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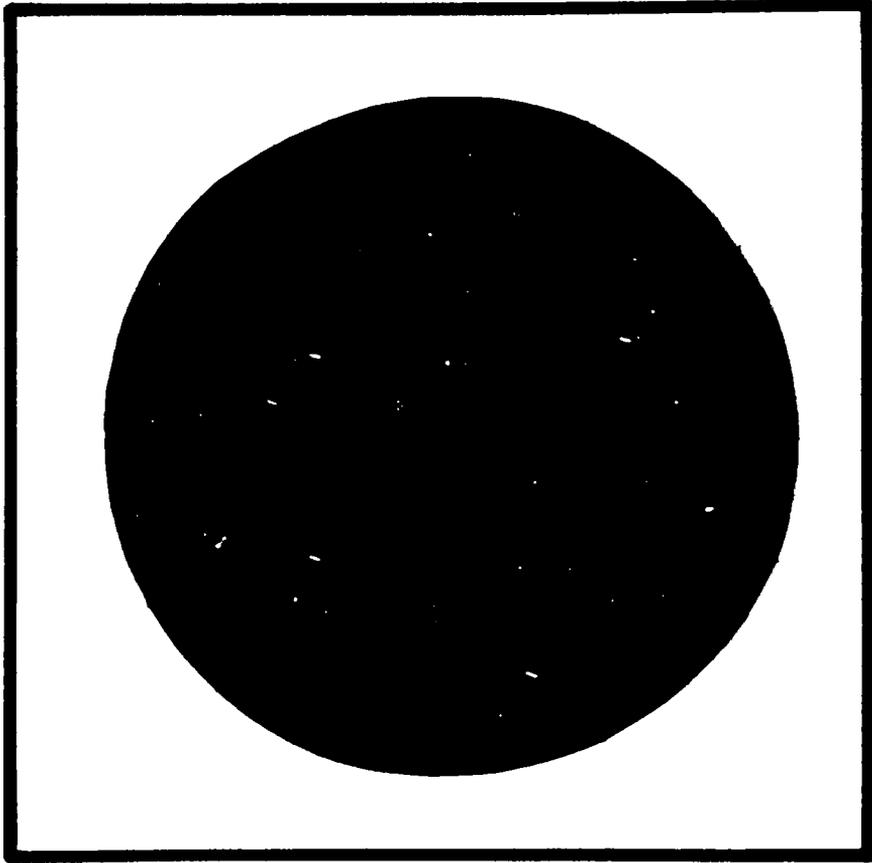
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PAG - 3

**index
of
contents**



INDEXING DATA

PERIOD	United Nations War Crimes Commission (UNWCC) Member Governments, other National Authorities and Military Tribunals PAG - 3/2.3.1. boxes 328 - 331
6 Dec.1946- 7 Jan.1946	<p data-bbox="590 811 1341 901">Transcripts of Proceedings and Documents of the International Military Tribunal For the Far East((Tokyo Trials): Transcript</p> <p data-bbox="647 914 1313 978">Tables of contents generally preceded the transcript for each day</p> <p data-bbox="637 1017 862 1094"><u>Page Nos. :</u> 12,124 -14,550</p> <p data-bbox="759 1442 1003 1481"><u>End of Reel 123</u></p>

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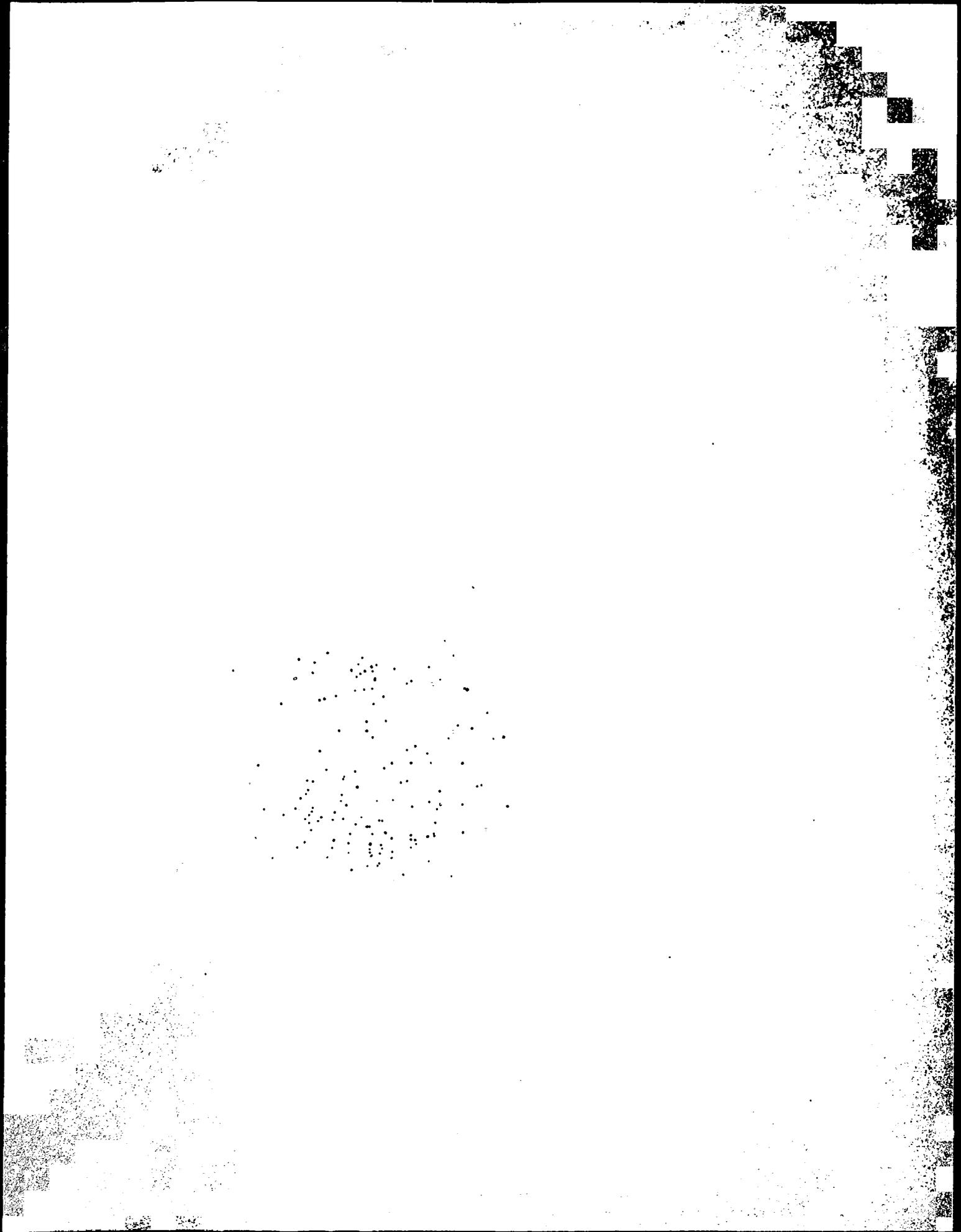
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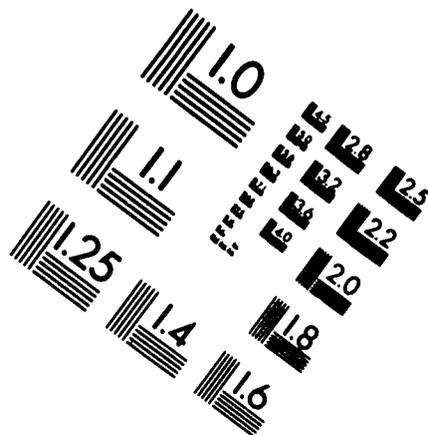
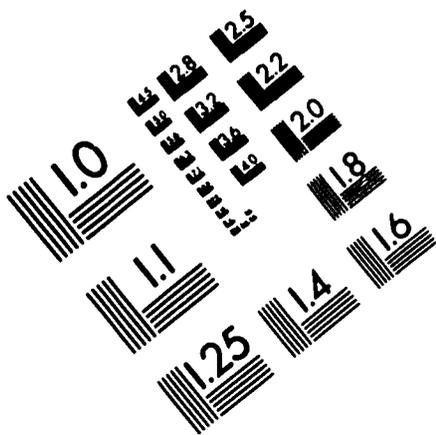
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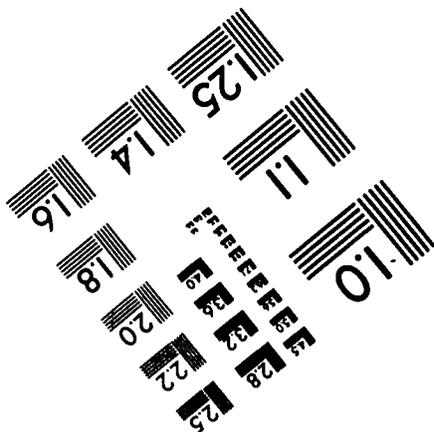
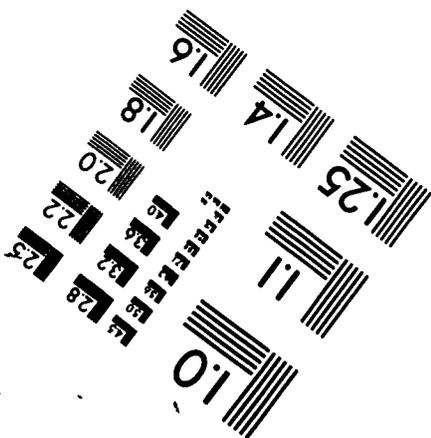
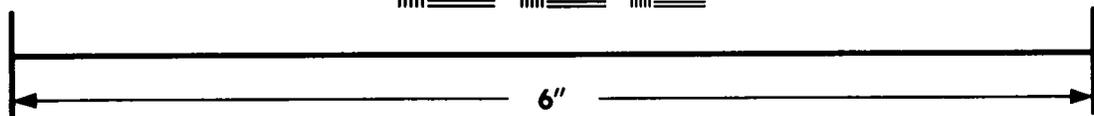
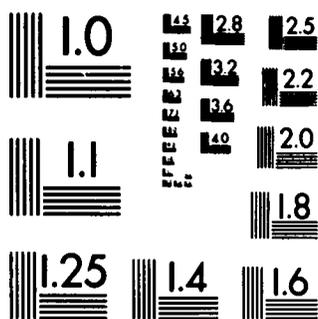
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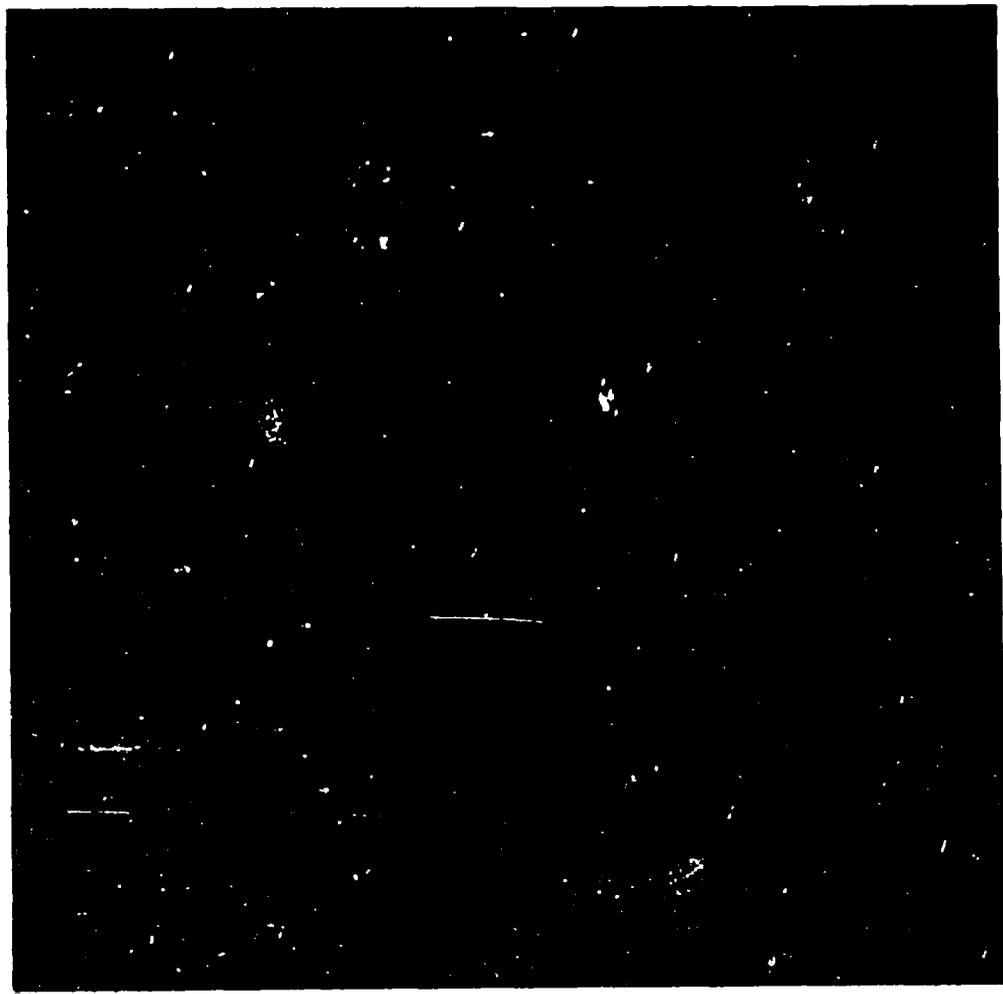




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6 DEC

6 DECEMBER 1946

I N D E X

Of

WITNESSES

Prosecution's Witnesses

Page

de Weerd, Klaas A., Major, Artillery, Royal Netherlands Indies Army	12125
Direct by Mr. Hyde	12125
Cross by Mr. Logan	12245

I N D E X

Of

EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2750	1351		A Sworn Statement by Klaas A. de Weerd, Major, Artillery, Royal Netherlands Indies Army		12129
2756	1352		Notification Regarding Measures Ensuing from the Proclamation of Admission of the Independ- ence of the East Indies, dated September, 1944		12215
2757	1353		Basic Outline of Propaganda and Enlightenment Attendant on the Proclamation re Recognition of the Independ- ence of the East Indies, dated 7 September 1944 /SHOWA 19/		12221

1
2 Friday, 6 December, 1946

3 - - -

4
5 INTERNATIONAL MILITARY TRIBUNAL
6 FOR THE FAR EAST
7 Court House of the Tribunal
8 War Ministry Building
9 Tokyo, Japan

10 The Tribunal met, pursuant to adjournment,
11 at 0930.

12 - - -

13 Appearances:

14 For the Tribunal, same as before.

15 For the Prosecution Section, same as before.

16 For the Defense Section, same as before.

17 The Accused:

18 All present except OKAWA, Shumei, who is
19 represented by his counsel.

20 - - -

21 (English to Japanese and Japanese
22 to English interpretation was made by the
23 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Hyde.

4 MR. HYDE: Mr. President and Members of the
5 Tribunal, I wish to call Klaas A. de Weerd to the
6 witness box.

7 MARSHAL OF THE COURT: Mr. President, if it
8 please the Tribunal, preparatory to swearing the wit-
9 ness I wish to announce that First Lieutenant J. T.
10 Cromer and Captain G. J. Jongejans have been sworn as
11 Dutch language interpreters.
12

13 - - -

14 K L A A S A. D E W E E R D, called as a witness on
15 behalf of the prosecution, being first duly sworn,
16 testified through Dutch interpreters as follows:

17 DIRECT EXAMINATION.

18 BY MR. HYDE:

19 Q Will you state your name, please?

20 A Klaas A. de Weerd.

21 Q I hand you prosecution document No. 2750.

22 Is that a statement prepared by you?

23 A Yes.

24 Q Is it true?

25 A Yes.

MR. HYDE: I offer prosecution document No.

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1 2750 in evidence.

2 THE PRESIDENT: Are those lights intended
3 to be on?

4 THE MONITOR: Yes, your Honor. We are having
5 a Dutch-Japanese interpreter to come to the witness
6 stand.

7 THE PRESIDENT: Mr. Logan.

8 MR. LOGAN: If the Tribunal please, when this
9 statement was presented to the Tribunal in Chambers
10 the defense entered numerous objections to it. I
11 shall not repeat those objections at this time but we
12 ask that they be considered as made again and renewed
13 for the purpose of our record.

14 THE PRESIDENT: The objections were to the
15 statement containing his opinions and conclusions, which
16 were for the Court to form.

17 MR. LOGAN: That is right.

18 THE PRESIDENT: I do not recollect any others,
19 Mr. Logan, but briefly re-state your objections.

20 MR. LOGAN: In addition to those, your Honor,
21 we also objected on the ground that the statement con-
22 tained a mass of detail which had no proper place in
23 this case.

24 THE PRESIDENT: Irrelevant and immaterial
25 matters. You need not state them, Mr. Logan.

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1 MR. LOGAN: And we also objected to it, your
2 Honor, on the ground that the method of presenting the
3 case by means of a statement which has been carefully
4 prepared by this witness and the prosecution was
5 inimical to the best interests of the accused in this
6 case, which we believe far outweighs the advantage that
7 the defense have by having this document about a week
8 before this witness appeared on the stand.

9 In addition to all this, your Honor, we wish
10 to present further objections at this time. This
11 statement, in the main, contains a history of political
12 acts which occurred in the Netherlands East Indies after
13 December 8th, 1941. As a matter of law, those should
14 not be permitted to be introduced in this case because
15 up to the present time the prosecution has failed to
16 present any evidence showing that any overt act was com-
17 mitted by Japan prior to December 8th, 1941, at which
18 time the evidence shows that the Netherlands East Indies
19 declared war on Japan. It is quite apparent from this
20 that there was no aggressive war; and furthermore, that
21 even with respect to the counts in the Indictment under
22 which this section is proceeding, counts 1, 4 and 5,
23 which refer to a conspiracy charge, that there can be
24 no claim of conspiracy if there was no war of aggression.
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1 THE PRESIDENT: That by no means follows, Mr.
2 Logan. Conspiracy consists of a mere agreement.

3 We will not debate that now.

4 MR. LOGAN: Except, your Honor, that the heart
5 of that conspiracy charge is that the object of it was
6 to conduct an aggressive war.

7 THE PRESIDENT: As of the date of the agreement
8 the object was clear, and it was not cancelled by the
9 Dutch formal declaration of war. We will not debate
10 it now. You can debate this later, Mr. Logan.

11 MR. LOGAN: I just want to point out further,
12 your Honor, that with respect to counts 14 and 32,
13 the charges of aggressive war, this statement certainly
14 is not material with respect to those counts.

15 And furthermore, your Honor, we object to this
16 statement on the ground that the political acts com-
17 plained of in here are no different than those which
18 any conquering nation imposes on a vanquished nation,
19 such as is being imposed upon the conquered nations to-day.

20 THE PRESIDENT: The objections are overruled
21 without prejudice to the right of the defense to repeat
22 them as submissions in the course of their summing up.

23 Mr. Hyde.

24 MR. HYDE: Mr. President, I don't believe you
25 have ruled on my tender of this document in evidence.

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1 THE PRESIDENT: It is admitted on the usual
2 terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 2750 will receive exhibit No. 1351.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1351 and received in evidence.)
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1 MR. HYDE: I will read exhibit No. 1351:

2 "I

3 "PERSONAL HISTORY

4 "My name is Klass A. de Weerd. I am a
5 Major in the Artillery of the reserve of the Royal
6 Netherlands Indies Army.

7 "I was born in Roermond, Limburg, the
8 Netherlands, on 6 April 1904. I am of Netherlands
9 nationality.

10 "After having studied law at the University
11 of Leiden (the Netherlands) I entered a lawyers'
12 office at Sourabaya (Java) on 28 August 1929 and
13 practised in the Law Courts of East-Java, Bali and
14 the South East of Borneo until the middle of 1937.

15 "In 1938, after having been on leave in
16 the Netherlands, I was employed for nearly a year
17 in the Labour Office (Labour Legislation Section)
18 of the Department of Justice of the Netherlands
19 Indies Government at Batavia. From the beginning
20 of 1939 I entered into partnership in a lawyers'
21 office at Medan (Sumatra).

22 "On the 12th of December 1941 I was
23 mobilized as an officer of the reserve of the
24 Royal Netherlands Indies Army and served as such
25 with the Staff of the First Division in West-Java. "

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DIRECT

1 "After the capitulation of the Royal
2 Netherlands Indies Army, I became a prisoner of
3 war of the Japanese and was confined in several
4 camps in West-Java until the middle of September
5 1945. From the beginning of this period I acted
6 as Camp translator of the Java newspapers in the
7 Malay language. The Japanese camp authorities
8 allowed Malay language newspapers to be brought
9 into the camps until the end of January 1944.

10 "As the situation in the islands inter-
11 ested me in particular I spent much time in
12 translating these items extensively into Dutch
13 and, together with several friends, I indexed
14 these data according to personalities and to
15 subjects.

16 "Our intention was to prepare several
17 studies concerning the Japanese occupation,
18 treating subjects such as Administration Propa-
19 ganda, Civil Affairs, Central Government, Labour,
20 Policy, etc. as well as to gather personal data
21 about Japanese authorities.

22 "II

23 "I had already prepared notes for several
24 of these studies when it became increasingly
25 difficult to keep this work secret from the

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1 Japanese guards. As in January 1944 it became
2 clear that we would shortly be moved to another
3 camp we soldered copies of our compilations and
4 indexes in tins and buried them in various places
5 in the camp grounds.

6 "From February 1944 until September 1945
7 I kept abreast of actual developments in the Neth-
8 erlands East Indies by reading Malay or (translated)
9 Japanese language newspapers occasionally smuggled
10 in, and by listening-in secretly to the Japanese
11 local broadcasts in Malay. During that period
12 I continually exchanged information and observa-
13 tions with new arrivals and through every other
14 channel available.

15 "After 15 August 1945 I once more regu-
16 larly received Malay newspapers and in the beginning
17 of September 1945 I recovered one complete copy of
18 my compilations and indexes from their hiding
19 place. In the middle of the same month I was
20 released from the prison camp and was assigned
21 to the Political Section of the Chief Commanding
22 Officer of the N.I.C.A. (Netherlands Indies Civil
23 Administration), later called the Allied Military
24 Administration Civil Affairs Branch, for Java, in
25 order to complete my work of collecting data about

DEWEERD

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1 the Japanese occupation. A special section with
2 a staff of twenty was created for this purpose
3 under my direction; this section became a
4 special branch of Netherlands Forces Intelligence
5 Service (Headquarters at Batavia) in January 1946.

6 "In close cooperation with the Japanese
7 Affairs Section of said N.L.F.I.S., with S.E.A.T.I.C.
8 (South East Asia Translators and Interpreters' Corps)
9 and other offices and bureaus I collected such data
10 regarding the Japanese occupation as were available.
11 These data were contained in, inter alia, the
12 practically complete newspapers and the complete
13 Official Gazette "Osamu Kan Po" of the 16th Army
14 in Java, and a fairly complete

15 "III

16 "set of the official gazettes of the other islands,
17 edited during the occupation period, further reports
18 and surveys by Japanese, Dutch, Indonesian and
19 other military and civilian authorities and private
20 persons, seized Japanese and Malay official and
21 non-official documents, interrogations of Japanese
22 and Indonesian authorities, etc.

23 "In May 1946 I joined the Office of the
24 Attorney General, Netherlands East Indies, with the
25 special task of collecting such documents as would

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1 be needed for the preparation of the prosecution
2 of suspected Japanese Major War Criminals before the
3 International Military Tribunal at Tokyo and in this
4 capacity I continued my work of collecting data on
5 the Japanese occupation of the East Indies.

6 "In the middle of September 1946 I arrived
7 at Tokyo as a representative of the Attorney-General,
8 Netherlands East Indies, to continue my search for
9 further data here.

10 "From this collected information I have
11 prepared the attached report, entitled: "The Jap-
12 anese occupation of the Netherlands Indies."

13 I turn to page marked 2, passing over the
14 cover page.

15 "THE JAPANESE OCCUPATION OF THE NETHERLANDS INDIES

16 "INTRODUCTION

17 "The Japanese occupation of the Netherlands
18 East Indies for convenience has been chronologically
19 divided into five phases,

20 "I. The period from March to August 1942,
21 which can be designated the transition
22 period.

23 "II. The second phase, which is characterized
24 by the consolidation of Japanese rule,
25 lasting from August 1942 to July 1943."

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1 "III. The period from July 1943 to
2 September 1944, which is governed
3 by an attempt at winning over the
4 population by promises.

5 "IV. The period from September 1944
6 to the beginning of August 1945,
7 involving further development
8 of the policy of promises.

9 "V. The period from the beginning of
10 August 1945 to the end of September
11 1945, involving at the last moment
12 an attempt to create a state,
13 friendly to Japan, in the South.

14 "The phases mentioned above have been more
15 and less arbitrarily divided into periods and conse-
16 quently these limits must be treated as being approxi-
17 mate. Occasionally for a better understanding a
18 certain subject has been exhaustively treated in one
19 of the phases, even if the events in question extended
20 beyond a particular phase.

21 "Japan's policy in regard to the Southern
22 Regions was broadly laid down in Tokyo for all regions
23 alike, so that only insignificant local modifications
24 were made, and then solely in the application and
25 not in the principle itself. Therefore, what happened

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1 in Java is treated as basic and mention will only
2 be made of modifications in other regions of the
3 Netherlands Indies which reveal important deviations
4 from events in Java."

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1 "I. THE TRANSITION PHASE

2 "Beginning of 1942 to approximately August
3 1942.4 "Throughout the East Indies, the entire
5 Occidental group of influential persons in the adminis-
6 tration and in commerce, industry etc., was immediately
7 and systematically interned in prisons and camps
8 hastily prepared for that purpose.9 "Exceptions were provisionally made in the
10 case of those Occidentals, who could not as yet be
11 replaced by Japanese. As soon as the Japanese replacing
12 them arrived, this group was also interned. A small
13 remaining group of workers was also confined in separate
14 camps, and their contact with the outer world was as
15 much as possible restricted.16 "In addition a large group of prominent Chinese
17 mainly on the ground of their past support of the
18 Chinag Kai-shek regime, and on suspicion of their anti-
19 Japanese attitude, was interned.20 "The policy of internment became stricter
21 in the course of time and from July 1942 these measures
22 were, moreover, gradually applied to Occidental women.23 "By the end of 1943 the position had become
24 more or less stable, so that it may be said that all
25 Occidentals not born in the Netherlands Indies, both

DEWEERD

DIRECT

1 male and female, had been interned, with a few local
2 exceptions in the case of men and women above 65 or
3 70 years of age. Moreover, all Occidentals born
4 in the Netherlands Indies who still showed apparent
5 affinity with the Occidental world were interned, and
6 those Asiatics, too, who were 'suspected' of having
7 Occidental sympathies were confined in camps. According
8 to official Japanese returns as of 1 September 1945,
9 62,532 persons (i.e. 20,676 males, 28,169 females and
10 approximately 13,687 children) were interned in Java.
11 Besides, all Occidental military personnel were made
12 prisoners of war; this involved 45,000 men who, with the
13 exception of 6,107 men were drafted from Java for slave
14 labour elsewhere.

15 "Of the former Western community, only three
16 groups were still 'free'; namely, the group of Axis
17 subjects (who were not interned until after the defeat
18 of their fatherland), few neutrals and a category of
19 non-interned Eurasians. These groups were rigidly
20 spied upon, and prevented from the exercise of their
21 'freedom' in many other ways.

22 "This non-interned Occidental community was
23 subjected to very heavy pressure. Besides being spied
24 upon by the Japanese Military Police (Kempei) and its
25 henchmen, they were intimidated by continuous wholesale

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1 arrests and trials involving hundreds of victims, and
2 by the fact that interrogation by the Kempei as well
3 as the treatment accorded by Japanese Courts Martial
4 were such that the victims were deprived of all rights,
5 and abandoned to arbitrary maltreatment and starvation
6 methods.

7 "Occidentals were, whenever possible, dis-
8 missed from their official and private positions
9 and appointments, thus depriving the greater part
10 of this section of the community of its means of
11 livelihood. All bank balances were immediately frozen,
12 Occidental banks were liquidated, and the percentage
13 payable in respect of liquidation was withheld from
14 Occidentals. The few non-interned Occidentals were
15 faced with practically no alternative than gradually
16 to sell all their possessions. They were further
17 handicapped by the fact that the Japanese requisitioned
18 whatever took their fancy, generally without payment
19 of any compensation. By introducing compulsory registra-
20 tion and the payment of registration fees - (150
21 guilders for Europeans; 75 guilders for Chinese and
22 other non-Indonesian Asiatics) - the Japanese military
23 authorities made the position still more difficult for
24 these communities.
25

"Along with this, the use of Western languages

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1 was soon forbidden in public and business communications,
2 and in certain places the speaking of Western languages
3 was prohibited even within the home. Those who spoke
4 a Western language at home, were suspected by the
5 Kenpei, and subjected to methods employed by that
6 organization.

7 "At the same time, the Japanese immediately
8 began to close down all schools. During the second
9 period Occidental schools and education remained
10 definitely banned.

11 "In April 1942 a ban on listening-in to radio
12 broadcasts from outside the East Indies was promulgated.
13 This prohibition was enforced by compulsory sealing
14 and registration of all wireless sets, to make them
15 unsuitable for the reception of short-wave broadcasts
16 from abroad. In July 1942, sentences were pronounced
17 and published by the Japanese Court Martial, that persons
18 who had listened-in to foreign broadcasts despite
19 the ban and/or had spread news therefrom, were, inter
20 alia, sentenced to death.

21 "Throughout Japanese occupation, persons
22 suspected of having failed to comply with this
23 prohibition were regularly seized by the Kenpei,
24 tortured and sometimes tried.

25 "The possession of certain numerous specified

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1 books in every language constituted a punishable
2 offence. Such books had to be handed over and were
3 burnt.

4 "Old monuments, - reminders of former
5 Occidental influence were carried away, partly
6 destroyed, or otherwise stored in warehouses.

7 "In most places, the names of streets
8 and towns were changed into Japanese, or sometimes
9 Malay.

10 "Names of shops, commercial concerns,
11 trademarks, etc., could no longer appear in Western
12 languages, but had to be transcribed into Japanese
13 or Malay.

14 "Since the Kempeï-methods were practised
15 not only on the Occidental community, but also upon
16 members of the other communities, all expression of
17 democratic or pro-Occidental sympathies was silenced.

18 "All existing Councils wherein, hitherto,
19 the opinion of various communities could be freely
20 expressed on problems of administration were abolished

21 "The first to be dissolved was the
22 Peoples' Council, established in 1918, which exercised
23 legislative and budgetary functions.

24 "Next, in Java, the Provincial, Municipal
25 and Regency Councils, which similarly had legislative

D. W. LRD

DIRECT

1 "and budgetary powers, were abolished.

2 "In regions outside Java, too, the
3 various councils which had been established on a
4 democratic basis to give the people an opportunity
5 of participation in the administration of their
6 country, were liquidated.

7 "By Ordinance No. 14 of the Japanese Commander-

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1 in-Chief, Java, dated 29 April 1942, all existing law
2 courts were abolished, and in their stead Japanese
3 'Law Courts of the Military Government' (Gunsei Hoojin)
4 were established. This new judiciary was provisional
5 and was later replaced by a definitive organization.

6 "There was no provision for appeals. The
7 decisions in all pending cases of the lower courts
8 were declared to be deemed to have been affirmed by
9 the Appellate Court.

10 "By Ordinances Nos. 2 and 3 of the Japanese
11 Commander-in-Chief, Java, dated 8 and 20 March 1942
12 respectively, all meetings, associations etc. were
13 forbidden. By Ordinance No. 23 of 15 July 1942 this
14 prohibition was not only explicitly maintained, but
15 also all chairmen were ordered to dissolve their
16 respective associations.

17 "The only associations excepted were those
18 concerned with sports and recreation, and scientific,
19 cultural, charitable and distributing organizations.
20

21 "Even associations not prohibited were restricted
22 in their activities; they were subjected to police
23 supervision, and could only resume their activities
24 after obtaining permission from the police, and
25 registration. Meetings had to be authorized by the
police. "

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1 "In practice, activities were permitted only
2 those associations, which accepted Japanese leadership
3 and which could be used for propaganda purposes, as,
4 e.g., the Ikatan Sport Indonesia (I.S.I., Indonesian
5 Sport League).

6 "From the outset, the Japanese authorities
7 built up a very extensive propaganda machine.

8 "Along with the first troops to land on Java,
9 came the vanguard.

10 "These Japanese propagandist, organized in
11 the Propaganda Section ('Barisan Propaganda') of the
12 Japanese 16th Army (Osamu Butai), tried to establish
13 immediate contact with Indonesian and Chinese
14 politicians, known to be disaffected. With the
15 assistance of these dissatisfied persons, in April
16 1942 the so-called 'Tiga A' movement was established.
17 Local committees of Indonesians were set up to carry
18 on the activities of this movement; but such commit-
19 tees had no function other than to carry out activ-
20 ities planned by the local Japanese propagandists.

21 "These propagandists immediately seized
22 control of all means of public expression. All public
23 and private radio broadcasts and cinematographic
24 activities as well as the entire Press were immediately
25 placed under their control. For about two months after

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DIRECT

1 the occupation, these broadcasts and newspapers
2 were still permitted to be transmitted and to
3 appear in Dutch. As soon as the propaganda machine
4 had been sufficiently organized, all newspapers
5 were forbidden, and in their stead new papers were
6 introduced in the Malay language under the direction
7 of Indonesian and Chinese pressmen carefully chosen
8 by the Japanese propaganda service. On the Emperor's
9 birthday (29th April 1942), the first new Malay
10 language daily paper in Java, the 'Asia Raya'
11 (Greater Asia) was established, and continued to
12 appear regularly until 9 September 1945, as the
13 most important organ for voicing Japanese propaganda.
14 At first it was under Japanese direction; but after
15 the Indonesian staff had proved themselves 'matured'
16 the direction was officially handed over to them;
17 but in reality, the direction remained in Japanese
18 hands.

19 "Other places in Java soon followed suit,
20 so that ultimately Japanese controlled newspapers
21 in Malay were issued in five places in Java.

22 "In addition a Japanese language paper,
23 the Java Shimbun, was published in Batavia.

24 "In her propaganda Japan referred to herself
25 as the 'liberator', come to establish a 'New Order.' "

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1 "It stated, that 'New-Java' was to be educated to
2 become a worthy member of the Greater East Asia
3 Co-Prosperity Sphere under the leadership of Japan.

4 "The Japanese instituted a rigid censor-
5 ship, which not only affected all postal, telegraphic
6 and telephonic communication, but also extended to
7 all photographs given to professional photographers
8 for development.

9 Furthermore, all public utterances were
10 subject to censorship. This did not alone extend
11 to all radio broadcasts and the press, but also to
12 the theater, sermons, etc. Gradually theatrical
13 companies, etc. were taken over by the propaganda
14 service.

15 "The publication of books was also subject
16 to censorship, and only works emanating from the
17 propaganda service appeared during the period of
18 occupation. By these methods the Japanese had con-
19 trol of all expressions of public opinion.

20 "During the period now being treated
21 Japanization of the Southern Regions was begun.
22 For instance, the use of Japanese words was immed-
23 iately introduced for designating official services,
24 offices, etc. and this usage gradually became preva-
25 lent during the occupation, so that ultimately the

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1 reading of a Malay language newspaper was scarcely
2 possible without knowledge of the offices, services,
3 institutions, organizations, ideas, etc., referred
4 to by Japanese words."
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1 "The Japanese authorities introduced the
2 Japanese system of dating years, the Japanese time
3 system and the Japanese budgetary year.

4 "The police wore the Japanese flag for cap
5 badges. Emperor worship -- offensive to Mohammedans --
6 was introduced. All public gatherings and meetings
7 began with the obligatory bow in the direction of
8 the Tokyo palace. Most meetings ended with the
9 words: 'Tenno Heika -- banzai.' All Japanese days
10 of celebration were introduced. The display of any
11 flag other than the Japanese was forbidden. On the
12 Japanese days of celebration the Japanese flag had
13 to be flown on all official and private buildings
14 under strictly prescribed rules.

15 "Portraits of members of the Dutch and
16 Allied Governments were forbidden. These had to
17 be handed over and were burned.

18 "The possession of portraits and other
19 pictures of the Japanese Imperial family was governed
20 by rules aimed at ensuring that there should be no
21 'lese-majesty'.

22 "Postage and revenue stamps were marked
23 'Dai Nippon,' and later new stamps were issued with
24 texts in Malay and Japanese reading 'Dai Nippon.'

25 "The Japanese at once began to establish

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1 schools which taught only the Japanese language.
2 When later schools for Indonesians were reopened
3 the curriculum was revised to meet Japanese re-
4 quirements and important subjects in the new
5 schedule were Japanese language and Japanese songs
6 and dances, etc.

7 "In the fields of finance and economics
8 the programs applied in the East Indies were similar
9 despite the fact that some areas were administered
10 by the Army, and some by the Navy.

11 "Java and Sumatra were occupied by differ-
12 ent Japanese armies and Celebes, Borneo, the Moluc-
13 cas, Timor, etc., were occupied by the Japanese
14 Navy, with practically no contact with each other.
15 Nevertheless the basic principles upon which these
16 regions were administered were entirely similar in
17 reality.

18 "The first ordinance of the Japanese
19 Commander-in-Chief, Java, dated 7 March 1942, No. 1,
20 introduced Japanese military paper currency with the
21 text in Dutch, reading: 'The Japanese Government.
22 One half guilder.' Paper money was issued similarly
23 in other denominations. The East Indies guilder was
24 reduced to the value of the yen. At first, the paper
25 money already in circulation was retained; but later,

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1 when this old currency had considerably greater value
2 in the open market than the Japanese occupation
3 money, it was withdrawn and its possession consti-
4 tuted a punishable offense. The Japanese paper money
5 revealed differences in the various occupied areas.
6 In Sumatra, which was originally under the same
7 military administration as Malaya, the same text
8 appeared on the same background as in the case of
9 the paper money issued in Java, but in English,
10 whereas in the other regions of the East Indies,
11 and in Portuguese Timor, the Dutch text was used.

12 "In 1944, new paper money was designed
13 and printed in Batavia, with the text in Japanese
14 and Malay.

15 "This paper money was issued in unlimited
16 quantities without backing, which soon led to in-
17 flation, which began early in 1943 and continued to
18 increase at an ever faster rate, until by the middle
19 of 1945 this paper money only had about a fortieth
20 of its original purchasing value.

21 "All banks, both official and non-official,
22 were closed down at once. During the course of 1942
23 and 1943 the Java Bank (the circulation bank) and
24 private banks were liquidated. The Post Office
25 Savings Bank and the Peoples' General Credit Bank

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1 which largely had Indonesian clients, were reopened
2 under Japanese names and under Japanese direction,
3 but the balances due at the time of the closing
4 remained frozen. Later, the cash deposits of
5 Indonesian clients were partly unfrozen while the
6 deposits of Occidentals and internees and prisoners
7 remained frozen, and were transferred to the
8 Japanese established Enemy Property Administration
9 Bureau (Tekisan Kanribu), which was charged with
10 the 'custody' of enemy property. This institution
11 liquidated nearly all confiscated property, and
12 credited in its books the owners thereof, when
13 known, with the proceeds in Japanese paper money.

14 "Later, after May 1945, this liquidation
15 was hastened. In Batavia the Kempei and its
16 members were frequently the purchasers at so-called
17 public auctions, and the proceeds in Japanese
18 occupation money bore no reasonable relation to the
19 real price for the same article in the same paper
20 money in the open market.

21 "All stocks of Occidental importers, as
22 well as private possessions in the form of movables
23 and claims for payment (when capable of realization)
24 owned by Occidentals were translated into claims in
25 Japanese paper money on the above-named Tekisan

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1 Kanribu. Possession of 'enemy property' consti-
2 tuted a punishable offense and the holder was
3 obliged to hand it over. Even non-interned
4 Eurasians were considered enemy nationals, so that
5 rents, due them, had to be paid to the Japanese.
6 Unsold property was delivered upon request to Japane-
7 se officials and individuals, and their proteges.

8 "Before the war, in the Netherlands Indies,
9 big capital, chiefly contributed by Occidentals,
10 had been invested in agricultural enterprises and
11 industries. The agricultural enterprises (excepting
12 sugar-factories, which were organized in the 'Java
13 Togyo Rengo Kai') were brought by the Japanese under
14 the 'Saibai Kigyoo Kanrikoodan.' This organization
15 had charge of the administration of 'enemy' agri-
16 cultural concerns under the Tekisan Kanribu and the
17 control over all other agricultural enterprises
18 including those operated with Indonesian or
19 Chinese capital. Little attention was paid to the
20 interests of owners. This body executed a policy
21 directed towards carrying out a rigorous war effort
22 and to the maintenance of production required by the
23 Great East Asia Co-Prosperity Sphere. Enterprises
24 and industries which were of no importance to the
25 immediate war effort, were whenever possible switched

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1 over to other production, or when that was not
2 feasible, were retained if such retention were
3 deemed worthwhile from the point of view of the
4 anticipated requirements of the Great East Asia Co-
5 Prosperity Sphere at the end of the war. Tea and
6 rubber plantations suffered seriously, because the
7 Japanese, during the later stages of the occupation,
8 gave precedence to food crops. Tea plants and rubber
9 trees were chopped and used for firewood, the estates
10 being parceled out amongst local farmers to increase
11 areas for food crops.

12 "A large part of the Western-owned agri-
13 cultural enterprises was liquidated. The entire
14 sugar industry was allotted in six or seven blocks
15 to the large Japanese sugar companies, and was
16 exploited by them under the continued direction and
17 control of the above-mentioned body.

18 "Sugar production was reduced considerably
19 and the machinery belonging to the unworked sugar
20 factories was partly scrapped or carried off, when
21 the factories were not switched over to produce
22 other commodities more important for the war effort,
23 such as alcohol, butanol, etc.

24 "The possession of immovable property belong-
25 ing to Occidentals or governmental institutions, was

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1 transferred by the Japanese to the 'Hudoosan
2 Kanrikoodan' established by them, which handed over
3 the property as required to the Japanese military
4 or civil authorities for business and for personal
5 purposes.

6 "Ownership of immovable property was
7 drastically changed by the Japanese.

8 "The so-called 'private estates' were
9 appropriated by the Military Government without the
10 payment of any compensation to the owners, under
11 Ordinance No. 17 of the Japanese Commander-in-Chief,
12 Java, dated 1 June 1942.

13 "In the other islands too, such expropria-
14 tions took place, as for instance in the Celebes,
15 by virtue of an Ordinance No. 11 of the Minscifu
16 (the Civil Administration), dated 20 March 1943.

17 "Public utilities, including those privately
18 owned, were seized by the Military Administration and
19 were operated without compensation, and in some cases
20 were allotted to private Japanese companies.

21 "Private railway, tramway and bus companies
22 were amalgamated with the State Railways. The equip-
23 ment of private railway companies was for a large
24 part shipped to the Burma-Siam railway. Direction
25 of railways was unified under the Rikuyu Sookyoku

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DIRECT

1 (Railway Head Office), and all trace of former
2 independent operation by private companies was
3 obliterated. The personnel of these companies was
4 pooled and Japanese rank designations and termin-
5 ology were introduced.

6 "Private or semi-governmental gas and
7 power companies as well as privately owned mining
8 concerns were taken over and operated by either the
9 Military Government or Japanese companies.

10 "The policy of exploitation of natural
11 resources of the East Indies was carried on partly
12 by the Military Administration itself, partly
13 through monopolies granted to certain big Japanese
14 business concerns and partly by Japanese 'national
15 policy companies.'

16 "The Southern Development Bank (Nanpoo
17 Kaihatu Ginko), an entirely government-owned and
18 operated bank had as its chief function the financing
19 of the development and exploitation of natural re-
20 sources in the Southern Regions and the control of
21 circulation and finance in those areas. This bank
22 was directed by the Ministry for Greater East Asia
23 and it acted in the Southern Regions as cashier to
24 the Japanese Army.

25 "The Japanese Government also divided up

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DIRECT

1 natural resources in the Southern Regions between
2 the various Japanese applicants and allotted each
3 of them part of those areas, usually according
4 them monopolies.

5 "Domei was granted a news service monopoly
6 although a local agency had started first.

