, insufficient food, and long confinement were undoubtedly contributing factors to his illness and death.

Accused's action in confining a prisoner in the condition of the deceased is indefensible. There is also some evidence that accused administered and ordered corporal punishment of the prisoner in the form of beatings, though he vigorously denied this on the stand. The commission was justified, in judiciously considering the evidence against him, to refuse to be convinced by accused's denial. All the evidence against accused, however, shows only that the conduct of accused was one of many contributing factors which occurred prior to the death. The finding of guilty of Specification 1 as charged is too broad to be considered as adequately supported by the evidence. The offense charged

is illegal homicide amounting either to murder or manslaughter. The proof established neither the malice aforethought required in murder nor the commission of an unlawful act resulting in death as required in manslaughter. The absence of accused at the time of the death and for several days prior thereto is a most important element to be considered in determining his guilt. Had he been present and known (or had the responsibility of knowing) of the failing health of the deceased he might have taken proper measures to remove the latter to a hospital and his life may have been saved. That this was not done in accused's absence is dereliction on the part of either the guards, the acting camp commander, or someone other than accused for which he cannot be held responsible.

Of having beaten prisoner Knox, of having confined him without sufficient food, water, or clothing, considering his state of health, and of having thereby contributed to his death there is ample evidence against the accused. Of having killed the prisoner himself or of having directly caused his death, however, there is no evidence against him. Only so much of the finding as supports the former should be approved.

As to Specification 2. there is ample evidence that accused is guilty of having beaten prisoners Vasquez, Mead, and unnamed others. His conviction thereof should be approved.

Specification 3. an omnibus specification, alleges severe striking of numerous unnamed prisoners between 15 October 1943 and 15 April 1944. Of this allegation there was no independent proof whatsoever. All affidavits refer to mass beatings apparently in connection with incidents that occurred during the months of October and November 1943, the period covered by Specification 2. Were this finding of guilty sustained accused would be found guilty twice on evidence of only one offense. Accordingly this finding should be disapproved.

Evidence as to Specification 4. while not abundant, is sufficient, several affidavits stated that abuse of prisoners by men under accused's command, during the period specified, did occur. The commission was justified in finding accused guilty as charged upon this evidence.

The Specifications in so far as supported by evidence are, in turn, sufficient to support the charge. Accused was granted a fair trial in every respect. He availed himself of his opportunity to summon witnesses in his behalf, took the stand himself, and also made an oral statement before the commission. He was ably defended both by American military counsel appointed for his defense and also by Japanese counsel of his own choice. There is no evidence that the accused was not sane at the time the alleged offenses were committed and at the time of trial.

#### 7. Punishment:

The commission sentenced the accused to be hanged by the neck until dead.

#### 8. Recommendations:

Even though the record does not support the allegation of unlawful homicide, it does support findings that accused contributed to the death of a prisoner of war by ordering his confinement over an unreasonable period of time and in circumstances which, in view of the prisoner's state of health, were obviously dangerous to his well-being. It also supports findings that accused punished this prisoner and many others by ordering and permitting mass beatings. Such conduct embraces serious violations of the Laws of Nations and for it he should be severely punished. For any violations of the Laws of War the death sentence is permissible. The only determination to be made is whether or not a lesser form of punishment should be given accused because of extenuating circumstances.



There is abundant evidence that accused took command of the prisoner of war camp at a time when many of the prisoners had already died, others were sick and dying, and even the strong had undergone months of privations and cruel tortures. That accused took positive measures to improve conditions is unquestioned in view of the facts that very few deaths occurred after he became camp commander, that the prosecution introduced no evidence of atrocities in the latter period of his tenure, that he requested larger amounts of food for the prisoners, and that he was severely criticized by the naval authorities, by the Kempei Tai, and by his own superiors for treating the prisoners too well. It is apparent that accused had friendly relations with the prisoners and had obtained their good will within the short period of two months after his arrival. Only thus can the holding of Christmas Ceremonies, a Christmas Dinner and party, the cheering of accused by the prisoners, and their extraordinary display of regard for him by the presentation to him of the testimonial letter and the engraved cigarette case be understood. The suspicion that these may have been something in the nature of a bribe or merely the unauthorized act of the prisoner of war representative cannot be entertained, in fairness to the accused, since there was no evidence thereof whatsoever. In the absence of witnesses to explain them away, such marks of regard speak for themselves and, like affidavits, may be considered for what worth they ordinarily have, in the opinion of a reasonable man.

Numerous petitions for clemency, character references, and a brief on appeal have been submitted and have been carefully read and considered. These consist of a petition and brief by the accused through his counsel; a petition for executive clemency signed by Jukichi Akiyoshi and 14 other close neighbors of the accused; one by Miki Kawabe and 128 women of his home town, two by the Kumamoto Physical Education Association and the Kumamoto Swimming Association, organizations which he served as instructor and champion contestant; one by the president of Town Association #3 bearing 217 signatures of members; one by Yasushi Yoshida, a member of the Imperial Diet with 120 signatures; one by Itachi Miyoshi and 25 other residents of Kumamoto; one by the president of the Kumamoto Women's Club, Tsuna Nishimoto, with signatures of 74 members; a testimonial by Hiroyoshi Hashimoto, principal of Kumamoto Prefectural Commercial School, signed by the full faculty; another by Yasuji Kanosaku, Chief Director, Kumamoto Association for Receipt and Distribution of Marine Products; and lastly a plea by Kumura Okura, former private, Imperial Japanese Army, stationed at the prison camp, who manifests evidence of the improvements in food, sanitation, clothing, and hospitalization brought about through the efforts of the accused. All these attest to accused's excellent reputation for honesty in private and business life, his sense of fairness, his prowess as one of Japan's foremost athletes especially in aquatic sports, and his devotion as a dutiful son, husband, and father. Many of them are voluntary statements by people of unquestioned integrity whose opinions should be highly regarded.