7 "Press monopolies in the Southern Regions
8 were divided among various big Japanese newspaper
9 concerns.

10 "In the field of banking, the Yokohama
11 Specie Bank and the Taiwan Bank were chartered to
12 operate in Java, and took over the functions of
13 private Occidental banks.

14 "The liquidation of these banks and the
15 introduction of Japanese banks was effected, inter
16 alia, by compelling the bank debtors whose debts
17 were declared to be claimable on 25th November
18 1942 to apply to the Japanese banks for new credits
19 backed by the securities pledged to the Western banks.

20 "THE SECOND PHASE

21 "August 1942 to July 1943.

22 "During the period just discussed the
23 Japanese administrative machinery was relatively
24 simple. The Chief of Staff to the Japanese Commander-
25 in-Chief of Java was concurrently Chief of the

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1 Military Government (Gunseikan) and was assisted
2 by a simple 'central organ' and by three Army
3 officers each administering his respective area
4 in East, West and Central Java. Administration was
5 carried on locally by Commanding Officers of occu-
6 pational detachments.

7 "Original plans drawn up in Tokyo, envis-
8 aged sending out parties consisting of Japanese
9 experts in colonial administration, technical
10 sciences, and economy, immediately following the
11 occupational troops. It was not, however, until
12 the beginning of August 1942 that the provisional
13 set-up was succeeded by a regular Administration.

14 "The Military Government, which at first
15 was part and parcel of the Army, was next developed
16 into a separate body.

17 "The gist of its functions was laid down
18 in Ordinance No. 1 of the Japanese Commander-in-
19 Chief, dated 7 March 1942, in which he assumed all
20 powers which hitherto had been exercised by the
21 Governor-General. The military administration
22 (Gunsei) was divided into nine departments under
23 the supervision of the Gunseikan. The departments
24 were Soomubu (General Affairs), the guiding and
25 policy making body; Maimubu (Internal Affairs);

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1 Zaimubu (Finance); Sihoobu (Justice), Keimubu
2 (Police); Kootubu (Public Works); Sangyobu
3 (Economic Affairs); Keikei Kantokubu (Audition);
4 and Sendenbu (Propaganda).

5 "In addition from time to time a number
6 of Bureaus, and other governmental bodies, without
7 the standing of the Departments but under the
8 Gunseikan and equally independent, were created to
9 handle various matters, such as the Syuumubu (Re-
10 ligious Affairs Bureau), the Zoosen Kyoku (Ship-
11 building Bureau), the Tekisan Kanribu (Enemy
12 Property Bureau); the Toogyoo Rengoo Kai (Sugar
13 Producers' Corporation) etc. From time to time
14 some changes were made, which did not affect the
15 system. "

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1 "The structure of the pre-war Central Ad-
2 ministration was changed thoroughly and in its en-
3 tirety. Neither a General Affairs Department nor a
4 Propaganda Department had formerly existed. Police
5 were under the Internal Affairs Department, while
6 Public Health, Education and Labour (now under
7 Maimubu) were handled by separate Departments or
8 Bureaus in the pre-war establishment. Religious
9 Affairs had been handled by the Education and
10 Religion Department.

11 "The Government Secretariate, the Council
12 of State for the Indies and the Governor-General's
13 Cabinet disappeared altogether. The former Depart-
14 ments of general administration, corresponding in
15 name with the new Japanese Departments (e. g. Justice
16 Department) were reorganized along Japanese lines.

17 "All leading positions in the Departments
18 were occupied by Japanese. According to official
19 Japanese information, on 1 September 1945, 23,242
20 Japanese nationals were employed by the Military
21 Government in Java, amounting to half the number
22 of service personnel proper stationed there.

23 "Legislative powers were exercised by the
24 Imperial Government at Tokyo, the Supreme Commander
25 in the Southern Area, the Commander-in-Chief of Java,

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1 and the Chief of Military Administration (Gunseikan).
2 The laws and ordinances of the first two bodies were
3 not published locally, although thousands were ar-
4 rested, tortured and sentenced under them, while
5 those of the two last mentioned organs were pub-
6 lished in Java, in the Osamu Kan Po, the official
7 bi-monthly Gazette, printed in Japanese and Malay.
8 Some secret ordinances appeared only in the Japanese
9 edition.

10 "The institution of Advisory Councils at
11 a later stage did not affect the legislative position
12 in any way.

13 "Ordinance No. 27 issued by the Commander-
14 in-Chief, Java, dated 5 August 1942 laid down an
15 entirely new system of local administration. Under
16 this Java was divided into 17 'Syuu,' comparable
17 geographically to the former 'Residencies' and one
18 'Tokubatsu Si' ('Special City Area') comprising
19 Batavia. The four Sultanatos in Central Java were
20 administered by two 'Kooti Zimu Kyoku' (Sultanatos'
21 Bureaus).

22
23 "The former 'Provinces' of West, Central
24 and East Java were eliminated. In early 1945, the
25 Commander-in-Chief, Java, instituted three 'Gunseisibu,'
coinciding geographically with the former Provinces

DR. WEERD

DIRECT

1 but entirely differing in kind, as the Commander-
2 in-Chief pointed out in an official statement.

3 "All these local bodies supplanted the
4 former decentralized and autonomous local adminis-
5 tration, and were placed directly under the Gunsei-
6 kanbu in a rigidly centralized system. Local coun-
7 cils were not mentioned in the Ordinance, and popular
8 participation in local administration came to an end.

9 "The Syuu were subdivided into smaller
10 units in accordance with the Japanese pattern. These
11 were given Japanese names such as Ken, Gun, Son, Ku,
12 Si and Siku. During this second period the organic
13 laws governing the functions of administrative bodies
14 under the old system were abolished, and replaced by
15 Japanese regulations, on which the centralized new
16 administration was based.

17 "The position of the Syuutyoo (comparable
18 to the former 'Resident') and of other local officials
19 was, on one hand, considerably strengthened, and on
20 the other made far more dependent on the Central
21 Administration. The Fuehrer-principle was introduced.
22 These officials, responsible only to their superiors,
23 had a large measure of liberty in the execution of
24 their duties: they had powers of dismissal and ap-
25 pointment, and almost unrestricted disciplinary powers

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DIRECT

over their staffs.

1 "They were empowered to issue regulations
2 to implement ordinances promulgated by higher au-
3 thority and also regulations concerning matters not
4 yet covered by such ordinances. However, they were
5 subject to the authority of their superiors and were
6 responsible to them in all cases. According to
7 statements by Japanese Syuutyoo and similar authori-
8 ties, the object the Japanese had in mind was to
9 build up an administration which in its final form
10 should be on the same lines as those followed in
11 their colonies in Formosa and Korea.
12

13 "The four ruling Sultans were maintained,
14 not as having hereditary title to their positions,
15 but as newly invested Rulers called 'Ko' owing
16 allegiance to the Japanese Army in the same way
17 as all civilian officials did.

18 "All key-positions in the new establishment
19 were occupied by Japanese. From the Gunseikan down
20 to the Syuu Office, the staff was almost entirely
21 Japanese. From the Ken Office downward, the Indo-
22 nesian staff was almost wholly maintained. The
23 Kentyoo, however, was, from 1944 onward, assisted by
24 Japanese advisors.

25 "The composition of the Administrative

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1 Corps was modified later pursuant to Prime Minister
2 TOJO's promises. However, leading positions remained
3 in the hands of Japanese and if an Indonesian held
4 an important post there was always a Japanese who was
5 the real executive.

6 "It was not until the end of August 1945
7 that Japanese officials handed over actual authority
8 to their Indonesian colleagues.

9 "According to the biographies of the Japanese
10 officials, published by the propaganda service, this
11 corps was assembled chiefly in colonial Formosa and
12 Korea, and some had been engaged in administrative
13 functions in Japan proper."
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1 "The establishment of a new administrative
2 system in islands other than Java developed along the
3 same lines.

4 "In the initial stage, Sumatra along with
5 Malaya formed an administrative unit under an Army
6 Commander at Singapore, but later Sumatra was placed
7 under a separate Gunseikanbu.

8 "The 16th and 25th Armies (Java and Sumatra
9 respectively) came under the 7th Area Army with Head-
10 quarters at Singapore, commanded in the final stages
11 by ITAGAKI, Seishiro. This 7th Area Army came under
12 the Southern Theater commanded by Field Marshal
13 TERAUCHI.

14 "The Military Administration operated pursuant
15 to both orders issued through the ordinary channels of
16 command and issued directly from the Ministry of War.

17 "In the Celebes, Borneo and all islands east
18 of a line running north and south through Bali and
19 Macassar Straits the Japanese Navy was in power. While
20 the terminology varied, the system was not substantially
21 different. The same principles of centralized adminis-
22 tration were applied and relations between Japanese and
23 Indonesian officials were the same.

24 "Administration in territory under Naval Occu-
25 pation (Minsei) was executed by the Minseihu (Headquarters)

1 at Macassar (Celebes).

2 "The Minseihu at Macassar was under the com-
3 mand of the Officer Commanding the Second Southern
4 Squadron, whose Headquarters was at Sourabaya. This
5 Headquarters fell under the Officer Commanding the 7th
6 Southern Squadron at Singapore.

7 "Parallel with reorganization of the Adminis-
8 tration, the Judicial System was entirely revised. In
9 addition to the Gunsei Hooin (Courts of the Military
10 Administration), set up in the first period to replace
11 the former Courts, there were the Gun Kaigi, a Court
12 Martial proper, to try Japanese service personnel
13 and others subject to Court Martial, and the Gunritu
14 Kaigi, a Court Martial to try violations of the Army
15 Ordinances.

16 "The Gunsei Hooin itself had jurisdiction to
17 try violations of Military Government Ordinances and
18 Regulations, and former Ordinances declared in force
19 by the Military Government. This jurisdiction was
20 shared with the Gunritu Kaigi.

21 "Ordinance No. 14, of the Commander-in-Chief,
22 Java, dated 26 September, 1942, gave the Gunsei Hooin
23 their final form.

24 "Eight type of courts were set up, all bearing
25 Japanese names, and including the Saikoo Hooin (Final

1 Court of Appeal) and the Kootoo Hooin (Intermediary
2 Courts of Appeal), the personnel of both of which at
3 first was entirely Japanese. The lower courts com-
4 prised the Police Court, the District Court and other
5 local courts corresponding to the local administrative
6 subdivisions, and two special religious courts, all
7 manned by Indonesians and directly controlled by the
8 Intermediary Courts of Appeal.

9 "To each court a Kensatu-Kyoku (Prosecution
10 Section) was attached. This system was strongly cen-
11 tralized under the Justice Department. At a later
12 stage it was detached from the Justice Department,
13 and combined with the police force under the Police
14 Department which was renamed Public Security Department
15 (Tianbu).

16 "In criminal courts with Indonesian members
17 a representative of the Kempei attended the sessions,
18 seated next to the representative of the Kensatu-kyoku.

19 "In the initial stages the former Penal Code
20 was maintained. Having determined that this criminal
21 law was based on excessively democratic foundations the
22 Japanese introduced a new Penal Code in 1944, in which
23 criminal acts were defined in vague terms, leaving
24 wide scope for interpretation. High minima of punishment
25 were introduced for special offenses."

1 "During the Japanese occupation interference
2 by the Japanese Administration occurred frequently in
3 trials by Indonesian courts. In practice it was the
4 Kempei representative, attending criminal sessions,
5 who determined the sentence in criminal cases.

6 "During the session only Japanese and Malay
7 languages were allowed.

8 "Trials by the Courts Martial proper were
9 conducted in Japanese and proper interpretation was
10 seldom available.

11 "In the other islands of the East Indies
12 judicial powers were administered in the same manner.
13 Former courts were abolished and new Japanese courts
14 established.

15 "At the outset of the occupation the Japanese
16 authorities took over the Police School at Sukabumi,
17 Java. Also in the capitals of the various Syuu, per-
18 manent courses for the training of police personnel,
19 led by Japanese, were established. Finally propaganda
20 courses for personnel already in the service were con-
21 ducted regularly, in which the ideals of Greater East
22 Asia and Japan's might were taught. A system of cor-
23 poral maltreatment, administered on the spot or at the
24 police station, for the settlement of minor infractions
25 was introduced. Maltreatment as a punishment for

1 insignificant offenses was seen daily in the streets.
2 Acertain section of the Indonesian Police Force adopted
3 the tactics of the Kempei.

4 "A separate Police Department, later the
5 Public Security Department, was established along
6 centralized lines and all executive functions were
7 taken over by the Japanese.

8 "The existing Force was felt to be insufficient
9 by the Japanese authorities. Various ways to remedy
10 this situation were attempted.

11 "The Kempeihoo, an Indonesian extension of
12 the Kempei, trained by Kempei personnel in Kempei
13 methods, was organized. It was both feared and
14 hated by the people.

15 "In April 1943, a Keiboodan (a sort of Vil-
16 lage Guards) was organized as an auxiliary police
17 force in all villages and municipalities. This
18 reinforced the regular police by approximately
19 1,300,000."

20 THE PRESIDENT: This is a convenient break.
21 We will recess for fifteen minutes.

22 (Whereupon, at 1045, a recess was
23 taken until 1100, after which the proceedings
24 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Hyde.

4 MR. HYDE: Mr. President, with the Tribunal's
5 permission, Mrs. Strooker will continue the reading
6 of exhibit 1350.

7 THE PRESIDENT: Mrs. Strooker.

8 MRS. STROOKER: I continue on page 21.

9 (Reading:)

10 "The Keiboodan had a variety of duties,
11 It had to go into action in case of fire or other
12 calamities, it had to assist the regular police in
13 apprehensions of crashed allied air crews, para-
14 troopers and others, did 24-hour guard duties in
15 its area, turned out in force during public propa-
16 ganda meetings etc. Its main duty consisted of
17 spying, chiefly in a general campaign against
18 enemy spies.

19 "In 1945, these Keiboodan were used to
20 train the population in guerilla action, such as
21 cutting lines of communication, destruction of
22 small enemy detachments, etc., with wholly inade-
23 quate weapons such as bamboo spears. This training
24 taught the simple farmer fear of foreigners and
25 hate for Occidentals and led to barbarous display

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1 of cruelty to these foreigners.

2 "A third force auxiliary to the police,
3 was set up early in 1945, and called Keibootai,
4 which operated only in towns and served the same
5 purpose as the Keiboodan. Its members were recruit-
6 ed chiefly from among the Chinese.

7 "The Kempai-Hoo was part of the Kempai.
8 Both the Keiboodan and the Keibootai although
9 Japanese-led, and trained, formed no part of the
10 official Army organization. The members of the two

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1 latter were 'volunteers', if the required numbers
2 were not filled, the remainder were drafted.

3 "The prison system was similarly reorganized
4 under Japanese instructions. Courses were held for
5 the training of newly recruited personnel as well
6 as for the 'improvement' of personnel with previous
7 service. Japanese designations and Japanese markings
8 were introduced. The treatment of prisoners was
9 inhumane.

10 "The Military Government proceeded to lay
11 down a revised educational program with a view to
12 reopening schools for Indonesians.

13 "Elementary education in the People's Schools
14 was revised. Instruction in the Japanese language,
15 songs and dances, and the Japanese type of physical
16 training was introduced. Instruction in reading and
17 mathematics, was substantially reduced and the
18 remainder of the curriculum abolished.

19 "The several types of intermediate schools,
20 with their varied curricula, were abolished to make
21 place for one standard type of intermediate school
22 with a uniform curriculum. This school was divided
23 into a First and a Higher School. The curriculum
24 was very much simplified with foreign languages and
25 general history dropped to make place for Japanese

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24 was very much simplified with foreign languages and
25 general history dropped to make place for Japanese

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1 language and history. Textbooks on the history of
2 the islands were burned and a new textbook was
3 introduced, which emphasized racial affinities and
4 ties of common destiny with Japan.

5 "An entirely new subject was the 'Seisin'
6 (Spirit), which taught Greater East Asia Co-Prosperity
7 Sphere ideals to the younger generation, such as the
8 Spirit should be able to overcome all material
9 obstacles. In this vein youngsters were exhorted
10 to fight tanks and other modern weapons, with bamboo
11 spears if necessary.

12 "Vocational schools were reorganized to
13 conform with Japanese conceptions.

14 "Batavia Medical College was reopened on
15 9 March 1943, commemoration day of the 'Foundation
16 of New Java', under the name of Ika Daigaku. Its
17 first president was a Japanese professor, assisted
18 by nine newly appointed Indonesian professors, most
19 of them former associate professors at that College.
20 Six months later, these nine Indonesian professors
21 were demoted to associate professors and succeeded
22 by Japanese professors, brought from Japan, who
23 lectured in Japanese. Instruction in the Japanese
24 language had been obligatory from the outset.
25

"The students pledged themselves to enter

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1 the Japanese Military Government service after gra-
2 duation. Students were billeted and were subject to
3 a strict and semi-military regimentation under spe-
4 cially appointed Japanese, who instructed them in
5 the greatness of Japan and the ideals of the Greater
6 East Asia Co-prosperity Sphere.

7 "The curriculum of the Medical College was
8 reduced from six to four years.

9 "The Literary, Law and Technical Colleges
10 were not reopened. However, in 1944, again on
11 9 March, a sort of higher vocational school with a
12 limited program covering three years was opened.
13 Students were subjected to the same routine.

14 "Law College was supplanted by one year
15 courses for the training of civilian officials and
16 lawyers. Much time was spent on instruction in the
17 Greater East Asia Co-prosperity Sphere ideals and
18 the greatness of Japan. Same regimentation of stu-
19 dents was in force. Instruction in the Japanese
20 Language played an important part.

21 "Private education remained taboo for a
22 long time. In 1943 and 1944, certain former private
23 schools for Indonesians and for Chinese were allowed
24 to reorganize but the curriculum had to conform to
25 the official program."

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DIRECT

1 "Western teaching and education to Occidentals
2 were prohibited throughout the occupation. This pro-
3 hibition was strictly enforced, and the mere suspicion
4 of having taught Occidentals was sufficient to involve
5 the suspect with the Kempei.

6 "Considerable numbers of Indonesian College
7 students as well as graduates and prominent personal-
8 ities from the Indonesian community were sent to
9 Japan. A party of journalists from all the islands
10 were taken to Japan to attend the Greater East Asia
11 Journalists' Conference.

12 "All sections of society were organized into
13 corporations along fascist lines.

14 "The organization and political coordination
15 of society was carried out among all racial and
16 political groups as well as among practically all
17 professions and trades, practically all economic
18 sections of society, all cultural groups, all reli-
19 gious groups, the younger generation, sports organiza-
20 tions, and women's movements. The Japanese authori-
21 ties kept a close grip on a particular social group
22 through these organizations and used them to command
23 aid and support from its members for the Army or the
24 Military Government. The corporations were required
25 regularly to turn out in force during mass meetings."

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DIRECT

1 They were utilized for disseminating propaganda
2 among the members. The Japanese used these corpora-
3 tions to keep abreast of public opinion and to conduct
4 espionage.

5 "The Propaganda Department maintained close
6 relations with these organizations. Addresses by
7 Indonesian officials in these organizations were not
8 only pre-censored, but were usually even drafted by
9 the Propaganda Department. These corporations were
10 under close and strict supervision by the Gunseikanbu.
11 The various corporations, all serving uniform purposes
12 and all modeled on the same lines, were instituted by
13 Ordinances issued by the Japanese Commander-in-Chief,
14 Java. Article I of these Ordinances read the same
15 for practically all corporations, and stated that the
16 corporate objective was support to the Japanese Mili-
17 tary Government.

18 "The executives in these corporations were
19 appointed by the Japanese authorities; Branch executives
20 were responsible to the central executive; both were
21 assisted by advisory councils appointed by, or with
22 approval of the Japanese authorities.

23 "The executive body within a corporation was
24 authorized to lay down regulations binding upon its
25 members and membership was obligatory for all within

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DIRECT

1 a given group.

2 "A typical example is provided by the organi-
3 zation of physicians, dentists and dispensers in the
4 Java Izi Hookookai (Corporation for the Public Ser-
5 vice by Medical men in Java), established by Ordinance
6 No. 28, of the Commander-in-Chief in Java, dated
7 3 August 1943, which provided inter alia:

8 "'Article 1.: The Java Izi Hookookai is
9 established with the purpose of coordinating those
10 engaged in the field of medicine in Java, to train
11 their knowledge and character and to broaden and raise
12 their capability in curing, and the care for sanita-
13 tion, so that in this way they can give their contri-
14 bution to the utmost to the Dai Nippon Army in medical
15 affairs.

16 "'Article 4.: Physicians, dentists and medi-
17 cal experts in Java, who are not Japanese nationals,
18 must become a member of the Izi Hookookai, except
19 enemy nationals.

20 "'Article 8.: Besides what has been mentioned
21 in Article 7, the Izi Hookookai carries out special
22 work necessary for conducting the Military Government
23 at the order of the Gunseikan."
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1 "Article 9.: The Head of the Izi Hookookai
2 can issue orders and instructions necessary for
3 carrying out the work stipulated in Articles 7 and
4 8 to the members after obtaining approval from the
5 Gunseikan.

6 "Article 21.: The Izi Hookookai is super-
7 vided by the Gunseikan. The work of the branch
8 officers is supervised by the Syutyookan (Japanese
9 Local Governor).'

10 "The lawyers, newspapermen, and most, if not
11 all, other professions were similarly organized into
12 single corporations.

13 "In all fields of economic activity there
14 was the same picture of obligatory membership, uni-
15 laterally binding regulations, uniform objects and
16 Japanese executives.

17 "All artists and scholars were organized in
18 the Keimin Bunka Sidosya.

19 "The importance of a truly Oriental artis-
20 tic expression was emphasized and Occidental
21 influences were considered inimical. Paintings and
22 other artistic expressions were to be and were
23 adjudged, not on their artistic value, but solely on
24 their merits in relation to the Greater East Asia
25 Co-Prosperity Sphere. This organization, established

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DIRECT

1 in March 1943, showed the same characteristics as
2 the other corporations: Japanese executives, obliga-
3 tory support to the Army and the Military Government,
4 etc.

5 "The Japanese attached much importance to the
6 spiritual moulding of youth and they took the matter
7 into their own hands completely. The Indonesian
8 Youth Movement, which at the outset had been authorized,
9 was prohibited in the middle of 1943.

10 "As early as December 1942 the Japanese
11 Commander-in-Chief in Java declared that the training
12 of the younger generation to be good citizens of the
13 Greater East Asia Co-Prosperity Sphere was of such
14 paramount importance that the best Japan had to offer
15 was not considered good enough. The matter of guidance
16 and training of youth was kept an exclusively Japanese
17 concern. The organ of control was established by the
18 creation of April 1943 of the Jawa Seinendan (Java
19 Youth Corps).

20 "Its aims were laid down as follows:

21 "In order to convince the youth of Java so
22 that they will energetically cooperate with the Mili-
23 tary Government and render assistance in the building
24 up of the Co-Prosperity Sphere in Greater East Asia,
25 it is necessary that they be given guidance and

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DIRECT

1 training.'

2 "In every Syuu a Japanese Training Centre for
3 local instructors was established, and a Central
4 Training Camp was opened near Batavia, all under the
5 direction of Japanese.

6 "Later, a Seinendan was organized in every
7 Ken and Si, each approximately at battalion strength.
8 Some factories had their own Seinendan. These were
9 organized into the Jawa Rengoo Seinendan, (United
10 Youth Corps of Java) on military lines and commanded
11 by Japanese officers of the Army and the Military
12 Government.

13 "Age limits were set at 14 to 25 and if
14 insufficient volunteers were forthcoming more were
15 drafted. Only the physically fit were admitted and
16 those were tested as to their enthusiasm for the
17 Greater East Asia Co-Prosperity Sphere.

18 "The official training comprised instruction
19 in the Japanese language oral and written, spiritual
20 and military training, Japanese physical training, air
21 raid precautions, Japanese music and dances, etc.

22 "The manpower for the Booei Giyu Gun (Defence
23 Volunteers Corps), which was organized in September
24 1943, largely came from the youth corps. Soon after
25 its establishment all other youth organizations were

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DIRECT

1 prohibited.

2 "Sports were also brought in line. On
3 21 August 1943 the Tai Iku Kai was organized. The
4 Tai Iku Kai provides the same picture as other cor-
5 porations. In the official explanation of the appli-
6 cable Ordinance it said:

7 "The Jawa Tai Iku Kai will cover the sports-
8 world of all Greater East Asiatic nationals in Java,
9 from office-employees to school-children, and also
10 that of the Keiboodan and the Seinendan. Considering
11 how important sports is for our spiritual and cor-
12 poral training, for learning and developing discipline,
13 and for strengthening the spirit and the determination
14 to work, this Tai Iku Kai is of great importance to
15 the War of Greater East Asia."

16 "In every Ken and Si a branch was established;
17 these branches were organized in their respective Syuu
18 and these again were all subordinated to the Jawa
19 Iku Kai.

20 "The Indonesian women of Java were organized
21 in the Huzin Kai, founded in August 1943."
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DIRECT

1 "Its objects and duties were laid down as follows:

2 " The purpose of this organization is to help the
3 Dai Nippon Army with efforts befitting the position
4 of the women of the original inhabitants and also
5 to raise the women's virtue.

6 "In order to assist in the conduct of the Military
7 Government, the Zigyobu (Working Section), is created
8 within the Huzin Kai; this body has to carry out work
9 necessary for the improvement of conditions behind
10 the front-line and in the field of savings, education,
11 public safety and public health.

12 "In order to deepen the conviction of women in their
13 duties towards the efforts of the defence of the
14 country in wartime, in the first place to give instruc-
15 tion in first aid the Huzin Kai shall be allowed to
16 organize lecture meetings and courses and to establish
17 a close contact with the Seinendan and Keiboodan in
18 conducting exercises so that in future when there
19 is an enemy attack the work can be done as well as
20 possible.'

22 "Developments in the other islands, were
23 roughly parallel to those in Java. However, the
24 Japanese living among less advanced peoples, with
25 a lower standard of efficiency among their own
Japanese personnel, and at the same time less depend-

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DIRECT

1 ent on the cooperation of the local population
2 than they were in Java, their chief granary and
3 supply base, they tackled the process of political
4 coordination more sketchily.

5 "III. THE THIRD PHASE

6 "From July 1943 until September 1944.

7 "As early as in the first period, there
8 was some activity by Japanese authorities in the
9 political field, but the policy adopted locally was
10 characterized by the Naval Liaison Officer at
11 Batavia as a policy of 'wait and see.'

12 "Immediately after the occupation a pro-
13 hibition was laid down in Art. 2 of Ordinance No.
14 2 of the Commander-in-Chief, Java, dated 8 March
15 1942, which read as follows:

16 "'Until further notice it shall be strictly
17 prohibited to commit the following acts:

18 "'a. participation in any organization;
19 attending any meetings; conducting
20 propaganda in favour of the enemy;
21 the posting of printed or illus-
22 trated placards.'

23 "By Ordinance No. 3, dated 20 March 1942,
24 it was further prohibited to 'discuss, engage in
25 activities, encourage, or make propaganda concerning

DE WEERD

DIRECT

1 the organization and structure of the Government.'

2 "By virtue of these prohibitions certain
3 Indonesian nationalist leaders were arrested by
4 the Kempei in April 1942, some of whom were only
5 released much later.

6 "In December 1942 to January 1943 a large
7 scale round-up was conducted of Indonesians who
8 had engaged in any underground activities of any
9 kind that might possibly be construed as being
10 anti-Japanese. They were - except for those who had
11 been sentenced to death or had died in prisons - not
12 released until September 1945. Even after January
13 1943, the Kempei scrupulously continued to guard
14 against and spy upon all underground activity, which
15 cost a very large number of victims.

16 "In 1942 the Japanese initiated the 'AAA'
17 Movement. This name was announced on big placards
18 displaying the following slogans:

19 "Nippon Pelindung Asia (Japan the Pro-
20 tector of Asia)

21 "Nippon Pemimpin Asia (Japan the Leader
22 of Asia)

23 "Nippon Chahaya Asia (Japan the Light of
24 Asia)

25 "The AAA for Asia were printed larger and in a more

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1 striking colour than the other letters. The themes
2 which this movement elaborated were 'Asia for the
3 Asiatics' and hate against 'foreigners belonging to
4 the white race' and against the 'western exploiters'.
5 The Japanese, on the contrary, were stated to be of
6 the same race and stock as the Indonesians. The
7 language 'the Indonesian people who have the same
8 ancestors and are of the same race as the Japanese,'
9 appeared in Art. 1 of Ordinance No. 1 of the Com-
10 mander-in-Chief of the Japanese Forces, dated 7
11 March 1942. Western influence was represented as
12 being a corruption of the Eastern soul; Japan was
13 represented as the Saviour of Asiatic peoples, and
14 the Co-Prosperity Sphere of Greater East Asia under
15 the 'paternal' leadership of Japan was represented
16 as liberating the Asiatic peoples. Apart from the
17 slogan 'New Java' or 'a New Order in Java', the
18 meaning to Java of the Greater East Asia Co-Prosperity
19 Sphere was not defined. Use of the word 'Indonesia'
20 in a political sense was not permitted. In most
21 official publications the Indonesians were referred
22 to as 'the original inhabitants.'

23 While the AAA Movement was in full swing,
24 further contact was sought with the Indonesian
25 world, and especially with those who were dissatisfied

DE WEERD

DIRECT

1 with the former rule and the rate at which that
2 rule prepared for independence.

3 "Chief among these was Sukarno, who was
4 brought to Java by the Kempoi in July 1942, and
5 who formed the so-called 'Ampat Serangkai' (four-
6 leaved clover) with three other nationalists. These
7 became the leaders, under Japanese supervision, of
8 those nationalists who were prepared to cooperate
9 with Japan. The four Serangkai saw in the Japanese
10 promises a means of attaining the early independence
11 for which they were striving. They believed in
12 these promises and advocated complete cooperation
13 with the Japanese Military Government.

14 "The Japanese also sought to approach the
15 group of Indonesian intellectuals who were not dis-
16 contented with the former rule and had held high
17 office thereunder. The Japanese Commander-in-
18 Chief set up, in December 1942, the 'Kyuukan Seido
19 Tyoosa Iinkai' (Committee for the Study of former
20 Customs and Political Systems): 'in order to survey
21 and study the customs and the former governmental
22 systems of the country, and to contribute towards
23 the Administration of Java.' Nine Japanese including
24 the chairman and ten Indonesians, including the 'Four-
25 leaved Clover' and certain former Chiefs of Depart-

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DIRECT

1 ments, former professors and members of the former
2 People's Council, sat on this Committee. It never
3 played an important role and was abolished by the
4 Japanese in November 1943.

5 "The first request to the Japanese authori-
6 ties made by the 'Four Serangkai' was to be allowed
7 to form a party. This request was considered until
8 8 December 1942, when at the commemoration of Pearl
9 Harbour, a big propaganda meeting was held in Batavia,
10 and the Commander-in-Chief publicly promised that
11 a single party for Indonesians only would be per-
12 mitted. The fulfillment of this promise had to
13 wait for a decision from Tokyo.

14 "On 9 March 1943 the 'Putera' Movement
15 was created, deriving its name from a symbolic ab-
16 breviation of 'Fusat Tenaga Rakyat' denoting 'Center
17 of the People's Spiritual Power,' while 'Putera'
18 means 'knight's son.'

19 "Its aims and policy were approximately
20 similar to those of the previously discussed cor-
21 porations, except that the name of this people's
22 movement was not Japanese, but Malay. The Putera
23 was not a party, but only a 'movement' with leaders
24 and advisory councils.
25

"The leaders were appointed by the Commander-

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DIRECT

1 in-Chief and were assisted by the advisory council
2 in which there were approximately equal numbers of
3 Japanese and Indonesians, the latter being nominated
4 by the leader with the approval of the Gunseikan.
5 Local leaders were appointed by the Leader, with
6 Japanese approval.

7 "The organization of the Putera was
8 governed by rules laid down by the Commander-in-
9 Chief, and its aims were officially described by
10 the Japanese as follows:

11 "The object in arousing the strength and
12 efforts of the people is no other than
13 'to support all measures for winning final
14 'victory in the Greater East Asia War.
15 'Since the work of this Movement is very
16 'closely linked with the policy of the Dai
17 'Nippon Military Government, all leaders
18 'must bear in mind that they should have a
19 'profound knowledge of, and faith in, the
20 'aims and objectives of the Dai Nippon
21 'Army.'

22 "In this address the Putera leaders were further
23 urged:

24 "Do your utmost always to be fully aware
25 'of the existing limitations in the present

12,188

DE WEERD

DIRECT

1 'situation, and never lead the common
2 'people astray. I hope you will do your
3 'best to fulfill the aims and objectives
4 'of this Movement, and that you will co-
5 'operate in the establishment of the Co-
6 'prosperity Sphere in Greater East Asia
7 'and build a New Java to be a member in the
8 'family of nations within the Co-Prosperity
9 'Sphere in Greater East Asia.'

10 "The functions of the Putera were officially set out
11 in the following ten points:

- 12 "1. To impress upon the Indonesian popula-
13 tion their duties and responsibilities
14 in regard to the establishment of a
15 'New Java.'
- 16 "2. To eliminate Occidental influences.
- 17 "3. To participate in the defence of
18 Greater East Asia.
- 19 "4. To foster self-discipline in bearing
20 all mental and physical privations
21 necessary for winning ultimate victory.
- 22 "5. To deepen mutual understanding between
23 the Japanese and Indonesians.
- 24 "6. To encourage the study of the Japanese
25 language. "

DE WEERD

DIRECT

1 "7. To raise the standards of the Indo-
2 nesian population and develop their
3 capacities and character.

4 "8. To encourage the care of health and
5 sport in order to improve the physique
6 of the population.

7 "9. To encourage thrift and savings.

8 "10. To encourage higher production in
9 every field and to develop a love of
10 work.

11 "The Putera was only for Indonesians. The
12 new social hierarchy introduced by the Japanese com-
13 prised the following grades: 1. Japanese; 2.
14 Indonesians; 3. other Asiatics; 4. mixtures of
15 Indonesians with other groups; 5. Europeans. There-
16 by, Indonesians, being the 'original inhabitants',
17 were treated as a privileged category, while groups
18 3 to 5 were treated as foreigners, with the Europeans
19 and Eurasians receiving the worst treatment.

20 "About the same time as the institution
21 of the Putera, the restrictions on travel by so-called
22 'foreigners' were strengthened. Moreover, it was
23 ordered that everyone must immediately inform the
24 policy when lodging someone from outside the place
25 of his residence. 'Forbidden zones' were introduced

DE WEERD

DIRECT

1 covering the entire South coast and the two Eastern
2 end Western extremities of Java, where no 'foreigners'
3 were allowed to enter and for which even Indo-
4 nesians needed a pass.

5 "The first great enthusiasm for the Putera
6 dwindled when it became apparent that the activities
7 of this body, to which the population had looked
8 forward, were to be entirely restricted to the basic
9 principles laid down by the Japanese propaganda ser-
10 vice. There was great disappointment when the
11 originally planned Youth Movement of the Putera was
12 forbidden, and the Japanese authorities set up instead
13 their own youth movement.

14 "Meanwhile, outside the East Indies great
15 changes had taken place. Japan had been forced from
16 an offensive into a defensive position and lines of
17 communication were seriously threatened.

18 "Against this background, on 16 June 1943,
19 Prime Minister TOJO made a speech in the Diet wherein,
20 inter alia, he stated that in view of the fact that
21 the people of Java had shown their readiness to co-
22 operate with the Japanese Military Administration,
23 they should be given participation in the government.
24 On this occasion TOJO also promised so-called inde-
25 pendence to Burma and to the Philippines."

12,191

DE WEERD

DIRECT

1 "In pursuance of this promise, Prime Minister
TOJO visited the Southern Regions in person.

2 "Enroute to Java, TOJO called at Manila
3 and Singapore, repeating the promise of 'independence'
4 for the Philippines and Burma. In Java no 'inde-
5 pendence' was promised, but only participation in
6 the government. The promise was coupled with the
7 conditions that there should be complete coopera-
8 tion with the Japanese Military Administration in
9 order to win ultimate victory.

10 "Following this promise, in August 1943,
11 an Indonesian was appointed Chief of the Syuumubu
12 (Department of Religious Affairs), but actual control
13 remained in the hands of Japanese section heads; and
14 two others were appointed Syuutyoo (Chief of a Resi-
15 dency) in the two smallest Residencies of Java, with
16 actual power in the hands of the Japanese Vice-Chief.
17 Furthermore, a number of Indonesians were officially
18 appointed to lower positions, which they had held
19 before, and were incorporated into the Japanese
20 Administrative Corps and were accorded corresponding
21 Japanese rank."
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1 "The 'San-yo Seido' (Advisor System) was
2 introduced, and Indonesians were nominated to be adviser
3 to seven Departments. The San-yo only acted when ques-
4 tions were referred to him for advice.

5 "In all Residencies and also in the Special
6 Municipality of Batavia an advisory body, the Sang Kai,
7 was established to advise the Resident in matters of
8 local government, by Ordinance No. 37 of the Commander-
9 in-Chief, dated 5 September 1943. This Ordinance
10 prescribed the numbers of members of each Sangi Kai to
11 be appointed and elected, respective. The 'elections'
12 were indirect with nomination of the candidates not
13 public and the ballot not secret. The function of the
14 Sangi Kai was to answer questions concerning local
15 government put to it by the Syuutyoo with the right
16 to make suggestions on the referred subject. It could
17 only meet on orders from the Syuutyoo, and sittings
18 were opened and closed on his orders. Officials of
19 the Syuutyoo office could attend and participate.

20 "The sessions were only public for the
21 opening address, which was drafted and censored before-
22 hand, and for the closing session. The sessions proper
23 were held behind closed doors. At the final session
24 motions, discussed and settled during the closed
25 meetings, were put to a mock vote and always passed

DEWEERD

DIRECT

1 unanimously. Sessions scarcely ever lasted longer
2 then four to five days. The Chairman was appointed
3 from amongst the members on nomination by the Syuutyoo.
4 Every Sangi Kai sent representatives to the Tyuwoo
5 Sangi-In, the Central Advisory Council of Java.

6 "This was established on 5 September 1943,
7 by Ordinance No. 36, 'for the speedy and efficient
8 execution of the measures of the Military Government.'
9 Twenty-three out of forty-three members were nominated
10 in advance by the Commander-in-chief. Of the remainder,
11 eighteen were 'elected' by the various Sangi Kai, and
12 two were nominated by the Sultanates. The procedure
13 was the same as that of the local Sangi Kai. They
14 were only empowered to offer advice in respect to ques-
15 tions put by the Commander-in-Chief or the Resident,
16 and to make suggestions relating thereto."

17 THE PRESIDENT: Would you care to rest for a
18 moment or two?

19 MRS. STROOKER: I would like a drink, your
20 Honor, thank you.

21 "The actual direction of affairs rested with
22 the Head of the Record Office, called the Tyuwoo Sangi-
23 In Zimu Kyoku Tyoo, who was a Japanese, as were also
24 the other officials of his office. The function of
25 this office was to deal with incoming and outgoing

DEWEERD

DIRECT

1 correspondence as well as to exercise internal super-
2 vision over the activities of the Tyuwoo Sangi-In.
3 The Head and his staff were appointed by the Commander-
4 in-Chief and the first Head was the then private secre-
5 tary of Prime Minister TOJO.

6 "Similarly, the Secretary of the local Advisory
7 Council was always a Japanese from the Syuutyoo's office.
8 From the very beginning these organizations were used
9 as an instrument of Japanese propaganda to recruit
10 labour and 'Volunteers' for the military organizations
11 and to encourage the population to increase agricultur-
12 al output and to deliver the crops to the Military
13 Government.

14 "As a further local participation measure
15 wider administrative powers were given to the Sultans
16 of Central-Java in elementary education, local govern-
17 ment at lower levels, public health, and farming, etc.

18 "Almost simultaneously with the establish-
19 ment of the Central Advisory Council, as was later
20 officially declared by the Ccmmander-in-Chief, the
21 Japanese Military Administration took the view that
22 the Indonesian population of Java ought to give con-
23 crete expression of its appeciation of Prime Minister
24 TOJO's promise now that it had been translated into
25 fact, and that it was their duty to demonstrate their

12,195

DEWEERD

DIRECT

1 preparedness to support the Japanese Military Adminis-
2 tration by organizing a Volunteers' Corps.

3 "The Propaganda service ensured that it should
4 appear to the outside world that the inhabitants them-
5 selves were desirous of having their own army.

6 "At the end of August 1943, an old friend of
7 Sukarno forwarded a petition, signed 'with his own
8 blood,' to the Commander-in-Chief of Java for permis-
9 sion to set up a Volunteers' Corps as the first of a
10 large series of such requests. The Commander-in-Chief
11 declared in the beginning of October 1943 that he was
12 favourably disposed towards these petitions, and that
13 he considered, moreover, that the population of Java
14 was very rightly desirous of offering some return for
15 TOJO's promise; and by Ordinance No. 44, dated
16 3 October 1943, he instituted the Kyodo Booei Giyu Gun
17 (Army of Vounteers for the Defence of the Homeland).
18 The aim of the Corps was 'to call upon the original
19 inhabitants (i.e., Indonesians) for the defence of
20 Java, based upon the principle of the joint defence
21 of Greater East Asia.'

22 "Article 4 laid down:

23 "The Volunteer Corps should be thoroughly
24 convinced of the ideals and importance of the task of
25 defending the homeland, and it is its duty to partake

DEWEERD

DIRECT

1 in the defence of the home country in the respective
2 Syuu against the Allies under the leadership of the
3 Dai Nippon Army.'

4 "By virtue of this Ordinance, the Giyu Gun was
5 commended by the Commander-in-Chief of Java. It was
6 emphatically stated that this Corps was not to form
7 part of the Japanese Army and would have its own officers,
8 but it would be trained by Japanese instructors. It
9 would not be used outside Java and would consist of
10 volunteers.

11 "Recruiting for the first levy started immedi-
12 ately, but with the following levies it appeared that
13 there was insufficient enthusiasm, so that with each
14 new levy each Regency was told how many 'volunteers'
15 were required in order to bring formations up to
16 strength. One of the chief activities of Japanese
17 propaganda was to encourage enlistment in this corps.
18 In October 1943 the training of the 'officers' was
19 started and lasted three months.

20 "The object was to form one or more battalions
21 of about 1000 men per Syuu (Residency) which would
22 together make up a unit for the defence of the Syuu.
23 At the time of Japan's capitulation this object had
24 been achieved. In the defence of the Syuu, the task
25 of the Giyu Gun was mainly one of guarding road

12,197

DEWEERD

DIRECT

1 junctions, bridges and other strategically important
2 points. Weapons were only supplied to these 'volunteers'
3 for the duration of the drills, and training mostly
4 took place with wooden guns. The Beppan, a special
5 section of the Headquarters of the 16th Japanese Army,
6 an intelligence organization, was charged with train-
7 ing, and at the same time made use of it both for
8 spying upon the new volunteers as well as using them
9 as spies.

10 "Prior to this, the Japanese had made use of
11 Indonesians as auxiliary forces. Shortly after the
12 occupation many Indonesian soldiers were partly re-
13 cruited and partly compelled to serve as a 'Heiho'
14 (auxiliary soldier). These units formed part of the
15 Japanese Army and were issued a Japanese uniform. They
16 were generally used in the Ordnance Corps, and to guard
17 camps occupied by women and civilian internees. Heiho
18 were sent off the island.

19 "The Japanese Navy similarly made use of
20 Indonesian Heiho.

21 "Both the Giyu Gun and the Heiho were taught
22 to speak Japanese. Commands were issued in Japanese,
23 and the regulations were written in Japanese. They
24 wore Japanese insignia. An important part of the
25 training was instruction in 'Seisin' (Spirit). "

DEWEERD

DIRECT

1 "One of the important aims of Japanese prop-
2 aganda was the increase of farming crops and their
3 delivery to the Japanese Military Administration. The
4 island of Java had to provide large quantities of food
5 for the Japanese occupation troops and troops fighting
6 in the East. Besides, the Japanese Army of Occupation
7 was laying up large stocks of supplies. Java, which
8 before the war had barely been able to meet the essen-
9 tial food requirements of its own population, was ex-
10 pected to produce more. This increase in production
11 was obstructed by the lack of proper supervision over
12 irrigation works, due to the replacement of interned
13 Dutch experts by insufficiently trained Japanese, and
14 by haphazard methods adopted by the Japanese in the
15 pursuance of their ends in forcing the production of
16 desired agricultural commodities unsuitable to the
17 climate and geographic conditions. All this further
18 reduced the area available for food crops.