Considering the portion of the findings of guilty to be approved, the circumstances under which accused's crimes were committed, the fact that no severe or permanent injuries resulted from the beatings alleged, the substantial improvement in prison conditions accomplished by the accused, the many American lives possible saved thereby, and the previous character and reputation of the accused, it is strongly urged that the sentence to death by hanging be commuted to confinement at hard labor for a period of twenty-five years. Such penalty is both adequate punishment for offenses involved and sufficient to deter others from similar acts contrary to the Laws of War. Clemency is justified, likewise, from the otherwise good record of the accused.

9. Actions: A form of action to carry these recommendations into effect is attached hereto.

I Concur:

/s/ Edward A. Doering  
EDWARD A. DOERING  
Reviewer  
Judge Advocate Section

ALLAN R. BROWNE  
Lt. Col., JAGD  
Staff Judge Advocate

I concur that the findings of guilty of specifications 2 and 4 and the Charge were justified. Specification 3 was a duplication of Specification 2 and the findings of guilty of Specification 3 should be disapproved. The evidence effectively established that the accused was guilty of actions which directly contributed to cause the death of Elbert Knox. To this extent only, the finding of guilty of Specification 1 should be approved.

I do not concur that clemency should be extended, but am impelled to recommend approval of the sentence. As camp commander, Ikegami sentenced Knox to confinement in the guardhouse for the trivial offense of cutting a piece from a camp blanket for use as socks. Doubtless he had authority to adjudge a limited confinement period for such a dereliction. The commander accompanied his sentence by a beating personally administered and by words to the effect that Knox could stay in confinement until he died. Thus personal malice was established. Following the example set by their leader, the Japanese camp personnel under his control continued the treatment of sadistic beatings of the helpless and defenseless victim. This was supplemented by refinements of torture consisting of consigning Knox to a solitary cell with scanty clothing in cold midwinter weather, doling out portions of heavily salted rice-balls with inadequate drinking liquid to compensate. In answer to the resultant pitiful means for water, these creatures of the accused would descend upon the hapless human, and his ensuing screams and cries would bear articulate witness to the beatings with which these men answered the pleas of a person dying from thirst, hunger, and exposure. In a few days his weight had dropped to a bare eighty pounds and he was dragged lifeless from the prison to his grave.

It will not do for the accused then to say, "I did not know, I was away for several days, this happened behind my back." By precept and example he had demonstrated his desires to his underlings. When they, under the control of their instructor and commander, faithfully accomplish what he has by word and deed clearly indicated he desires, can he escape responsibility by making a temporary exit from the stage? If while he had been absent overnight, for example, the beating he had initiated, and the exposed confinement to which he had ordered a prisoner, were continued by his minions till death resulted, could he have avoided the penalties of law by pleading Non acciderit? The difference between a night's absence and several days' is one of only slight degree. The important fact, the persuasive circumstance, is that he laid down the procedure by example and indicated his desires by word of mouth to his willing subordinate at the time of sentence.

The many requests for clemency upon the grounds of hardship to the accused's family, loss to Japan of a swimming champion, and other bases, have been fully and soberly considered. Every offender against the law has good relatives somewhere who suffer for his misdeeds. This is a sad feature of law enforcement for which there unfortunately is no remedy. Were this to be an effective argument for clemency, no person would be punished, none deterred from crime. Nor are the relatives of the prisoner whose slow and agonized death resulted from the accused's actions to be ignored.

All things considered, the evidence compels a recommendation of approval of so much of the finding of guilty of Specification 1 as includes finding that the accused unlawfully mistreated and tortured Elbert Knox, an allied prisoner of war, by brutally beating him and causing him to be beaten, and by confining him in the guard house without sufficient food, water, or clothing for an unreasonable time, to-wit, from about 15 December 1943 to about 15 January 1944, thereby contributing to his death on or about the latter date. The sentence should be approved. The record and accompanying papers should be forwarded to the Supreme Commander for the Allied Powers for confirmation. Proposed action to effectuate this recommendation is attached.

/s/ ALLAN R. BROWNE  
ALLAN R. BROWNE  
Lt. Colonel, JAGD  
Army Judge Advocate



HEADQUARTERS EIGHTH ARMY  
United States Army  
APO 343

29 September 1946  
Yokohama, Japan

In the foregoing case of Uichi Ikegami the finding of guilty of Specification 3 of the Charge is disapproved. Only so much of the finding of guilty of Specification 1 as includes finding that the accused unlawfully mistreated and tortured Elbert Knox, an allied prisoner of war, by brutally beating him and causing him to be beaten, and by confining him in the guard house without sufficient food, water, or clothing for an unreasonable time, to-wit, from about 15 December 1943 to about 15 January 1944, thereby contributing to his death on or about the latter date, is approved. The sentence, in view of the brutality and malice displayed by the criminal acts of the accused against a helpless prisoner which preclude extension of clemency, is approved. Pursuant to paragraph 5 (h), regulations governing the Trials of Accused War Criminals, General Headquarters, Supreme Commander for the Allied Powers, dated 5 December 1945, the order directing the execution of the sentence is withheld pending the action of the Supreme Commander for the Allied Powers.

/s/ R. L. Eichelberger  
R. L. EICHELBERGER  
Lieutenant General, U. S. Army  
Commanding

A TRUE COPY

/s/ Frank A. Ecker  
FRANK A. ECKER  
W/O USA