19 "It became less and less advantageous for
20 the simple farmer to hand over his produce to the Jap-
21 anese authorities. From the outset, the Japanese
22 adopted the policy of the Netherlands Indies Govern-
23 ment to stabilize the price of rice at a proper level.
24 As the Japanese military guilder decreased in its
25 purchasing value, the official price for rice soon

DEWEERD

DIRFCT

1 fell far below its former value relative to other
2 commodities. Articles that the farmer used to buy with
3 the proceeds of his rice became virtually unobtainable.

4 "The Japanese authorities ordered that 60 per
5 cent of the harvest of food produced had to be delivered
6 to them. They took far-reaching measures to combat
7 the black market in rice and other food products, such
8 as the imposing of closed regional economic areas,
9 enforced by checkpoints on the highways. The thrashing
10 of rice -- except for individual consumption -- in
11 other than 'coordinated' mills was prohibited.

12 "The propaganda service exerted all its powers
13 to persuade the farmers to cultivate wider areas in
14 order to obtain more produce. It also tried to per-
15 suade the inhabitants to yield their crops to the
16 Japanese Military Administration.

17 "Not only in Java, but throughout the
18 Southern Regions, Japan used labour everywhere, for
19 the building of military fortifications, airfields,
20 strategic railways, etc. Java was a source for such
21 labour. From the very commencement, Japanese propa-
22 ganda went all out to encourage the voluntary enlist-
23 ment of these coolies. In this, at first, the Japanese
24 were successful. When the inhabitants learned how
25 these coolies were being treated by the Japanese, their

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DIRECT

1 desire to work for them practically disappeared. This
2 became worse when the coolies sent out of Java did not
3 return, and no news whatever was received from them.

4 "The Japanese thereafter adopted conscription,
5 whereby each Regency was informed as to how many coolies
6 had to be drafted, both for the work in Java itself,
7 and for labour outside that island.

8 "In 1943 the propaganda service started a vigorous
9 campaign in which the 'Prajurit Ekonomi' (the economic
10 warrior) was represented as fulfilling a sacred task
11 by working for the Japanese Army. It was no longer
12 permissible to speak of coolies; the coolie was also
13 a soldier, and his contribution to the war effort had
14 to be greatly appreciated. The recruiting of the
15 coolies was undertaken by every possible means; one
16 of these was that the houses of relatives left behind
17 were provided with a sign 'Prajurit Pekerja', and it
18 was pointed out to the public that one should honour
19 such houses and their occupants, whilst this sign was
20 said henceforth to guarantee special protection.
21 Furthermore, theoretically these relatives enjoyed
22 certain privileges in the distribution of scarce
23 commodities, such as clothing -- a privilege enjoyed
24 only after all government officials had received their
25 share."

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1 "These labourers received less care than the
2 prisoners of war and internees, and their condition was
3 aggravated by their ignorance of hygienic precautions
4 and medical care. While the correct figures of those
5 who were transported outside Java as Romushas are not
6 known, the official estimates of the Japanese after
7 the capitulation indicate a figure of 270,000 men, of
8 whom not more than 70,000 have been recovered since
9 the war's end. Most of the returnees suffered inhumane
10 maltreatment. Accommodation, food, medical care were
11 not only thoroughly inadequate, but in many cases absent
12 altogether. During certain periods, 'romushas' who had
13 died from starvation and contagious diseases were daily
14 carried away by the cartload from certain camps.

15 "In religious matters the propaganda service
16 made an effort to obtain complete cooperation from
17 the population.

18 "These activities were especially directed at
19 influencing the Mohammedans, who formed the large major-
20 ity of the population, while propaganda among other
21 religions was of far less importance. Priests and
22 preachers of an 'enemy race' were forbidden to conduct
23 services except for people of an 'enemy race'. If an
24 'enemy' priest or preacher noticed an Indonesian among
25 the congregation he was to see to it that the latter
left on penalty of very severe punishment."

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1 "This policy embodied three principles. First,
2 the Japanese Army declared itself to be the protector
3 of Islam and that the Mohammedan religion would be
4 respected.

5 "For the second point the Gunseikan declared that
6 religious associations would soon be authorized to
7 carry on their activities and that they had the
8 noble task of propagating the ideals of Great East
9 Asia and the support of the Military Administration.

10 "For the third point, the Gunseikan declared
11 that the cooperation of the Islamic community in
12 respect to education was acceptable in so far as it
13 was directed at full support to the Japanese Army
14 and imbued with the ideals of the Greater East Asia
15 Co-Prosperity Sphere. With this restriction religious
16 education would be permitted and officially sup-
17 ported with books and other facilities.

18 "The Syuumubu established a permanent training
19 centre in Batavia where courses lasting three weeks
20 in Japanese ideology were given to groups of sixty
21 kiais and oelamas each.

22 "These courses were also used to test whether
23 Japanese propaganda had any effect, and afforded a
24 means of selecting suitable collaborators. These
25 accomplices carried the propaganda to the simple rural

LEWLERD

DIRECT

1 population, and were responsible for the production
2 and delivery of sufficient rice for a sufficient
3 supply of labourers and for enlistments as 'volunteer'
4 or heiho.

5 "The Japanese adopted the old device of working
6 on the fanaticism of Islamites, and they tried to
7 persuade the kiais and oelamas to declare the
8 Greater East Asia War as a 'sabil' (holy) war against
9 the kafir (unbeliever). When the point that the
10 Japanese were themselves unbelievers was raised, the
11 'common ancestry,' the 'common race' and the 'des-
12 tiny common to the Japanese and the Indonesians'
13 were pointed out.

14 "In the beginning of 1944 religious disturbances
15 occurred in the Indramayu district and at Garut. The
16 Japanese held the Indonesian leader of the Syuumubu
17 (Religious Affairs Department) responsible, and he
18 was replaced by one of the oldest and most popular
19 kiais of Java. He accepted this post and spent one
20 day in Batavia, but immediately returned to his re-
21 ligious institution, leaving the direction of the
22 Syuumubu to the Japanese heads of sections.

23 "From November 1943 the Mashumi became the or-
24 ganization through which the Japanese authorities
25 ruled the Islamic intellectual world, and through it

DEWEERD

DIRECT

1 carried on propaganda for Japanese ideals, sounded
2 public opinion and executed espionage.

3 "The relationship between the Mashumi and the
4 Syuumubu was constantly strengthened until at last
5 the Mashumi was for all purposes directed by the
6 Syuumubu.

7 "Besides this the Japanese established Syuumuka
8 (Religious Affairs Sections) in every Syuu under
9 locally prominent kiais. They had the duty of making
10 Military Administration policy understood in the
11 villages. These agencies were gradually extended
12 even to the smallest local subdivisions under a
13 local kiai.

14 "The Syuumubu issued a publication called
15 'Asshu'lah,' edited in Malay, Javanese and Sundanese,
16 but printed in Arab script, the only script the
17 orthodox kiais could read. This periodical was dis-
18 tributed free of charge amongst all kiais in Java.

19 "The Japanese also made several efforts to
20 coordinate the Chinese who although comparatively
21 few in number, were the mainstay of the middle class.
22 The Japanese first tried to induce leading officials
23 of the many Chinese associations (which had all been
24 dissolved in March 1942) to form one big organization,
25 but the effort completely failed."

DEWEERD

DIRECT

1 "The Japanese decided in August 1943 to establish
2 the Kakyoo Sookai with the support of a few promi-
3 nent pro-Nanking Chinese.

4 "The Kakyoo Sookai was organized along the cus-
5 tomary lines, with its leaders appointed by the
6 Japanese authorities, and close cooperation with the
7 Japanese Military Administration as the prime object.
8 No action was taken on their own initiative and the
9 organization was used to disseminate Japanese pro-
10 paganda and as an espionage organization.

11 "At the same time the Japanese made certain
12 concessions, such as permission for limited Chinese
13 private school education, and for sending small re-
14 mitances to their families in Japanese-occupied
15 parts of China. This latter permission was not kept.

16 "The Eurasians, who occupied mainly the middle
17 strata of technical and administrative occupations,
18 were at first ostracized. Japanese replaced them in
19 the higher ranks, but not nearly enough were available
20 for the more numerous intermediate ranks, and trained
21 Indonesians were insufficient in numbers.

22 "The first effort to secure the cooperation of
23 the Eurasian group was made in September 1943. The
24 Eurasians who had been regarded as 'aliens,' gra-
25 dually began to be treated as belonging to the

LEWIS

DIRECT

1 indigenous population next to the Indonesian group.
2 The Japanese stipulated, however, that the Eurasians
3 had to realize that from then on they were to feel and
4 act as members of the Greater East Asia community
5 under the leadership of Japan, and had to renounce
6 their western ancestry.

7 "The Japanese promised the Eurasians to admit
8 number of their children to village schools which had
9 so far been reserved for Indonesian children.
10 Separate schools for Eurasian children remained for-
11 bidden.

12 "In the beginning of 1944 the Japanese decided
13 to dissolve the Putera and to replace it by an or-
14 ganization in which all Asiatics would combine efforts
15 to achieve ultimate victory in the Holy War.

16 "According to the Japanese it had failed to reach
17 the simple villager, who comprised about 80% of the
18 total population of Java and supplied the man power
19 for army and labor services and the production of food
20 crops for the Japanese. The movement became too
21 strongly nationalistic.

22 "The new organization followed a pattern used
23 in Japan and combined the propoganda machinery with
24 the organization for the distribution of essential
25 supplies. Starting in January 1944, the whole of

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1 Java was divided into small communities of about 20
2 houses each, called Tonari Gumi (Neighbours' Asso-
3 ciations). These Tonari Gumi were organized on cen-
4 tralized lines. They were headed by a Kumityoo, who
5 was appointed from above and who was responsible for
6 the execution of the orders given to him. All
7 existing associations, social, fire precautionary,
8 agricultural, etc., were absorbed by the Tonari Gumi.

9 "The duties of this institution were very ex-
10 tensive. Not only distribution, but also regular
11 training for air raid defense and guerilla warfare
12 were its responsibility. Furthermore, the head of the
13 community had to lecture at least once a week to his
14 people on Japanese ideology and the practical appli-
15 cation thereof. At these meetings the Japanese aims
16 in regard to the population were extolled according
17 to instructions from the Japanese propaganda service.
18 This was done mostly by Indonesians, specially
19 trained by the Japanese who remained behind the scene.

20 "Other meetings were held for larger units
21 (called Aza; a village was divided into two or more
22 Aza) once a month. One member of each family had to
23 attend these meetings.

24 "All inhabitants of the area of one Tonari Gumi,
25 including non-interned Eurasians, had to be members

DEWEERD

DIRECT

1 of the organization. Only membership gave distri-
2 bution facilities.

3 "On March 9, 1944, when the Tonari Gumi were
4 working satisfactorily, the Putera was officially
5 dissolved and the 'Jawa Hooko Kai' (Corporation for
6 Communal Services in Java), comprising all Asiatic
7 groups was officially installed. This corporation
8 remained as the instrument of Japanese control un-
9 til August 31, 1945, when it was dissolved.

10 "According to the official explanation accompany-
11 ing the Ordinance (8 January 1944) founding it, the
12 Jawa Hookoo Kai was set up as an organ of the
13 Military Administration to carry out its instruc-
14 tions in an atmosphere of 'friendly cooperation' with
15 all inhabitants. It was the organization's duty to
16 see that these instructions reached all the people
17 and it was to work in close relationship with the
18 Tonari Gumi. Its leaders were responsible for
19 seeing that everyone was enlisted in the positive
20 support of the Military Administration. According
21 to this explanation the Jawa Hookoo Kai was in fact
22 an executive body, based on the principle of com-
23 plete coordination of all inhabitants and was,
24 therefore, an organization of the entire populace.

25 "The central direction of the Jawa Kookoo Kai

DEWEED

DIRECT

1 was appointed by the Commander-in-Chief and con-
2 sisted of Japanese exclusively. The Executive Bureau
3 under the supervision of the central direction had
4 several Indonesians. Branches were established in
5 all localities. The Ku Hooko Kai, the smallest union,
6 supervised one or more Aza which in turn supervised
7 a number of Tonari Gumi.

8 "The leader of these local Hooko Kai was the
9 head of the local administration, assisted by a
10 council (Kaigi), appointed by him. A session of the
11 Kaigi had to be held at least every six months, when
12 ways and means of promoting assistance to the
13 Military Government had to be discussed.

14 "The Tonari Gumi formed the lowest bodies in the
15 Jawa Hooko Kai. Their task was:

16 "a. active support to police and Keibooden
17 (village guards) in the defence of their country
18 and during air raids, against enemy parachutists,
19 enemy espionage, natural calamities, fire and crime.

20 "b. to make the inhabitants understand the
21 aims of laws, regulations, etc., of the Military
22 Administration.

23 "c. stimulation of increased food production;
24 encouragement of delivery of these products to the
25 authorities; the distribution of daily necessities."

DEWEERD

DIRECT

1 "d. general support to the Military Administra-
2 tion, e.g., by protecting members of families of
3 Heiho (auxiliary troops), volunteers and romushas
4 (coolies) who had left their villages.

5 "e. mutual help and assistance.

6 "The Jawa Hookoo Kai absorbed all organizations
7 pursuing similar aims, regardless of nationality, in-
8 cluding the Japanese. The Huzin Kai (Womens' Cor-
9 poration), the Mashumi (the Islamic Corporation), the
10 Kakyoo Sookai (Corporation of Chinese), the Tai Tku
11 Kai (Sports Corporation), the Keimin Bunka Sidosya
12 (Cultural Corporation), etc., mentioned before, were
13 all incorporated in the Jawa Hookoo Kai.

14 "The activities by the Eurasians for their
15 mutual support brought on systematic prosecution by
16 the Kempei-tai. Dozens of their leaders died in
17 prison during the occupation as a result of ill treat-
18 ment, starvation, contagious diseases (caused by
19 crowded prisons without sufficient sanitation) or
20 sentences by courts martial.

21 "Anyone who once attracted suspicion was tortured
22 in such a way that false confessions were a daily
23 occurrence; and these in turn often brought fresh
24 victims within the clutches of the Kempei-tai. A
25 typical example of this happened in 1944 in Pontianak

LEWEERD

DIRECT

1 on the west coast of Borneo, where more than 1200
2 prominent Indonesian and Chinese, including the
3 local nobility, were executed on an entirely un-
4 founded suspicion of conspiracy. Also in Java the
5 Indonesians were in constant fear of the Kempei.
6 Greatest care had to be taken in speaking since spies
7 were around everywhere. There are hundreds of cases
8 where people of all races were most cruelly tortured
9 on the strength of reports of a usually entirely
10 innocent conversation, by means of the 'water-cure,'
11 electrification, hanging by limbs, use of boa con-
12 strictors, etc."

13 THE PRESIDENT: This is a convenient break.
14 We will adjourn until half past one.

15 (Whereupon, at 1200, a recess was
16 taken.)
17
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DE WEERD

DIRECT

AFTERNOON SESSION

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mrs. Stroker.

4 MRS. STROKER: I will continue reading from
5 page 44 where I left off, your Honor.

6 "Outside Java the same policy was adhered to
7 in regard to political and religious activities.
8 Here again, following TOJO's promise, a number of
9 prominent cooperative Indonesians were appointed
10 to posts in the Administration. Bodies similar to
11 the Sangi Kai (local Advisory Councils) were estab-
12 lished but this process was considerably slower
13 than in Java. Territories administered by the
14 Navy in turn were slower to follow than those under
15 Army Occupation. In the Naval areas (Celebes,
16 Borneo, etc.) the stage where Tyuoo Sangi-In
17 (Central Advisory Council) was formed was never
18 reached. In Sumatra, however, a Tyuoo Sangi-In
19 for that island was installed at Fort de Kock in
20 February 1945. No organization similar to the
21 Putera was permitted in spite of requests from
22 Indonesian intellectuals.
23

24 "Compared with Java, propaganda in the other
25 islands was more concentrated on the younger genera-
tion."

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DEWEERD

DIRECT

1 "Volunteers Corps' similar to the Giyu Gun
2 were established.

3 "The four basic aims of Japanese propaganda were
4 given full play during the course of 1944. Using
5 the slogan of 'Asia for the Asiatics' and teaching
6 religious hatred, the Japanese worked upon all
7 sections of society by holding courses of instruc-
8 tion. The first group to be dealt with was that of
9 school teachers, followed later by policemen, heads
10 of villages, minor officials of the civil service,
11 higher officials, doctors, pharmacists, lawyers
12 and personnel of all government offices. Even the
13 smallest group was given attention in turn.

14 "This propaganda, however crude, was to some
15 extent successful, partly due to chaotic conditions
16 and the distress and hardships suffered by the
17 population.

18 "The Japanese clearly realized the potential
19 dangers of this situation. It was the task of
20 the propaganda service to bend these sentiments in
21 some other direction by way of distraction from
22 Japan's occupation. There was a constantly increasing
23 campaign of hatred against the Occident, especially
24 against the United States and Britain, which countries,
25 together with Holland were held responsible for all

DE WEFRD

DIRECT

1 the sufferings of the population.

2 "IV. FOURTH PHASE

3 "September 1944 - August 1945.

4 "The strategic situation outside Java meanwhile
5 had considerably changed. The break-through at
6 Saipan had occurred and violently shook the very
7 foundations of the Japanese defense. The TOJO
8 Cabinet was succeeded by the KOISO Cabinet, which
9 recognized that it had to face the isolation of
10 the Southern Regions, and the necessity for the
11 Japanese troops there to stand by themselves, and
12 that it was more and more important to gain popular
13 cooperation.

14 "When the way in which TOJO's promise was going
15 to be realized became known in August 1943, disappoint-
16 ment was expressed rather clearly among those prom-
17 inent Indonesians, who still placed confidence in
18 Japan's promises. The Japanese were warned that
19 they had to accelerate satisfying nationalist aspir-
20 ations in the Southern Regions if they were to retain
21 the full cooperation from this group.

22 "On 7 September 1944, in the Diet, Prime Minister
23 KOISO, after having promised Korea and Formosa equality
24 of rights enjoyed by the Japanese, made a promise of
25 independence for the East Indies. (Exhibit No. 277)."

DE WEERD

DIRECT

1 "In this speech it was not made clear exactly
2 what region would gain independence when granted.

3 "The promise of independence was conditioned on
4 the people defending their own territory for the
5 support of the Greater East Asia Co-Prosperity
6 Sphere. The extent of this so-called independence
7 was only defined by reference to membership in the
8 Greater East Asia Co-Prosperity Sphere as an
9 application of the Hakko Ichiu ideal.
10

11 "Previously, towards the end of August 1944,
12 the 16th Army Headquarters in Java had been informed
13 confidentially of the contents of this statement,
14 and issued certain secret orders to various Japanese
15 organizations. Those orders, Prosecution documents
16 Nos. 2756 and 2757, were recovered in the building,
17 used by the Gunseikanbu during the Japanese occupation
18 of Batavia."

19 With the Court's permission I offer in
20 evidence prosecution's document 2756.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 2756 will receive exhibit No. 1352.

24 (Whereupon, the document above re-
25 ferred to was marked prosecution's exhibit
No. 1352 and received in evidence.)

DE WEERD

DIRECT

1 MR. STROOKER: I beg to be allowed to read
2 exhibit No. 1352.

3 THE PRESIDENT: Yes.

4 MR. STROCKER: (Reading): "SECRET.

5 "Notification regarding measures ensuing from
6 the Proclamation of Admission of the Independence
7 of the East-Indies.

8 "From: Chief of Staff Osamu Army Corps

9 "To:" (blank) (September 1944)

10 "We hereby notify you that, based on the Prime
11 Minister's proclamation regarding the granting of
12 the independence of the East-Indies at the 85th
13 Special Session of the Diet today, the 7th of
14 September, it is decided that the Army will meet the
15 situation properly generally in accordance with the
16 following stipulations:

17 "1. The purport of the granting of independence
18 shall be thoroughly understood (based on the Prime
19 Minister's speech).

20 "2. It is not permitted to touch upon the time
21 /T.N. of the granting of independence/ the sphere of
22 the East-Indies nor the form of government until
23 these are finally decided.

24 "3. National consciousness must be raised to
25 the highest degree; especially during the execution

DE WEERD

DIRECT

1 of the war this must be utilized to strengthen
2 defence, co-operation with Military Government, and
3 to make Japan and Java one and inseparable.

4 "4. There shall be no great alterations in
5 the operations and the business structure of the
6 Military Government. However, participation in
7 the Government shall be enlarged and strengthened,
8 and political training shall be carried out.

9 "5. Nationalistic speeches and activities
10 shall be actively allowed; for that purpose the
11 following measures shall be taken:

12 "a. Permission to sing the national anthem
13 and to use the national flag;

14 "b. The use of nationalistic terms such as
15 'the Indonesian people' shall not be restricted.

16 "c. The appointment of nationalists.

17 "d. Those advocates of independence who are
18 connected with the Communist Party shall not be
19 allowed to exist.

20 "6. Investigation and study necessary for
21 independence executed by the local inhabitants under
22 the guidance of Military Government shall be recognized.

23 "7. Thorough measures shall be taken for the
24 spreading of the Japanese language, the adoption of
25 Japanese institutions and the infusion of the Japanese

DE WEERD

DIRECT

culture.

1 "8. There shall be no distinction between the
2 natives and other races, especially those who are
3 to be treated as local inhabitants, but they must
4 be made to understand the elemental point that they
5 must participate in the construction of a new
6 society, and must co-operate with all their might.

7 "9. All Japanese must realize and put into
8 practice the mission of this new era in which the
9 divine work of HakkoIchu(T.N. Same as 'ichiu')
10 (T.N. the whole world one family) is to be carried
11 out. Especially the idea of colonial subjugation
12 has to be banned; and towards the natives we must
13 be like parents and elder brothers and sisters,
14 approaching them with affectionate feelings while
15 instructing and guiding them sternly. Haughty and
16 arrogant speech or behavior shall not be allowed under
17 any circumstances.

18 "10. In guiding the public opinion stress shall
19 be laid on the raising of national consciousness,
20 the intensification of war-mindedness, confidence
21 in and reliance upon Japan and the desperate determina-
22 tion to win complete victory ensuing therefrom, and
23 on the manifestation of leadership in carrying out
24 these things."
25

DE WEERD

DIRECT

1 "11. Looking at the other side of the joy on
2 the granting of independence we naturally anticipate
3 the confusion accompanying shifts and changes of
4 powers, but it is absolutely forbidden to meddle
5 in these; we must guide them always standing aloof.

6 "12. Although the insatiability which springs
7 from the Indonesian character may sometimes provoke
8 our resentment, we must not be hostile, but guide
9 them, sternly indicating the established policy;
10 a so-called flattering attitude is not allowed.

11 "13. As for the instruction of the Volunteer
12 Defence Corps, on this occasion particularly we
13 must scrutinize the attitude of officers and men
14 towards them, and the main points of the instruction
15 in order to deepen the feeling of unity; and we must
16 not let them get the feeling that they form an inde-
17 pendent army.

18 "Special attention shall be paid to the training
19 of instructors. This also applies to the Hei-Ho (T.N.
20 auxiliary troops).

21 "14. In observing the real situation of the
22 people we must not fall into the superficial view
23 that the aim of securing their confidence in Japan
24 and raising their war-mindedness has been attained,
25 by judging from their enthusiasm and festive excitement;

DE WEERD

DIRECT

1 but we must observe them, guiding them firmly and
2 continually according to our principle of guidance.

3 "15. Planning and execution in the field of
4 general direction shall be the duty of Military
5 Government, and others must co-operate with it.
6 There must be no inconsistency whatsoever in carrying
7 out the policy.

8 "16. In general the several functions will be
9 as follows:

10 "a. The 7th day of September is designated
11 as National Independence Commemoration Day, and the
12 week from the 7th until the 13th shall be the National
13 Festival (temporary name) and thanksgiving functions
14 will be performed at that time.

15 "b. On the 7th the Provincial Governors
16 shall assemble and the Commander-in-Chief will
17 indicate the policy to cope with the new situation.

18 "c. On the 8th it is anticipated that a
19 ceremony will be held at which the representatives
20 of the inhabitants will express their gratitude.

21 "d. On the 9th or the 10th a special session
22 of the Council shall be convened in every province
23 and the special municipality, and on the 11th, a
24 special session of the Central Council."
25

I may mention that I forgot to read the date,

DE WEERD

DIRECT

1 your Honor: 7 September 1944.

2 I tender in evidence prosecution document
3 2757.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 2757 will receive exhibit No. 1353.

7 ("Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1353 and received in evidence.)

10 MRS. STROOKER: I beg the Court's leave to
11 be allowed to read prosecution's exhibit 1353.

12 "CONFIDENTIAL

13 "Basic Outline of Propaganda and Enlighten-
14 ment attendant on the Proclamation re Recognition
15 of the Independence of the EAST-INDIES.

16 "GUNSEIKANBU (Inspectorate of Military
17 Administration).

18 "September 7, 1944. (showa 19)

19 "Policy.

20 "Based upon the statement of the Commander-in-
21 Chief, to promote the racial consciousness of the
22 INDONESIANS and to incite this into a hostile feeling
23 for the complete prosecution of the War to exterminate
24 the U.S.A. and BRITAIN.

25 "Outline."

DE WEERD

DIRECT

1 "1. The promotion of the racial consciousness
2 of the INDONESIAN Race by the establishment of
3 racial ideals shall be planned.

4 "2. The responsibility and efforts of the race
5 shall be stressed, in addition to which they shall
6 be made to realize their aggravated mission for
7 the complete prosecution of the War, and the
8 inspiration which may be aroused shall be incited
9 into a hostile feeling for the complete prosecution
10 of the War to exterminate the U.S.A. and BRITAIN.

11 "3. Measures necessary for the Independence
12 shall be left entirely to the ARMY, and they (T.N.
13 the people) shall be made to understand the necessity
14 of offering themselves entirely for defense and
15 services to the Military Administration during the
16 War.

17 "4. They shall be made to look back upon the
18 process of the glorious spreading of creed of
19 'Hakko-iu (T.N. same as ICHI-U, i.e. making the
20 whole world as one family) and the realization of
21 the national policy of the EMPIRE (T.N. JAPAN) by
22 means of the independence and participation in the
23 government of BURMA and the Philippines; in this way
24 they shall be induced to increase their confidence
25 in and reliance upon the EMPIRE (T.N. JAPAN) and also

DE WERD

DIRECT

1 to manifest their deep emotion for the August Virtue.
2 of His Majesty and the sincerity of their devotion
3 to the Emperor.

4 "5. Those who have blamed persons co-operating
5 with the Army or those who have been negative in
6 their co-operation with JAPAN while maintaining
7 a dubious attitude, shall be ostracised, and the
8 fact that co-operation with the Military Administra-
9 tion implies the prosperity of INDONESIA shall be
10 clarified, thereby forcing out and checking all
11 critical speech and actions.

12 "6. By emphasizing (T.N. the significance of) the
13 GREAT EAST ASIA Conference and the Joint Declaration
14 of GREAT EAST ASIA, and by the process of realization
15 (T.N. of the ideals) thereof, they shall be made to
16 become conscious of a feeling of certainty regarding
17 the construction.

18 "7. In order to check the enemies' counter-
19 propaganda beforehand, they shall be reminded of the
20 past when they groaned for ages in misery under
21 Jewish Oppression under the external appearance of
22 dazzling splendour, by tracing back the history of
23 the atrocities of the U.S.A., BRITAIN and HOLLAND.

24 "8. The co-operation of the CHINESE Residents,
25 HALF-CASTES and ARABS is also worthy of attention."

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1 "It shall be emphasized that these people, too, while
2 basking in the new glory similar to the INDONESIANS,
3 must, together with the latter, exert themselves
4 towards the construction of a new society; and the
5 policy of concord of all the peoples with the INDO-
6 NESIAN Race as the nucleus shall be adhered to.

7 "9. The new policy shall be glorified by
8 utilizing the actual results and the present con-
9 dition of the co-operation of the people, the policy
10 of the organization of the Volunteer Defence Corps
11 and the participation in the Government as the
12 background.

13 "Measures.

14 "1. Every kind of information-organization and
15 primitive method shall be utilized.

16 "2. Newspapers shall issue extra-bulletins;
17 there shall be no suspension of publication on
18 Sundays; and on the first and second days four page
19 newspapers shall be issued.

20 "3. As for movies, the functions during a week
21 after the official announcement shall be filmed and
22 edited, by also taking into consideration the effects
23 in foreign countries.

24 "4. In the broadcasting the text of the official
25 announcement in TOKYO, the statement of the Commander-

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1 in-Chief and the talks of the Authorities of the
2 Military Administration, etc., shall be repeated,
3 accompanied by clear and cheerful music. Moreover,
4 the inspiration and the determination of the native
5 inhabitants shall be put in the daily programmes.

6 "5. The national flag of Great JAPAN shall be
7 hoisted for one week from the day of the Official
8 Announcement.

9 "6. The details of this Outline shall be planned
10 and executed by the Department of Propaganda in co-
11 operation with the Bureau of Native Affairs.

12 "To be distributed for office-purposes to:

13 "Department of Propaganda (including news corres-
14 pondents),

15 "Bureau of Native Affairs,

16 "Bureau of Japanese Affairs."
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1 "The promise made on 7 September 1944 by
2 Premier KOISO was announced in Java by the Commander-
3 in-Chief in the following words:

4 "As for the nation that will be set up in
5 the future it would be a just and true nation that
6 will become a link in the Greater East Asiatic Co-
7 prosperity sphere and has the duty to contribute to
8 the development of Greater East Asia under the leader-
9 ship of Dai Nippon.

10 "Therefore, if all inhabitants like to raise
11 the standard of the nation that will be set up so that
12 it would become one of the Greater East Asiatic nations
13 in the true sense, then it is very necessary that they
14 train themselves ceaselessly to become a Greater East
15 Asiatic people until the final victory is achieved,
16 i.e., by thoroughly convincing themselves as a Greater
17 East Asiatic people.

18 "Suppose the final victory will not be won,
19 then the construction of Greater East Asia can not be
20 materialized, and as a matter of course, the East Indies
21 will not get their independence.

22 "Therefore, all inhabitants must exert all
23 their efforts to win the final victory in a sphere
24 of perfect friendship between all nationalities.

25 "They must patiently endure all hardships and
they also must remove all obstacles that might come

DEWEERD

DIRECT

1 up in the future.

2 "And, therefore, while waiting for the ar-
3 rival of the amount of that glorious independence, all
4 the inhabitants must work hard for the continuance of
5 this war. "With such an attitude the duties for the
6 future can be fulfilled."

7 "The 'gratitude' of the Indonesians for
8 KOISO's promise remained the theme on which the Japanese
9 propoganda continued to play for months to come.

10 "At the same time, 16th Army Headquarters
11 were instructed to advise the Ministry of War as to
12 what area should be declared 'independent' the date on
13 which it was to take place, and the form of the new
14 Government and state.

15 "The Military Government of Java in reply
16 subrittred a report entitled 'Gist of Measures for
17 Guiding Independence', in which it was proposed to
18 make Java independent first. Measures suggested to
19 strengthen the national consciousness were the creation
20 of the Ken Koku Gakuin (Academy for the Building of
21 the State), and increased participation in the admin-
22 istration.

23 "Only two practical steps were taken at first
24 to carry out KOISO's promise. On 8 September 1944
25 the population was allowed henceforth to fly the

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DIRECT

1 Indonesian alongside the Japanese flag but
2 only on certain specified holidays, subject to strict
3 regulations as to place and size. On Government build-
4 ings of the Administration the Japanese flag only was
5 to be flown. On that same date permission was given
6 to sing the 'Indonesia Raya'-song (Song of Great In-
7 donesia) as the national anthem.

8 "On 11 September 1944 the Commander-in-Chief
9 convoked a special session of the Tyuuko Sangi-In
10 (Central Advisory Council), in order to answer the
11 question of how the Indonesians could show to Japan
12 and her arm their intense gratitude for the promise of
13 future independence, and how the will of the people 'to
14 fight to bring about the destruction of America and
15 England could still further be enhanced.'

16 "Another extraordinary session of the Tyuuko
17 Sangi-In was held on 17 November 1944, and a motion
18 was adopted to lay down a so-called 'Pancha Dharma'
19 (Five Rules for the Conduct of Life) as a 'compass'
20 for the Indonesian population.

21 "This 'Pancha-Dharma' reads as follows:

22 ""For the Indonesian People, to wit:

23 "1. We, along with other nations in Greater
24 East Asia, are in this war one in life and death with
25 Dai Nippon, and will contribute our efforts in all

DEWEERD

DIRECT

1 sincerity because this present war stands up for jus-
2 tice and righteousness.

3 "12. We found an Indonesian State that is
4 independent, unified, sovereign, just, and prosperous
5 and that always will value the spiritual merits of
6 Dai Nippon, and that will live as a true member in the
7 family-sphere of Greater East Asia.

8 "13. We will sincerely endeavor to achieve
9 a glorious greatness by way of keeping up and elevating
10 our own civilization and culture, by helping to develop
11 the Asiatic culture and by beautifying the world's
12 culture.

13 "14. While maintaining strong and lasting
14 friendly relations with the nations of Greater East
15 Asia, we serve our country and people with all our heart
16 and with an unwavering mind while we will always be-
17 lieve in God Almighty.

18 "15. With a united and burning desire we
19 strive for the achievement of an ever-lasting World
20 Peace based on the family-conception of the whole man-
21 kind according to the principle of Hakko Ichiu.'

22 "On 1 December 1944 participation in the Ad-
23 ministration was extended to the appointment of Indo-
24 nesean 'HukuOSyuutyokan' (Vice Governors) in several
25 Syuu, and of more Indonesian Sanyo (Advisers) to the

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1 various Departments of the Gunsoikanbu. A Sanyo-
2 Kaigi (Board of San-yo) was established to meet re-
3 gularly to advise the Gunsoikanbu in the periods of
4 when the Tyuuo Sangi-In (Central Advisory Council) was
5 not in session.

6 "Meanwhile the propaganda service had intro-
7 duced a new slogan for the 'Benteng Forjuangan Jawa'
8 (Java One Fortress). The object was to bring the popu-
9 lation to the maximum war effort in view of the threat
10 of an Allied landing, now openly anticipated. Air
11 Raid Defense and Fire Brigade drills were daily routine
12 but besides, the population was worked upon by the
13 powerful propaganda machinery and trained in guerilla
14 fighting. They were instructed in the methods of
15 destroying small enemy formations with primitive
16 weapons (bamboo spears hardened in fire) and by mass
17 action.

18 "During a propaganda meeting in Batavia ef-
19 figies of Roosevelt, Churchill, and Van der Plas (a
20 prominent Dutch administrator) were burned after having
21 been paraded through the whole town. American, British,
22 and Dutch flags were painted on the roads and trampled
23 upon by processions during a propaganda demonstration.
24 Religious propaganda urged the Mohammedans to declare
25 Holy War on the Occidental Powers."

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1 "Three new semi-military organizations were
2 established during this period, and the Tonari Gumi,
3 finally, were used as a reinforcement for the Keiboo-
4 daain the defense of the village. On no occasions
5 were these simple villagers ever told that such action
6 on their part in war time would constitute a violation
7 of the Rules of Land Warfare and would force the op-
8 posing party to treat them as 'francitieurs'.

9 "This training had an unintended result. One
10 night in February 1945, a detachment of the Volunteer
11 Defense Corps at Blitar (East Java) made a surprise
12 attack on the Japanese guarding the armory, captured
13 the arms as well as key-points in the town, for instance,
14 Kompei HQ, the Telegraph and Telephone Exchange etc.
15 Subsequently, an orgy of murder and robbery ensued,
16 the victims being all non-Indonesians and included
17 Japanese. In the course of the next days the movement
18 was partly settled by compromise, partly stamped out
19 by violence and bloodshed.

21 "There was also increasing resistance against
22 Japanese regulations in the economic field, especially
23 against the delivery of agricultural produce and the
24 recruiting of native labor.

25 "In order to overcome this resistance, strong
measures were adopted against Indonesian civilian

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1 officials who were held responsible for the poor re-
2 sults in recruiting. Many were dismissed and substi-
3 tuted by nationalist and occasionally by Islamite poli-
4 ticians. These new officials had come to the fore
5 through the Java Hookoo Kai, or through the religious
6 courses. The new arrivals in the Indenosean adminis-
7 trative corps were not fully competent, and they always
8 had Japanese advisers. Approximately one-third of the
9 corps was staffed with nationalists favourably dis-
10 posed towards the Japanese. Required delivery of
11 foodstuff and recruitment of coolies and volunteers
12 were not achieved by many Ken.

13 "The Japanese realized that they were in-
14 creasingly dependent upon the co-operation of the people
15 and that they would have to bear the consequences of
16 their own propaganda.

17 "In September 1942 already, Count Hideo
18 Kodama, then adviser to the Commander-in-Chief of Java
19 visited Tokyo to try to arouse interest in local views
20 concerning the East Indies. In November 1943 Sukarno
21 was sent to Japan and pressed Premier TOJO to grant
22 independence, but obtained no definite answer. At the
23 end of 1944, HAYASHI, the then highest civil adviser
24 to the Java Military Government went to Tokyo with the
25 consent of the Commander-in-Chief in Java to try to

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DIRECT

1 persuade Japan to support puppet-independence for the
2 East Indies.

3 "A Ken Koku Gokuin (Academy for the Building
4 of the State) was instituted on 29 April 1945 with the
5 object of influencing the minds of the future 'leaders'
6 of the 'independent' state and of imbuing them with
7 ideals of the Greater East Asia Co-Prosperity Sphere
8 led by Japan, and with a correct conception of this
9 leadership.

10 "Meanwhile, Java Headquarters pressed higher
11 authorities for a speedy solution. On 30 April 1945,
12 a conference took place at Singapore, attended by
13 Chiefs of General Affairs Departments of all areas
14 under the command of the 7th Area Army, comprising
15 Java and Sumatra and commanded by ITAGAKI. At this
16 conference the Soomubutyoo of Java explained to what
17 extent the national consciousness of the Indonesians
18 had now been fully awakened and emphasized the fact
19 that there was no other way to regain the confidence
20 of the population but by carrying out the promise of
21 independence.

22 "Field Marshal TERAUCHI's Headquarters at
23 Saigon on 15 May 1945 requested views of local Head-
24 quarters on 'independence'. Java promptly responded
25 with a proposition to declare the whole of the Nether-

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1 lands East Indies independent within a year. Singapore
2 dodged the issue and said that it was not yet time to
3 initiate independence.

4 "Subsequently, on 20 May 1945, at the insti-
5 gation of ITAGAKI, a meeting was called of all Chiefs
6 of Staff at Singapore. The conference recognized that
7 the war was turning against Japan. Java was allowed
8 to convene a 'Dokuritsu Chosa Junbi Iin' (Committee
9 for the Study of Preparations for Independence). This com-
10 mittee was installed on 28 May 1945 and took a solemn
11 oath of loyalty to live and to die with Japan."

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1 "Naval" territories (Borneo, the Celebes,
2 the Lesser Sunda Isles, etc.) were not represented
3 at this conference, and measures discussed only
4 related to 'Army' areas which narrowed down to
5 Java. In Sumatra, political developments lagged
6 behind that of Java, and it was not until February
7 1945 that a Central Advisory Council for Sumatra
8 was installed.

9 "The Committee for the Study of Preparations
10 for Independence consisted of approximately 60 mem-
11 bers, including four Chinese, one Indo-Arab and one
12 Eurasian. A Japanese was Deputy Chairman, and
13 seven others were 'special members.' The Committee
14 had an Administrative Bureau with a Japanese Deputy
15 Chief.

16 "The Ordinance founding this Committee
17 required that its findings had to be reported to
18 the Gunseikan. Later, a new 'Committee for the
19 Preparation of Independence' would be formed. It
20 was clearly stipulated that the 'Committee for Study'
21 was to confine itself to study and was not empowered
22 to make any decision.

23 "The Committee met twice, from 29 May to
24 2 June and from 10 to 16 July 1945. These meetings
25 were not open to the public. Among other things, a

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1 constitution resembling that of the Philippine
2 puppet-state was drafted.

3 "There was disappointment when it was
4 learned that the Committee had no power to make
5 decisions and had to restrict itself to Java.

6 "On 17 July 1945, the Supreme War Direction
7 Council decided to adopt the policy of granting
8 'independence' to the East Indies as soon as pos-
9 sible. (Prosecution document No. 2759, Court exhibit
10 No. 1350).

11 "This decision reached Java on 21 July
12 1945. According to directives from Tokyo, the
13 territory of the new state was to comprise the
14 whole of the Netherlands East Indies, while a
15 'Committee for the Preparation for Independence'
16 was to be set up in the near future.

17 "Emphasis was laid upon the necessity for
18 safeguarding the requirements for military operations.
19 The Headquarters of the Southern Army at Saigon,
20 which had submitted in June 1945 that the establish-
21 ment of the puppet-state should not take place before
22 the middle of 1946, and that the above-named Committee
23 should at the earliest be set up towards the end of
24 1945, was ordered to work out the details.

25 "Consequently, on 30 July 1945 at ITAGAKI's

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1 Headquarters in Singapore a conference was held
2 of the Soomubutyoo (Heads of General Affairs
3 Departments of the Gunseikanbu) of the regions
4 concerned. At this Conference a scheme was drawn
5 up for guiding preparations for so-called independence,
6 wherein the date was set for the spring of 1946.

7 "THE FIFTH PHASE

8 "August-September 1945.

9 "In the beginning of August 1945, Field
10 Marshal TERAUCHI received telegraphic orders from
11 Tokyo to hasten preparations for the Indonesian
12 puppet-state as much as possible, and to create
13 this state in September 1945. In pursuance of this
14 order, on 7 August 1945 TERAUCHI decreed the estab-
15 lishment of the Dokuritsu Junbi Iin (Committee for
16 the Preparation for Independence).

17 "This was effected by proclamation of the
18 same date, reading as follows:

19 "'Proclamation of the Nanpoo-Gun (Japanese
20 Southern Army).

21 "'Concerning the 'Committee for the Prepara-
22 tion for Independence of Indonesia.'

23 "'Based on the proclamation of the Japanese
24 Government of 7 September last year, the Nanpoo-Gun
25 has consistently been taking measures to guide the

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DIRECT

1 Indonesians. Owing to the spiritual awakening of
2 the people up to this moment, they have all succeeded
3 in achieving much and fast progress in their train-
4 ing for government and for the defense of the country
5 with burning enthusiasm.

6 "In response to the activity and the whole-
7 hearted efforts of the people, the Nanpoo-Gun
8 expresses its approval of the installation towards
9 the middle of August of a Committee for the Prepara-
10 tion for Independence of Indonesia; that Committee
11 shall accelerate all measures concerning the final
12 preparations for the installation of the Government
13 of an independent Indonesia.

14 "12 o'clock, 7. VIII. 1945.'

15 "On the same day on which the proclamation
16 of Marshal TERAUCHI was published in Java, the
17 Saikoo Sikikan (Commander-in-Chief) of Java also
18 issued a proclamation, wherein, inter alia, it was
19 stated:

20 "The desire to become an independent
21 nation has now reached a high point and is flaring up
22 all over Indonesia. It was in response to the ex-
23 pression of this desire that the Dai Nippon Teikoku
24 solemnly promised to grant her independence, in
25 accordance with the basic principle of the

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1 Dai Nippon Teikoku, (Japanese Empire), i.e., the
2 ideals of Hakko Ichiu. Since that promise the whole
3 population has exerted itself to its utmost to honor
4 the national obligations and the stronger became
5 their determination to bring the war to a success-
6 ful conclusion, so that the foundations for their
7 independence could be built up fully and speedily.
8 And now, as an independent nation, constituting a
9 link in the chain of the Co-Prosperity Sphere of
10 Greater East Asia, she will join and take her place
11 in the battle-line for the common defense of Greater
12 East Asia.'

13 "The Gunseikan, (Chief Military Government)
14 on this occasion stated the following:

15 "The independence of Indonesia as a
16 member of the Co-Prosperity Sphere of Greater East
17 Asia, is based upon humanitarian principles so as to
18 contribute in the formation of a new world order.
19 Therefore, the lofty ideals of the Indonesians and
20 their intense enthusiasm conform with the basic
21 ideals of the Dai Nippon Teikoku, i.e. the spirit
22 of Hakko Ichiu.

23 "A new nation will have to meet some
24 essential requirements: it must have sufficient
25 strength, while its administrative machinery should

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DIRECT .

1 be organized in a smooth and simple way. Therefore,
2 the first duty is to bring the war now being faced
3 by the Indonesians to a successful conclusion. To
4 this end the Indonesian nation must develop its
5 war potential to its full extent, and together with
6 Dai Nippon fight unceasingly to achieve final victory
7 in this Greater East Asia War.'

8 "A few days of silence on the subject of
9 independence followed; Japanese propaganda continued
10 to elaborate upon the common ties of destiny between
11 Japan and Indonesia: 'To live or die with Japan.'

12 "Meanwhile on 9 August 1945, a delegation
13 of three leading Indonesian nationalists, including
14 Sukarno, was flown to TERAUCHI's Headquarters at
15 Saigon, and received by the Field Marshal on 11
16 August. They were told by the latter that it was
17 originally intended to send the delegation to Tokyo
18 to receive the Imperial Decree direct from the Japanese
19 Government. On account of difficulties and dangers
20 of communications and pressure of time, the Field
21 Marshal had been instructed to transmit the contents
22 of the Decree to the delegation on behalf of the
23 Imperial Government.

24 "The main points were:

25 "a. The Japanese Government had been pleased

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1 to institute a Committee for the Preparation for
2 Independence.

3 "b. The territory of the New State would
4 include the entire Netherlands East Indies.

5 "c. The date when independence would be
6 proclaimed in any territory was to be determined at
7 the discretion of the Imperial Government, as soon
8 as preparations were completed.

9 "d. The independent Government would be
10 installed first in the island where preparations
11 had been first completed. Subsequently this Govern-
12 ment would be gradually extended to include areas
13 where preparations had been completed.

14 "e. All Japanese demands in connection
15 with the military situation were to be complied with.

16 "f. Sukarno was appointed Chairman of the
17 Committee, which further consisted of thirteen
18 representatives from Java, three from Sumatra and
19 five from territories under naval occupation. Those
20 members were appointed on nomination by local Japane-
21 ese military commanders.

22 "On 14 August 1945 the newspapers in Java
23 reported the news of Sukarno's return, and he was
24 welcomed as the new leader of Indonesia by the
25 Commander-in-Chief and many of the military and

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DIRECT

Indonesian authorities. Meanwhile the Committee

1 members from Sumatra, Borneo, the Celebes, and Bali,
2 whose names were now published, were flown to Java,
3 after having received their instructions from the
4 military or naval authorities of those areas.

5 "Originally the first meeting of the
6 Committee was fixed for 19 August.

7 "On 15 August, however, members of the
8 Committee were secretly informed of Japan's capitu-
9 lation.

10 "During the night of 16 to 17 August 1945,
11 the Committee, augmented by nationalists and youth
12 leaders, prominent during that period, met at the
13 residence of the Japanese Naval Liaison Officer
14 MAEDA. Sukarno had, prior to this meeting, conferred
15 with the Soemubutyoo (Chief General Affairs Department)
16 and MAEDA. It was decided to proclaim independence
17 the next morning.

18 "The constitution drafted by the Dokuritsu
19 Chosa Junbi Iin (the Committee set up in May for
20 the Study of Preparations for Independence) was
21 hastily altered, and on the following morning the
22 Independence was broadcast by Sukarno through a
23 microphone, installed by the Japanese propaganda
24 service on the veranda of his house."
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1 "The population of Java was still un-
2 informed, except through rumor, about the capitula-
3 tion of Japan. Radio receiving sets had been un-
4 fitted to pick up foreign broadcasts, even from
5 Tokyo. On instructions from the Commander-in-Chief,
6 the Japanese propaganda service kept Japan's defeat
7 secret.

8 "The newspapers, controlled by the Japanese
9 propaganda service, and the local broadcasting
10 stations between 17 and 21 August 1945 made no
11 mention of anything but the announcement of indepen-
12 dence and the proclamation of the constitution.

13 "On 21 August 1945, the papers published,
14 next to the text of the Emperor's broadcast of 14
15 August on the surrender, a proclamation by the
16 Commander-in-Chief of Java, containing, inter alia,
17 the following words:

18 "Dai Nippon is and will always be a
19 friend to Indonesia, immutably and forever. We
20 never will forget our oath; united in life and in
21 death."

22 "Until 21 August 1945 the Japanese author-
23 ities had kept Japan's defeat secret; this period has
24 been called the 'stolen week.'"
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1 This concludes the direct testimony of this
2 witness. With the Court's permission he may be
3 cross-examined.

4 THE PRESIDENT: It has been a pleasure to
5 listen to you, Mrs. Stroker.

6 MRS. STROKER: Thank you, your Honor.

7 THE PRESIDENT: Mr. Logan.
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CROSS-EXAMINATION

1 BY MR. LOGAN:

2 Q Major, on page three of your affidavit
3 you state that after the Japanese troops entered the
4 Netherlands Indies they interned a group of influential
5 persons in the administration of the country's affairs.
6 Isn't that a usual procedure done by an Army of
7 Occupation?
8

9 A My report is based upon investigations in
10 the Netherlands East Indies and upon large scale
11 investigation in other -- I do not know whether in
12 other countries during the occupation similar measures
13 have been taken. My report is -- restricts itself
14 to the Netherlands East Indies.

15 Q Well, may I ask you this, Major: As an
16 army man wouldn't you say that that was proper procedure
17 for an Army of Occupation?

18 A The point is that not only prominent sections
19 of the Occidental population have been interned, but
20 practically the whole white population; and that I think
21 is unusual.

22 JAPANESE INTERPRETER: Owing to the fact that
23 simultaneous translation can not be done, translation
24 will be done according to the relay system.

25 THE NETHERLANDS INTERPRETER: The witness' answer:

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1 "Not only prominent sections of the population had
2 been interned, but practically the whole white population
3 of these islands and that I think is unusual in
4 occupied territory."

5 Q The internment of these people, Major,
6 was basically a security and control measure by the
7 Japanese occupational forces, isn't that so?

8 A This was not only a security measure. I
9 think that it is evident from documents introduced in
10 this Court during these days; but it was obviously
11 the deliberate intention on the part of the Japanese
12 to eradicate Western influences.

13 Q Now, Major, I am not interested in conclusions.
14 I would appreciate it if you would confine yourself
15 to answering the questions, if you mind.

16 A The facts are these: That document issued
17 by the Japanese Government and studied by me indicate
18 that --

19 Q Well, Major, what I am interested in knowing
20 is whether or not these measures of internment which
21 were taken by the Japanese occupational forces were
22 basically security and control measures?

23 A Confining myself -- restricting myself to
24 facts, I have to state that in no document I found
25 any indication of anything but that this internment

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1 was solely a security measure.

2 Q Perhaps you didn't understand me, Major. I
3 am asking you as an army man, from your experience,
4 isn't it proper for the occupational forces to take
5 basic security and control measures by interning
6 those people in control of the country which is occupied?

7 MR. HYDE: Mr. President, I object to this
8 question. It is calling for a conclusion. The Major
9 has testified as to things that he saw. He has made
10 a report as the document indicates. He is now being
11 asked to give testimony, conclusive testimony, opinion
12 testimony as an army officer. It is improper cross-
13 examination, I submit.

14 THE PRESIDENT: All your questions are
15 questions for the Court, Mr. Logan. We know that in-
16 vading armies do take security measures, but never by
17 interning on a wholesale scale such as he testifies to.

18 If you ask him whether in fact the internment
19 of any Javanese was called for by the facts of the
20 case, I will permit him to answer. It would be better
21 to ask him what was the conduct of the Javanese prior
22 to the internments.

23 MR. LOGAN: If the Tribunal please, he stated
24 facts in his affidavit here and we must assume, naturally,
25 that he is claiming what was done was wrong.

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22 to the internments.

23 MR. LOGAN: If the Tribunal please, he stated
24 facts in his affidavit here and we must assume, naturally,
25 that he is claiming what was done was wrong.

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1 THE PRESIDENT: If you suggest to him
2 that the conduct of the Javanese warranted their
3 internment he may answer. That is a question of fact.

4 The objection is upheld.

5 BY MR. LOGAN (Continued):

6 Q How many people, Major, are there in the
7 Netherlands East Indies?

8 A The population is approximately 70,000,000.

9 Q How many of them born were Occidentals born
10 in the Netherlands Indies?

11 A Before the war the situation was that there
12 were 250,000 Occidentals, the majority of which were
13 born in these islands.

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1 THE PRESIDENT: If you suggest to him
2 that the conduct of the Japanese warranted their
3 internment he may answer. That is a question of fact.

4 The objection is upheld.

5 BY MR. LOGAN (Continued):

6 Q How many people, Major, are there in the
7 Netherlands East Indies?

8 A The population is approximately 70,000,000.

9 Q How many of them born were Occidentals born
10 in the Netherlands Indies?

11 A Before the war the situation was that there
12 were 250,000 Occidentals, the majority of which were
13 born in these islands.

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1 Q And how many of those 250,000 lived in Java?

2 A I have no exact information, but it can be
3 assumed that the majority of these 250,000 lived in
4 Java.

5 Q And out of that 250,000, or slightly less
6 than that in Java, only 62,000 were interned; is
7 that right?

8 A That is not entirely correct. It has to be
9 borne in mind that apart from these 60,000 civilian
10 internees there was a number of 45,000 military per-
11 sonnel also interned as prisoners of war.

12 Q Well, would you say including that 45,000
13 there were about 100,000 in Java interned?

14 A That is correct.

15 Q Then that would leave about 100,000, slightly
16 more than 100,000, who were not interned; is that
17 correct?

18 A That is correct.

19 Q Is this statement correct on page 3 of
20 your affidavit, that by the end of 1943 it may be
21 said that all Occidentals not born in the Netherlands
22 Indies, both male and female, had been interned with
23 a few exceptions, men and women above 65 or 70 years
24 of age?

25 A That is perfectly correct.

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1 Q Do I understand that about 100,000 of the
2 people of Java were over 65 or 70 years of age?

3 A That would be entirely incorrect, because
4 we are dealing here with Occidentals not born in
5 the Indies.

6 Q Wasn't that what you were talking about in
7 your affidavit, and what we have been talking about
8 here?

9 A The question put to me was, what was the
10 Occidental population of the Netherlands East Indies.
11 I included the Occidentals born in these islands as
12 well as outside the islands.

13 Q Am I correct in saying that there were only
14 about 50,000 full-blooded Dutch in all the East Indies?

15 A I am not entirely clear about the meaning of
16 the question. Do you mean to say whether before the
17 war there were no more than 50,000 Occidentals of
18 pure Dutch extraction in the islands?

19 Q Yes.

20 A I wish to stress that these figures are not
21 part of my investigations; also, I have no information --
22 no correct information now, but I do think that the
23 figures are somewhere between 50,000 and 100,000.

24 Q Then there were about 150,000 Eurasians,
25 is that correct?

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1 A That should be approximately correct.

2 Q You also state in your affidavit, Major,
3 that when the Japanese occupational forces came in
4 all the bank balances were immediately frozen. Isn't
5 that the usual procedure for an Army of Occupation to
6 follow?

7 MR. HYDE: Mr. President, again I submit
8 that the testimony of this witness is a report of
9 what he saw. He does not purport to indicate in
10 there whether it was usual or unusual. I submit
11 that it is improper cross-examination.

12 THE PRESIDENT: The question invades our
13 province. It is for us to say what are the powers
14 and authorities of an invading army under public
15 international law. It is for the witness to state
16 the facts to which that law might be applied. Even
17 if the Major were an authority on public international
18 law, we still would have to decide questions of law.

19 MR. LOGAN: May I be heard on that, your
20 Honor, please?

21 THE PRESIDENT: Public international law
22 is no longer a question of fact for an international
23 body like this, which is here to apply public inter-
24 national law.
25

 MR. LOGAN: If the Tribunal please, we have

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1 a witness here who has set forth a number of acts,
2 which he states were done by the Japanese Army.
3 There are several ways in which we can cross-examine
4 this witness on those acts. One is by inquiring of
5 him whether or not this was the usual method which
6 was adopted by any invading army.

7 THE PRESIDENT: The powers of an invading
8 army are determined by public international law,
9 which we alone decide. You may examine him as to
10 the facts with a view to our applying the public
11 international law. If in his statement he has ex-
12 pressed any views about those matters we will disre-
13 gard what he says. I told you in Chambers that we
14 were going to take from this witness only answers of
15 fact, and not expressions of opinion or conclusions.

16 MR. LOGAN: I am examining him, your Honor,
17 only on statements of fact which he has made in his
18 affidavit.

19 THE PRESIDENT: You may ask him whether the
20 facts were not such as to warrant what the Japanese
21 Army did in any particular case. Even that may be
22 too much. It may be that all you can ask him is
23 what were the facts which preceded the Japanese ac-
24 tion.

25 MR. LOGAN: By asking him, your Honor, as

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1 you suggest, as to whether or not the facts warranted
2 that would be asking his opinion. That is just what
3 I wanted to avoid doing.

4 THE PRESIDENT: I said that might be too
5 much, and I went on to say you can ask him what was
6 the conduct of the Javanese before the Japanese
7 interned them.

8 You can review your proposed cross-exami-
9 nation during the recess, Mr. Logan.

10 We will recess for fifteen minutes.

11 (Whereupon, at 1445, a recess was
12 taken until 1500, after which the proceedings
13 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Logan.

4 BY MR. LOGAN (Continued):

5 Q Major, what bank balances were frozen?

6 A All bank balances.

7 Q And if these bank balances hadn't been
8 frozen, I suppose the Dutch could have used the money
9 and withdrawn from the bank and bought ammunition,
10 perhaps, or some other articles which would have
11 endangered the success of the Occupation, isn't
12 that so?

13 THE PRESIDENT: Mr. Logan, as I am reminded
14 by a colleague, this is really argument with the wit-
15 ness and not cross-examination.

16 MR. LOGAN: If the Tribunal pleases, it is
17 my understanding from the statement before the
18 recess that we could inquire into what acts of
19 the Javanese could possibly have brought about the
20 things that were done by the Japanese.

21 THE PRESIDENT: You may ask the witness,
22 did the Javanese borrow money from the banks to buy
23 arms to use against the Japanese?

24 MR. LOGAN: I do not see where that would
25 be very helpful, if the Tribunal pleases, because

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1 the witness has stated in his affidavit that these
2 bank balances were immediately frozen. I want to
3 know what is wrong with it. In other words, this
4 witness has testified to all these acts; and, in-
5 stead of setting forth in his affidavit what was
6 wrong with these, to try to point out to the Tribunal
7 where it was illegal, perhaps, for the Japanese to
8 have done what they have done. All he does here
9 in his affidavit is set forth the bare facts. I
10 want to find out what was wrong with them.

11 THE PRESIDENT: In other words, you are
12 asking the witness to judge the Japanese. We will
13 do that.

14 MR. LOGAN: No. I am not asking that, if
15 the Tribunal please. My point is that all these --
16 instead of the prosecution setting forth these acts
17 and showing where they were wrong, which the burden
18 is on them to do, they merely set forth the acts;
19 and I am trying to find out from the witness what he
20 claims is wrong with it.

21 THE PRESIDENT: In other words, you want
22 to argue with him.

23 MR. LOGAN: No, I do not want to argue with
24 him, your Honor.

25 THE PRESIDENT: You cannot ask him any

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1 question which involves a judgment by him of whether
2 the Japanese were right or wrong in what they did.

3 BY MR. LOGAN (Continued):

4 Q You state in your affidavit, Major, that
5 the Javanese were prohibited from using their
6 radio. If that restriction had not been placed,
7 would it not have been possible for the people there
8 to endanger the success of the Occupation?

9 THE PRESIDENT: We know that occupying
10 forces, to feel secure, must exercise some super-
11 vision over the use of the radio and other means of
12 communication. Why ask him? We could tell him.

13 MR. LOGAN: Then, may I take it it is the
14 Tribunal's position that the Japanese Occupation
15 force were within their rights in turning these
16 people in administration and banning the use of
17 radio and burning books and abolishing certain coun-
18 cils as in accordance with international law?

19 THE PRESIDENT: That is a testy observation,
20 not justified by anything said by me. The question
21 is whether the Japanese were justified in doing
22 what they did. That will be ascertained by getting
23 from this witness the facts of the particular case
24 and letting us weigh them up in the light of the
25 law.

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1 BY MR. LOGAN (Continued):

2 Q Do you know, Major, if any of the Javanese
3 people used their radios to get in communication
4 with the Dutch government?

5 A Attempts have been made on a few occasions
6 to get into touch with the Netherlands Government
7 through transmitters, not wireless receiving sets,
8 which were mentioned in the statement.

9 THE PRESIDENT: I will place no limit on
10 you in getting from this witness, if you can, facts
11 as to the behaviour of the Javanese which would tend
12 to show the Japanese took only necessary measures
13 of security, but they must be facts, not opinions.

14 Q Then, Major, would you say it was necessary
15 in order to prevent espionage and sabotage that the
16 radios be sealed?

17 MR. HYDE: Mr. President, I respectfully
18 suggest that that question also calls for his opinion.

19 THE PRESIDENT: Objection upheld.

20 Q Was any such use made of the radios to make
21 it necessary to do this?

22 A Cases which I know of where transmitters
23 have been used to contact the Netherlands Government
24 occurred in the course of 1943, while receiving sets
25 had been sealed as far back as April '42. That is

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1 one year and six months before these cases occurred.

2 Q With respect to these books that were burned,
3 did any of them contain any anti-Japanese sentiments?

4 A Naturally one of the first categories of
5 books to be burned were those which contained anti-
6 Japanese sentiments.

7 Q Were the councils which were in existence
8 at the time Japanese occupied the Netherlands East
9 Indies -- were their sympathies anti-Japanese?

10 A In answer to this question, a direct answer
11 I can not give; I can only say that these councils
12 were made up of representatives of all the various
13 communities in Java, in the Indies, and it is possi-
14 ble or probable that among them there were those
15 who had anti-Japanese sentiments.

16 Q Was there any restriction in these councils
17 with respect to the representation of the Javanese
18 people on them?

19 A As far as I know, there was no restriction
20 on the grounds of racial descent, so that all
21 Javanese could be representatives on these councils.

22 Q When the law courts were abolished a new
23 system was set up by the Japanese, isn't that so?

24 A The witness' answer is, "That is correct."

25 Q And these new law courts administered crim-

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1 inal and civil law in the Netherlands East Indies?

2 A That is correct.

3 Q It was merely a substitution of one system
4 for another, isn't that so?

5 A I have only pointed out that old courts
6 were abolished and new courts were instituted.

7 Q Were there any riots or disorders amongst
8 the Javanese people which required a regulation
9 that they could not meet in groups except under
10 police supervision?

11 A Indeed, when the Japanese forces entered
12 Java robbery by gangs have occurred. Raiding
13 parties and gang robberies have occurred.

14 Q So that it was necessary to enforce such
15 regulations, is that so?

16 A It is not clear to me what the advantages
17 were of instituting new courts in this connection.

18 Q I am not speaking about courts, Major, I am
19 talking about meetings of various associations
20 under police supervision.

21 A To my mind, it must have been desirable at
22 the beginning, at the outset, to prohibit gatherings
23 and associations. I wish to point out, however, that
24 when I say associations I meant gatherings, the
25 ganging together of people, but I do not include the

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1 prohibition of associations.

2 Q Prior to the occupation -- Have you finished
3 your answer?

4 A Yes, answer finished.

5 Q You understand English, don't you, Major?

6 A I do understand English.

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1 Q Prior to the Occupation, Major, were the pub-
2 lic radio broadcasts and moving picture activities
3 controlled by the government?

4 A Before the war broadcasts, public broadcasts,
5 were handled by the NIROM, which was a private con-
6 cern but which was bound by regulations laid down
7 by the government.

8 Q And were anti-Japanese sentiments broadcast
9 over these radios up to the time of Occupation, perhaps
10 two months thereafter?

11 A As and since the Netherlands East Indies
12 were at war with Japan, there is no doubt that some
13 anti-Japanese broadcasts have been made after the out-
14 break of war and before the occupation.

15 Q Is that same thing true with respect to moving
16 pictures and the newspapers?

17 A Naturally in the newspapers, as well, anti-
18 Japanese sentiments have been expressed. As far as
19 films, cinematographical films, are concerned, the
20 film industry in Java was backward and I do not know of
21 any pictures having been made which expressed anti-
22 Japanese sentiments.

23 Q Were the radio and newspapers used for this
24 purpose for about two months after the Occupation?
25

A The answer is no. Newspapers, films, and

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1 radio broadcasts came immediately under Japanese con-
2 trol and what I have seen of papers and what I have
3 heard over the radio contained nothing which I thought
4 could give any offense to the Japanese, which would
5 lead to restrictive measures.

6 Q What is the literacy in the Netherlands East
7 Indies? Am I correct in saying it is about seven per
8 cent?

9 A Literacy -- the correct figures about literacy
10 in the Netherlands East Indies are not known to me.
11 I think it is possibly slightly more than seven per
12 cent. I think it is approximately ten per cent, and
13 the ten per cent refers to the whole population of
14 the Netherlands East Indies, to all of the seventy
15 million people.

16 Q How soon after the Japanese Occupation were
17 the schools closed?

18 A The same day of the Occupation.

19 Q When were they reopened?

20 A The Indonesian primary schools were reopened
21 after the Emperor's birthday on the 29th of April.
22 They were reopened with a provisional curriculum.
23 This all refers to those schools that were not used
24 for billets or otherwise occupied by the Japanese Army.
25 It was not until August, 1942, that all Indonesian

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1 primary schools were reopened with the new curriculum.

2 Q And did they continue to teach the same
3 subjects with the addition of certain courses in the
4 Japanese language, Japanese songs and dances?

5 A As I pointed out in my statement, subjects
6 such as general history -- such subjects as general
7 history were dropped and other subjects were generally --
8 other subjects of a non-political nature were main-
9 tained but they suffered from the introduction of
10 Japanese language, Japanese dances, music, etc.,
11 into the curriculum.

12 Q Were the history courses changed to eliminate
13 any anti-Japanese sentiments that might have appeared
14 in the history courses prior to the Occupation?

15 A General history as a subject was entirely
16 reorganized, reformed, and about anti-Japanese senti-
17 ments which I don't think --

18 Q At the bottom of page 9 of your affidavit
19 you make a statement --

20 THE MONITOR: Mr. Logan, I don't think the
21 witness had finished his statement yet.

22 MR. LOGAN: I am sorry.

23 A (Continuing) It was not merely a question
24 of dropping, or eradicating, occasional anti-Japanese
25 sentiments. The whole subject was reformed, entirely

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1 new general history was introduced giving the purely
2 Japanese view on it.

3 Q I presume the books that were used prior to
4 the Occupation gave the view of history from the Dutch
5 viewpoint, is that so?

6 A Before the war not only was Dutch history
7 taught but also general world history, and I don't
8 believe that there was any particular prejudice in
9 that teaching.

10 Q At the bottom of page 9 of your affidavit,
11 Major, you have a statement to the effect that the
12 basic principles upon which these regions -- I am
13 referring to all the regions in the Netherlands East
14 Indies -- were administered were entirely similar in
15 reality. Do you mean by that civil or militarily
16 administered?

17 A I meant to say in this that administration
18 in the islands outside of Java, as well as administra-
19 tion in Java, was along the same lines laid down in
20 Tokyo.

21 Q I am asking you if you mean civil or military
22 administration.

23 A As I point out later on in my statement, the
24 Netherlands East Indies is divided in various areas,
25 some under the Navy, some under the Army. In both

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1 areas there was a military administration. I mean
2 an administration carried out by officers, service
3 officers, over the civilian population.

4 Q Was the administration conducted by civilians
5 or by military men?

6 A In Java there were three distinct categories
7 of officers. The first category consisted of regular
8 Army officers of whom, for instance, the Gunshikan
9 was one. The second category consisted of civilians
10 who, for the purpose, were given a military rank,
11 while the third category consisted of civilians only.

12 Q Now let us take the teachers. Were they
13 Japanese people or were they natives who taught the
14 schools?

15 A Teachers in primary schools were chiefly
16 Indonesian with only a scattering of Japanese.

17 Q How about the other higher schools of learn-
18 ing?

19 A The same is true for intermediate schools.

20 Q How about colleges, law schools and medical
21 schools?

22 A I have mentioned the situation in the higher --
23 institutions of higher learning where I said that the
24 medical college at Batavia was instructed chiefly by
25 Japanese.

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1 Q Was that the only medical college where
2 Japanese instructors were used?

3 A Under Japanese Occupation there was but one
4 medical college in the whole of the NEI.

5 Q All the other instructors were not Japanese,
6 is that it?

7 A I have stated already that at Batavia Medical
8 College all the professors were Japanese.

9 THE INTERPRETER: Will the defense counsel
10 please restate whether he referred to the one Batavia
11 Medical College or to all medical colleges?

12 MR. LOGAN: Maybe I didn't make myself clear.
13 Maybe I didn't understand you.

14 Q The way I understand it, all the medical
15 colleges had Japanese instructors, or was it just one
16 school that had them?

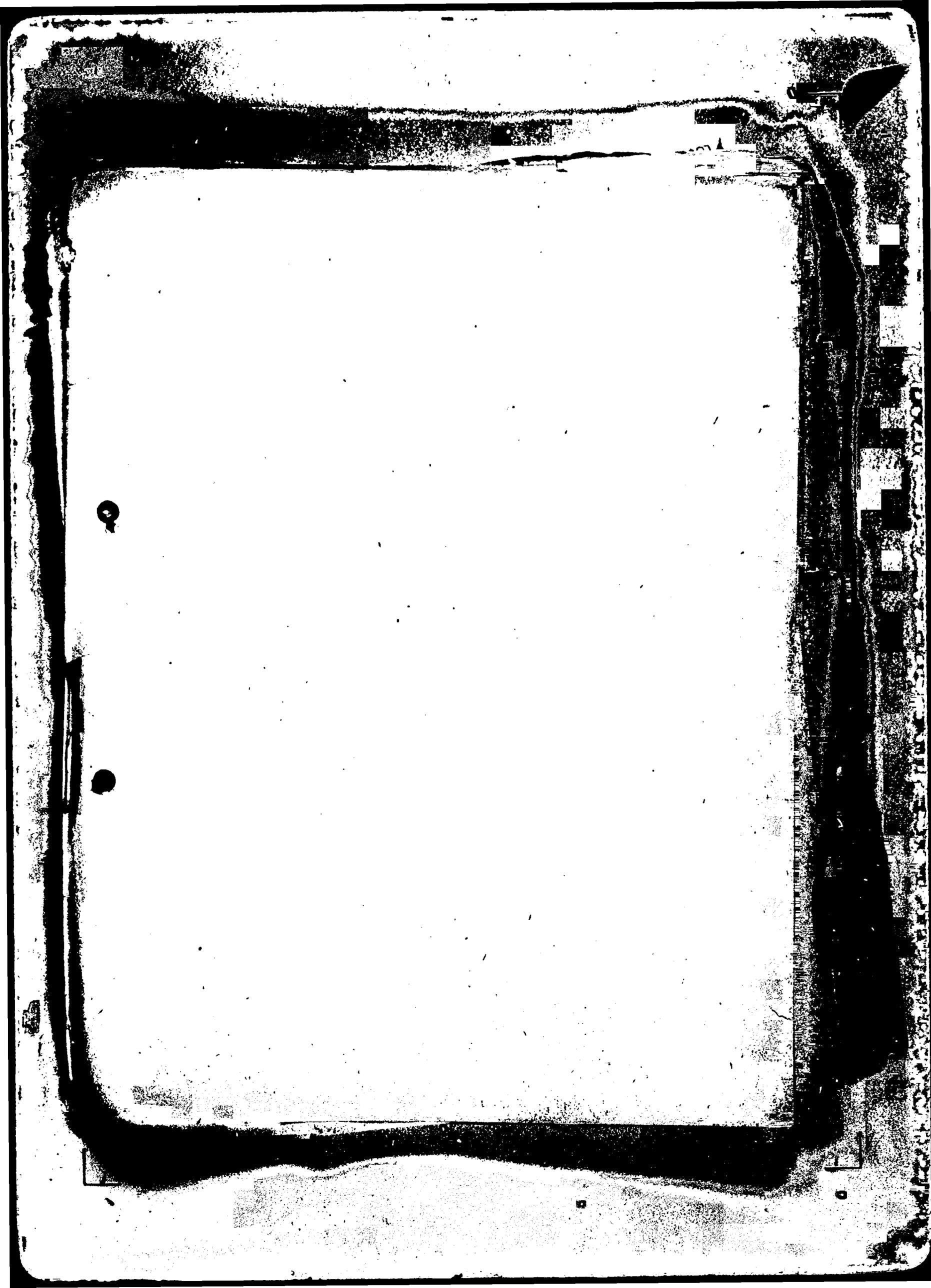
17 A In the whole of the Netherlands East Indies
18 there was only one medical college and that one was at
19 Batavia.

20 THE PRESIDENT: We will adjourn now until
21 half past nine on Monday morning.

22 (Whereupon, at 1600, an adjournment
23 was taken until Monday, 9 December 1946, at
24 0930.)

25

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9 DEC

9 DECEMBER 1946

I N D E X
Of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
de Weerd, Klaas A , Major, Artillery, Royal Netherlands Indies Army (resumed)	12268
Cross by Mr. Logan (cont'd)	12268
" " Mr. Blewett	12293
" " Mr. Levin	12294
" " Mr. Brooks	12311
" " Mr. Cunningham	12322
" " Mr. OKUYAMA	12329

I N D E X
Of
EXHIBITS
(none)

1 Monday, 9 December, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section, same as before.

15 For the Defense Section, same as before.

16 The Accused:

17 All present except OKAWA, Shumei, who is
18 represented by his counsel.

19 - - -

20 (English to Japanese and Japanese
21 to English interpretation was made by the
22 Language Section, IMTPE.)
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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now in session.

THE PRESIDENT: Major Moore.

LANGUAGE ARBITER (Major Moore): Mr.
President, with the Tribunal's permission I present
the following language correction: Exhibit 1291,
record page 11,696, line 4, substitute "the three
countries, Japan, Manchukuo, and China," for, "Manchukuo
and China with Japan."

THE PRESIDENT: Mr. Logan.

- - - -

K L A A S A. D E W E E R D, called as a witness
on behalf of the prosecution, resumed the stand
and testified through Dutch interpreters as follows:

CROSS-EXAMINATION

BY MR. LOGAN (Continued):

MR. LOGAN: If the Tribunal please.

Q Major, did the Japanese endeavor to restore
law and order as quickly as possible after the
occupation was completed?

A Yes, they did.

Q And did the Dutch Government fail or was it
unable to operate because of the military operations
or the occupation?

A The Dutch Government personnel was interned

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1 and was, therefore, not in a position to carry on the
2 administration.

3 Q Were there any acts of the Dutch or the
4 Indonesians which required the suspension of the
5 Dutch laws and the promulgation of new ones by the
6 Japanese?

7 A It is not clear to me what laws are being
8 referred to by you.

9 Q Well, I understand, Major, from your state-
10 ment, you say that the Japanese introduced their
11 own laws after the Occupation was completed and
12 suspended the Dutch laws, isn't that correct?

13 A That is correct.

14 Q Now, do you know of any acts of the Dutch
15 or Indonesians which required the suspension of the
16 Dutch laws and the promulgation of new ones by the
17 Japanese?

18 A I have not heard of such acts.

19 Q After the Japanese set up the new law courts,
20 did the Dutch and the Indonesians have access to them
21 to enforce their own rights?

22 A These law courts served a dual purpose. They
23 in the first place, tried criminal cases. In the
24 second place, they heard civil cases. As for the
25 second category, the civil cases, every inhabitant in

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23 in the first place, tried criminal cases. In the
24 second place, they heard civil cases. As for the
25 second category, the civil cases, every inhabitant in

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Java could bring suit in these law courts.

1 Q That is where it was under Japanese control,
2 is that correct?

3 A That is correct.

4 Q Now, in your affidavit you talk about the
5 Japanese controlling the finances, radio, newspapers,
6 moving pictures and so forth. Now, isn't it a fact
7 that prior to the Occupation the Dutch, as distinguished
8 from the Indonesians, controlled all the industries of
9 the country including public utilities, financial
10 institutions, radios, newspapers, schools and various
11 associations?
12

13 A We have to distinguish between two different
14 categories there. In the first place, there were
15 State Government-operated enterprises; and, second
16 category, were the private concerns. For the first
17 category, the State-operated enterprises, they
18 naturally were controlled by bodies, by government
19 bodies; but these in turn were bound by certain regu-
20 lations laid down by representative bodies --
21 representative councils. The second category falls
22 in the largely Western -- the private concerns were
23 in the largely Western, but Indonesian and Chinese,
24 capital played a big part. Moreover, these private
25 concerns were naturally subject to government laws

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1 which again were laid down by representative bodies.

2 Q Didn't the Japanese use the transportation
3 system for transportation of their soldiers and
4 material and supplies?

5 A That is correct.

6 Q Would you say it was necessary that Japan
7 control the public utilities in order to carry out
8 the invasion?

9 MR. HYDE: Mr. President, I submit that
10 that question invades the province of the Court.

11 THE PRESIDENT: I take it you mean to
12 object. Objection allowed.

13 Q Japan, however, did set up a form of govern-
14 ment after the occupation which was conducive to
15 law and order, did it not?

16 MR. HYDE: Mr. President, I object to that
17 question for the same reason.

18 THE PRESIDENT: You can get the contents of
19 the plan, that is all.

20 Q Was law and order restored under the form
21 of government set up by the Japanese?

22 A Yes.

23 Q Major, on page 16 of your affidavit you refer
24 to some secret ordinances promulgated by the Japanese.
25 Could you tell us what they were? About the ninth

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1 line from the bottom of that page.

2 A I cannot say what these secret ordinances
3 were, because at the time I left Java the scanning
4 of the "Osamu Kampo," the Japanese Government Gazette,
5 had not progressed to a point where results could be
6 ascertained.

7 Q Page 17 of your affidavit you state that
8 the object of the Japanese was to set up a form of
9 government similar to Formosa and Korea. Now, can
10 you tell me from what documents you received that
11 information?

12 A As mentioned in these lines in this para-
13 graph -- in the same paragraph -- this information
14 was gleaned from Japanese authorities who publicly
15 expressed themselves to this effect and whose
16 utterances were published in papers.

17 Q Do you have any of those papers with you
18 or documents which would show that?

19 A I carry with me translations as made from
20 newspapers at that time and I could look up the
21 passages concerned but this would take some time.

22 Q In any event, you know of no document that
23 came from Tokyo containing such statements, is that
24 it?

25 A The only documents I have seen -- the only

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1 document I have seen that concerns -- that refers
2 to these matters is those documents which have been
3 introduced and presented to this Court during the
4 Dutch phase.

5 Q Of the 20,676 Dutch males who were interned,
6 do you know how many of these held positions in the
7 government and key positions in the leading commer-
8 cial enterprises?

9 A That question is difficult to answer. In
10 1938, 17,000 Occidentals were employed by the govern-
11 ment -- were in government service; but among those
12 17,000 there were those who are Occidentals but who
13 were born in the Islands. I find it, therefore,
14 impossible to say what the proportions were of leading
15 and not leading government officials interned.

16 Q Would you say that those who were not govern-
17 ment officials held key positions in leading commer-
18 cial enterprises?

19 A I could not agree to this conclusion.

20 Q Would you say that among these Dutch who
21 were interned there were some spies and possible
22 saboteurs?

23 A I find that point very difficult to answer.
24 It is not known to me that there was any potential
25 saboteur or spy among these interned personnel.

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1 Q And the women and children who were interned,
2 were they the families of the males.

3 A That is correct.

4 Q And were they interned for their own safety?

5 A That is a reason which the Japanese occa-
6 sionally gave, but during the period of their intern-
7 ment there has been no reason to believe that they
8 were in any way threatened by the native population.

9 Q Or the Japanese?

10 A I can't understand that question.

11 Q You say you have no reason to believe
12 that they were threatened by the native population.
13 I want to know if there was any threatening by the
14 Japanese to these women and children?

15 A If I understand this question well I have
16 to assume that the Japanese safeguarded these women
17 and children against their own potential threat --
18 against potential threat from their own side.

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1 THE PRESIDENT: Were those women and chil-
2 dren in any danger before the Japanese invasion?

3 THE WITNESS: In no way were they in any
4 danger at all.

5 Q Did the Japanese have Indonesian judges?

6 A I have explained this in my statement. The
7 higher courts were in the beginning, initially
8 staffed by Japanese personnel, while the lower
9 courts were or rather remained staffed by Indonesian
10 personnel.

11 Q Did they have Indonesian judges prior to the
12 occupation?

13 A Yes, they were in the higher as well as in
14 the lower courts.

15 Q The other day you were talking about these
16 peoples councils. I believe in your statement you
17 say that they were established on a democratic basis.
18 Isn't it true, Major, that each council had 61 members,
19 that the president was of Dutch extraction, and 30
20 members were Dutch, 30 of them were Indonesian, of
21 whom 20 were elected and 10 appointed by the Dutch?

22 A The peoples council did consist of 61 mem-
23 bers. It is also true that the chairman, the
24 president, was of Dutch extraction, but there were
25 three deputy chairmen, of whom two were Indonesian.

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1 The remainder was made up of 30 Indonesians, 25
2 Dutch, and 5 Chinese or other Asiatics, non-Indo-
3 nesian Asiatics. I am not certain of the proportion
4 between elected and appointed Indonesian members,
5 but I do think that two-thirds were elected and
6 one-third was appointed. This is true for all sec-
7 tions of the native population.

8 Q And that one-third that were appointed,
9 were they appointed by the Dutch?

10 A The one-third was appointed by the Nether-
11 lands East Indies Government, in which the Indonesians
12 were represented as well as the Dutch.

13 Q So that the Dutch always had control of
14 these peoples councils; isn't that so?

15 A The Dutch definitely had not the final word
16 in these gatherings.

17 Q In your affidavit you state that after the
18 Occupation all the key positions were occupied by
19 the Japanese. Isn't it a fact that under the Japanese
20 rule more of the minor officials in the government
21 were Indonesians than under the Dutch rule, particu-
22 larly with reference to mayors of towns and cities?

23 A That is correct, but this statement has to
24 be qualified. The Japanese abolished the system of
25 municipalities such as had been in force so far.

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1 Before the Japanese Occupation there was a division
2 of administrative powers. Dutch communities were
3 organized and municipalities along Dutch lines, but
4 outside these the Indonesians lived under their own
5 system.

6 DUTCH MONITOR: Next to the Dutch organized
7 villages there were native organized villages. The
8 two were side by side.

9 A (Continuing) The Japanese authorities
10 abolished this division, and they introduced a uni-
11 form unit of administration.

12 DUTCH MONITOR: For all villages, single,
13 uniform organization for all villages.

14 A (Continuing) It will be more correct to say
15 towns instead of villages in this connection. In the
16 main cities and the principal towns the Japanese
17 appointed Japanese chiefs of these units, of these
18 municipalities, while in the smaller villages, towns
19 and villages, the Indonesian chiefs were appointed
20 heads. Those were the Indonesian persons who before
21 then had been chiefs of their own organizations or
22 units.

23 Q Now, during the existence of the Dutch rule
24 of the Netherlands East Indies from time to time there
25 had been independence movements; isn't that so?

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22 units.

23
24 Q Now, during the existence of the Dutch rule
25 of the Netherlands East Indies from time to time there
had been independent movements; isn't that so?

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1 A There had been before the Occupation by
2 the Japanese parties -- political parties -- Indo-
3 nesian political parties who aimed at independence,
4 potential independence.

5 Q Now, in your statement you say that the
6 Japanese banned expressions of democracy and pro-
7 Occidental sympathies. Is it true that under the
8 Dutch rule reference to independence in Indonesia
9 was regarded as treasonable?

10 A That is not correct in any sense. Firstly,
11 each member of the peoples' council had the right to
12 speak on any subject in any way, and he could not
13 be punished for that. Furthermore, there were
14 several political parties who in their program had
15 adopted as the final objective independence.

16 DUTCH MONITOR: Eventual independence.

17 Q Wasn't the use of the word "merdeka," which
18 means independence, banned by the Dutch, Major?

19 A I have never heard of that.

20 Q Is it a fact that the Governor-General
21 had extraordinary powers under the Dutch regime?
22

23 THE PRESIDENT: How is that relevant to any
24 issue, Mr. Logan? Suppose it were a dictatorship?
25 We are not concerned with the politics of the
Netherlands prior to the invasion.

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1 MR. LOGAN: Maybe so, your Honor.

2 Q The food that the Japanese obtained was used
3 for the Army of occupation; is that so?

4 A From the initial stages of the occupation
5 onward the Japanese have tried, attempted to lay up
6 stocks of foodstuff. So far as I have been able to
7 trace, their object in so doing was, firstly, to
8 supply their own troops stationed in the islands,
9 in Java; secondly, to supply troops fighting else-
10 where, for instance in the East. Finally, these
11 stocks were necessary to supply Java itself.

12 Q Now, in view of your statement that Java
13 before the war had barely enough for their own people,
14 was it not necessary that the Japanese try to increase
15 the farming products because the imports were shut off?

16 MR. HYDE: Mr. President, I object to that
17 question on the ground that it calls for a conclusion.
18 Improper.

19 THE PRESIDENT: That is an over-refinement.
20 I think he ought to be able to answer whether the
21 Japanese had to grow more food because food imports
22 were prevented by the state of the war.

23 A In view of the fact that Java prewar was
24 barely able to support herself, it would not have
25 been necessary to step up the food production if new

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1 conditions had not called for that. New conditions
2 were of a dual nature. Firstly, there was the
3 presence of an Occupation -- the Japanese Occupation
4 Army of roughly 50,000, augmented by the demands in
5 connection with the necessary supply of troops else-
6 where, which I referred to. The third factor was
7 that under Japanese poor management food products
8 had shown a tendency to decrease.

9 Q You also talked about the reorganization of
10 vocational schools by the Japanese. Is it true
11 that in addition to the former vocations taught that
12 the Japanese also introduced schools of fishery,
13 shipbuilding, and general seamanship?

14 A After the Japanese in the first stages of
15 the Occupation had abolished all schools where
16 fishery and seamanship were taught, and in the late
17 stages when they realized the necessity for such
18 schools they reopened them again. As for ship-
19 building before the Occupation shipbuilding was not
20 a major industry.

22 DUTCH MONITOR: The construction of wooden
23 ships was of no great importance.

24 A (Continuing) After the Occupation the use
25 of wooden ships was of great importance to Japanese
for transportation amongst their various holdings,

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1 and, therefore, the Japanese opened up wooden
2 shipbuilding yards -- schools.
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1 Q On page 18 of your affidavit, you state that
2 the military administration operated pursuant to
3 both orders issued through the ordinary channels of
4 command and issued directly through the Ministry of
5 War. Do you have any documents coming through the
6 Ministry of War which have not been introduced in
7 evidence in this phase of the case?

8 A As a matter of fact, I have seen more docu-
9 ments in this connection than have been introduced to
10 this Court.

11 MR. LOGAN: What was that? What did he say?

12 THE PRESIDENT: He has more documents than
13 were tendered.

14 DUTCH INTERPRETER: I have seen more docu-
15 ments than were tendered.

16 Q But all the important, what you consider the
17 important ones, have already been introduced in evi-
18 dence, is that it?

19 A That would be correct.

20 Q On page 44 of your affidavit, you speak
21 about these atrocities to 1200 Indonesians and
22 Chinese. You relied on some reports, I suppose, with
23 respect to that? You didn't see those atrocities
24 personally, did you?

25 A I have, as a matter of fact, not witnessed

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1 these atrocities, but I have learned of these
2 atrocities from hundreds of reports, from news items
3 carried by the Japanese local paper and from eye-
4 witnesses to these atrocities.

5 THE PRESIDENT: Did you ever hear any
6 denial or contradiction?

7 THE WITNESS: On the contrary, I have seen
8 sworn statements, confessions, by the Japanese who
9 were chiefly responsible for these atrocities.

10 Q Was this Army which committed these atroci-
11 ties the same Army that was used later by the British
12 and Dutch when they came back into the East Nether-
13 lands Indies -- Netherlands East Indies?

14 THE PRESIDENT: That assumes a fact or begs
15 the question. Put it whichever way you like, Mr.
16 Logan.

17 Q Well, is it a fact that this Army was so
18 used?

19 THE PRESIDENT: Did the British or the
20 Dutch use any Japanese Army, to your knowledge?

21 THE WITNESS: During a period starting at
22 the end of August and lasting for a number of months
23 when there were insufficient Allied troops available
24 to maintain law and order in Java and other territo-
25 ries, the maintenance of law and order was, under the

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23 when there were insufficient Allied troops available
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25 ries, the maintenance of law and order was, under the

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terms of the surrender, made a Japanese responsibility.

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Q Are you finished?

A Yes, finished. I'd like to tell this further about the atrocities at Pontianak.

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1 Q I am not interested in that, Major, I
2 just wanted to know if you had seen those atrocities.
3 That is the only question I asked.

4 On page 56 of your affidavit you say that these
5 committee members, of the committee for preparation
6 for independence, received instructions from the
7 military or naval authorities. Do you have any
8 evidence of that?

9 A I have introduced this passage on the score
10 of the fact that I read diaries, one diary having
11 been written by a member of the committee. This
12 member -- committee member -- states in his diary
13 that -- that this member who was a delegate from
14 Sumatra, states in his diary that he reported at
15 Fort de Kock in Sumatra and there received instruc-
16 tions from the Japanese chief civil administration.

17 Q What instructions did he --

18 DUTCH INTERPRETER: He has not finished yet.

19 MR. LOGAN: I am sorry.

20 A Similar passages I have seen in a diary
21 written by the delegate for the Celebes.

22 DUTCH MONITOR: From Macassar, Celebes.

23 Q What instructions did they receive?

24 A These instructions are not quoted in the
25 diaries.

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1 Q You say that on August 15 members of this
2 committee were secretly informed of Japan's capitu-
3 lation. What means of communication were used to
4 secretly inform them?

5 A On the 15th of August the Somubuchi informed
6 committee members of the surrender of the Japanese
7 Government.

8 DUTCH MONITOR: The most important com-
9 mittee members.

10 A The leading committee members were inform-
11 ed by the Somubuchi of Japan's surrender, but they
12 were not permitted to further broadcast this infor-
13 mation they had received.

14 Q Isn't it a fact that the news of surrender
15 was broadcast over the radio?

16 A In Java this news was not broadcast over the
17 radio before the 21st of August, and as far as the
18 receivers were concerned they had been sealed and
19 therefore could not be used to receive broadcasts
20 from abroad.

21 Q But nevertheless some people did use their
22 radios surreptitiously and ascertained the news.
23 Isn't that so?

24 A That is very true, but because the Kempei
25 searched very carefully for various receiving sets,

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1 it was very dangerous to broadcast any news, to talk
2 about any news, and was impossible -- as a result,
3 all sorts of wild rumors came into circulation and
4 nobody was certain of his sources.

5 DUTCH MONITOR: Rumors went into circula-
6 tion because nobody could trust in their sources of
7 information.

8 THE PRESIDENT: We will recess for fifteen
9 minutes for the purpose of enabling the interpreters
10 to rest.

11 (Whereupon, at 1045, a recess was
12 taken until 1100, after which the pro-
13 ceedings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Logan.

4 MR. LOGAN: May it please the Tribunal.

5 BY MR. LOGAN (Continued):

6 Q Isn't it a fact, Major, that Soomubutyoo also
7 were not quite sure whether the surrender had been
8 made on August 15th?

9 A I don't understand this question. Will you
10 put it again, please?

11 Q Isn't it a fact that the radio reception of
12 the surrender was not quite clear to the people in the
13 Netherlands East Indies because of static, and it was
14 not properly understood on August 15, 1945?

15 A I presume you are referring to a broadcast
16 from Tokyo.

17 Q That is right.

18 A I have never read that this broadcast should
19 not have been received properly by Japanese authorities
20 in Java.

21 THE MONITOR: Japanese military authorities.

22 Q Now, in the early morning of August 16, at
23 5 a.m., is it a fact that the Bemoeda, that is, the
24 National Youth Movement, kidnapped Sukarna and Hatta
25 for the purpose of getting them to take immediate steps

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1 to declare independence?

2 A That is right, but this Bemoeda organization
3 was entirely under Japanese control.

4 Q Well, in any event, when the Bemoeda kid-
5 napped Sukarna and talked with them they said that
6 they would take immediate steps to declare independence,
7 didn't they?

8 A That is correct, according to what Sukarna
9 stated during that nightly session.

10 Q And isn't it a fact that on the evening of
11 the 16th they went to Admiral MAEDA's home and he was
12 sympathetic to the independence declaration, could do
13 nothing about it, but he agreed to act as liaison
14 officer between the Indonesians and the Japanese mil-
15 itary government?

16 A As a matter of fact, in reports I have read
17 Sukarna and his followers were brought to MAEDA's
18 house on the 16th by this organization, by the Bemoeda
19 organization.

20 THE PRESIDENT: It is a pity to waste much
21 time on this issue, Mr. Logan. I know it has some
22 more or less remote bearing on the extent of aggres-
23 sion but we won't be helped by any evidence as to
24 negotiations of this type. That can only be determined
25 by the result.

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1 MR. LOGAN: If the Tribunal please, I am
2 developing these facts for the purpose of ascertaining
3 just how this independence came about because I think
4 it will involve a question of law.

5 THE PRESIDENT: It didn't exist until after
6 the war terminated, if it ever existed.

7 MR. LOGAN: Well, the point I am trying to
8 develop, if the Tribunal please, is from this state-
9 ment it appears that the -- an inference may be drawn
10 that this independence was declared by the Japanese.

11 THE PRESIDENT: You should be more concerned
12 about the other inference, that the Japanese intended
13 to make the territory theirs forever.

14 MR. LOGAN: Well, that is a different point,
15 your Honor, but it won't take me very long to finish
16 this up.

17 BY MR. LOGAN (Continued):

18 Q Do you know it to be a fact, Major, that
19 MAEDA got in touch with Major General YAMAMOTO who
20 refused to see Sukarna and Hatta that evening and they
21 told him to see Major General NISHIMURA?

22 A I have stated in my statement already that
23 Sukarna conferred with the Soomubutyoo who is the ,
24 same as this General NISHIMURA. It is at page 56.

25 Q And do you know that the Soomubutyoo told

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Hatta and Sukarno that they could not declare independence because they didn't know whether or not the Japanese had actually surrendered and also that, as they were of the military, they had to have new orders before they could countenance such a declaration of independence?

A According to an interrogation report, an interrogation taken from YAMAMOTO, this is correct.

Q And isn't it a fact that Sukarno and Hatta went back to MAEDA and there was about seventy people waiting for them there?

A The exact number of persons gathered there I don't know, but I do know that the Pemoeda collected all members of the committee for the preparation of independence in MAEDA's house. That was the same Pemoeda organization that had kidnapped Sukarno previously.

Q And at two o'clock the next morning of the 17th they decided to proclaim the independence and that was done that day by Sukarno from his own home over Pemoeda's broadcasting system at noon?

A I mention this on page 56 of my statement. I have to point out, however, that this was not the Pemoeda radio installation but the official Japanese broadcasting system.

Q Did the Governor-General of the Netherlands

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24 broadcasting system.
25

Q Did the Governor-General of the Netherlands

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1 East Indies issue a proclamation of war against
2 Japan on or about December 8?

3 A As far as I remember, the Governor-General
4 broadcasted or announced, rather, on the 8th of
5 December local time that the Netherlands Government
6 in London had announced that a state of war existed
7 between Japan and the Netherlands.

8 THE MONITOR: And the Netherlands East Indies.

9 MR. LOGAN: Thank you.

10 THE PRESIDENT: Mr. Blewett.

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CROSS-EXAMINATION (Continued)

BY MR. BLEWETT:

MR. BLEWETT: If the Court please, I just wish to inquire of the witness on one point.

Q What verification were you able to make of the numerous references in your statement?

THE PRESIDENT. Do you suggest that any of his references cannot be supported? If so, put them to him.

Q Where did you obtain the information that the first head of the Record Office was the then Private Secretary of Premier TOJO?

A I found mention of this in a paper. I found mention of this fact in the Chahaya. The Chahaya is a Japanese-managed newspaper -- Malay language newspaper -- published in Bandoeng, Java. In the Chahaya of the 15th of October, 1943, it is stated -- in this article an account is given of an interview that UTABA, the Chief, Record Office of the Central Advisory Council, gave to newspaper men. In the account of this interview it is stated that he was at one time a private secretary to Prime Minister TOJO.

Q Was the name W-A-T-A-B-E?

A The name, as spelt in this edition of the

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Chahaya newspaper, reads UTABA.

Q Did you check up on that account in any way?

A I don't think this detail of sufficient importance to go and check it up; but, I assumed that the Japanese propaganda service had sufficient knowledge of these facts and details.

Q Did you make any ascertainment as to whether or not former Premier TOJO ever had a private secretary?

A In my investigations I have restricted myself to events and developments in Java.

MR. BLEWETT: That is all.

THE PRESIDENT: Mr. Levin.

MR. LEVIN: Mr. President.

CROSS-EXAMINATION (Continued)

MR. LEVIN:

Q In your statement, Major, you indicate that on the 12th of December, 1941, you were mobilized as an officer of the Reserve of the Royal Netherlands Indies Army?

A In my statement I said that I was mobilized the 12th of December, 1941.

Q Had there been any prior mobilization of Royal Netherlands Army?

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12 myself to events and developments in Java.

13 MR. BLEWETT: That is all.

14 THE PRESIDENT: Mr. Levin.

15 MR. LEVIN: Mr. President.

16 CROSS-EXAMINATION (Continued)

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15 MR. LEVIN: Mr. President.

16 CROSS-EXAMINATION (Continued)

17 BY MR. LEVIN:

18 Q In your statement, Major, you indicate
19 that on the 12th of December, 1941, you were mobi-
20 lized as an officer of the Reserve of the Royal
21 Netherlands Indies Army?

22 A In my statement I said that I was mobilized
23 on the 12th of December, 1941.

24 Q Had there been any prior mobilization of
25 the Royal Netherlands Army?

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1 A Yes. The Army in Java was mobilized on
2 the 8th of December, 1941, while the Army in the
3 outer islands were only called up a few days later.
4 Rather, military personnel was only called up a
5 few days later.

6 Q I believe I did not make myself clear.
7 I would like to have you advise the Tribunal whether
8 or not there had been a mobilization of that Army
9 prior to December 12th or prior to December 8th,
10 1941?

11 A No general mobilization has taken place
12 before the 8th of December.

13 Q Was there any type of Army in existence
14 prior to that time?

15 A There was in existence a skeleton formation
16 of a Regular Army -- a nucleus for a Regular Army --
17 a nucleus consisting of a Regular Army.

18 Q And was the machinery in existence so that
19 it could be called into -- could be activated very
20 quickly?

21 A The Regular Army was naturally all active
22 service all along. It was the Reserve and the
23 Militia that had to be called up.

24 Q Now, you state on page 1 of your affidavit
25 that the Japanese camp authorities allowed Malay

DE WEERD

CROSS

1 language newspapers to be brought into the camps
2 until the end of January, 1944. Will you please
3 state generally what was the character of the
4 published items in these newspapers?

5 THE PRESIDENT: Oh, do ask him something
6 that you do have in mind. You surely do not want
7 to know the character of the paper. There must
8 be something in that newspaper that you have in
9 mind that you would like him to tell you about.

10 Q Did the newspapers contain Japanese propa-
11 ganda?

12 A The newspapers contained nothing but
13 Japanese propaganda.

14 Q Do you know who the editors and publishers
15 of the papers were?

16 A As I have stated in my statement, the pub-
17 lishers were, without exception, the Japanese
18 Propaganda Service.

19 Q Were your movements in the camp in any
20 way restricted?

21 A I don't understand this question clearly.

22 Q What I mean is: Outside of the general
23 restrictions as a prisoner of war, were your move-
24 ments restricted?

25 THE PRESIDENT: The Tribunal does not want

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1 to know that, Mr. Levin.

2 Q Now, as a member of the staff of the
3 Attorney General of the NEA, did you participate
4 in preparing the evidence in this case?

5 THE PRESIDENT: He says as much in his
6 statement; so did Colonel Wild.

7 MR. LEVIE: Well, I will go to another
8 question, Mr. President.

9 Q On what do you base the statement in your
10 affidavit that Japan's policy in regard to the
11 Southern regions was broadly laid down in Tokyo
12 for all regions alike?

13 A This passage is based on the findings of
14 the Imperial Conference which, if I am not mistaken,
15 took place on the 12th of November, 1941. This
16 has been introduced as a document the other day
17 in this Court. Also, this is based on various re-
18 ports and interrogations taken from Japanese author-
19 ities and Japanese military authorities who have
20 served in Java or other parts of the Netherlands
21 East Indies.

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1 Q Now, you speak of certain prisoner groups
2 that -- a number in the remaining groups were con-
3 fined in separate camps.

4 A I assume that this refers to internment?

5 Q I didn't quite get this.

6 A I assume that your question refers to
7 interned personnel.

8 Q Yes. My question refers to the statement --
9 to that portion -- to what you say in your statement,
10 that the remaining groups were confined in separate
11 camps, I believe, on page --

12 Can you give us the number of those groups,
13 approximately?

14 A There were a great number of internment
15 camps all over Java in various places, and I find it
16 impossible to say where exactly these special so-called
17 workers camps were located.

18 Q I presume you didn't visit any of these
19 camps, did you?

20 A I did so only after the 10th of September,
21 1945.

22 Q On what do you base your statement that the
23 contact with the outside world was restricted as much
24 as possible?

25 A From hundreds of camp reports and individual

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1 reports which I went through.

2 Q During your internment, did the camps
3 receive supplies from the Red Cross?

4 A I can only tell you about my own experiences.

5 Q And did you receive supplies?

6 A We received Red Cross packages two times.
7 The first time the Red Cross packages which -- were
8 delivered to us at the end of 1944. According to
9 the address on these packages, they had been sent
10 approximately the end of 1942 on board the so-called
11 Exchange Ships. The first time we received these
12 packages, we had to divide one package amongst
13 forty-four men. The second time we received Red
14 Cross packages was in May, 1945. Then we received
15 one package for eight men.

16 Q Do you know whether you received all that
17 was forwarded or sent?

18 A It is not known to me how many packages
19 were sent; but I do know that there were a great many
20 more packages in Japanese-guarded warehouses than were
21 distributed.

22 Q Did you see these in the warehouses or do
23 you make this statement from reports that you ob-
24 tained?

25 A I base this statement on statements made

DE WEERD

CROSS

1 to me by fellow interned -- fellow prisoners who had
2 to work in these warehouses.

3 Q Now, on what do you base your statement that
4 the Chinese who were interned were supporters of
5 Chiang Kai-shek -- of the Chiang Kai-shek regime?

6 A The internment of the most important Chinese
7 in Java -- in Batavia went according to a regular
8 program -- were carried out in the following manner:
9 They were arrested on the score of a list of people
10 who had contributed before the Occupation to a fund
11 in aid of the Chiang Kai-shek regime.

12 Q Had these Chinese been charged with any
13 misconduct or criminal offenses?

14 A These Chinese, in the same way as all other
15 interned people, were simply arrested and, without
16 any legal proceedings, were interned.

17 Q Now, will you please state on what you base
18 your statement that the Japanese requisitioned
19 whatever took their fancy generally without any
20 payment of compensation?

21 A That is based upon hundreds of affidavits
22 and similar documents -- various documents.

23 Q However, compensation was paid on frequent
24 occasions, was it not -- was made on frequent
25 occasions, was it not?

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CROSS

1 A That is not true. It can be stated as a
2 general rule that no payment was made at all and
3 that, in a very few cases where compensation was
4 made, it was a matter of surprise.

5 Q Was there any evidence given that payment
6 was to be made by giving them a note of some kind
7 or a paper of some kind indicating that payment would
8 be made?

9 A Generally, there was no such paper issued.
10 It did happen in a few cases.

11 Q Now, with reference to the closing of the
12 schools, I should like to ask whether or not the
13 conditions, because of the Occupation, were not in
14 a chaotic state in early 1942, and because of those
15 conditions it was practically impossible to keep the
16 children at school at that time.

17 A The conditions, indeed, were rather upset --
18 confused. But, in my opinion, it would have been
19 much better to send the children to school and,
20 therefore, help return the normal conditions.

21 THE PRESIDENT: We will adjourn until half-
22 past one.

23 (Whereupon, at 1200, a recess was
24 taken.)
25

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AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at
4 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 - - - -

8 K L A A S A. D E W E E R D, called as a witness
9 on behalf of the prosecution, resumed the stand
10 and testified through Dutch interpreters as
11 follows:

12 THE WITNESS: Mr. President, sir, before
13 proceeding I should like to be allowed to give a
14 clarification of something I stated this morning.

15 THE PRESIDENT: You better leave the
16 prosecution re-examine on that. We do not know
17 what you are going to say. It may be more than a
18 clarification.

19 Mr. Levin.

20 MR. LEVIN: Mr. President.

CROSS-EXAMINATION

21
22 BY MR. LEVIN (Continued):

23 Q By August and September, 1942, the primary
24 schools had reopened and the attendance was again
25 normal, was it not?

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1 A That is correct with this qualification:
2 that these primary schools were only those for
3 Indonesians.

4 Q And the secondary schools were also re-
5 opened in September:

6 A That is not correct to use the word
7 "reopening" because the schools that were opened were
8 entirely new schools for Indonesians only.

9 Q And is it not a fact, by 1943 the average
10 attendance had increased from what was normally a
11 twelve percent of school age to about thirty and
12 thirty-three and one-third percent?

13 A These numbers are completely unknown to me.

14 Q Have you no information on this subject
15 whatsoever?

16 A I do not know about figures for the situa-
17 tion before the war and I have never seen any figures
18 for the period of the Occupation.

19 Q Now, in your statement you indicated that
20 meetings were limited to various groups, such as
21 sports, scientific, cultural groups, and so forth?

22 A That is correct.

23 Q Will you please state what organizations
24 were not permitted to meet?

25 A All other organizations, especially those

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2 that these primary schools were only those for
3 Indonesians.

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18 for the period of the Occupation.

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20 meetings were limited to various groups, such as
21 sports, scientific, cultural groups, and so forth?
22

23 A That is correct.

24 Q Will you please state what organizations
25 were not permitted to meet?

 A All other organizations, especially those

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1 concerned with politics.

2 Q Now, was it not a common practice before
3 the Japanese Occupation to get permission from the
4 police to hold certain meetings?

5 A That indeed was usual.

6 Q Now, you refer on page ten of your statement
7 that the possession of money was punishable -- that
8 possession constituted a punishable offense.

9 THE MONITOR: Mr. Levin, when you refer
10 to an thing in the affidavit would you give us the
11 paragraph, please -- paragraph and page?

12 MR. LEVIN: It is the first paragraph on
13 page ten, the tenth line.

14 THE MONITOR: Thank you, sir. Please
15 continue.

16 A That is correct.

17 Q Is it not a fact that this applied only
18 to military men and Japanese civilians employed by
19 the army?
20

21 A As far as I knew this prohibition was
22 effective for all persons.

23 Q And that this measure was taken to prevent
24 military men and others from obtaining Dutch money
25 from the Dutch by illicit means?

A That is not known to me.

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CROSS

1 Q And is it not a fact that the Dutch money
2 was used by the Dutch to pay their taxes?

3 A That was correct for -- up till the time
4 this measure was taken -- this prohibition was laid
5 down. After that, I believe it was in 1944, taxes
6 had to be paid in Japanese military scrip.

7 Q On page twelve of your statement at para-
8 graph four, you refer to that fact that "the
9 possession of immovable property belonging to
10 Occidentals or governmental institutions, was
11 transferred by the Japanese to the 'Hudoosan
12 Kanrikoodan' established by them."

13 A That is true. The "Hudoosan Kanrikoodan"
14 was established by Ordinance of 10 October 1942.

15 Q Is it not a fact that this property was
16 transferred to the body called the "Tekisan Kanribu,"
17 the Enemy Property Custodian Commission?
18

19 A The relations between the Tekisan Kanribu
20 and the Hudoosan Kanrikoodan were such that the
21 Tekisan Kanribu handled the administration of enemy
22 property while the Hudoosan Kanrikoodan was the body
23 which administered the property itself. The adminis-
24 tration by the Tekisan Kanribu was, moreover, only
25 started in the course of 1944.

Q And was not that transfer made for the

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1 purposes of custody and not appropriation?

2 A Sources to this matter are rather confused.
3 The ordinances issued in the initial stages mention
4 the "milik" which means property exercised by the
5 Army -- rights of property exercised by the army,
6 while the word "administration" was only given and
7 used in ordinances in the later stages.

8 Q You further refer to private estates being
9 appropriated. Will you state whether or not the
10 reason for this was because the proprietors of these
11 estates were absent and that the custody was taken
12 thereof by the Enemy Property Custodian Commission?

13 A That is only partially correct. The
14 majority of these estates belonged to Chinese who
15 were never interned.

16 THE PRESIDENT: Possession was not vacant
17 then?

18 THE WITNESS: No.

19 Q Now, did you attend any of the trials by
20 court martial where you state the proper interpreta-
21 tion was seldom available?

22 A That is correct.

23 Q The question I am asking is: did you attend
24 any of the court martial trials where you state that
25 the proper interpretation, I assume of the evidence,

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CROSS

1 was seldom made or available?

2 A I have never attended such a court martial
3 and I have obtained this information from statements
4 by witnesses.

5 Q You have never examined a transcript of
6 the testimony of any of these court martials?

7 A I have read a number of translations of
8 verdicts given by Japanese courts martial. These
9 verdicts covered at most one or two pages. It never
10 appeared from these translations whether a correct
11 translation -- interpretation had been available
12 during the sessions.

13 Q You speak of a village guard of 1,300,000
14 Keiboodan. Did they consist largely of Indonesians?

15 THE MONITOR: What page and what paragraph
16 is that, Mr. Levin, please?

17 MR. LEVIN: Page 21.

18 A The Keiboodan as such consisted of Indo-
19 nesians only with Japanese instructors.
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1 Q On page 25 of your statement you speak of
2 "the same picture of obligatory membership, unilateral
3 binding regulations." That is in all fields, relating
4 to fields of economic activity. Will you please
5 explain to the Tribunal what you mean by that state-
6 ment?

7 A Page 24 of my statement stated that by ordi-
8 nance the Java Izi Hookookai has been established.
9 In Article 4 it is stated that all physicians or
10 medical men had to become a member of this Java
11 Izi Hookookai. In Article 1 the object of this
12 association is defined as support to the Japanese
13 Army. In Article 9 it is laid down that the chief
14 of this association, the chairman of this association,
15 is empowered to lay down regulations and to give
16 instructions to the members. Similar regulations
17 are to be found in ordinances establishing economic
18 corporations.

19 Q Excepting as it related to Japan, did you
20 have any serious objection to the purposes of the
21 Putera?
22

23 MR. HYDE: Mr. President, I object to that
24 question on the grounds that it calls for the per-
25 sonal view of this witness with respect to the matter.
He is here giving a survey, not his personal views.

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1 MR. LEVIN: Mr. President, he sets out at
2 great length the functions of the Putera and their
3 purposes as indicating purposes rather inimical
4 to the Javanese inhabitants.

5 THE PRESIDENT: You can suggest to him that
6 there was nothing objectionable in that association.

7 It is suggested to you there was nothing
8 objectionable in the association, as I understand
9 it. What is your reply?

10 THE WITNESS: The organization was set up
11 entirely on Fascistic lines, and, therefore, I per-
12 sonally would decidedly decline to be a member of
13 such an organization.

14 Q Will you please state what there was objec-
15 tionable to the organization of the Moslem unions
16 into one mother organization, the Mashumi?

17 THE PRESIDENT: Well, he has given an answer.
18 In any event, the whole purpose of this is to show
19 how completely the Japanese took possession of the
20 people of Malaya, or the people of Java, as well as
21 of Java.

22 Q Were the Eurasians who had been taken out of
23 their positions from technical and administrative
24 organizations subsequently replaced in those positions?

25 A I have never stated that all Eurasians, or all

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1 persons of Occidental extraction were taken out of
2 all technical and administrative functions.

3 Q On page 41 of your statement, paragraph 3,
4 you mentioned that certain permission had been given
5 for making remittances, and that this permission was
6 not kept; that is, to make remittances to the
7 families in Japanese-occupied parts of China.

8 A This promise was, as a matter of fact, not
9 kept. As soon as this promise was given the corpora-
10 tion of overseas Chinese, the Kakyoo Sookai, was
11 established, and its services were enlisted to list
12 those Chinese who wanted to make remittances, who
13 wanted to send remittances. Applications streamed
14 in, but afterwards never again was anything heard
15 of it.

16 DUTCH MONITOR: Nothing was heard concerning
17 those contributions, those applications for contri-
18 butions.

19 A (Continuing) It is possible that a few
20 remittances had been made, but the majority by far
21 of all applications have never been handled.

22 Q Is it not a fact that the Kakyoo Sookai made
23 these remittances until late in 1944 when they could
24 no longer make any remittances because communica-
25 tions had been suspended?

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1 A I can only repeat ~~what I found in~~ reports
2 concerning this matter, that in a few cases remittances
3 have been sent, but that in most cases they were never
4 sent.

5 MR. LEVIN: That concluded my cross-examination,
6 Mr. President.

7 THE PRESIDENT: Captain Brooks.

8 MR. BROOKS: Mr. President and Members of the
9 Tribunal:

10 CROSS-EXAMINATION (Continued)

11 BY MR. BROOKS:

12 Q Mr. Witness, when did you first start col-
13 lecting documents and evidence of alleged Japanese
14 plans, such as have been introduced in this case?

15 A The question is not entirely clear. Do you
16 mean that that was the case as it is being tried
17 here? Is that the purport of your question?

18 THE PRESIDENT: It was after you were interned.
19 That ought to be enough.

20 Q Now, Mr. Witness, the knowledge that you
21 gathered after your internment, was that knowledge
22 generally known, or any of the evidence there gen-
23 erally known by the representatives of the Royal
24 Netherlands Indies Army prior to the declaration of
25 war?

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1 MR. HYDE: Mr. President, I object to that
2 question on the ground that it is indefinite and
3 uncertain just what he wants.

4 THE PRESIDENT: The Tribunal thinks it is
5 pointless. You are wasting a lot of time getting
6 just nothing.

7 Q In general, what was the knowledge as to any
8 Japanese plans that was in the hands of the author-
9 ities prior to their declaration of war? That is
10 the point I am driving at.

11 THE PRESIDENT: Will the reporter repeat that?
12 I missed a word of it.

13 (Whereupon, the last question was read
14 by the official court reporter.)

15 THE PRESIDENT: Thank you. I confess I cannot
16 understand the question; I do not expect the witness
17 to understand it.

18 Q Mr. Witness, do you understand the question?

19 A I can only think that the question that is
20 meant is whether the Netherlands authorities had
21 knowledge of Japanese aggressive plans -- plans of
22 aggression.

23 Q Yes.

24 MR. HYDE: Mr. President, I object to the
25 question as being beyond the scope of the affidavit.

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1 THE PRESIDENT: Beyond the scope of his
2 knowledge, too.

3 A That is correct, that I have no knowledge
4 of what was known to the Netherlands authorities of
5 Japanese plans prior to aggression.

6 Q Then, I take it, Mr. Witness, that any such
7 plans were not being discussed at that time, or were
8 not generally known, is that correct?

9 THE PRESIDENT: Captain Brooks, you are not
10 at your best today. Now, there is no point in that
11 question at all.

12 MR. BROOKS: If the Court please, what I am
13 trying to, laying the basis for, is to ask on what
14 basis war was declared. We have a lot--

15 THE PRESIDENT: That is quite beyond his
16 province. He was not the Governor-General of Java.
17 He would not know.

18 MR. BROOKS: The witness has collected the
19 opinions and has summarized a lot of statements here,
20 and I am asking if any of the evidence produced in
21 the court here now was available to him and was used
22 prior to their declaration of war. That is what I
23 am reaching.

24 THE PRESIDENT: You may cross-examine him
25 on specific allegations of fact in his statement,

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not beyond that.

1 MR. BROCKS: If the Tribunal please, I do
2 not want to argue this, but I have assumed the posi-
3 tion, if the Court please, that the statements made
4 have been from evidence previously -- or gathered
5 subsequent to the declaration of war in justification
6 of that declaration of war.

7 THE PRESIDENT: I can only repeat: We will
8 confine the cross-examination to statements of fact
9 in his evidence.

10 BY MR. BROCKS: (Continued)

11 Q Now, Mr. Witness, on page 1, Roman numeral
12 one, of your affidavit, you say that the 12th of
13 December you were mobilized as an officer, and you
14 served as such on the staff of the First Division--
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1 THE PRESIDENT: Don't repeat all that. It
2 takes so long to get it and it is so useless when
3 you get it.

4 Q As one of the staff officers did you work
5 generally as a -- on plans for offense rather than
6 defense?

7 THE PRESIDENT: It is irrelevant and im-
8 material.

9 MR. BROOKS: If the Court please, the time
10 such plans were drafted and prepared I think would
11 be very relevant when Japan was not the one declar-
12 ing war and had not committed any prior acts to
13 justify such declaration. May he answer?

14 THE PRESIDENT: The question is disallowed.

15 MR. BROOKS: I had a question on the point
16 of plans and preparations made prior to declaring
17 war. Can he go into that line?

18 THE PRESIDENT: No.

19 Q Mr. Witness, on what do you base the state-
20 ment on page 2 that Japan's policy was broadly laid
21 down in Tokyo?

22 THE PRESIDENT: He has already answered.

23 MR. HYDE: Mr. President, that is the
24 question that the witness wanted to correct his
25 answer to when he came in. I was going to on

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1 redirect ask that question so that he might indi-
2 cate another document he had in mind. I wonder if
3 he might state it at this time.

4 THE PRESIDENT: He may answer.

5 A I mentioned a court document, and it appears
6 to be exhibit 877. It is the decisions of liaison
7 conference between Imperial Headquarters and the
8 Japanese Government on the 20th of November 1941.
9 Article 2, sub 10, sub a, mentions the following:
10 It says that all important matters concerning local
11 government will be decided upon by consultation
12 between military and civilian authorities on the
13 spot.

14 DUTCH MONITOR: A liaison has been made
15 between military and civilian authorities.

16 THE PRESIDENT: Observe the light.

17 A All important matters concerning local
18 government will be decided upon by liaison con-
19 ference between Imperial Headquarters and the
20 Japanese Government.

21 Q What year did you acquire this knowledge?
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11 local government will be decided upon by consulta-
12 tion between military and civilian authorities on
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18 government will be decided upon by liaison con-
19 ference between Imperial Headquarters and the
20 Japanese Government.

21 Q What year did you acquire this knowledge?
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1 MR. HYDE: Mr. President, I object to
2 that question as being immaterial.

3 THE PRESIDENT: Do you want the answer?

4 MR. BROOKS: Yes.

5 THE PRESIDENT: Answer it.

6 A I learned about this document since I
7 arrived in Tokyo.

8 Q From the time of the Occupation, the first
9 days of the Occupation, was that actually put in
10 practice, or do you know -- that policy?

11 A I can indeed answer that. I can answer
12 that because all reports drawn up by Japanese authori-
13 ties mention the fact that they acted on instructions
14 from Tokyo only.

15 Q Now, these first restrictions placed on the
16 people after Occupation -- some of them that you have
17 outlined on page 6 -- were placed on there at the
18 early part of the Occupation as more or less temporary
19 measures, were they not?

20 A The first measure mentioned on page 6 is the
21 dissolution of the People's Council and other councils,
22 which has never been rescinded, which was of a per-
23 manent nature.

24 Q It was replaced--

25 A The abolition of court of law and the institution

1 of Gunsei Hoqin again was permanent and not temporary.
2 The abolition, the ban on all organizations excepting
3 those concerned with sports, et cetera, again was
4 definite and permanent. And even the supervision by
5 the police of the few remaining organizations was also
6 permanent.

7 THE PRESIDENT: We will recess for fifteen
8 minutes.

9 (Whereupon, at 1445, a recess was
10 taken until 1500, after which the proceedings
11 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Captain Brooks.

4 BY MR. BROOKS (Continued):

5 Q Mr. Witness, at the first part of the Oc-
6 cupation there were certain security and control re-
7 strictions placed upon the population. Were any of
8 those later modified or removed?

9 A I have enumerated not long ago those measures
10 mentioned on page 6 which were not removed or rescinded.
11 As stated in paragraph 6, page 6, that the original
12 total ban on meetings and associations by Ordinance of
13 the 15th of July, 1942, has been modified in the case
14 of sports organizations, and so forth.

15 Q You also mention scientific, cultural,
16 charitable and distributing organizations in that
17 same paragraph.

18 A I have mentioned in my statement and ex-
19 plained that practically all organizations were sub-
20 stituted -- all organizations that existed pre-war
21 were substituted by Japanese organizations. So, for
22 instance, the scientific and cultural organizations
23 were all absorbed by the Keimin Bunka Shidosha.

24 Q Let me direct your attention again to these
25 permanent rules where, like in the Peoples' Council.

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1 Now, in those cases the permanent change was re-
2 placements of a different type made of a different
3 type of organization? Now, in such substitutions
4 it made, was it also not true that the Javanese were
5 given control to replace the Dutch that were in con-
6 trol of the Peoples' Council, for instance?

7 A Could the question be repeated, please?

8 Q I will restate it this way: was not the
9 Japanese policy where these permanent changes were
10 made to replace Dutch control with Javanese control
11 in those organization replacements?

12 A That is not correct. The key positions were
13 taken over by Japanese, and that is equally true for
14 key positions held by Indonesians as those held by
15 Netherlanders.

16 Q But that policy that you have just des-
17 cribed was being modified and the key positions were
18 being replaced with Javanese being given more con-
19 sideration than the Dutch toward the years 1944 and
20 '45, was it not?

21 THE PRESIDENT: The whole point is to show
22 that the Japanese went so far as to prefer one class
23 to another in the Government of Java. We are not
24 going to discuss the merits of that preference. It
25 has got nothing to do with any issue.

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1 MR. BROOKS: I won't debate at this time.

2 Q Now, on page 34, the second paragraph from
3 the bottom of the page of exhibit 1351, your affida-
4 vit, was there actually a desire of the inhabitants,
5 the natives of this area, to have their own Army and
6 their independence.

7 THE PRESIDENT: We have heard enough about
8 that independence issue. If you can show that the
9 independence of the Javanese was necessary for the
10 security of Japan it is different. It is beyond the
11 scope of this witness' statement or of his ability.

12 MR. BROOKS: I will drop that. It is stated
13 that it should appear; that the propaganda service
14 tried to make it appear at that, and I think it was
15 actually so.

16 Q On page 50, the first paragraph of your af-
17 fidavit, you state the policy was such as to lead
18 the villagers to violate the rules of land warfare
19 and force the opposing party to treat them as
20 franc-tireurs. After the capitulation of Japan how
21 were these people treated that acted in this manner?

22 A What happened in Bekasi is a case in point.
23 Bekasi is a place near Batavia where a British plane
24 made a crash landing -- a British plane carrying
25 Indian soldiers made a crash landing in November of

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1 1945. The population of this area, scared as they
2 were, afraid as they were, of these foreigners, hor-
3 ribly massacred these Indian soldiers. This actually
4 happened in a manner, exactly in the manner which the
5 Japanese propaganda had instructed them to act.

6 Q Was this prior to or after the Dutch had
7 started their struggle to resume control over the
8 people there?

9 MR. HYDE: Mr. President, I object to that
10 question, on the ground that it is beyond the scope
11 of this witness' statement.

12 THE PRESIDENT: Objection upheld.

13 MR. BROOKS: I have no further questions.

14 THE PRESIDENT: Mr. Cunningham.

15 CROSS-EXAMINATION (Continued)

16 BY MR. CUNNINGHAM:

17 Q Major, are you now an officer in the
18 Netherlands Army?

19 A I am an officer in the Reserve of the Royal
20 Netherlands Indian Army.

21 THE PRESIDENT: We have it twice now. I
22 don't suppose we are any better for having it twice.
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1 Q Are you on active duty now?

2 A I have as yet not been demobilized.

3 Q Under whose command are you at the present
4 time?

5 A I have been assigned by the Adjutant-General
6 to the Attorney-General's Office -- temporarily
7 assigned to the Attorney-General's Office.

8 Q Is the Attorney-General elected or appointed?

9 THE PRESIDENT: The question is immaterial,
10 indeed irrelevant.

11 Q Are you classified here as a member of
12 the I. F. S. staff, or as an investigator, or
13 simply as a witness?

14 A I gave my exact position in the preface --
15 in the introduction to my statement, and it does
16 not seem necessary to explain it further.

17 Q Mr. Witness, are you classified here as a
18 witness, member of the I. P. S. staff, or as an
19 investigator, or simply as a witness? Answer my
20 question!

21 A In May, 1946, as set out in my statement,
22 I have been assigned to the Attorney-General's Office;
23 in September, 1946 I arrived at Tokyo, and I consider
24 myself to be a representative of the Attorney-General's
25 Office, Batavia, for the purpose of investigations

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1 to be carried out in Tokyo. So far as I know, I
2 don't have any other status.

3 Q Am I right, then, in assuming that you are
4 here as an official representative of the Attorney-
5 General of Batavia?

6 A That is correct.

7 Q Have you read the record of this trial and
8 familiarized yourself with all of the details before
9 testifying here?

10 THE PRESIDENT: The witness need not answer.
11 It is irrelevant. And you be careful to ask sensible
12 questions, or we will deal with you.

13 Q Have you testified, or has your testimony
14 been used in any trials involving Japanese defendants
15 prior to your appearance here?

16 A No.

17 Q Have you made any reports which have been
18 used as evidence in any other trials against any
19 Japanese?

20 A No.

21 Q Has your report, which you used in testimony
22 here, been officially approved by any of the officials
23 of the Dutch East Indies?

24 A No.

25 THE PRESIDENT: He is here to tell the truth,

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1 the whole truth, and nothing but the truth; and
2 the knowledge possessed by the Dutch East Indies'
3 officials of his report is irrelevant.

4 Q Did you include in your report, which is
5 used in evidence here, all of the favorable features
6 about the occupation of the Dutch East Indies which
7 you discovered in your research?

8 A I have tried to be as objective as possible
9 in the report and to bring forward only the
10 important things.

11 Q May we take it, then, that you have reported
12 all of the favorable features of the Japanese Occu-
13 nation as well as the matter -- other matters?

14 THE PRESIDENT: This Tribunal is here to
15 decide what crimes, if any, against international
16 law were committed by the Japanese, not to ascertain
17 what virtues they possessed. That may come later
18 in the case of individuals.

19 Q Were you in the Dutch East Indies when
20 the liberating troops of Britain and Holland arrived?

21 A Yes.

22 Q Was this a peaceful re-entry which the troops
23 of Britain and Dutch East -- and the Netherlands
24 made upon their return?

25 MR. HYDE: Mr. President, I object to the

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1 question as being immaterial, irrelevant, and beyond
2 the scope of this witness' statement.

3 MR. CUNNINGHAM: I will ask him a qualifying
4 question.

5 Q Were you in a position to determine whether
6 or not it was a peaceful Occupation from your oppor-
7 tunity for observation?

8 THE PRESIDENT: The objection is upheld
9 on all of the grounds stated.

10 Q Have you made any estimate in your studies
11 of the number of casualties which resulted from
12 Japanese occupation?

13 A No.

14 Q Have you made any estimate in your investi-
15 gation as to the number of casualties which resulted
16 from the reoccupation by the Dutch and British troops?

17 MR. HYDE: Mr. President, I object to that
18 question as being immaterial, irrelevant, and beyond
19 the scope of the affidavit.

20 THE PRESIDENT: Objection upheld on all
21 grounds.

22 Q Now, Mr. Witness, how much of an Army was
23 there in the Dutch East Indies when the Government
24 of the Netherlands declared war on Japan?

25 MR. HYDE: Mr. President, I object to that

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question on the same grounds as the previous question.

1 THE PRESIDENT: I will hear you on that,
2 Mr. Cunningham.

3 MR. CUNNINGHAM: My purpose in asking that
4 question is to determine the state of preparation
5 of the Dutch East Indies to defend themselves at
6 the time the Netherlands-in-Exile in London made
7 the declaration of war.

8 THE PRESIDENT: Objection allowed.

9 Q Mr. Witness, can you state the state of
10 the training and the amount of the equipment of
11 the Army and the Navy and the home defenses of
12 the Dutch East Indies at the time of the declaration
13 of war?
14

15 MR. CUNNINGHAM: I might say the reason
16 for that question is to lay the basis for the next
17 one to show the length of time and the amount of
18 resistance put up by the forces of the Dutch East
19 Indies after the declaration of war.

20 MR. HYDE: Mr. President, I object to that
21 question as being beyond the scope of the affidavit,
22 also being irrelevant.

23 THE PRESIDENT: Objection upheld.

24 Q Now, Mr. Witness, in what manner was liaison
25 relationships carried on between the Dutch East

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1 Indies and the Government of the Kingdom of the
2 Netherlands after May 20, 1940?

3 Mr. HYDE: Mr. President, I object to that
4 question on the same grounds as the immediately
5 preceding question.

6 THE PRESIDENT: Objection upheld.

7 Q Mr. Witness, to what extent was the entire
8 area of the Dutch East Indies occupied by the
9 forces of Japan?

10 A As far as I know, Java was occupied by
11 a force numbering roughly sixty thousand men --
12 fifty thousand men. Sumatra was, I think, occupied
13 by a number of forty-five thousand men. Similar
14 numbers for territories occupied by the Navy are
15 not known to me.

16 Q How many of the residents of the Dutch East
17 Indies, would you say, came under the Occupation
18 Forces of Japan?

19 A I do not know exactly, but as the whole of
20 the entire territory was occupied except for a
21 small part of New Guinea, it is safe to say that
22 approximately the whole population of the Netherlands
23 East Indies came under Japanese Occupation.

24 Q To whom did the Japanese commanders in the
25 Dutch East Indies surrender?

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A They surrendered to Admiral Lord Mountbatten.

Q And were the Dutch Forces in the Netherlands East Indies or Dutch East Indies after that always under the jurisdiction or command of Lord Lewis Mountbatten?

MR. HYDE: Mr. President, I object to that question on the grounds it is immaterial, irrelevant, and beyond the scope of the witness' statement.

THE PRESIDENT: Objection upheld.

MR. OKUYAMA: I am OKUYAMA, Hachiro, counsel for the defendant, NAGANO, Osamu.

THE PRESIDENT: Mr. OKUYAMA.

CROSS-EXAMINATION (Continued)

MR. OKUYAMA:

Q You state in your statement that from the beginning of 1939 you entered for the second time your career as lawyer; but how long did this last?

Until 12 of December, 1941, when I was released.

Then may I understand that you have been altogether for about ten years, eight years and two years afterwards?

That is true.

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1 A They surrendered to Admiral Lord Mountbatten.

2 Q And were the Dutch Forces in the Nether-
3 lands East Indies or Dutch East Indies after that
4 always under the jurisdiction or command of Lord
5 Lewis Mountbatten?

6 MR. HYDE: Mr. President, I object to
7 that question on the grounds it is immaterial,
8 irrelevant, and beyond the scope of the witness'
9 statement.

10 THE PRESIDENT: Objection upheld.

11 MR. OKUYAMA: I am OKUYAMA, Hachiro,
12 counsel for the defendant, NAGANO, Osamu.

13 THE PRESIDENT: Mr. OKUYAMA.

14 CROSS-EXAMINATION (Continued)

15 BY MR. OKUYAMA:

16 Q You state in your statement that from the
17 beginning of 1939 you entered for the second time
18 upon your career as lawyer; but how long did this
19 period last?

20 A Until 12 of December, 1941, when I was
21 mobilized.

22 Q Then may I understand that you have been
23 a lawyer altogether for about ten years, eight
24 years before and two years afterwards?

25 A That is true.

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1 A They surrendered to Admiral Lord Mountbatten.

2 Q And were the Dutch Forces in the Nether-
3 lands East Indies or Dutch East Indies after that
4 always under the jurisdiction or command of Lord
5 Lewis Mountbatten?

6 MR. HYDE: Mr. President, I object to
7 that question on the grounds it is immaterial,
8 irrelevant, and beyond the scope of the witness'
9 statement.

10 THE PRESIDENT: Objection uphold.

11 MR. OKUYAMA: I am OKUYAMA, Hachiro,
12 counsel for the defendant, NAGANO, Osamu.

13 THE PRESIDENT: Mr. OKUYAMA.

14 CROSS-EXAMINATION (Continued)

15 BY MR. OKUYAMA:

16 Q You state in your statement that from the
17 beginning of 1939 you entered for the second time
18 upon your career as lawyer; but how long did this
19 period last?

20 A Until 12 of December, 1941, when I was
21 demobilized.

22 Q Then may I understand that you have been
23 a lawyer altogether for about ten years, eight
24 years before and two years afterwards?

25 A That is true.

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1 Q In those ten years, which kind of cases did
2 you take up more: civil cases or criminal cases?

3 A During that time I was primarily concerned
4 with civil cases, but later on I took up criminal
5 cases.

6 Q In your statement you say that you were
7 interned in several internment camps in Java.
8 How many different internment camps did you go
9 to?

10 A All together I was in eight different camps.

11 Q Where was the last camp in which you were
12 interned?

13 A In Bandoeng.

14 Q Where was the internment camp in which you
15 collected data and buried them in a can?

16 A That was in two different camps, in a place
17 called Tjimahi not far from Bandoeng.

18 Q What is the distance between those places?

19 A I believe about seventeen kilometers.

20 Q What kind of labor did you engage in while
21 you were interned?

22 A At the beginning, as I previously stated in
23 my statement, I was interpreter for the Malay papers --
24 translator for the Malay papers.
25

THE PRESIDENT: We will adjourn now until

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1 half-past nine tomorrow morning.

2 (Whereupon, at 1000, an adjournment
3 was taken until Tuesday, 10 December, 1946,
4 at 0930.)

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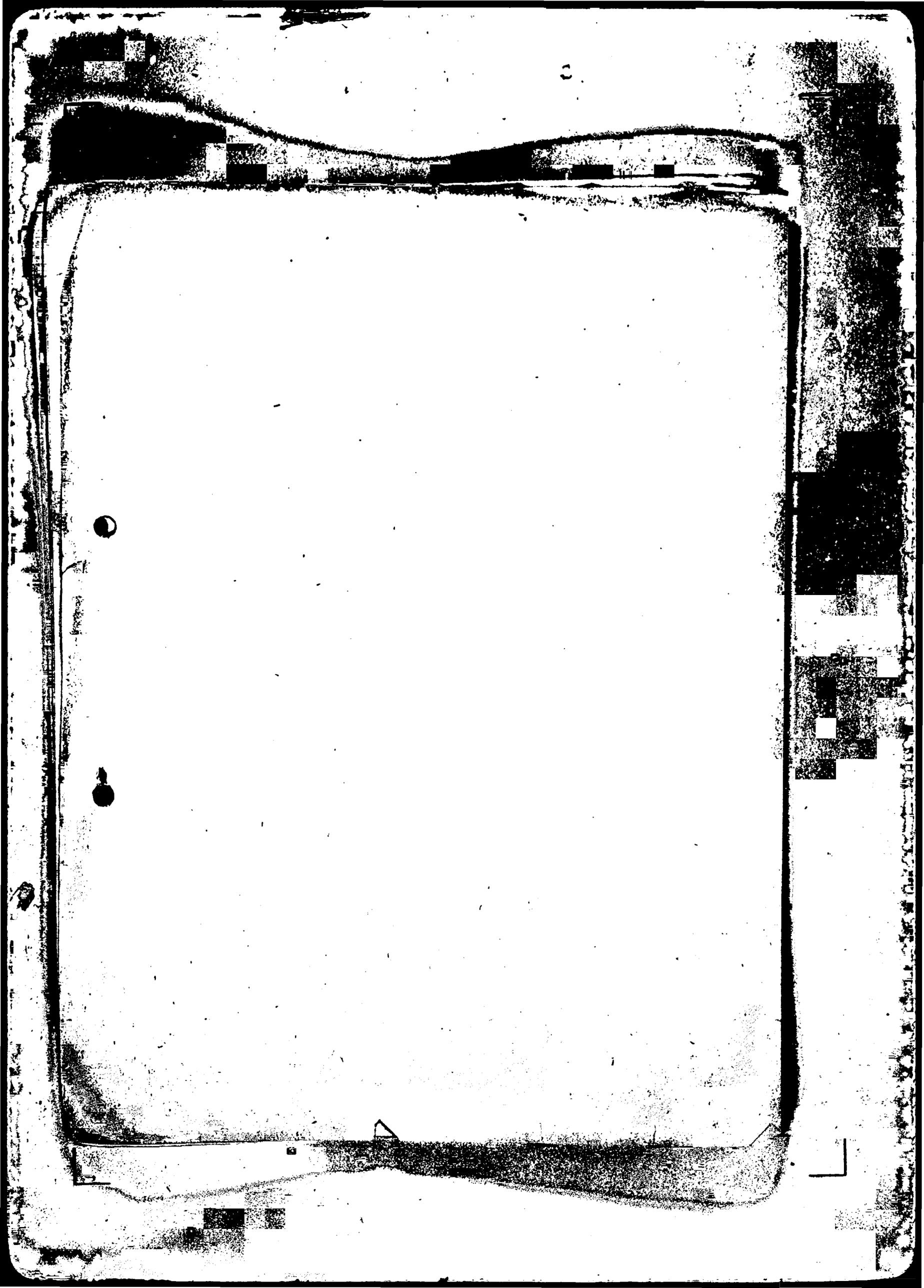
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3 was taken until Tuesday, 10 December, 1946,
4 at 0930.)

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10 DEC

10 December 1946

I N D E X
of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
de Weerd, Klaas A., Major, Artillery, Royal Netherlands Indies Army (resumed)	12333
Cross by Mr. OKUYAMA (cont'd)	12333
Werff, Wanda J.	12392
Direct by Mr. Lopez	12392
Cross by Mr. SOMIYA	12402
" " Mr. Blewett	12403

I N D E X
of
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2854	1354		Schedule and attached Certificate of Titles of all Publications of the Total War Research Institute (98 publications)		12345
2747	1355		List of 317 Separate Reports prepared from the Judge Advocate Service of the U.S. Army on Atrocities reported in the Philippines (accompanied by a certificate executed by Colonel Alva C. Carpenter, Chief of Legal Section, SCAP)		12381

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2871	1356		Map of the Philippines showing by dots the places where Japanese Atrocities occurred according to information contained in the above mentioned List of Reports		12381
2730	1357		Radiographic Report sent 9 July 1946 by Legal Section, SCAP, to the War Department in Washington re total number of deaths in the Philippines by Murder, Cruelty, Torture, Starvation and Neglect among American and Filipino civilians and members of the Armed Forces		12382
2885	1358		Chart prepared by the War Department at Washington based in part on the Report submitted by the Legal Section, SCAP		12383
2801	1359		Summary of evidence of Report No. 11 of the List of Reports on Atrocities committed at the Headquarters of the Philippine Red Cross in Manila in February of 1945		12385
2813	1360		Summary of evidence of JAG Report No. 88 on the massacre of the house of Dr. Moreta at 417 Isaac Peral Street, Manila in February 1945		12405

I N D E X
Of
EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2812	1361		Summary of evidence of JAG Report No. 70 on the massacre in the house of Dr. Price at Colorado Street in Manila in February 1945		12407
2845	1362		Affidavit of Basilio Umagap on Atrocities at the Pons residence in Manila in February 1945		12410
2802	1363		Summary of evidence of JAG Report No. 27 on the massacre at De La Salle College in Manila in February 1945		12411
2849	1364		Transcript of the testimony of Nena Alban at the trial of former Japanese General Masaharu HOMMA in Manila during the early days of the Japanese Occupation in 1942		12414
2838	1365		Summary of evidence of JAG Report No. 66 on the massacre at the German Club in February 1945 in Manila		12421
2874	1366		Transcript of the testimony of Mariano del Rosario in the trial of YAMASHITA		12422
2873	1367		Transcript of the testimony of Rosalinda Andoy in the YAMASHITA trial in Manila		12426

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2798	1368		Summary of evidence of JAG Report No. 53 on the massacre of over 200 civilians at St. Paul's College in Manila in February 1945		12434
2864	1369		Summary of evidence of JAG Report No. 63 on Looting, Burning and Murder of civilians in the Campos residence in Manila during February 1945		12436
2814	1370		Summary of evidence of JAG Report No. 84 on the massacre of more than 1000 civilians at Lipa, Batangas Province, Luzon, in February 1945		12437
2794	1371		Summary of evidence of JAG Report No. 117 on additional massacres Lipa, Batangas Province, Luzon, in March 1945		12440
2720	1372		Affidavit of Apolinaria Navarro on Atrocities in Suloc, Santo Tomas in March 1945		12441
2839	1373		Summary of evidence of JAG Report No. 106 on the massacre of 194 Filipino civilians at Santo Tomas and the burning of the town in February 1945		12443
2790	1374		Summary of evidence of JAG Report No. 69 on the massacre of civilians at Bauan, in February 1945		12446

I N D E X

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E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2796	1375		Summary of evidence of JAG Report No. 90 on the massacre of 320 Filipino civilians in Taal in February 1945		12447
2797	1376		Summary of evidence of JAG Report No. 96 on the massacre of 300 civilians at Cuenca in February and March 1945		12449
2834	1377		Summary of evidence of JAG Report No. 101 on the massacre of at least 107 Filipino civilians at San Jose in February and March 1945		12450
2810	1378		Summary of evidence of JAG Report No. 74 on the Murder of 39 civilians at Lucero in March 1945		12451
2793	1379		Summary of evidence of JAG Report No. 126 on the massacre of more than 100 Filipino civilians at Tabal in July 1945		12452
2800	1380		Summary of evidence of JAG Report No. 97 on the Murders, Looting and Burning of the town of Calauang in February 1945		12453
2884	1381		Transcript of the testimony of Jose Habana in the trial of YAMASHITA re massacre at Calamba during February 1945		12454

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2806	1382		Summary of evidence of JAG Report on the burning of the Barrio of Nanipil and the murders of civilians on Titig Mountain in April 1945		12456
2823	1383		Summary of evidence of JAG Report No. 267 on the execution of 21 Filipino prisoners at Barrio Angad, Banguad, Abra in November 1944		12460
2883	1384		Transcript of the testimony of Mariano Bayaras, Mayor of Basco, Batanes Island in the YAMASHITA trial re Atrocities in Basco in May-September 1945		12461
2827	1385		Summary of evidence of JAG Report No. 304 on the execution of Charles Putnam, Thomas Daggott, Captain Vicente Pinon and six other unarmed Filipinos in March 1944, Alamionos, Pangasinan		12463
2807	1386		Summary of evidence of JAG Report on the massacre of approximately 500 Filipino civilians at Dapdap, Penson Island, Camotes Islands, Cebu Province in December 1944		12464
2835	1387		Summary of evidence of JAG Report No. 137 on the Murder of 5 civilians in Corvantes Ilocos Sur in August 1945		12468
2725	1388		Affidavit of Isidro Cabusas re Torture and Murder at Cordova, Cebu in August 1944		12469

I N D E X

of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2833	1389		Summary of evidence of JAG Report No. 253 on the Murder, Torture and Rape of civilians at Bogo, Cebu during August, September, October and November 1944		12471
2818	1390		Summary of evidence of JAG Report No. 180 on Torture and Murder of civilians at Dumanjug, Cebu in August 1944		12472
2791	1391		Summary of evidence of JAG Report No. 174 on executions of Filipino civilians at Calbayog, Samar, in July 1943		12472
2859	1392		Summary of evidence of JAG Report No. 298 on the massacre of 37 civilians in Pilar, Camotes Islands, Cebu in December 1944		12473
2816	1393		Summary of evidence of JAG Report No. 142 on the Murder of 11 American Baptist teachers of the faculty of the Central Philippine College and the Murder of 6 other Americans at Camp Hopevale near Tapaz, Capiz in December 1943		12474
2836	1394		Summary of evidence of JAG Report No. 140 on punitive expeditions on Panay Island by Japanese Forces against civilians in September and October 1943		12476

1 Tuesday, 10 December, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with
14 the exception of: HONORABLE JUSTICE D. JARAMILIA,
15 Member from the Republic of the Philippines, not
16 sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 The Accused:

20 All present except OKAWA, Shumei, who is
21 represented by his counsel.

22 - - -

23 (English to Japanese and Japanese
24 to English interpretation was made by the
25 Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Counsel OKUYAMA.

4 - - - -

5 K L A A S A. D E W E E R D, called as a witness
6 on behalf of the prosecution, resumed the stand
7 and testified through Dutch interpreters as follows:

8 CROSS-EXAMINATION

9 BY MR. OKUYAMA (Continued)

10 Q How many friends did participate in the
11 drawing up of the list, together with the witness,
12 during the time the witness was kept in the intern-
13 ment camp?

14 A There were quite a few people concerned.
15 There was a nucleus of four people who worked with
16 me.

17 Q Among the four who worked with you, were
18 there any who could read the Japanese newspapers?

19 A Yes.

20 Q In what labor -- sort of labor were those
21 people engaged in at the internment camp?

22 A My helpers had the normal jobs in the camp,
23 which were at that time working in the vegetable
24 gardens.

25 Q You have testified that the materials that

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1 you had collected were put by you in a can and sol-
2 dered. How could you find the solder and other
3 utensils necessary for it?

4 A They came from one of the first camps where
5 there were still many work shops and materials
6 available.

7 Q Were there any accomplices of yours working
8 in the factory, as you testified that those people
9 were working in the vegetable gardens?

10 A No.

11 Q Then, I would be at a loss to understand how
12 you came to get hold of solder.

13 THE PRESIDENT: We have heard enough on that
14 phase, Counselor. It is not helping us.

15 Q The materials which you collected during
16 the time you stayed in the internment camps, were
17 those materials used by you, the witness, as mater-
18 ials to be presented in this court? That is, did you
19 prepare those materials during the time you were
20 working at the Army Attorney-General's office with
21 the purpose -- for the purpose of using them as
22 evidence in this court?

23 A My statement is based on what I found --
24 on the materials I found in the Kambo, the official
25 government gazette, and has been -- have been added

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1 to by other materials from newspapers.

2 Q My question was whether you used also the
3 materials which you collected during the time you
4 were in the internment camp.

5 A It has been used as additional evidence.

6 THE PRESIDENT: These are trifling matters.
7 It is a pity to waste time on them. It is interest-
8 ing to know the source of his information, but just
9 how -- the state of its compilation from time to
10 time is quite immaterial.

11 Q Then, is that evidence already introduced
12 submitted to this Tribunal?

13 A The evidence which I collected during -- in
14 the prisoner-of-war camps has not been presented
15 to the bench because it would have been much too much.

16 Q On the cover of your affidavit that comes
17 immediately after the preface to your affidavit --
18 the personal history, that comes right after -- after
19 the personal history, I found the words "International
20 Prosecution Section, Netherlands Division," does that
21 mean that you belong to that Netherlands Prosecution
22 Division?

23 THE PRESIDENT: You explained your position
24 very fully yesterday. But answer yes or no to that
25 question: Do you belong to the International

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Prosecution Section.

1 A No.

2 Q It is understandable from the report that
3 most of the documents that you referred to -- you
4 have referred to since you came to Tokyo, that you
5 have investigated since you came to Tokyo were the
6 documents belonging to the International Prosecution
7 Section, Netherlands Division. Am I right to under-
8 stand that in that fashion?
9

10 JAPANESE MONITOR: Netherlands Division is
11 omitted: Just documents found in the International
12 Prosecution Section.

13 A That is true.

14 THE PRESIDENT: What does it matter? In
15 national tribunals -- before national tribunals
16 police officers investigate cases and then go into
17 the box and give evidence.

18 Q I was not very clear on that point. But,
19 however, there seems to be an important point in
20 connection with that point.

21 JAPANESE MONITOR: From our point of view.

22 THE PRESIDENT: It is of no importance what-
23 soever. We know that investigators of crime are
24 frequently witnesses; more often so than not.

25 MR. OKUYAMA: That is also true in the case
of Japan.

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1 However, there is one thing to which I should like
2 to call the Tribunal's attention in connection with
3 this matter. This report, as was clearly stated
4 by the witness, consists of two different materials;
5 namely, one is materials which had been used at the
6 time of the Indictment: Two, the documents, mater-
7 ials or documents which are now being used by the
8 Prosecution Section. Therefore, this report --
9 although this report is an affidavit in its form,
10 actually -- it actually is an excerpt from the evi-
11 dence -- in its substance an excerpt from the evi-
12 dence and can be regarded as a statement by the
13 prosecution, or as testimony made by the prosecution.
14 I should like to point the attention of the Tribunal
15 to this point.

16 THE PRESIDENT: It is immaterial. The police
17 who give evidence are frequently called the prosecu-
18 tors.

19 Q Then I will ask another question to the wit-
20 ness. In your affidavit, Japanese text page 29,
21 paragraph two and three, in those paragraphs you
22 give an explanation of the judicial system. I should
23 like to ask a question to you about this matter. In
24 the territory occupied by the Navy, are you aware of
25 the fact that in the territory occupied by the Navy

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1 three different courts were established; that is,
2 courts martial, military tribunal and civil courts.

3 A The jurisdiction in the areas occupied by
4 the Navy was regulated by an Ordinance, or Minsei
5 Furei, of November '43, No. 26. It was the -- that
6 was the final establishment. Before that a provisional
7 system had been in force similar to that in Java. The
8 judicial system was otherwise similar, entirely sim-
9 ilar to that in force in Java; only the name is dif-
10 ferent. In essence it was entirely similar.

11 DUTCH MONITOR: That is the judicial system
12 of the Japanese Navy occupied areas.

13 Q The military courts applied marshal laws of
14 Japanese expeditionary forces in the southern regions
15 to try natives who committed acts detrimental to
16 the Occupation purposes of the Japanese forces--

17 JAPANESE MONITOR: Correction, please. The
18 term "Gun-ritsu-Kaigi" is translated as military
19 courts, and the word "Nippon Nampo-ku Gun-ritsu"
20 is translated as marshal law of the Japanese expe-
21 ditionary force in the southern regions.

22 Q (Continuing) Now, this marshal law was applied
23 to try any natives who acted in -- acted against the
24 execution of operations by the Japanese navy. Now,
25 the Gumpo-Kaigi, which is translated as courts

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1 martial, was established to try PW -- prisoners of
2 war and internees, and by application of the Japanese
3 criminal and military laws--

4 JAPANESE MONITOR: Japanese criminal laws
5 and criminal laws within the Army criminal regulations.

6 (Continuing) And in the third place there
7 were civil courts where other cases were tried, and
8 the setup was as I explained. Am I correct to
9 understand that in this way?

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1 THE PRESIDENT: What is the effect of that
2 long statement?

3 MR. OKUYAMA: As I said before, all this
4 is because I fail to understand what is written
5 here, at least in Japanese. It is so involved that
6 is why I am asking this question.

7 THE PRESIDENT: I don't think that the
8 counsel means to ask any more than whether the
9 Japanese tried the natives and others according to
10 their own laws, martial and criminal.

11 MR. OKUYAMA: In some it is so, however.
12 However, the purpose is there. That is why I asked
13 a question about the judicial system.

14 C Page 46 of the English text, and page 49.
15 I should like to put a question to you concerning
16 matters referred to in those paragraphs -- those
17 pages, as it is a problem which is always brought
18 up in this court room, in pages 46 and 49, you
19 refer to Hakko Ichiu.

20 JAPANESE MONITOR: And the question of
21 the fundamental principle of Hakko Ichiu becomes a
22 problem, and you are referring to that Hakko Ichiu
23 here.

24 THE PRESIDENT: The Tribunal does not want
25 to hear this witness' view of that doctrine.

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1 MR. OKUYAMA: I wanted to ask the witness
2 whether those words -- this word, which is used in
3 two places, means the same thing.

4 THE PRESIDENT: We will construe the mean-
5 ing of any document, unless they contain technical
6 terms upon which the witness can give us expert
7 advice, and he can not.

8 MR. OKUYAMA: The next point is in the
9 English text, page 58 of the English text -- 55.

10 In the second paragraph of that text you state:
11 "to receive the Imperial Decree direct from the
12 Japanese government". As we read the Japanese trans-
13 lation of this part it seems to us that there is a
14 gross mistake of translating the Japanese word into
15 the English word "Imperial Decree." Now can you
16 tell me from what source you obtained this informa-
17 tion?

18 A These words were taken from a report on
19 the meeting between TERAUCHI and this delegation and
20 was made by a Japanese interpreter who was present.

21 MR. OKUYAMA: That is all.

22 MR. LOGAN: No further cross-examination,
23 your Honor.

24 MR. FYDE: Mr. President, there will be
25 no --

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1 THE PRESIDENT: Mr. Hyde. Mr. Hyde,
2 yesterday I prevented Captain Brooks from asking
3 a question, and I may have been wrong in doing so.

4 "Were you on the Staff of the Netherlands Army
5 in the East Indies?

6 THE WITNESS: No. In my statement I said
7 I was with the Staff of the First Division of the
8 Netherlands Indies Army.

9 THE PRESIDENT: Did you have anything to
10 do with the preparation of military plans before
11 the war?

12 THE WITNESS: The only thing I ever did
13 before December 1941 in this connection was that I
14 was connected with the preparation of defensive
15 preparations in West Java.

16 THE PRESIDENT: Mr. Hyde.

17 MR. HYDE: Mr. President, the other matter
18 that the witness requested permission to clear up
19 yesterday was clarified during the afternoon.

20 There will be no redirect examination and
21 we respectfully request that the witness be excused
22 on the usual terms.

23 THE PRESIDENT: He is at liberty on those
24 terms.

25 (Whereupon, the witness was excused.)

1 THE PRESIDENT: Mr. Justice Mulder.

2 MR. JUSTICE BORGERHOFF MULDER: If the
3 Court please, this concludes the presentation of
4 the evidence on this phase of the case.

5 THE PRESIDENT: Brigadier Quilliam.

6 BRIGADIER QUILLIAM: Mr. President and
7 Members of the Tribunal, it is proposed at this
8 stage, if the Tribunal approves, to produce a
9 schedule containing the titles of all the publica-
10 tions of the Total War Research Institute of which
11 the prosecution has been able to obtain information.
12 This schedule is submitted in accordance with
13 directions given by the Tribunal during the pro-
14 ceedings of the 30th October, as shown on pages
15 8871, 8872, 8875, 8876, 8877, 8909 and 8910, of
16 the transcript.

17 Attached to the schedule is a certificate
18 made by Lt. Steiner, Assistant Chief of the Document
19 Division of the International Prosecution Section.

20 I do not propose to read the certificate or
21 the schedule unless the Tribunal otherwise directs.
22 It is sufficient, I respectfully suggest, to state
23 that the schedule contains a list of 98 publica-
24 tions, 71 of which are held by the International
25 Prosecution Section. These 71 documents will be

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2 made available to the defendants on request being
3 made. The remaining 27 publications were sent to
4 Washington by the Allied Translator and Interpreter
5 Section of SCAP some time ago, it being considered
6 that they would not be required for the purposes
7 of these proceedings.

8 May it please the Tribunal, I offer in
9 evidence the schedule and attached certificate
10 which applies, IPS document No. 2854.
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1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecutor's document
3 No. 2854 will receive exhibit No. 1354.

4 (Whereupon, the document above
5 referred to was marked prosecution's exhibit
6 No. 1354, and was received in evidence.)

7 THE PRESIDENT: Mr. Higgins.

8 MR. HIGGINS: If it please the Tribunal,
9 Mr. Pedro Lopez, Associate Prosecutor from the
10 Philippines, will now present that feature of the
11 prosecution's case which deals with Class C offenses,
12 generally, and Class B offenses committed in the
13 Philippine Islands.

14 THE PRESIDENT: Mr. Cunningham.

15 MR. CUNNINGHAM: If the Tribunal please,
16 before the prosecutor commences with his opening state-
17 ment at this phase of the case I should like to make
18 one objection to the introduction of the Philippine
19 phase of the case, and state, for the reason, that the
20 Philippine Republic, not having been a party to the
21 conventions relied upon for recourse and as a basis
22 for their complaint in this proceeding, should not
23 be entitled to present any evidence in support of
24 violation of the rules of land warfare.

25 THE PRESIDENT: You are making substantially

1 the same objection as you did to the Dutch or Nether-
2 lands case.

3 MR. CUNNINGHAM: I am making just the opposite
4 objection to this as I made to that, on the basis--

5 THE PRESIDENT: You cannot be right in both
6 of them.

7 MR. CUNNINGHAM: I am basing this objection
8 upon the ruling made on that objection, your Honor.

9 THE PRESIDENT: Well, I am mystified.

10 MR. CUNNINGHAM: As a basis, I wish to state
11 that the Philippine Republic is only permitted to
12 exercise the right of sovereignty as is granted under
13 the Congress of the United States as to the time of
14 the commission of the acts which are complained of in
15 the indictment and the recourse sought under the Charter.

16 THE PRESIDENT: Your point is the Philippines
17 were not a nation when these alleged atrocities
18 were committed. It could be got over by the adoption
19 by the American section of the Philippine evidence if
20 they wish to follow that course, if there is any merit
21 in the point. I don't say there is. There is one
22 Chief Prosecutor here covering all sections.

23 MR. CUNNINGHAM: Well, the light cut my point
24 in the middle, your Honor. I should like to finish it,
25 and then I think we will be understanding each other.

1 The further point is that the full criminal
2 responsibility for the acts complained of by the
3 Philippine prosecution have been adjudicated and
4 established in a court organized under the Congress
5 of the United States and Constitution of the United
6 States in the prosecution of General YAMASHITA and
7 General HOMMA.

8 THE PRESIDENT: But we are not re-trying
9 YAMASHITA or HOMMA. We are trying the accused whom
10 the prosecution assert are responsible for what was
11 done by YAMASHITA and HOMMA and the others. The
12 conviction and the execution of YAMASHITA and HOMMA
13 do not absolve the accused if they were guilty.

14 The position is so elementary as to be
15 incapable of argument; and I resent the waste of time
16 involved in listening to you.

17 MR. CUNNINGHAM: Well, I should like to make
18 my position clear, if I may, by stating that the
19 responsibility for the violation of the rules of land
20 warfare is a military responsibility and not a poli-
21 tical responsibility under the Rules of Land Warfare,
22 itself.

23 THE PRESIDENT: But for the fact that you
24 have contended it, I could not believe counsel would
25 be capable of submitting it.

1 MR. CUNNINGHAM: Well, your Honor, I want to
2 assure you that I feel that I have perfectly legal
3 authority for the statement which I made, and I could
4 quote it from the Rules of Land Warfare, that the
5 government's responsibility for the violation of the
6 rules of land warfare and the political responsibility
7 is only a pecuniary responsibility and not one of
8 criminal responsibility.

9 While I am here, I want to say that if there
10 was anything that I said yesterday that was harsh or
11 severe, that I am sorry, that I did not intend to
12 offend the Court at all.

13 THE PRESIDENT: Apparently one of my brothers
14 wants to hear you, so go ahead. You know what I think.

15 MR. CUNNINGHAM: Well, I have finished as far
16 as the presentation of the objection to the atrocity
17 phase of the Philippine phase of the case is concerned.

18 THE PRESIDENT: Mr. Lopez.

19 MR. LOPEZ: Mr. President, Members of the
20 Military Tribunal for the Far East:

21 From living witnesses and from Japanese
22 documents, this Tribunal has heard and seen abundant
23 prosecution evidence portraying the basic policy
24 pursued by the defendants and other leaders of Japan
25 to produce a warlike master race dead set on world

1 conquest. It will be recalled, that in order to
2 implement that policy the combined resources of the
3 state-controlled press, radio, schools, stage, movies,
4 literature and religion were marshalled to indoctri-
5 nate the Japanese people with fanatical martial
6 spirit, blind worship of totalitarianism and ultra-
7 nationalism, love for aggression and burning hatred
8 and contempt for all potential and actual enemies.

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1 Our present phase will show the flowering and
2 results of that policy in terms of thousands upon thou-
3 sands of innocent persons butchered, maimed, starved
4 and degraded; of innumerable cities, towns and villages
5 sacked, and of homes and farms pillaged. Sine qua non
6 to a proper assessment of our evidence is the under-
7 standing that this insidious internal propaganda of
8 hate succeeded somehow in poisoning the mind and heart
9 of many a Japanese to such a degree that in the ensu-
10 ing military campaigns their character and nature swung
11 like a pendulum from the extreme of kindness and
12 courtesy to the other extreme of cruelty and indecency.
13 Without this understanding, it will be difficult for
14 anyone, who has come in contact with the average Japanese
15 in the streets and public places, in their homes and
16 offices, and has observed their civility, to give due
17 weight to the mass of our proof demonstrative that
18 either in their moments of arrogance born of victory
19 or desperation in the face of impending defeat, count-
20 less propaganda misled Japanese perpetrated in the
21 fields of operation barbarities, the full extent of
22 which would shock the world.

24 We will prove that Japanese atrocities were
25 not isolated incidents of individual misconduct, but
were general in the whole Pacific and Asiatic war

1 theatre; that the technique and method used in the
2 wholesale murder, torture, and rape, and the wanton
3 destruction of property followed throughout a consistent
4 and similar pattern; that the stronger the resistance
5 offered the more abominable became the invaders; that
6 the strategy of terror was in time identified as part
7 of the Japanese form of warfare calculated to crush
8 the spirit of resistance and the will to fight of the
9 people of the over-run countries. Secondly, those
10 atrocities, launched on large scale for the first time
11 at Nanking in 1937, and climaxed with the Rape of Manila
12 in 1945, covered a period of eight long years. Thirdly,
13 the situs of their commission comprised one-fourth of
14 the territorial space of the globe, including Burma,
15 China, Indo-China, Malaya, the Netherlands Indies,
16 Hongkong, Philippines, New Guinea and various islands
17 in the Pacific Ocean. Fourthly, the multitude of
18 perpetrators came from both enlisted men's and officers'
19 ranks and from all branches of the Japanese armed
20 services. Fifthly, the victims were legion, including
21 both civilians and prisoners-of-war, the well and the
22 infirm, the young and the old, men and women, and even
23 children and babies.

24 Finally, indignant official protests from
25 aggrieved governments poured on the government at Tokyo.

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1 Allied radio broadcasts, regularly monitored by the
2 Japanese Foreign Office for the information of the
3 inner government circles, widely publicized and
4 severly condemned the massacre and mistreatment of
5 Allied civilians and prisoners-of-war. Even without
6 those protests and denunciations, the leaders of Japan
7 would have undoubtedly known of the rampant atrocities
8 committed by so many of their misguided compatriots
9 on so many helpless peoples of so many lands and for
10 so many years. Instead of heeding the protests, they
11 dismissed and branded them as instruments of false
12 propoganda. And instead of investigating the charges,
13 determining, trying and punishing the guilty, or taking
14 other effective measures necessary to deter or prevent
15 the repetition of the atrocities, they permitted or
16 tolerated their continued perpetration.

17 A part of the pattern of these crimes has
18 already been delineated with the presentation of the
19 Chinese case and the extensive testimony of the late
20 lamented Colonel Wild. We shall now proceed to unfold
21 more of that pattern with evidence relating to how a
22 staggering total of more than 131,028 Americans and
23 Filipinos met horrible death by murder, cruelty,
24 starvation, assaults and mistreatments at the hands
25 of a sadistic enemy. This figure does not represent

1 the war casualties; it does not encompass those who
2 died in the fields of battle. Neither does it include
3 the infinitely larger number of Americans and Filipinos
4 who escaped death but went through the ordeal of in-
5 describable sufferings and humiliations.

6 We shall by proof establish that Japanese
7 atrocities on Philippine civilians were not confined
8 to Manila, the heart of the nation, or a few other
9 cities like Cebu and Iloilo, but in all cities and in
10 almost all big towns and in numberless villages, in
11 all of the main islands of the archipelago, ranging
12 from Basco, Batanes, in the far north, to Davao City,
13 in the extreme south; from Puerto Princesa, Palawan,
14 way out west, to Tayabas, farthest east. They were
15 committed by Japanese Kempei-tai, Marines and Army and
16 Navy men on all sexes, ages and classes of Filipinos
17 in all stages of Japanese Occupation from December,
18 1941, to August, 1945.

19
20 Outstanding of the massacres that took the
21 lives of 91,184 Filipino civilians may be mentioned
22 those at Manila where 800 men, women and children were
23 herded into the building of St. Paul's College. They
24 were drawn toward the center of the hall with candies
25 enticingly placed on tables set under five overhanging
covered chandeliers. A Japanese Navy man pulled a string,

1 and the grenades concealed in the chandeliers exploded
2 with such power that it blew off the top of the build-
3 ing and instantly killed a great number of those in
4 the hall. Panic-stricken survivors fleeing from the
5 burning inferno were mowed down with machine gun fire
6 by sentries strategically posted outside. At Calamba,
7 Laguna, revered by Filipinos as the birthplace of their
8 foremost national hero, Dr. Rizal, 2,500 men, women
9 and children were shot or bayoneted. Only a few sur-
10 vived. At Ponson, Cebu, in central Visayas, the whole
11 population of the village was ordered to assemble in
12 the barrio church. One hundred were machine-gunned
13 and bayoneted to death within its sacred walls. The
14 rest were hunted down from one corner to another of
15 the village and murdered in their homes and in the
16 swamps. Three hundred died in the massacre. At Basco,
17 Batanes, 80 civilians were arrested, and while in con-
18 finement some were hung from the rafters and flaming
19 fluid applied to their skins, others were beaten, break-
20 ing their hands and losing their eyesight, but all were
21 eventually executed. At Matina Pangi, Laveo, 169 men,
22 women and children were murdered in cold blood.

23 . Evidence will be offered showing that the
24 Japanese in the Philippines, especially the Kempei-tai,
25 displayed a great ingenuity and sadism in inflicting

1 the cruelst forms of torture on their victims whose
2 number ran into thousands. They converted Fort Santiago,
3 an old Spanish stone bastion overlooking Manila Bay,
4 into their leading torture chamber and death hole.
5 Fort Santiago became a synonym for torture and a symbol
6 of Japanese brutality. Here hundreds suffered slow
7 and painful death in dark, foul and lice-infested
8 cells, for whom the quick, scientific mass extermina-
9 tion in the lethal gas chambers at Camp Dachau would
10 have been a welcomed alternative.

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1 Prominent among the many forms of tor-
2 ture used were hanging by the neck, by the thumbs,
3 or by the limbs, and burning the feet or other
4 delicate parts of the body as it hung suspended; the
5 water cure, with several variations depending on the
6 savage bent and imagination of the torturer; placing
7 ammunition between the fingers and squeezing them
8 until the bones broke; pulling out tongues and prying
9 out toe and fingernails with pliers; searing the
10 flesh with lighted cigarettes and pieces of burning
11 wood; slapping and kicking and boxing with bare hands
12 or with steel knuckles; beating with long bamboo
13 poles, wooden clubs, baseball bats and iron rods;
14 jiujitsuing and hurling the subject repeatedly to the
15 ground; twisting and breaking the hands, arms, or
16 legs; lashing with rope, thorn switches or barbed
17 wire; smashing with gun butts, shocking with
18 electricity; applying gasoline on the skin and hair
19 and igniting it; forcing small bamboo splints under
20 the toe and fingernails; crucifying by nailing through
21 the wrists and skull; lopping off the ears and nose
22 and gouging out the eyes; killing either by
23 bayoneting through the eyes, and other vital organs
24 of the body, chopping the heads off with razor-sharp
25 bolos or samurai swords, drowning, choking, shooting

1 or burying alive, or by starving to death.

2 Before proceeding further, we pause to beg
3 the indulgence of this Court for the precise language
4 we have been and will be using in describing the
5 nature of these atrocities. While realizing our
6 duty to express ourselves here at all times in tem-
7 perate and restrained terms, the crimes committed to
8 my country and my people were so shocking, so brutal
9 and so revolting that resort to euphemisms would only
10 do violence to the truth.

11 Of the manifold instances of such torture
12 and sadism in the Philippines, our proof will point
13 out that in February 1945 in Manila, in the home of
14 Bartolome Pons, a pregnant woman with an 11-month old
15 baby in her arms, was shot and killed. The Japanese
16 started to leave, but hearing the baby cry, returned
17 and killed it with two shots. At the Campos residence,
18 the breast of one woman was hacked out. At St. Paul's
19 College a baby was hurled into the air by a Japanese
20 soldier and impaled on the bayonet of another. At
21 Fort Santiago, a piece of skin was sliced off the
22 back of a prisoner's hand and he was forced to eat
23 it. The skin on his face and arm was twisted with a
24 pair of wooden pliers.

25 At Palo Alto, Leyte, in the Vasayan Islands,

1 three members of the Palacio family, including a
2 woman, were arrested in February 1942, their hands
3 tied behind their backs and hung by the arms from
4 the branch of a tree for five hours. They were
5 beaten with thorn switches until they bled. On the
6 arm pits of the two male members gasoline was poured
7 and set on fire. In Inopacan, Leyte, Eufresina
8 Payot, a 24 year old girl was caught, her clothing
9 striped, her breasts slashed with a saber, and
10 burned. In Iloilo, on 18 September 1943, Lucas
11 Doctolero was crucified on the ground, three six-inch
12 nails driven through each wrist and the base of his
13 skull. In homblon, on 17 November 1943, a blind
14 woman was dragged out of her house, stripped naked.
15 She was hog-tied and then hung from a tree head down.

16 At Kabayo, Mountain Province, in northern
17 Luzon, Tayambong Chagsa was forced on two occasions,
18 in March 1943, to drink a four-gallon can of water.
19 A Japanese bounced on his distended belly, then with
20 hands tied behind his back was hung. While hanging,
21 his G-string was set on fire consuming all but two
22 feet of it. The remaining portion was wrapped
23 around Chagsa's head and again ignited. At Bacolod,
24 Negros Occidental, a man was beaten with a club,
25 thrown across the floor and the next evening was

1 forced to jump from a window to the asphalt pave-
2 ment twenty feet below. The fall dislocated his
3 hips and prevented him from walking for four months.
4 Another was strapped to a table and his wrists
5 burned with an alcohol flame until the odor of burn-
6 ing flesh filled the room. A third man had a
7 bayonet thrust through his arm progressively deeper
8 as he was questioned. At Lumanjug, Cebu, a three-
9 and-a-half year old child was bayoneted and thrown
10 into the sea.

11 Our proof will bear out that Japanese de-
12 pravity in the Philippines, recurring in varying de-
13 grees throughout the occupation, reached its lowest
14 ebb during the last dying days of Manila in February
15 1945. Lack of time prevents a full recital of spe-
16 cific cases, but for our present purposes it suf-
17 fices to state that at Bay View and three other hotels
18 the Japanese went on a wild orgy of debauchery that
19 culminated in the rape of many young girls, promi-
20 nent in Malate society. At the German Club women
21 were disrobed, raped and murdered, as the rest of
22 the crowd of about 500 civilians huddled in the
23 basement helplessly looked on. One young girl was
24 decapitated when she resisted advances made on her;
25 even her lifeless body was violated. Woman taking

1 sanctuary in the Manila Cathedral were assaulted.
2 In Taneuan, Batangas, a pregnant woman had her un-
3 born child carved out of her stomach and beheaded.
4 In Obando, Bulacan, the niece of Juan Etujera, along
5 with eight other women, was abused and bayoneted and,
6 as her intestines came out, she was thrown into a
7 fish pond.

8 On 22 September 1943, in Iloilo, the hands of
9 two young girls were bound behind their backs, their
10 clothing stripped and they were later raped. On 2
11 February 1942, at Santa Ana, Pampanga, an elderly
12 lady and her maid were assaulted. In Bansic, hermosa,
13 Bataan, the men in a house were forced to leave while
14 a girl who was left behind was raped. She sub-
15 sequently became pregnant and gave birth to a child.
16 During the first week of Japanese Occupation of
17 Manila, in January 1942, two American girls, among
18 many others, were raped. Three Japanese soldiers
19 went out into the street naked and raped two women
20 in broad daylight at the busy intersection of Espana
21 and Quezon Boulevard, in the commercial section of
22 the city.

23 Our evidence will further disclose the
24 appalling destruction caused by Japanese aggression
25 on public and private properties in the Philippines

1 with an aggregate value of approximately
2 \$1,370,263,324.50. Most of the destruction was far
3 in excess of the exigencies of the situation and
4 the limits of military necessity. This evidence will
5 disclose how churches, hospitals and residential
6 buildings were mined and destroyed, or doused with
7 gasoline and set afire -- how cities, towns and
8 villages were burned without military rhyme or
9 reason; how homes were looted and farms ravished of
10 their crops, draft animals, poultry and livestock,
11 and how the people were plundered of their money and
12 jewelry. The Japanese did a thorough job of wrecking
13 and devastating the Philippines beyond recognition.

14 THE PRESIDENT: We will recess now for
15 fifteen minutes.

16 (Whereupon, at 1045, a recess was
17 taken until 1100, after which the proceedings
18 were resumed as follows):
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Lopez.

4 MR. LOPEZ: If your Honor please, could I
5 resume?

6 To complete the over-all picture of Japanese
7 atrocities in the Philippines, proof will be
8 presented describing the indignities, the degra-
9 dation, the suffering and deaths of American,
10 Filipino and other allied prisoners-of-war and
11 civilian internees, imposed by the Japanese in the
12 Philippines in violation of every important pro-
13 vision of the Hague Convention No. IV of 18 October
14 1907, to which Japan was one of the signatories,
15 and of the Geneva Prisoner-of-War Convention of
16 27 July 1929, by which Japan solemnly committed
17 herself to be bound mutatis mutandis.

18 Typical of the treaty breaches were failing
19 to accord to those who surrendered, the status and
20 treatment of prisoners-of-war; subjecting the
21 prisoners-of-war to public curiosity, to insults
22 and inhumane treatment; not treating the women with
23 the regard due their sex; coercing the prisoners and
24 internees to reveal information regarding their Army
25 and country; confiscating their effects and objects

1 of personal use, such as watches, fountain-pens, shoes;
2 confiscating money in their possession without giving
3 receipts therefor; evacuating them from the zone
4 of combat or foot at excessive distances per day;
5 placing them at certain points so that their
6 presence there would give protection from bombard-
7 ment; lodging them in barracks without safeguarding
8 their hygiene and health; not providing them with
9 quarters and bedding equal in quantity and quality
10 to those furnished Japanese base camps; not pro-
11 viding them with sufficient potable water; not
12 furnishing them with clothing and footwear when
13 they needed them; not taking all sanitary measures
14 necessary to assure the cleanliness and healthfulness
15 of camps and other places of detention and to prevent
16 epidemics; not furnishing them with sufficient water
17 for their bodily cleanliness; refusing them to take
18 physical exercise and enjoy the open air; not
19 maintaining adequate infirmaries for their benefit;
20 requiring them to pay for their medical care and
21 failing to have them examined by doctors at least
22 once a month.

24 Also requiring officer prisoners-of-war to
25 salute all members of the Japanese Armed forces,
regardless of rank; transferring sick and wounded

1 prisoners-of-war when their recovery might be
2 endangered thereby and when the conduct of military
3 operations did not require such transfer; requiring
4 officers who were prisoners-of-war to do manual
5 labor and non-commissioned officers to do other
6 than supervisory work; compelling them to work an
7 excessive number of hours per day and requiring them
8 to do manual labor even when physically unfit;
9 requiring them to work seven days a week and per-
10 forming manual labor directly related to war opera-
11 tions; requiring them to perform unhealthful and
12 dangerous work; aggravating their conditions of
13 labor by disciplinary measures and requiring them
14 to perform manual labor under conditions less favor-
15 able than the conditions under which Japanese troops
16 at Japanese base camps were required to perform
17 similar labor; not affording facilities to enable
18 them to write to their families regarding their
19 capture and state of their health; refusing to permit
20 them to receive parcels containing food and clothing;
21 lecting the parcels intended for them; being cruel
22 to them, inflicting corporal punishment and torturing
23 them; imposing collective punishment against them
24 for individual acts; imposing punishment, which
25 included killing, upon escaped prisoners-of-war and

1 civilian internees who were recaptured, in excess
2 of arrest for not more than thirty days; not seeing
3 that those who died in captivity were honorably
4 buried and that their graves bore all due informa-
5 tion, were respected and properly maintained; and
6 not affording properly constituted relief societies
7 for prisoners-of-war every facility for giving food,
8 clothing and medical supplies to them when military
9 necessity did not require refusal of such aid.

10 Most shocking of the atrocities committed against
11 prisoners-of-war in the Philippines was the Bataan
12 Death March wherein 11,000 American and 62,000
13 Filipino troops, exhausted, gaunt remnants of a
14 small brave Army whose long heroic resistance on
15 Bataan had drawn the admiration of the civilized
16 world, were forced to march 7 to 11 days without
17 food or water approximately 120 kilometers under a
18 scorching tropical sun. Throughout the march, many
19 of these prisoners were slapped, boxed, beaten,
20 bayoneted or shot. About 1,200 of their American
21 and 16,000 of their Filipino comrades were thus
22 murdered and left in the dusty and bloody road to
23 rot. Throughout that time, the U. S. Army had enough
24 motor vehicles and supplies of gasoline which the
25 Japanese could have used to transport all the

1 Fil-American forces that had surrendered on 10 April
2 1942.

3 The end of the march was by no means the end of
4 the martyrdom of the heroes of Bataan. At Camp
5 C'Donnell, by not providing them with enough food
6 and medical care, by forcing them to labor while
7 sick and physically unfit; by subjecting them to
8 punishment and torture for minor infractions, and
9 by crowding them together in a filthy, small place
10 unfit for human habitation, the Japanese further
11 accomplished the indirect mass annihilation of the
12 cream of the American-Filipino Army. Every day in
13 the camp Americans and Filipinos were dying like
14 flies. Up to 1 August 1942 alone, 1,522 Americans
15 and 20,000 Filipinos died there.

16 The Bataan march had a counterpart in Mindanao.
17 On 4 July 1942, about 600 American and Filipino
18 prisoners-of-war were grimly reminded of American
19 Independence Day when compelled to march under a
20 blistering sun from Camp Kiethley to Iligan, a
21 distance of 38 kilometers. Many were without shoes
22 and hats. On the way many were badly mistreated,
23 and several were shot and killed. On 6 May 1942,
24 between 8,000 and 10,000 American and Filipino
25 prisoners of war were loaded at Corregidor into the

1 holds of ships with no latrine facilities, given
2 no food, and in a state of exhaustion were disem-
3 barked not at the pier of Manila but near Dewey
4 Boulevard and from there forced to march 15 miles
5 to Old Bilibid Prison under a hot sun.

6 On 14 December 1944 at Puerto Princesa, Pala-
7 wan, 150 American prisoners-of-war were herded into
8 three air raid shelters each about 75 feet by 4 feet
9 by 3 feet. Suddenly the Japanese poured in buckets
10 of gasoline which they set on fire with torches.
11 They laughed as they fired into the shelters with
12 their rifles and machine guns. Screaming American
13 prisoners were shot as they ran out of the shelter.
14 Five escaped by dashing successfully toward the
15 beach and swimming five miles across the bay.

16 In May 1942, 300 emaciated American prisoners-
17 of-war were sent out from Bilibid Prison to build
18 a road through the almost impenetrable malarial
19 jungles of Tavabas. These men who were almost dead
20 from malaria and dysentery were forced to work in
21 the sun without clothing, shelter, or shoes, with
22 wheelbarrows, picks, and shovels. They were
23 frequently beaten with pick handles and bayonet
24 scabbards for pausing to relax. They were dying
25 from dysentery, malaria and exposure and the

1 survivors were sleeping on the ground in the rocky
2 creek bed, drinking filthy water from the creek,
3 and living in the open without cover. Japanese
4 guards were living comfortably in tents. Not enough
5 food and no proper medicine were provided. Only
6 75 men, starved, ragged, and sick, went through
7 that project alive.

8 At Fort Santiago, three American pilots who
9 were shot down during the bombing of Manila received
10 sword thrusts through the shoulders or were scorched
11 with lighted cigarettes. Holes were drilled through
12 their fingers, wires inserted through them, and
13 they were then suspended by the wires. The body of
14 one pilot was burned, that of another paralyzed.

15 At Panay, American prisoners-of-war were forced,
16 after their surrender in May, 1942, to locate the
17 sites of ammunition dumps and food caches. For six
18 days they were made to hike up and down the hills
19 without water and eating only rice crumbs left over,
20 by the Japanese guards. American officers were made
21 to work like coolies, loading and unloading cargo
22 to and from Japanese vessels.

23 At Nichols Field, sick American prisoners-of-war
24 were made to push and haul heavy cars laden with
25 rock and dirt one kilometer across the airfield at

1 least eleven times a day, and failure to make the
2 minimum number of trips required before the day was
3 over meant severe, beating and flogging. Water cure
4 and hitting with pick handles and rifle butts until
5 the prisoner became unconscious were the forms of
6 punishment usually administered. Another kind of
7 torture was to make a person stand at attention in
8 the hot sun with a bucket full of water on his head.
9 If any of the water was spilled, he would get a
10 terrific beating. In September, 1943, Sergeant
11 James Edward Strawhorn's hands were tied behind his
12 back, and hung from a tree for 24 hours. Deprived
13 of food or water, he was exposed to the sun all day
14 and to the rain at night. He was then beaten with
15 a plaited rope and hit about the face and head with
16 a pistol butt.

17 We will show that before, during and after the
18 commission of these atrocities, the Japanese Govern-
19 ment and its leaders assured that American prisoners-
20 of-war and civilian internees were and would be well
21 treated and well fed. For instance, on 24 February
22 1942, the Japanese Government through the defendant
23 TOGO, then Minister of Foreign Affairs, declared
24 that American civilians will be treated in a manner
25 "more favorable than contemplated by the Convention,"

1 and their "provisioning in bread, butter, eggs, meat,
2 heating oil, coal and fats assured by Japan." On
3 9 March 1942, the Japanese Government through the
4 defendant TOGO assured the United States Government
5 that its nationals were being afforded indulgent
6 treatment by the Japanese military authorities.
7 "Apprehensions of the American Government based on
8 information from unknown source and citing no
9 exact facts are, therefore, without foundation."

10 We shall show, however, that specific "exact
11 facts" of atrocities and mistreatments were, by
12 formal protests, opportunely brought to the atten-
13 tion of the Japanese Government and its leaders
14 who were repeatedly warned by the American Government
15 that punishment would be visited upon those who
16 were responsible officially and personally for them
17 either by neglect or by willfulness, regardless of
18 their position, status and rank.

19 In the Hull note of 12 December 1942, the United
20 States Government directed attention to and protested
21 against the barbarous conditions at Fort Santiago
22 where Roy Bennett and other Americans were reported
23 imprisoned; the bad conditions existing at Santo
24 Tomas, Davac and other internment camps in the Philip-
25 pines; the Death March from Bataan to Camp O'Donnell;

1 the atrocious conditions at Camp O'Donnell. In
2 that note the American Government lodged with the
3 Japanese Government "a most emphatic protest" and
4 expected "that the inhumane and uncivilized treat-
5 ment accorded American nationals, both civilians
6 and prisoners-of-war, will be made a matter of
7 immediate investigation and that the Japanese
8 Government will give assurances that treatment
9 inconsistent with the provisions and spirit of
10 the Geneva Convention is not now and will not in
11 the future be inflicted upon American nationals."
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1 In the Hull note of 5 April 1943, the United
2 States Government warned "the Japanese Government that
3 for any other violations of its undertakings as regards
4 American prisoners-of-war or for any other acts of
5 criminal barbarity inflicted upon American prisoners
6 in violation of the rules of warfare accepted and
7 practiced by civilized nations as military operations
8 now in progress draw to their inexorable and inevitable
9 conclusion, the American Government will visit upon the
10 officers of the Japanese Government responsibility for
11 such uncivilized and inhuman acts the punishment they
12 deserve."

13 In an undated Hull note, which was incorporated
14 in the letter of the Swiss Minister of 5 February 1944,
15 the United States Government again protested against the
16 mistreatment of American and Filipino prisoners-of-war
17 and civilian internees, charging that at Baguio civilian
18 internees were forced to labor without shoes and garbed
19 only in loin cloth; that prisoners-of-war from Corregidor
20 being taken to Manila were not landed at the port of Ma-
21 nila but outside the city and forced to walk through the
22 city of Bilibid Prison about 23 May 1942; that prisoners-
23 of-war at Davao Penal Colony, suffering from grave vitamin
24 deficiencies, could see from their camp trees bearing
25 citrus fruit but were not allowed to pluck them; nor were

1 they allowed to retrieve lemons floating down a stream
2 running through the camp; that American officer prisoners-
3 of-war were being compelled to perform all kinds of labor
4 including menial tasks, such as scrubbing floors, clean-
5 ing latrines used by Japanese troops, and working in the
6 kitchens of Japanese officers; that 10 American engineers
7 were required to go to Corregidor in July 1942 to assist
8 in rebuilding the military installations in that area;
9 that the condition of health of prisoners-of-war in the
10 Philippines was deplorable, citing that at San Fernando
11 in April 1942 American and Filipino prisoners were held
12 in a barbed wire enclosure so overcrowded that sleep and
13 rest were impossible and that the many who were sick were
14 given so little care, that human excrement covered the
15 whole area; that many of those who were made to march
16 from Bataan to San Fernando, a distance of over 100 kilo-
17 meters, were shot or bayoneted by the guards; that at Camp
18 O'Donnell conditions were so bad that 2,200 Americans and
19 more than 20,000 Filipinos are reported to have died in
20 the first few months of their detention; that at Cabana-
21 tuan there was no medicine for the treatment of malaria
22 until the prisoners had been in the camp for five months;
23 that at Los Banos camp, recognized as the established
24 endemic center of malaria, no quinine was provided and
25 the internees were not allowed to go outside the fence to

1 take anti-malarial measures; that at Camp O'Donnell many
2 of the men had to live without shelter during 1942, 23
3 officers were assigned to a space of 14 by 20 feet in
4 area, drinking water was so scarce that it was necessary
5 to stand in line six or ten hours to get a drink, and of-
6 ficers had no bath for the first 35 days in the camp;
7 that in late October 1942 approximately 970 prisoners
8 were transferred from the Manila area to the Davao Penal
9 Colony on a transport vessel providing only twenty inches
10 of sleeping space per man; that at Camp Hay at Baguio
11 20 to 30 civilians were assigned sleeping accommodations
12 in a room which had been intended for the use of one
13 person; that at Cabanatuan Lieutenant-Colonel Lloyd Biggs
14 and Lieutenant-Colonel Howard Breitung and Lieutenant
15 M. D. Gilbert, for attempting to escape, were severely
16 beaten and tortured and Filipino passersby forced to beat
17 them on the face with clubs; and that at Baguio Mr. Gray
18 was beaten and given the water-cure.

19 In the Hull note of 11 September 1944, the
20 American Government protested against the removal of cer-
21 tain American internees from Los Banos camp to Fort Mc-
22 Finley where a major ammunition dump was maintained.

23 In the Atcheson note of 6 April 1942, the United
24 States Government protested against the murder of four
25 American citizens, Grinnell, Duggleby, Larsen and Johnson,

1 all internees in the Santo Tomas internment camp. In the
2 Grew note of 19 May 1945, the American Government pro-
3 tested against the massacre of 150 American prisoners-of-
4 war at Puerto Princesa on 14 December 1944. The note
5 ended with a warning that "the Japanese Government cannot
6 escape responsibility for this crime."

7 We will further prove that contrary to the re-
8 peated assurances of the Japanese Government in these
9 notes, American and Filipino prisoners-of-war and civilian
10 internees continued to be deliberately humiliated, starved,
11 mistreated, abused and murdered. These assurances were
12 so obviously hypocritical that on 10 March 1945 the United
13 States Government sent a note through Mr. Grew, Acting
14 Secretary of State, asserting that: "These most gross and
15 shocking violations of elementary human decency are highly
16 inconsistent with numerous professions of the Japanese
17 Government that it is according humanitarian treatment to
18 prisoners-of-war. The Japanese Government has stated
19 its justification of other violations of its undertakings
20 and of human decency that the United States Government has
21 based its protests on misunderstandings of the facts. The
22 United States Government has not misunderstood the facts,
23 the persons who reported these outrages themselves suf-
24 fered them."

25 The "provisioning in bread, butter, eggs, meat,

1 heating oil, coal and fats assured by Japan" was a far
2 cry from the actual starvation diet of about 300 grams of
3 rice and 10 grams of vegetables which the prisoners-of-war
4 and civilian internees ordinarily received daily during
5 their internment. While camps in the Philippines were
6 located in places where food was plentiful and while their
7 Japanese guards were eating truckloads of rice, carabao
8 meat, cattle, pigs, chickens, fresh and dried fish, soya
9 sauce and paste, and drinking beer and whiskey, the pri-
10 soners and internees were suffering from loss of weight
11 and dying from such malnutritional diseases as beri-beri,
12 pellagra, scurvy and elephantitis.

13 Finally, our closing evidence will pierce the
14 sham and hypocrisy of the pious protestations by the Japa-
15 nese Government that humanitarian treatment was and would
16 be given to American prisoners-of-war and civilian internees.
17 Our evidence will cast light on a top secret policy directive
18 emanating from Tokyo in July 1942. This directive ordered
19 commanders of prisoner - of-war camps to use white prisoners
20 for labor in a manner to impress the people of the locali-
21 ties in which the camps were located with the superiority
22 of the Japanese over the white people.

23 THE PRESIDENT: Mr. Lopez, your opening statement
24 to a considerable extent exceeds the due limits of an open-
25 ing statement, and to that extent will be disregarded by

1 the Tribunal.

2 MR. LOPEZ: I will proceed. If the Tribunal
3 please, before starting to present our evidence we beg to
4 call attention to the fact that technically our phase
5 covers Class C offenses in general and Classes D and C
6 offenses in the Philippines involving the 2nd, 3rd and
7 4th clauses of the last paragraph of page 1 of the Indict-
8 ment; Counts 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47,
9 48, 49, 50, 51, 52, 53, 54 and 55 of the Indictment, in-
10 cluding Appendix B thereof.

11 MR. SOMIYA: I am SOMIYA, Shinji, counsel for
12 the defendant OKA.

13 I believe that the Navy is partly responsible
14 for the atrocities alleged to have been committed in the
15 Philippines by the prosecutor.

16 THE PRESIDENT: We cannot hear you on that issue
17 now.

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1 MR. LOPEZ: We offer in evidence IPS Docu-
2 ment No. 2747 which is a list of 317 separate reports
3 containing in all 14,618 pages prepared by roving
4 teams from the Judge Advocate Service of the U. S.
5 Army on atrocities reported in the Philippines (7
6 of those reports relate to other Pacific areas). Those
7 reports are now on file with Legal Section, SCAP. "

8 This list is accompanied by a certificate
9 executed by Colonel Alva C. Carpenter, Chief of Legal
10 Section, which reads as follows:

11 "I, Alva C. Carpenter, Chief, Legal Section,
12 General Headquarters, Supreme Commander for the Allied
13 Powers, do hereby certify that immediately after the
14 liberation of the Philippines roving teams, comprised
15 of military personnel from the Judge Advocate Service
16 of the United States Army, were sent out to conduct
17 investigations throughout the Philippines on reported
18 and known cases of atrocities committed by the Japanese
19 Army and Navy personnel; that many of those cases have
20 been thoroughly investigated in the immediate vicinity
21 of their occurrence; that witnesses who had first-hand
22 knowledge of the atrocities were interrogated and their
23 affidavits taken and ocular inspection of the place
24 where the crimes were committed were invariably made;
25 that reports have been submitted regarding those

1 atrocities investigated and are now on file in our
2 office, and that the attached document, consisting of
3 twenty-one pages, is a list of reports submitted so far
4 regarding these investigations, together with their
5 report number, title, and number of pages each contain."

6 THE PRESIDENT: Mr. Logan.

7 MR. LOGAN: If the Tribunal please, in view
8 of the nature of the evidence about to be introduced
9 by the prosecution, we respectfully request that the
10 prosecution be required to follow the ordinary
11 procedure which is adopted in a law suit of showing
12 or introducing some evidence to at least prove a
13 prima facie case as to which, if any, of these accused
14 they intend to hold responsible for these atrocities.

15 THE PRESIDENT: As one of my colleagues
16 suggests, he should start with his top secret docu-
17 ment alleged to have emanated from Tokyo.

18 MR. LOGAN: There can be no denying the fact,
19 your Honor, that after all we are all human and have
20 our likes and prejudices, and we feel that if the
21 prosecution here should be permitted to introduce
22 this evidence without at least showing a prima facie
23 case against those whom they intend to hold responsible
24 for these acts, that some of the other accused would
25 possibly suffer as a result of the introduction of this

1 evidence and perhaps the failure on the part of the
2 prosecution when they are finished to show any connect-
3 ing link between these acts and any of these accused.

4 THE PRESIDENT: Because we appreciate what you
5 say, Mr. Logan, we called on Mr. Justice Mansfield the
6 other day to tell us how he proposed to prove the
7 connections and after hearing him we were satisfied to
8 let evidence of this type go.

9 MR. LOGAN: I recall the discussion had between
10 Mr. Justice Mansfield and the Tribunal, but in addition
11 to the assurances of the prosecution that they intend
12 to connect it up, I think the Tribunal itself should
13 be satisfied from evidence submitted that at least a
14 prima facie case will be made against those against
15 whom the evidence is intended to be directed.

16 THE PRESIDENT: I think we should be satisfied
17 with the prosecution's assurance, but I will take the
18 views of my colleagues, Mr. Logan.

19 Mr. Smith.

20 MR. SMITH: If your Honor please, with respect
21 to prosecution Document No. 2747, which has been offered,
22 we object to this list of documents which are on file
23 with the armed forces. The list does not mean any-
24 thing unless the documents themselves are going to
25 be produced, and, in those circumstances, this

1 exhibit has no probative value.

2 THE PRESIDENT: We decided to hear the
3 evidence that it is now proposed to offer without
4 first hearing the connecting evidence. The objections
5 are overruled.

6 Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2747 will receive exhibit No. 1355.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1355 and received in evidence.)

12 MR. LOPEZ: We offer in evidence IPS Document
13 2871 which is a Map of the Philippines showing by
14 dots the places where Japanese atrocities occurred
15 according to the information contained in the list of
16 reports, IPS Document 2747, now Exhibit 1355 of this
17 Tribunal.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 2871 will receive exhibit No. 1356.

21 (Whereupon, the document above
22 referred to was marked prosecution's exhibit
23 No. 1356 and received in evidence.)
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1 MR. LOPEZ: We tender in evidence IPS
 2 document No. 2730 which is a radiographic report
 3 prepared and sent 9 July 1946 by Legal Section,
 4 SCAP, to the War Department in Washington, giving
 5 the total number of deaths in the Philippines by
 6 murder, cruelty, torture, starvation, and neglect
 7 among American and Filipino civilians and members
 8 of the armed forces:

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
 11 No. 2730 will receive exhibit No. 1357.

12 (Whereupon, the document above
 13 referred to was marked prosecution's exhibit
 14 No. 1357 and received in evidence.)

15 MR. LOPEZ: We read the document:

16 FROM: CINCPAC 0907471

17 TO: WASHINGTON (WDSCA) . . . PRIORITY

18 "PAREN Z 07232 PAREN REURAD WILLIAM SUGAR
 19 LOVE TWO THREE EIGHT TWO FIVE PD FIGURES GIVEN ARE
 20 THE CLOSEST ESTIMATES THAT CAN BE ARRIVED AT HERE
 21 PD NUMBER OF VICTIMS IN UNITED STATES ARMED FORCES
 22 PAREN T IS INCLUDES UNITED STATES ARMY AND FILIPINO
 23 ARMY PAREN PD MURDER CLN TWO TWO FIVE THREE SCLN
 24 CRUELTY AND TORTURE CLN ONE SIX FOUR SIX SCLN
 25 STARVATION AND NEGLECT CLN THREE FIVE NAUGHT NINE

1 TWO SCLN OTHER ASSAULTS AND MISTREATMENTS CLN TWO
2 SIX SEVEN PD FIGURES FOR AMERICAN CIVILIANS PD
3 MURDER CLN THREE ONE SEVEN SCLN CRUELTY AND TORTURE
4 CLN TWO FIVE SCLN STARVATION AND NEGLECT CLN TWO
5 FOUR FOUR SCLN OTHER ASSAULTS AND MISTREATMENTS
6 CLN NAUGHT PD FIGURES FOR FILIPINO CIVILIANS PD
7 MURDER CLN EIGHT NINE EIGHT ONE EIGHT SCLN CRUELTY
8 CLN ONE TWO FIVE EIGHT SCLN STARVATION CLN SEVEN
9 SCLN OTHER ASSAULTS AND MISTREATMENTS CLN ONE
10 NAUGHT ONE PD."

11 We submit in evidence IPS document No.
12 2885 which is a chart prepared by the War Department
13 at Washington based in part on the report submitted
14 by Legal Section, SCAP, IPS document No. 2730,
15 now exhibit 1357 of this Court.

16 From this chart whose large-scale copy
17 hangs on the panel of the wall of the courtroom we
18 read the first ten lines--

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 2885 will receive exhibit No. 1358.

22 (Whereupon, the document above
23 referred to was marked prosecution's exhibit
24 No. 1358 and received in evidence.)

25 MR. LOPEZ: From this chart whose large-scale

1 copy hangs on the panel of the wall of this court-
 2 room we read the first ten lines and also the
 3 tabulation of figures with reference to the
 4 Pacific Areas, subdivided as to murder, cruelty
 5 and torture, starvation and neglect, other assaults
 6 and mistreatments, sub-total and total:

7 "WAR CRIMES DEATH VICTIMS

8 of

9 "U.S. & FILIPINO ARMED FORCES & CIVILIANS

10 "As Known and Estimated by Theaters

11 "U.S. ARMED FORCES VICTIMS	23,039
12 "FILIPINO ARMED FORCES VICTIMS	27,258
13 "U.S. CIVILIAN VICTIMS	595
14 "FILIPINO CIVILIAN VICTIMS	21,184
15 "GRAND TOTAL	142,076

16 "PACIFIC AREAS

17	U.S. & Filipino Armed Forces	U.S. Civilians	Filipino Civilians
18			
19	"Murder 2,253	317	89,818
20	"Cruelty & Torture 1,646	25	1,258
21	"Starvation & Neglect 35,092	244	7
22			
23	"Other Assaults & Mistreatments 267	0	101
24	"Sub-Total 39,258	586	91,184
25			
	"TOTAL	131,028."	

1 We offer in evidence IPS document 2801
2 which is the summary of evidence of Report No. 11
3 of the list of reports (IPS document 2747, now
4 Court exhibit 1355), on atrocities committed at
5 the Headquarters of the Philippine Red Cross in
6 Manila in February of 1945. This summary of evi-
7 dence, and others similar to it which will be sub-
8 mitted in evidence subsequently, is part of each of
9 the 317 separate reports mentioned in IPS document
10 2747, now Court exhibit 1355. The introduction of
11 those summaries instead of the entire reports from
12 which they were taken was authorized by this Tribunal
13 in its order of 6 December 1946.

14 In our subsequent presentation of other
15 summaries we shall, for the sake of avoiding need-
16 less repetition, refer to the particular reports from
17 which they were taken, by their IPS and Judge Advocate
18 General numbers.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 2801 will receive exhibit No. 1359.

22 (Whereupon, the document above
23 referred to was marked prosecution's exhibit
24 No. 1359 and received in evidence.)

25 MR. LOPEZ: From exhibit 2801 we read the

following--

1 THE PRESIDENT: Exhibit 1359.

2 MR. LOPEZ: I am sorry, your Honor. From
3 exhibit 1359 we read the following:

4 Page 1, second paragraph, first sentence:

5 "The headquarters of the Philippine Red
6 Cross at the intersection of Isaac Peral and General
7 Luna streets near Taft Avenue in Manila during the
8 early part of 1945 and many years prior was located
9 in a building prominent both as to place and size
10 and on all dates referred to herein, bore large
11 Red Cross emblems on its walls and roof and in
12 every window of the building (R 2, 44, 45)."

13 THE PRESIDENT: Mr. Lopez, if you read a
14 little slower we would pick it up more rapidly.

15 MR. LOPEZ: I am sorry, your Honor.

16 Page 1, fourth paragraph:

17 "Later in the same day, at about 1800,
18 when approximately seventy persons, including seven
19 patients, five members of the staff and the remaining
20 refugees, were in the building, Miss Gliceria ANDAYA,
21 a nurse, and some others, unidentified, were at the
22 rear of the premises preparing to eat their evening
23 meal when they heard shots at the back gate and an
24 unknown woman entered screaming that a child had been
25

1 shot and behind her came four marines, one of whom
2 was an officer who began firing his revolver at the
3 children in the building. Miss ANDAYA ordered
4 everyone to lie flat on the floor and almost everyone
5 obeyed except one unidentifiable crying child who
6 was silenced when three bullets were fired directly
7 into its mouth (R 47). Through the interpreter,
8 Corazon ABELLARA, the Japanese were advised that
9 Miss ANDAYA was a Red Cross nurse and that they
10 were in a Red Cross building and were asked what
11 they wanted. They answered by pointing a gun at her
12 and she got behind the nurse who was then bayoneted
13 in the chest, causing her to fall to the floor.
14 She did not faint until after she had seen them
15 enter the other room and bayonet and shoot the
16 patients lying on the cots (Ex. B; R 45, 46, 47, 50)."

17 Page 2, paragraphs 1, 2, 4 and 5.

18 "The commotion and the shrill cry given by
19 Miss ANDAYA as she was bayoneted were heard by Mr.
20 FAROLAN who had been at his desk on the other side
21 of the partition separating them, talking with Dr.
22 German de VENECIA who was preparing for an operation
23 (R 4; 52). Mr. FAROLAN hid under his desk just be-
24 fore one of the marines entered the room and killed
25 Dr. VENECIA with two shots from his rifle. A

1 volunteer attendant known only as Lydia, attempted
2 to protect the doctor by saying, 'He is our doctor;
3 please save him,' and the marine thrust his bayonet
4 at her, missed, and she feigned death. The assailant
5 continued, bayonetting six other patients who were
6 lying on or hiding under cots in that room, among
7 whom were Mrs. Juan P. JUAN, her daughter Paulina
8 ZABALA, and her ten days old baby, Rene ZABALA
9 (R 4). Following this the lone marine left the
10 room and could be heard going through other parts
11 of the hospital killing and bayonetting the
12 victims (R 4). When Mrs. ZABALA's husband found
13 the bodies two days later, that of his wife showed
14 that she had been bayoneted in the mouth and
15 abdomen and shot through the chest, while the
16 condition and position of the child's body indicated
17 that he had been bayoneted in the right arm and
18 had bled to death or suffocated under his mother's
19 body (R 39).

20
21 "Patrocinio ABAD, a movie actress whose
22 screen name was Corazon TOBLE and who had taken
23 refuge at the headquarters, was in the downstairs
24 corridor along with some twenty-five or thirty others
25 when the Japanese came, and attempted to hide behind
7 a medicine cabinet with her ten months old baby,

1 Maria Lourdes VERA. The cover was insufficient and
2 she was shot in the right elbow, fell and lay prone
3 with her baby under her. The marine was not satis-
4 fied and stabbed her with his bayonet nine times
5 on her side and back (Ex. B, C, I; R 14, 16).

6 Later she gave the child to her brother to take
7 to a doctor but it died as a result of three bayonet
8 wounds.

9 "The carnage covered the entire ground
10 floor and continued for twenty or thirty minutes,
11 after which the Japanese departed (R 42). cursory
12 examination of the premises that night revealed
13 numerous bodies and after the building was burned
14 13 February, ashes, bones, and bodies were found
15 piled in corners, along the corridors and in the
16 latrine, identifiable only because some survivors
17 were able to point out the locations where various
18 victims had cowered for protection (Ex. E; R 31, 40);
19 similarly, record files and safes together with
20 their contents were destroyed by fire before they
21 could be examined (R 7).

22 "The estimates as to the number killed vary
23 considerably, two of the nurses placing it at twenty
24 (R 52, 56, 59); another, at approximately thirty
25 (R 31); the surviving German at eighty (R 64); the

1 manager, fifty (R 6); while another survivor thinks
2 there were thirty or more (R 71); and a witness who
3 entered the building the night of the massacre said
4 he saw twenty bodies in the hallway and did not
5 look into the rooms (R 30)."
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1 We introduce --

2 MR. SOMIYA: I am counsel SOMIYA. I should
3 like to call the Court's attention to the following
4 fact. The facts -- the statements of facts -- which
5 have just been made by the prosecutor concern the Navy.
6 However, OKA, SHIMADA, and NAGANO who are among the
7 defendants had already retired from the Navy at the time
8 those incidents -- those facts which the prosecutor
9 referred to occurred.

10 THE PRESIDENT: You can state that again at
11 the proper time, not now though.

12 Mr. Lopez, it is pointed out to me by a
13 colleague that so far you have not read into the
14 transcript the date of this alleged atrocity. From
15 a paragraph not read it appears to have been the 10th
16 of February 1945.

17 Proceed with your next exhibit.

18 MR. LOPEZ: We introduce as our first witness,
19 Miss Wanda O. Werff, to testify on improper conditions
20 at Los Banos Civilian Internment Camp.

21 THE MONITOR: Mr. Lopez, your brief here,
22 as we read over the simultaneous channel, states that
23 the first witness is Miss Patrocinio Abad. Is that
24 wrong?

25 MR. LOPEZ: She has not arrived and that is

WERFF

DIRECT

1 the reason why we are putting on Miss Werff. Miss
2 Werff is trying her best to get out of Tokyo.

3
4 - - - -

5 W A N D A O. W E R F F, called as a witness
6 on behalf of the prosecution, being first
7 duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. LOPEZ:

10 Q Will you please give your name, age, occupation
11 and residence?

12 A Wanda Werff, 25, Headquarters PACUSA, secretary.

13 THE PRESIDENT: We adjourn until half-past
14 one.

15 (Whereupon, at 1200, a recess was taken.)
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W E R F F

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AFTERNOON SESSION

1
2 The Tribunal met, pursuant to recess, at
3 1330.

4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.

6 THE PRESIDENT: Mr. Lopez.

7 MR. LOPEZ: If your Honor please, I should
8 like to ask permission to pursue my examination of
9 the witness.

10 THE PRESIDENT: Proceed.

11 - - -

12
13 W A N D A O. W E R F F , called as a witness on
14 behalf of the prosecution, resumed the stand
15 and testified as follows:

DIRECT EXAMINATION

16
17 BY MR. LOPEZ (Continued):

18 Q When the war broke out in the Philippines
19 where were you?

20 A I was working for the War Department at Fort
21 Santiago, Manila.

22 Q What was your position, please?

23 A I was secretary.

24 Q Your present position now, please?

25 A Secretary to the Judge Advocate, Headquarters,

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1 Pacific Air Command.

2 Q Here in Tokyo?

3 A Yes.

4 Q When the Japanese first entered Manila
5 on 2 January 1942, where were you?

6 A I was at my home, 1128 California Street,
7 Manila, Philippine Islands.

8 Q Were you ever arrested and interned by the
9 Japanese forces?

10 A Yes, I was, on January 3, 1942. I was
11 put in Santo Tomas Internment Camp up to December
12 10, 1944.

13 Q From December 10, 1944 until your libera-
14 tion, where were you, please?

15 A I was interned at the Los Banos Internment
16 Camp.

17 Q Could you tell us the circumstances under
18 which you were moved from Santo Tomas to Los Banos
19 Camp?

20 A On December 10, 1944 the Japanese Com-
21 mandant notified 150 internees of Santo Tomas to
22 get ready for a move to Los Banos. At two o'clock
23 in the morning of December 10, 150 of us gathered in
24 front of the main building in Santo Tomas Internment
25 Camp, and were counted. We were put on trucks and

WERFF

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1 taken to Tutuban Station, where again the roll was
2 called. The Japanese guards then told us to load
3 in one of these box cars, which was made out of
4 steel without any windows. The group of 150 con-
5 sisted of 120 persons over the age of 50, and 30
6 under the age of 30. We filed into the box car with
7 7 or 8 guards. Most of us were standing with some
8 of the few older people sitting down. We started
9 at two o'clock in the morning and arrived at Los
10 Banos Station at eleven o'clock that same morning.
11 In the meantime, some of the older people had al-
12 ready passed out from suffocation. Upon arrival
13 at the Los Banos Station the guards told us to get
14 off and to line up on the road. By that time most of
15 us were exhausted and weakened from the trip. We
16 stood at attention on the road under the hot sun up
17 to four o'clock that afternoon. At four o'clock the
18 Japanese guards told us to start marching to the
19 camp, which was two miles south of the station. We
20 started marching and arrived at Los Banos Camp at
21 eight o'clock that night. Only half of the group
22 arrived, the others having fallen out during the
23 March. Some of them we saw again; others we never
24 laid eyes upon.

25 Q Miss Werff, when you arrived at Los Banos

WERFF

DIRECT

1 Camp were you given any food?

2 A No food was prepared for us, and we didn't
3 eat until next morning at ten o'clock, when we got
4 the usual rice, corn, and water.

5 Q Could you tell us the number of internees
6 when you got there in that camp?

7 A There were, 1950 internees in the Los Banos
8 Camp, and with the new group they amounted to 2025.

9 Q Will you please describe to the Tribunal
10 the living conditions in the camp when you were
11 there?

12 A Living conditions were pretty poor, with
13 96 to one barrack. The water supply was very poor.
14 At times we would go for four or five days without
15 any water supply at all. Our latrines were the
16 regular open type, and no disinfectant was issued to
17 prevent disease. Drinking water had to be boiled,
18 and usually it was too dirty to even wash your
19 clothes.

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1 Q Were you provided with medical supplies in the
2 camp?

3 A No. No medical supplies were issued to us,
4 and the little that we had on hand would not have even
5 been enough to divide equally among the patients. It
6 would not have had any effect at all.

7 Q Are you familiar with that section of the
8 Philippines where Los Banos Camp was located?

9 THE PRESIDENT: What about food?

10 THE WITNESS: At that time we were getting
11 exactly two hundred grams of rice, corn and water.
12 One meal a day.

13 Q Are you familiar with that section of the
14 Philippines where Los Banos Camp was located, Miss
15 Werff?

16 A Yes. It is considered one of the most fertile
17 regions in the Philippine Islands.

18 Q Before the outbreak of the war did you frequent
19 that area of Los Banos?

20 A Yes. Most of us used to go there for the hot
21 springs.

22 Q What plants and crops were abundantly planted
23 around that area of Los Banos?

24 A Corn, coconuts, rice, sugar, bananas, sweet
25 potatoes, mangoes, chicos. I guess that is about all.

WERFF

DIRECT

1 Q Did you and other prisoners complain to the
2 Japanese authorities in the camp about the lack of food
3 that you were getting?

4 A Yes, we did complain, but they always told us
5 that they did not have enough food to feed us with,
6 and that even the Japanese did not have enough, which
7 we knew was not true because at night we could hear
8 the pigs squeal and the chickens cackle; the Japanese
9 were killing them for their next morning's meal. Also,
10 on one occasion I saw a truck load of rice being
11 brought into camp which was thrown in one of the ware-
12 houses, and we never did see any grain of that rice.
13 Also, the Filipinos would try to bring us some food
14 from the mountains, and they were always driven away
15 by the Japanese guards.

16 Q Were there banana groves and coconut trees
17 surrounding the camp?

18 A Yes. About twenty feet from the fence you
19 could see thousands of banana trees so loaded with
20 bananas that the Filipinos used bamboo poles to keep
21 the banana trees up. Also, one side of our camp was
22 surrounded with banana groves and the other side with
23 coconut trees loaded with coconuts.

24 Q Are you familiar with the nutritional value
25 of young coconut fruits, Miss Werff?

WERFF

DIRECT

1 A Yes. The milk of young coconuts is very nutri-
2 tional, and at that time we had about 400 children in
3 camp which the milk would have done a great deal for.

4 Q Do you recall if you and other internees re-
5 quested the Japanese to allow you to pick some of those
6 fruits for your consumption in the camp?

7 A Yes. We did ask permission, but they never
8 granted it to us.

9 Q During your confinement do you remember if
10 the internees were allocated a parcel of land around
11 the camp where they could plant vegetables and other
12 foodstuffs for their consumption?

13 A Yes. The Japanese allocated an area of land
14 to the prisoners at Los Banos Camp. The men plowed
15 the earth, one man acting as the draft animal; he was
16 harnessed to the plow, and the other men led the plow.
17 The women would plant the seedlings.

18 Q What plants were planted, please?

19 A Corn, lettuce, cabbage, radishes, garlic,
20 onions, sinkamas and pichay.

21 Q Could you inform the Tribunal if you and
22 the other internees were able to harvest those plants
23 which you sowed and planted?
24

25 A When the harvesting season came round, the
Japanese put the area off limits and threatened any

WERFF

DIRECT

1 internee if caught near the area that they would be
2 shot at sight.

3 Q At that very moment, or that particular time,
4 what was the diet that you had at the camp?

5 A We were getting one meal a day consisting of
6 rice and water. And to add to the rice and water most
7 of us ate dogs, cats, cockroaches, snails, slugs;
8 some even went to the extent of eating rats and weeds.

9 Q Do you happen to know an internee of that camp
10 by the name of George Lewis -- L-e-w-i-s?

11 A Yes. George Lewis was a Pan American Airways
12 employee of about 28 years old, and one of the pris-
13 oners at the camp.

14 Q Could you tell us, please tell us what hap-
15 pened to him on 28 January 1945 in the camp.

16 A On 28 January 1945 George Lewis was on our
17 side of the fence digging for some weeds in the gutter.
18 A Japanese guard shot him, but the bullet just grazed
19 his shoulder. And without a summary trial of any sort
20 George Lewis, that afternoon, at around 2 o'clock in
21 the afternoon, he was executed for attempting to
22 escape.

23 Q When you were liberated in February of 1945
24 will you be good enough to tell us, Miss Werff,
25 just how much you weighed?

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A I weighed 88 pounds.

Q When you entered Santo Tomas for the first time as a war prisoner, or as an internee, in January of 1942, how much did you weigh?

A I weighed 152.

MR. LOPEZ: Your witness.

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THE PRESIDENT: Counsel SOMIYA.

MR. SOMIYA: I am SOMIYA, Shinji, defense counsel.

CROSS-EXAMINATION

BY MR. SOMIYA:

Q When you were interned, during the period of your internment in Los Banos, were not the Philippines suffering from a severe food shortage?

A At the time of my internment, I don't recall ever knowing of the Philippines suffering from a severe food shortage.

Q Is the climate at Los Banos divided into the dry season and the wet season?

A Yes, the climate at Los Banos is divided into the dry and the wet seasons.

Q Is there not a shortage of water during the dry season?

A At Los Banos, is that?

Q Yes, at Los Banos.

A Not to my knowledge. There are quite a few waterfalls there. I don't ever have remembered of Los Banos being country where there is a shortage of water, especially with the hot springs.

Q Do not these waterfalls dry up in the dry season?

WERFF

CROSS

1 A No, they do not.

2 Q Was there a water system in the camp?

3 A Yes. The water system would come from the
4 mountains and it was taken to the camp in bamboo
5 tubes.

6 MR. SOMIYA: I conclude my cross-examination.

7 THE PRESIDENT: Mr. Blewett.

8 MR. BLEWETT: If the Court please.

9 CROSS-EXAMINATION (Continued)

10 BY MR. BLEWETT:

11 Q Miss Werff, who was in charge of the Los
12 Banos camp, if you know?

13 A At that time it was a Mr. Hikert, was the
14 chairman of the committee at the time I was there.

15 Q Were there any Japanese officers there?

16 A Yes, the commandant at the camp was a
17 Major IWANAKA, and his assistant, Sergeant KONISHI.
18 There were about fifty guards around the gates; and
19 under the commandant, he had about fifteen in his staff.

20 Q Of what branch of the service were the guards?

21 A They were military; they wore military clothes.

22 Q Did you see the insignia, or was there any
23 insignia on the uniform?

24 A I don't understand the military rank of the
25 Japanese Army. But they did have stripes on their

WERFF

CROSS

1 sleeves and up on the shoulder.

2 THE PRESIDENT: Did they belong to the Army,
3 the Navy, or the Air Force? I think that is what you
4 are asked to say.

5 MR. BLEWETT: That is right, sir.

6 THE WITNESS: Well, I gathered that they
7 belonged to the Army. They wore khakis, green suits.

8 Q But you couldn't tell us whether they were
9 Army, Navy, or Marine Corps, is that correct?

10 A I couldn't tell about the guards. But I
11 knew the commandant was Army. He was Major IWANAKA.

12 Q Was he the highest-ranking Japanese officer
13 that you saw at Los Banos during your stay?

14 A At Los Banos, he was the highest ranking.
15 At Santo Tomas we saw General HOMMA.

16 Q At Santo Tomas, I assume from your testimony
17 that your treatment was quite all right there?

18 A I didn't testify against Santo Tomas. I
19 didn't say a word about it.

20 MR. BLEWETT: That is all, Miss Werff.
21 Thank you.

22 MR. LOPEZ: No redirect.

23 THE PRESIDENT: The witness is released on
24 the usual terms.

25 (Whereupon, the witness was excused.)

1 MR. HORWITZ: We tender in evidence IPS
2 document No. 2813, which is a summary of evidence of
3 JAG Report No. 88 on the massacre in the house of
4 Dr. Moreta at 417 Isaac Peral Street, Manila, in
5 February 1945.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2813 will be given exhibit No. 1360.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1360, and was received in evidence.)

12 MR. HORWITZ: We read paragraphs 1 and 3 of
13 that document:

14 "On 17 February 1945, approximately sixty-three
15 Spanish, Filipino, and Chinese civilians had taken
16 refuge at the house of Dr. Moreta at 417 Isaac Peral
17 Street, Manila, P. I. About noon, a group of about
18 twenty Japanese Marines entered the building and, at
19 the direction of an officer, separated the men from
20 the women, placing the men in the bathroom and the
21 women in the kitchen.

22 "Thereafter several grenades were thrown into
23 the bathroom by the Japanese, resulting in the death
24 and wounding of many of the men. Meanwhile, many of
25 the women were bayoneted, stabbed or shot, while

1 while others were dragged upstairs by the Japanese
2 and never again seen alive. None of the survivors
3 witnessed the raping of any of the women, but the
4 bodies of several of the women were mutilated and
5 bore indications of having been violated."

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1 We offer in evidence IPS document No.
2 2812, which is a summary of evidence of JAG report
3 No. 70 on the massacre in the house of Dr. Price at
4 Colorado Street in Manila in February 1945.

5 THE PRESIDENT: Admitted on the usual
6 terms.

7 CLERK OF THE COURT: Prosecution's docu-
8 ment number 2812 will receive exhibit No. 1361.

9 ("Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1361 and received in evidence.)

12 MR. HORWITZ: We read from paragraph two
13 of that document, the first and last two sentences.
14 (Reading:)

15 "The number of people assembled at the Price
16 residence is variously estimated at from two hundred
17 to seven hundred.

18 "The Japanese then walked among the victims,
19 and with bayonet or bullet, administered the coup
20 de grace to those who made a sound or movement. A
21 supply of whiskey was then discovered in the Price
22 residence, and after an orgy of drinking, the Japs
23 urinated on the dead bodies, and also caught a pig
24 and permitted it to lick the blood off the floor."
25

THE PRESIDENT: What is the date of that?

1 It seems to be dated the 9th of February, 1945. You
2 haven't read that.

3 MR. HORWITZ: 9 February 1945.

4 THE PRESIDENT: Why didn't you read the
5 passage you omitted, between the excerpts you read?

6 MR. HORWITZ: The material in there would
7 be repetitious and we wish to point out merely
8 the main event at that point, your Honor.

9 THE PRESIDENT: You left out the most im-
10 portant part. Better not read it at all than read
11 it this way.

12 MR. HORWITZ: If your Honor please --

13 THE PRESIDENT: The pig episode is not
14 worth giving any attention to and that is about all
15 you read. We don't know under what circumstances
16 these people died, whether illegally or otherwise.

17 MR. HORWITZ: In that event I will read
18 the whole of the second paragraph.

19 THE PRESIDENT: All or none. I hope you
20 haven't any more passages like this.

21 MR. HORWITZ: (Reading) "The number of
22 people assembled at the Price residence is variously
23 estimated at from two hundred to seven hundred.
24 Japanese sentries appeared at irregular intervals,
25 but apparently did not molest any of the refugees"

1 until about 1700 in the afternoon, at which time
2 approximately thirty marines, commanded by three
3 officers, appeared on the scene. When the marines
4 appeared many of the refugees were inside the house;
5 others had taken shelter in the basement, while
6 still others were lying against the walls of the
7 house and garden, using bundles of food and clothing
8 as barricades. The Japanese marines came into the
9 garden shouting and shooting, and after a few minutes
10 shouted an order in English for the people inside
11 the house to come out. Those inside filed out, and
12 when they reached the garage at the rear of the
13 premises, the Japanese opened fire on them with
14 machine guns, rifles and pistols. The whole group
15 fell to the ground either dead, wounded or feigning
16 death. The Japanese then walked among the victims,
17 and with bayonet or bullet, administered the coup
18 de grace to those who made a sound or movement. A
19 supply of whiskey was then discovered in the Price
20 residence, and after an orgy of drinking, the Japs
21 urinated on the dead bodies, and also caught a pig
22 and permitted it to lick the blood off the floor."

23 We offer in evidence IPS document No.
24 2845, which is an affidavit of Basilio Umagap on
25 atrocities at the Pons residence in Manila in

1 February 1945.

2 THE PRESIDENT: Admitted on the usual
3 terms.

4 CLERK OF THE COURT: Prosecution's docu-
5 ment No. 7845 will receive exhibit No. 1362.

6 (Whereupon, the document above
7 referred to was marked prosecution's
8 exhibit No. 1362 and received in evidence.)

9 MR. HORWITZ: From page two of that docu-
10 ment, we read the eighth question and answer:

11 (Reading)

12 "Q Then tell what happened.

13 "A There were tables inside the ground
14 floor, so the Japanese moved them to the side, and
15 we were placed in the middle of the room. Then
16 the Japanese having a gun placed ammunition and
17 began to shoot us. The first one shot was Mr.
18 Pons; second, Isaac; third, Mrs. Pons; fourth, Eva;
19 fifth, Pacita; sixth, Candida; eighth, Delfin;
20 ninth, Virginia; and the last was the baby. The
21 baby was shot last because the Japanese was about
22 to leave the house when they heard the cry of the
23 baby. The Japanese returned and shot the baby.
24 While we are moved into the ground floor, I was
25 trying to untie the knot in my hands. I was able

1 to take off the knot of one of my hands and when
2 Isaac was shot and dropped to the floor all of us
3 was pulled down, thus all of us dropped to the
4 pavement. By this way, the knot on my other arm was
5 untied automatically. I then slipped and crawled
6 to a nearby corner where an armchair was located.
7 I lay flat with my face downward and with my two
8 palms covering my face."

9 We offer in evidence IPS document No.
10 2802, which is a summary of evidence of JAG report
11 No. 27 on the massacre at De La Salle College in
12 Manila, in February 1945.

13 THE PRESIDENT: Admitted on the usual
14 terms.

15 CLERK OF THE COURT: Prosecution's docu-
16 ment No. 2802 will receive exhibit No. 1363.

17 ("Hereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 1363 and received in evidence.)

20 MR. FORWITZ: We read from that document
21 the following: (Reading)

22 Page 1, paragraph 2.

23 "The De La Salle College, 1501 Taft Avenue,
24 Manila, Philippine Islands, is a Catholic educa-
25 tional institution but due to war conditions was not

1 in active operation, and was temporarily used by
2 the Japanese as a hospital until January 1945 when
3 the families of Don Enrique VASQUEZ PRADA, the
4 related families of Judge Jose R. Carlos, Dr.
5 Antonio COJUANGCO and Dr. Clemente UYCHUICO together
6 with their servants, took residence therein with
7 seventeen Lay (Christian) Brothers who were faculty
8 members, seven servants and employees of the school,
9 and a refugee priest, making Francis J. COSGRAVE,
10 who were already living there, making a total of
11 sixty-eight people residing in the institution.
12 Shortly thereafter, an unidentified number of
13 Japanese Marines or Navy men occupied a portion of
14 the first floor."

15
16 Page 2, paragraph 2, first three sentences:

17 "Shortly after the shots were heard, the
18 officer went to the Nippon Club but returned to
19 the College and instructed the soldiers to murder
20 all the people; they began shooting and bayoneting
21 those who were downstairs in the corridor. Many
22 hid in an improvised air-raid shelter on the first
23 floor and when the Japanese heard the cries of the
24 women and children and the prayers of the Brothers,
25 it attracted their attention and one of the soldiers
carrying a lamp came into the shelter, ordered them

1 out and as they left the Japanese struck them with
2 the butts of their guns. They were then forced
3 to face the wall and the officer came down from
4 upstairs and gave instructions to start killing,
5 whereupon they were shot and bayoneted."

6 Page 2, the last paragraph:

7 "There is evidence that an attempt was
8 made to rape some of the victims and the body of
9 Asela CARLOS was discovered in a position and in
10 such a position as to indicate she had been violated.
11 On the 13th the Japanese returned and when they saw
12 the body of fourteen-year-old Fortuneta SALONGA
13 lying in an exposed condition, attempted to have
14 intercourse with her although she had been dead from
15 eight to ten hours and rigor mortis had set in.
16 An enlisted man attempted to violate Miss Rosario
17 CARLOS but left when an officer saw him. Servillano
18 ACUINO and Dionisia CARLOS stated they saw a Japanese
19 soldier rape Isabel LANBAN, but she denies that such
20 act occurred. That evening the Japanese came back
21 and kicked the bodies in an effort to find out who
22 were still alive but those who were dared not move or
23 make any noise, whereupon attempts were made to burn
24 the south wing of the building and while Brother
25 HUBERT was endeavoring to extinguish the flames he

was observed and killed."

1 THE PRESIDENT: What is the exact date
2 of that?

3 MR. HORWITZ: 31 January.

4 THE PRESIDENT: It seems to be February,
5 isn't it?

6 MR. HORWITZ: Between 7 and 10 February,
7 your Honor.

8 THE PRESIDENT: Tenth of February 1945.

9 MR. HORWITZ: We offer in evidence IPS
10 document No. 2849, which is a transcript of the
11 testimony of Nene Alban at the trial in Manila of
12 the former Japanese General Masaharu HOMMA. The
13 witness described Japanese atrocities in Manila dur-
14 ing early days of Japanese Occupation in 1942.

15 THE PRESIDENT: Admitted on the usual
16 terms.

17 State the date in each case.

18 CLERK OF THE COURT: Prosecution's docu-
19 ment No. 2849 will receive exhibit No. 1364.

20 (Whereupon, the document above
21 referred to was marked prosecution's
22 exhibit No. 1364 and received in evidence.)

23 MR. HORWITZ: On page 1 we read from that
24 document the 4th, 5th, 6th and 7th questions and
25 answers. (Reading)

1 "Q What is your profession?

2 "A A nurse, sir.

3 "Q Were you working in 1941?

4 "A Yes, sir.

5 "Q As what?

6 "A As a social worker.

7 "Q For what organization?

8 "A The American and Philippine Red Cross."

9 On page 1 we read the 12th question and
10 answer:

11 "Q (By Colonel Lim) During the months of June
12 and July, 1942, did you know that the Japanese Army
13 was occupying the grounds of the San Beda College?

14 "A Yes, sir."

15 On page 2 we read the 5th question through
16 to the end of the 5th question and answer on page 3.

17 "Q Go ahead, please.

18 "A The first afternoon I saw four Filipinos
19 were made to kneel right at the edge of the creek
20 and beheaded, and the bodies fell into the creek.

21 "Q How many Filipinos did you say?

22 "A Four Filipinos.

23 "Q Who beheaded the Filipinos?

24 "A The Japanese soldiers.

25 "Q Did you see anything else?

1 "A And the next one I saw were two Filipinos
2 were beheaded at the same position, but just very
3 near to the place where the first time I saw.

4 "Q Go ahead.

5 "A And the next one I saw were more or less
6 seven Filipinos who were made to kneel on the bar
7 across the hole in the ground and beheaded, and the
8 body fell right inside the hole.

9 "Q Who beheaded these seven Filipinos, more
10 or less?

11 "A The Japanese soldiers.

12 "Q Did you witness any other atrocities?

13 "A I saw ten Filipinos were standing inside
14 of the pit, and the soldiers beheaded them, the
15 Japanese soldiers.

16 "Q What else?

17 "A And I saw four Filipinos were killed by
18 judo. The Japanese soldiers took ahold of the feet
19 of the victims and struck the head right on the con-
20 crete pavement.

21 "Q Was the Filipino killed?

22 "A Yes, sir; and the body thrown into the
23 creek after they were killed.

24 "Q Go ahead.

25 "A And I saw other atrocities. The Filipinos

1 were tortured, boxed, kicked, beaten by a business
2 of heavy wood, heavy sticks, until they were flat on
3 the ground, and I have not seen them move again. All
4 by the Japanese.

5 "COLONEL LIM: What was that last?

6 "(Answer read.)

7 "Q (By Colonel Lim) What else?

8 "A I saw more or less 20 Filipinos who were
9 tied up right in front of San Beda, and they were
10 kicked, boxed, tortured in different ways, beaten by
11 the barbed wires, and all the bodies of the victims
12 were bleeding. When they pretend to scream or to cry,
13 they were boxed right on the back of the head, and
14 they were placed under the very hot sun.

15 "Q Do you remember of any other atrocities
16 witnessed by you?

17 "A Yes, I know so many.

18 "Q Go ahead, please.

19 "A Another group of Filipinos were placed
20 under the sun and boxed right in the stomach, were
21 beaten, were kicked, slapped, and when they were al-
22 ready sleeping the Japanese had a pail of water and
23 poured the water right from the head of the victims
24 to the feet.

25 "Q Anything else?

1 "A Yes, sir. Four Filipinos were killed
2 right by the side of San Beda College, bayonetting
3 them until they were killed."

4 On page 3 we read the 8th question and answer:

5 "Q Go ahead.

6 "A Two Filipinos were hanging from the tree.
7 The leg was tied with a chain, tightly, and every
8 Japanese soldiers that passed by, they boxed the
9 victims until he was dying."

10 On page 4 we read from the 8th question on :
11 through to the end of the 8th question and answer
12 on page 5. "

13 "Q Anything else, Mrs. Alban?

14 "A Another two Filipinos were tortured heavily
15 in different kinds of torturing, and when they were
16 already helpless they were bayoneted and they were
17 killed, right at the side of San Beda, near the
18 bridge of Mendiola.

19 "Q Any other atrocities?

20 "A And another six Filipino victims were tied
21 under the sun, very hot sun, and they were beaten
22 with heavy wood and kicked, slapped, boxed right on
23 the head, and pushing them against the barbed wired
24 fence, and all of their backs were bleeding."
25

On page 4 we read from the 8th question and

1 answer through the remainder of the direct exami-
2 nation:

3 "Q What happened to these Filipinos?

4 "A Well, they were held in the stock by the
5 leg, group by group. They were in two groups.
6 There were six Filipinos. And while they were held
7 in the stock their hands were held also with heavy
8 stock, and they were boxed, they were pushed --
9 They were pushed back against the fence, barbed
10 wire, and they were burned with the burning tips
11 of cigarettes, and I saw burning piece of wood put
12 under the armpit of Rosalino Aurora, one of the
13 victims.

14 "Q (By Colonel Lim) What else, Mrs. Alban?

15 "A And another two Filipinos were beaten,
16 were pushed in the ground, kicked by the Japanese
17 officer, and then when they were already dying,
18 so helpless they could hardly move, they were
19 bayoneted. And one of them was Remigio Reyes.

20 "Q Do you remember of the case of Filipinos
21 whose eyes were bayoneted?

22 "A Yes. There were nine or more tied up
23 right almost near the corner of Mendiola and
24 Tuberias Street, and they were bayoneted right
25 through the eyes, side by side.

1 "Q Who did this bayonetting?

2 "A The Japanese soldiers.

3 "Q Did you ever witness the use of pliers by
4 the Japanese?

5 "A Yes, sir.

6 "Q In what instance?

7 "A The victims, the Filipinos victims, were
8 tied and made to kneel right in front of the San
9 Beda College building --

10 "Q How many Filipinos?

11 "A More or less seven.

12 "Q Seven Filipinos?

13 "A And their tongues were pulled out by the
14 help of the pliers, and I saw the tongues hanging
15 up to the chest.

16 "Q Did you see these Filipinos alive again?

17 "A No, sir.

18 "COLONEL LIM. That is all with the witness."

19 We offer in evidence IPS document No. 2838,
20 which is a summary of evidence of JAG report No. 66
21 on the massacre at the German Club in February 1945,
22 in Manila.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's docu-
25 ment No. 2838 will receive exhibit No. 1365.

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(Whereupon, the document
above referred to was marked prose-
cution's exhibit No. 1365 and received
in evidence.)

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1 MR. HORWITZ: We offer in evidence IPS docu-
2 ment No. 2838, which is a summary of evidence of
3 JAG report No. 66 on the massacre at the German Club
4 in February, 1945, in Manila.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 2874 will receive exhibit No. 1366.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1366 and received in evidence.)

11 MR. HORWITZ: We read from that document the
12 summary of evidence, with the exception of the last
13 two sentences:

14 "The German Club, the scene of the atrocity, is
15 located on San Luis Street near its intersection with
16 San Marcelino Street, Ermita, Manila, P.I. The build-
17 ing is adjacent to the San Marcelino Church and com-
18 pound where twenty-six civilians were murdered on 9
19 and 10 February 1945, and the perpetrators of both
20 atrocities are undoubtedly the same. The German Club
21 was managed by a Mr. and Mrs. Ohaus (first names un-
22 known), who were German citizens. On 6 February 1945
23 all the houses in the vicinity of the German Club were
24 surrounded by Japanese, presumably members of the Im-
25 perial Naval Ground Forces. This district was then

1 under heavy bombardment and shell fire. From 7 to 10
2 February 1945 at least five hundred civilian resi-
3 dents in the vicinity of the German Club took shelter
4 underneath the club from the bombardment and shell
5 fire. These people were crowded and jammed in a
6 four foot high space between the concrete floor of
7 the club and the ground. They remained there until 10
8 February 1945, leaving only on occasional secret trips
9 to seek food and go to the latrine in the club.

10 "Between 7 and 10 February 1945 the Japanese
11 set fire to the Red Cross building at the corner of
12 General Luna and Isaac Peral Streets and to all the
13 private houses in the neighborhood. At approximately
14 1000 hours, 10 February 1945, the Japanese surrounded
15 the German Club and forbade anyone to leave their
16 shelter beneath the club. While the victims under-
17 neath the club were guarded with aimed rifles, the
18 Japanese built an inflammable barricade out of the
19 victims' clothing and personal possessions which they
20 had stored in the club. This barricade completely
21 surrounded the club, closely hemming in the victims
22 underneath. The Japanese then piled the furniture
23 inside the club, poured gasoline over the pile and
24 ignited it. They then poured gasoline over the
25 barricade surrounding the club and ignited it. As

1 the heat from the flames mounted, many men and women
2 ran out from underneath the club and attempted to leap
3 over the flaming barricade. Most of these were
4 bayoneted and shot by awaiting Japanese. Some of the
5 women were raped and their infants bayoneted in their
6 arms. After raping the women the Japanese poured
7 gasoline on their hair and ignited it. The breasts
8 of some of the women were cut off by Japanese soldiers.
9 Bernardino Calub, the house boy of the surviving eye-
10 witness Francisco Lopez, was tied to a pillar of the
11 Lopez garage. The Japanese then proceeded to cut off
12 his genitals and thrust his severed penis in his
13 mouth."
14

15 We introduce in evidence IPS document No.
16 2874, which is a transcript of the testimony of
17 Mariano del Rosario in the trial of YAMASHITA.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 2874 will receive exhibit No. 1366.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1366 and received in evidence.)

24 MR. HORWITZ: We read from that document
25 the following: Page 1, 4th answer through to and

1 including the 7th answer:

2 "A I am the city undertaker for the City of
3 Manila.

4 "Q Were you so acting on the first part of
5 February and during February of this year?

6 "A Yes, sir, I was.

7 "Q Did you have occasion to go to the home
8 known as the Campos home, on Taft Avenue?

9 "A Yes, sir.

10 "Q When did you go there?

11 "A After the fighting was diminished to a
12 certain extent around that area, Major David Hinkley,
13 Division Sanitary Inspector, of the 37th Division, and
14 myself went to the Campos residence to remove the
15 dead bodies in that locality."

16 Page 1, the tenth question and answer:

17 "Q How many dead bodies did you find within
18 the Campos yard?

19 "A Approximately about a hundred, sir."

20 Page 2, 2nd question and answer:

21 "Q Did you have occasion to observe the wounds,
22 if any, on any of the dead bodies?

23 "A Yes, sir. More particularly so in that
24 crowd or in that pile that we found on the driveway.
25 We noticed most particularly a lady whose breast had

1 been completely chopped off, and also we found a lady
2 whose genital organs had apparently been ripped off
3 with a bayonet."

4 We offer in evidence IPS document No. 2873,
5 which is a transcript of the testimony of Rosalinda
6 Andoy in the YAMASHITA trial, relating how her
7 mother and father were killed and how she herself was
8 bayoneted 38 times in February 1945 at Intramuros,
9 Manila.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 2873 will receive exhibit No. 1367.

13 (Whereupon, the document above referred
14 to was marked prosecution's exhibit No. 1367
15 and received in evidence.)

16 MR. HORWITZ: We read from that document
17 the following: On page 1, the first eight lines of
18 the direct examination:

19 "MAJOR OPINION: Do you believe in God?

20 "THE WITNESS: Yes.

21 "MAJOR OPINION: Do you confess?

22 "THE WITNESS: Yes.

23 "MAJOR OPINION: Do you know that to tell a lie
24 is a sin and it is punished by our Lord that you may
25 be sent to jail?

1 "THE WITNESS: Yes.

2 "Q What is your name?

3 "A My name is Losalinda Andoy.

4 "Q Age?

5 "A 11."

6 On page 2, the 4th question and answer:

7 "Q Did you go to the Manila Cathedral as
8 ordered by the Japanese?

9 "A Yes, sir."

10 On page 2, the 11th and 12th questions and
11 answers:

12 "Q How many days did you stay in the Manila
13 Cathedral?

14 "A Only one day.

15 "Q From the Manila Cathedral where were you
16 taken?

17 "A At the Santa Rosa Church."

18 On page 2, 15th and 16th questions and
19 answers:

20 "Q Who were your companions?

21 "A Our entire family.

22 "Q How about your father, was he with you?

23 "A He was no more with us."

24 On page 3, the first five questions and
25 answers:

1 "Q Why? Where was your father?

2 "A He was killed by the Japanese.

3 "Q Where was your father when he was killed?

4 "A He was killed in Fort Santiago.

5 "Q From where was he taken?

6 "A At the church, the Manila Cathedral.

7 "Q When you were assembled with your mother
8 and aunts in the Manila Cathedral?

9 "A Yes."

10 On page 3, the 9th and 10th questions and
11 answers:

12 "Q Where were you taken?

13 "A We were ordered to go to Santo Domingo.

14 "Q Who ordered you?

15 "A The Japanese."
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1 On page 3, the last three lines:

2 "Q What happened in Santo Domingo when you
3 arrived at that place?

4 "A Right away we were thrown some grenades.

5 "Q By whom?

6 "A The Japanese."

7 On page 4, the 6th question through the
8 remainder of the page:

9 "Q Where is your mother now?

10 "A She is no more.

11 "Q Why?

12 "A She was killed by the Japanese.

13 "Q Where was your mother when she was killed?

14 "A Right there at Santo Domingo.

15 "Q Inside or outside of the church?

16 "A Inside.

17 "Q How do you know she was killed by the Japanese?

18 "A She was beside me.

19 "Q How about you, were you wounded?

20 "A Yes, sir.

21 "Q Who wounded you?

22 "A The Japanese.

23 "Q With what weapon were you wounded?

24 "A Bayonet.

25 "Q How many wounds did you sustain?

1 "A Thirty-eight wounds.

2 "Q Who was the companion of your mother when she
3 was bayoneted?

4 "A There were three, including me.

5 "Q What was the name of the third one?

6 "A Salin.

7 "Q Now, you say that you have sustained 38 wounds.
8 On what parts of your body were you wounded?

9 "A In different parts of my body.

10 "Q On your left arm did you sustain any wound?

11 "A Yes, sir.

12 "Q Will you please show to the Commission that
13 left arm and tell the Commission how many wounds there
14 are?

15 "A Ten wounds.

16 "Q And how about your right arm, did you sustain
17 any wound at that time?

18 "A Yes, sir.

19 "Q Do you have any scars on that arm?

20 "A Yes, sir.

21 "Q How many?

22 "A Four.

23 "Q Will you please show the Commission that
24 right arm?

25 "(The witness exhibited her right arm.)

"Q Were you wounded in the chest?

"A Yes, sir.

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1 "Q Will you please show the Commission the scars
2 on your chest?

3 (The witness raised her dress and exhibited
4 portions of her body.)

5 "Q Did you count how many scars there are?

6 "A I cannot remember now.

7 "Q All right. On your abdomen did you suffer
8 any wound?

9 "A Yes, sir.

10 "Q Will you please show to the Commission the
11 scar of your wound on the abdominal portions, region?

12 "(The witness exhibited scars on her abdomen.)

13 "Q As a result of that wound in your abdominal
14 region, did your intestines protrude, or come out?

15 "A Yes, my intestine came out.

16 "Q Did you suffer any wound in your back?

17 "A Yes.

18 "Q How many wounds were there?

19 "A Only one, sir.

20 "Q Will you please show the Commission your
21 wound in your back?

22 "(The witness exhibited her back.)

23 "Q And your legs, how many wounds did you sus-
24 tain?

25 "A Five, sir.

1 "Q Before your mother died did she tell you
2 anything?

3 "A Yes, sir.

4 "Q What did she tell you?

5 "A She cautioned me to be always good.

6 "Q Did she tell you that she was dying then?

7 "A Yes, sir.

8 "Q Where did you sleep that night?

9 "A At Santa Domingo.

10 "Q By the side of your mother?

11 "A Beside my mother.

12 "Q Was she dead already, then, when you slept
13 with her?

14 "A Yes, sir.

15 "Q Now, when did you get out from the Santa
16 Domingo Church?

17 "A Already in the morning.

18 "Q While you were inside Santa Church and by the
19 side of your mother, did you see any child tossed up
20 in the air and received with the bayonet as it came
21 down?

22 "A Yes, sir.

23 "Q Did you know who that boy or baby was?

24 "A Yes, sir.

25 "Q What was the name of the baby?

1 "A Teteu.

2 "Q How old was the baby?

3 "A About three months, sir.

4 "Q Who tossed him up in the air?

5 "A The Japanese.

6 "Q Who received him with the bayonet?

7 "A The Japanese, also.

8 "Q The same Japanese who threw him up?

9 "A Yes, sir.

10 "Q Was the boy wounded?

11 "A Yes, sir.

12 "MAJOR OPINION: That is all.

13 "CAPTAIN REEL: No questions."

14 We tender in evidence IPS Document No. 2798
15 which is a summary of evidence of JAG Report No. 53
16 on the massacre of over two hundred civilians at
17 St. Paul's College in Manila in February 1945.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 2798 will receive exhibit No. 1368.

21 (Whereupon, the document above referred
22 to was marked prosecution's exhibit No. 1368 and
23 received in evidence.)

24 MR. HORWITZ: We read from page 1 of that
25 document the fourth line from the bottom of the page

1 through line 17 on the following page:

2 "At a conservative estimate, approximately two
3 hundred fifty people were placed there and the doors
4 and windows solidly shut and barred. While so confined,
5 witnesses noticed that the three hanging chandeliers
6 were wrapped in black-out paper and that strings or
7 light wires ran from inside the 'package' through the
8 transoms to the outside. At about 1730 hours, five
9 Japanese brought in biscuits, candy and liquor of some
10 sort, placed them in the center of the room and, through
11 some 'Indians' who were among the captive group, told the
12 crowd that they would be safe in this room, that their
13 houses were to be burned and that they might eat and
14 drink, then these Japanese left. A rush for the candy
15 and biscuits followed, and within a matter of moments,
16 three explosions proved that the covered chandeliers
17 were nothing less than grenade traps. Pandemonium
18 ensued; many were thrown to the floor by the blast,
19 others milled about in panic, and Japanese outside be-
20 gan machine-gunning and throwing grenades into the
21 room through the windows and also into the crowds in
22 the corridors. The force of the explosions broke out
23 the windows of the building and a section of the com-
24 pound wall and through these holes those who were able
25 began to escape. In the hail of machine-gun and rifle

1 fire, many of these persons were killed, some to lie
2 grotesquely sprawled across the compound wall where
3 they had been stopped in their flight by the bullets
4 of the guards; -"

5 We introduce in evidence IPS document No.
6 2864 which is a summary of evidence of JAG Report
7 No. 63 on looting, burning, and murder of civilians
8 in the Campos residence in Manila during February
9 1945.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 2864 will receive exhibit No. 1369.

13 (Whereupon, the document above referred
14 to was marked prosecution's exhibit No. 1369 and
15 received in evidence.)

16 MR. HORWITZ: From that document we read the
17 following: Page 1, paragraph 3:

18 "At about 1130 hours on 7 February 1945, four
19 members of the Japanese Navy came to the home of Mrs.
20 Campos, 1462 Taft Avenue, and while two of them pointed
21 their rifles at all of the above mentioned people, the
22 other two searched the house. They took five thousand
23 pesos, jewels, watches, and a revolver belonging to
24 Mrs. Campos. They then took Salvador and Antonio
25 Campos, their hands tied behind their backs, to the

1 Nippon Club, saying that they would bring them back in
2 half an hour. Neither Salvador nor Antonio Camros was
3 ever seen again."

4 Page 1, paragraph 5, the last four sentences:

5 "At about 1600 hours, 12 February, four members
6 of the Japanese Navy ordered all the occupants of
7 1462 Taft Avenue to leave the house and go out into
8 the garden. There the men and women were separated and
9 searched, the women being subjected to gross indignities
10 to their persons during the search. The Japanese took
11 five thousand pesos and a watch from Judge Loesin and
12 many valuables from other members of the group. Early
13 that evening the Japanese burned Judge Loesin's house
14 and the fire spread to many of the neighboring houses."

15 We offer in evidence IPS document No. 2814
16 which is the summary of evidence of JAG Report No. 84,
17 on the massacre of more than 1,000 civilians at Lippe,
18 Batangas Province, Luzon, in February 1945.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 2874 will receive exhibit No. 1370.

22 (Whereupon, the document above referred
23 to was marked prosecution's exhibit No. 1370 and
24 received in evidence.)

25 MR. HORWITZ: We read from that document, the

1 summary of evidence:

2 "During the latter part of February 1945, the
3 Japanese engaged in a program of murder, looting and
4 destruction in the municipality of Lipa, Batangas
5 Province, Luzon, P.I.

6 "One civilian woman was bayoneted to death
7 because she refused to submit to the advances of a
8 Japanese soldier.

9 "Two groups of civilians of two hundred and
10 three hundred respectively were pushed into wells where
11 they perished either by drowning, being crushed by
12 heavy objects dumped upon them, or by gunfire.

13 "Another group of over five hundred civilians
14 was led to a break where the entire number were bayoneted,
15 practically all of them dying.

16 "The other group, composed of some six hundred
17 civilians, was assembled by the Japanese at the Lipa
18 Cathedral and bayoneted to death.

19 "Other murders and bayonetting of a smaller
20 group took place at or about the same time.

21 "In March 1945 the Japanese burned the City
22 of Lipa and destroyed its utilities, including the
23 water system."

24 THE PRESIDENT: We will recess for fifteen
25 minutes.

(Whereupon, at 1445, a recess was
taken until 1500, after which the proceedings
were resumed as follows:)

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1 MARSHALL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Horwitz.

4 MR. HORWITZ: We tender in evidence IPS
5 document No. 2794, which is a summary of evidence of
6 JAG Report No. 117 on additional massacres at Lippa
7 Batangas Province, Luzon, in March 1945.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 2794 will receive exhibit No. 1371.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1371 and received in evidence.)

14 MR. HORWITZ: We read the entire summary:

15 "At about 2100 hours on 5 March 1945 about
16 one thousand Filipino men, women, and children were
17 required by the Japanese to assemble in the Barrio of
18 Bulihan, Lippa, Batangas, Luzon, P. I. The men were
19 separated from the women and children and led away in
20 small groups to the edge of a cliff. Here they were
21 blindfolded and tied and then bayoneted to death.
22 Their bodies were pushed over the cliff into a stream
23 which ran at the feet of the embankment. The Japanese
24 then disposed of the women and children in the same
25 manner. The slaughter continued for four hours. Five

1 or six hundred dead bodies were seen later along the
2 edge of the river.

3 "On the same night five or six hundred Filipino
4 men, women, and children were assembled in the Barrio
5 of Suloc, Santo Tomas, Batangas, Luzon, P. I. Suloc
6 is about two kilometers from Eulihan. About two hun-
7 dred of them were released but the remaining three
8 hundred were taken in small groups to the edge of a
9 nearby stream and bayoneted to death, after which their
10 bodies were thrown into or along the bank of the stream.

11 "Nineteen other male Filipino civilians were
12 yurdered in a similar manner on a mountain side near
13 Suloc."
14

15 "We submit in evidence IPS document No. 2720,
16 which is the affidavit of Apolinaria Navarro, on
17 atrocities in Suloc, Santo Tomas, Batangas in February
18 and March 1945.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 2720 will receive exhibit No. 1372.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1273 and received in evidence.)

25 MR. HORWITZ: We read from that document at
page 21, 6th question and answer, paragraph 2, sentence

1 2 - 4, inclusive:

2 "About 500 of us, together with a few men, were
3 taken to a school house. Out of this 500 people, 15
4 families grouping about 200 people were selected and
5 placed in a different place. I was left behind with
6 the remaining 300 people."

7 Page 22, paragraph 2, sentences 1 - 8, in-
8 clusive:

9 "At the bank of the river the Japanese tried to
10 wrench my two children from me, for I was holding them
11 firmly. I was pregnant six months at that time. Fi-
12 nally they succeeded in taking them away from me. Ludi-
13 gario, age 10, was the first to fall down as soon as he
14 had been bayoneted in his right side. Maria, age 6,
15 was taken hold of in one arm and was plunged wildly into
16 the air by one Japanese while two Japanese soldiers
17 thrust her back with their bayonets as soon as she landed
18 on the ground. While watching the scene I called for
19 help from God and my face was looking up into the sky
20 when five Japanese soldiers came and bayoneted me at
21 the back. I got five bayonet wounds- one on the upper
22 part of my right arm, another on the upper right of my
23 chest passing through my breast, another on my waist
24 region passing through my right side, and another on my
25 left shoulder. Because of the force of the bayonets

1 that passed through my body I automatically fell on the
2 side of the river, on top of many dead bodies.

3 We offer in evidence IPS document No. 2839,
4 which is a summary of evidence of JAG Report No. 106
5 on the massacre of 194 Filipino civilians at Santo Tomas,
6 Batangas and the burning of the town in February 1945.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 2839 will receive exhibit No. 1373.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1373 and received in evidence.)

13 MR. HORWITZ: From that document we read page
14 1, paragraph 2 - All but the last sentence:

15 "At 0500 hours on 11 February 1945 Japanese
16 came to Santo Tomas and proceeded from place to place
17 where civilians had gathered, taking their jewelry, money,
18 and other valuables, then killed many of the inhabitants,
19 poured gasoline on the bodies of the wounded and dead and
20 set them afire. Men, women and children and babies were
21 murdered. There is evidence that three of the victims
22 were probably subjected to attempted or actual rape.
23 Approximately one hundred and ninety-four residents of
24 Santo Tomas were murdered on this date."
25

Page 1, paragraph 2, sentences 1 - 3, inclusive:

1 "At one home between sixty-five and
2 seventy men, women and children had congregated.
3 About twenty-five were ordered out of the house and
4 taken to a cemetery. Three men of this group were
5 taken to a pit that had been used as a latrine by
6 the Japanese soldiers, were bayoneted and fell
7 into the pit."

8 Page 1, paragraph 4:

9 "Another group of approximately fifty
10 were taken from their place of hiding, all were
11 bayoneted and stabbed, thrown into a pile, saturated
12 with gasoline, and then set afire. The only
13 survivor of this group described how she was
14 bayoneted four times in the back and three times
15 in the front; one of the thrusts killing her five-
16 months old son that she was holding."

17
18 Page 2, paragraph 1 - All but the last
19 sentence:

20 "Another group of fifty were tied and
21 led to a field where they saw the bodies of twenty
22 men, women and children who had been stabbed
23 to death. This group was stabbed and other groups
24 were led to the same spot and also stabbed.
25 Afterwards gasoline was poured on the bodies and
set afire."

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Page 2, paragraph 2:

"The Japanese bayoneted the fifteen-year old daughter of one woman, who, while holding her one-year old daughter, received six bayonet wounds herself. The Japanese were chattering and laughing as the pile of bodies on top of her were burning."

CS

1 We submit in evidence IPS document No. 2790,
2 which is a summary of evidence of JAG Report No. 69 on
3 the massacre of civilians at Bauan, Batangas, in Feb-
4 ruary 1945.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document
7 No. 2790 will receive exhibit No. 1374.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution exhibit
10 No. 1374 and received in evidence.)

11 MR. HORWITZ: We read the entire summary:

12 "On the morning of 28 February 1945 members of
13 the Japanese Army stationed at Bauan, Batangas Province,
14 notified all residents of the town there would be a mass
15 meeting at the Bauan Roman Catholic Church, and that
16 everyone should assemble there forthwith. In order to
17 prevent escape guards were placed on all roads leading
18 from the town. By 1000 on the morning in question
19 practically everyone in the village had congregated at
20 the church, at which time the women and children were
21 separated from the men and taken to the Bauan Elementary
22 School building. The men, forced to remain in the church,
23 were then searched by the Japanese, and everything of
24 value appropriated; they were then told to sit in the
25 pews, eight men to a bench, and a quick count disclosed

1 a total of 328 men present. No further action was taken
2 until approximately 1300, at which time the men were
3 marched in groups of 100 into the basement of the house
4 of Serverino BAUTISTA, about 100 yards Northeast of the
5 church. The doors of the basement were closed and a
6 short time thereafter Japanese soldiers were heard moving
7 around on the floor above. A hissing sound was then heard,
8 followed by the sound of Japanese soldiers running away.
9 Immediately thereafter there was a deafening explosion
10 which either killed or wounded most of those in the base-
11 ment. Most of those not killed by the explosion were
12 shot or bayoneted as they attempted to escape from the
13 building, but a few managed to slip away."

14 We offer in evidence IPS document No. 2796,
15 which is a summary of evidence of JAG Report No. 90 on
16 the massacre of 320 Filipino civilians in Taal, Batangas,
17 in February 1945.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution document
20 No. 2796 will receive exhibit No. 1375.

21 ("Whereupon, the document above re-
22 ferred to was marked prosecution exhibit
23 No. 1375 and received in evidence.)

24 MR. HORWITZ: From page 1 of that document we
25 read paragraphs 4 and 5:

1 "By 1000 hours, 16 February 1945, the Japanese
2 had started to burn all the barrios in the vicinity of
3 Taal. Approximately sixty Filipino inhabitants of Taal
4 hastened to take refuge from the Japanese in a ravine.
5 At about 1400 six or seven Japanese threw hand grenades
6 into the ravine. Ten or fifteen persons were killed
7 by the hand grenades, and of the survivors, thirty-five
8 to forty persons were machine-gunned by the Japanese
9 and many others bayoneted. Their bodies were stacked
10 in piles of ten or more. Milagros BARRION, a member of
11 this group, received seventeen wounds in her body. "omen
12 and children were blown to pieces by grenades."

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1 MR. HORWITZ: We submit in evidence IPS
2 document No. 2797, which is a summary of evidence
3 of JAG Report No. 96 on the massacre of 300 civilians
4 at Cuenca, Batangas, in February and March 1945.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's docu-
7 ment No. 2797 will receive exhibit No. 1376.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1376 and received in evidence.)

11 MR. HORWITZ: We read from that document,
12 page 1, paragraph 3, sentences 1 and 2:

13 "On 6 February 1945, approximately one hundred
14 and seventy-five civilian Filipino men, women and
15 children were assembled in the house of Graciano
16 CASTILLO in the barrio of Mambug. The Japanese
17 took the men out in groups of five and none of them
18 were seen again."

19 Page 1, paragraph 4, sentences 1, 5-7 inclusive:

20 "On 13 February 1945, approximately fifty-two
21 civilian Filipinos including two women were crowded
22 under a house in the sitio of San Juan by the Japan-
23 ese.

24 "Each victim was held by one Japanese while
25 three others bayoneted him. The victims were then

1 thrown into the well. Only two escaped out of
2 this group and one of them was wounded."

3 Page 2, paragraph 3.

4 "On 11 March 1945, nineteen civilian Filipino
5 men, women and children were taken by the Japanese
6 from a shelter in the barrio of Sablay and impris-
7 oned in a tunnel for about a week. On 19 March
8 the tunnel was opened and the civilians were order-
9 ed out in small groups. As they left the tunnel
10 the Japanese bayoneted and shot them. Only about
11 six of the victims escaped. One little girl about
12 five years old was bayoneted through the neck
13 as she ran from the tunnel and was lifted from the
14 ground while impaled on the bayonet."

15 We tender in evidence IPS document No.
16 2834, which is a summary of evidence of JAG Report
17 No. 101 on the massacre of at least 107 Filipino
18 civilians at San Jose, Batangas, during January,
19 February and March 1945.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 2834 will receive exhibit No. 1377.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1377 and received in evidence.)

1 MR. HORWITZ: We read from that document,
2 paragraph 2:

3 "From that time on through March 1945, the
4 Japanese carried on a program of burning and
5 killing throughout the barrios of San Jose. At
6 least one hundred and seven Filipinos including
7 women and children were slain by the Japanese.
8 Many were tied, led away and bayoneted. Some of
9 the bodies were mutilated; the hands and feet of
10 one victim were cut off, and the right hand of
11 another was severed. The burned and beheaded body
12 of one man was found tied to a post."

13 We offer in evidence IPS document No. 2810,
14 which is a summary of evidence of JAG Report
15 No. 74 on the murder of 39 civilians at Lucero,
16 Batangas, in March 1945.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's docu-
19 ment No. 2810 will receive exhibit No. 1378.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1378 and received in evidence.)

23 MR. HORWITZ: We read from that document
24 the summary of evidence:

25 "Between seven and eight o'clock on the morning

1 of 13 March 1945, approximately 15 Japanese soldiers
2 appeared in the Town of Rosario, Batangas, P.I.,
3 and apparently without reason commenced shooting
4 and bayonetting all of the people who could be
5 found. No effort was made to distinguish between
6 men, women, and children, and due to the fact that
7 many of the men were able to run away, most of
8 the victims were women and children."

9 We tender in evidence IPS document No. 2793,
10 which is a summary of evidence of JAG Report No.
11 126 on the massacre of more than one hundred
12 Filipino civilians at Tapal, Gonzaga, Cagayan, in
13 July 1945.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's docu-
16 ment No. 2793 will receive exhibit No. 1379.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1379 and received in evidence.)

20 MR. HORWITZ: From that document we read
21 the first sentence of the fourth paragraph:

22 "The Japanese surrounded the nipa huts scattered
23 along the beach, and when the Filipino civilians
24 began to run, they machine gunned and bayoneted
25 them."

1 We introduce in evidence IPS Document No. 2800,
2 which is a summary of evidence of JAG Report No. 197
3 on the murders, looting and burning of the town of
4 Calauang, Laguna, in February 1945.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's docu-
7 ment No. 2800 will receive exhibit No. 1380.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1380 and received in evidence.)

11 MR. HORWITZ: From that document we read
12 the first five sentences of paragraph 2:

13 "While the Japanese were in Calauang, the
14 following are examples of the atrocities committed.
15 People taken from their homes or who were found in
16 the vicinity were bayoneted to death or killed with
17 sabers. One man was shot and killed as he was running
18 away. A man, his wife and their one-day old twins
19 took refuge in a shelter they had built. They
20 were discovered and the man was struck with a saber
21 and killed and then the baby he had been holding
22 was killed."

23 We offer in evidence IPS Document No. 2884,
24 which is a transcript of the testimony of Jose Habana
25 in the trial of YAMASHITA regarding massacre at

1 Calamba, Laguna Province during February 1945.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 2884 will receive exhibit No. 1381.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1381 and received in evidence.)

8 THE PRESIDENT: Rest assured we are not
9 going to be satisfied with what appears in the
10 transcript. We still have to look at the exhibit
11 itself to understand what it is all about. Here
12 is an alleged massacre of two thousand people.
13 You have a few sentences, and you have to guess
14 what it is all about.

15 MR. LOPEZ: If your Honor please, could
16 I be permitted to explain to the Tribunal our
17 position about the matter?

18 THE PRESIDENT: No need to explain. We
19 want a rectification, not an explanation. These
20 things should be put properly, or not at all. It
21 may be that a lot of them should not be put in be-
22 cause of their bulk and their similarity.

23 MR. HORWITZ: In that event, I shall read
24 the entire document of the testimony of the affidavit
25 of Jose Habana.

1 THE PRESIDENT: No need to read it all, but
2 you ought to read it enough to let us see what it
3 is about.

4 MR. HORWITZ: Beginning with the fifth
5 question --

6 THE PRESIDENT: Oh, you had better let it
7 pass, and we will look up the exhibit when we come
8 to it. It is very hard to correct it now without
9 our wasting a lot of time.

10 MR. HORWITZ: On page 1, 6th question and
11 answer:

12 "Q Do you recall going to the Catholic Church
13 in Calamba on 12 February 1945?

14 "A Yes, sir."

15 On page 2, fourth question and answer:

16 "Q And during the time that you were there
17 at the church, can you give the Commission an estimate
18 of how many people were gathered there?

19 "A Well, to my estimation, sir, around 2,000."

20 On page 5, first answer and second question
21 and answer, fourth question and answer:

22 "A When I removed my hands and the cloth that
23 had blindfolded me, I saw five feet, around five
24 feet of bodies. Some were still alive.

25 "Q You mean bodies stacked five feet high in

1 the room?

2 "A Five feet high in the room.

3 "Q Can you give the Commission an estimate
4 of about how many bodies you think were in that
5 room?

6 "A Well, to my estimate it is around 500,
7 because of the heaps of the bodies that are there."

8 Page 6, third and fourth questions and answers:

9 "Q Now, of those 2,000 people, or about 2,000
10 people that you saw there in the church, were they
11 civilians?

12 "A Yes.

13 "Q Were they armed in any way?

14 "A Not even a single bolo."

15 We offer in evidence IPS Document No. 2806,
16 which is a summary of evidence of JAG Report on the
17 burning of the Barrio of Nanipil, Mountain Province,
18 and the murder of civilians on Titig Mountain in
19 April 1945.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 2806 will receive exhibit No. 1382.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1382 and received in evidence.)

1 (Loading): "Early in the morning of 15 April
2 1945, six male civilian Filipinos and one woman were
3 captured while en route from Paceda to Nanipil,
4 Mountain Province, Luzon, P.I., by approximately
5 one thousand (1000) Japanese soldiers who were members
6 of the 'Tiger Unit', commanded by a Major SAITO.
7 After being questioned concerning location of
8 guerrilla forces in the area, the seven civilians
9 were forced to accompany the Japanese to Cabali Moun-
10 tain, where they spent the night. Early in the
11 morning of 16 April 1945, the Japanese troops
12 entered the barrio of Nanipil and burned the village,
13 destroying about thirty buildings. Three dead
14 Filipino civilians were discovered in the barrio
15 about a week later. One of these bodies was identi-
16 fied as that of Alico PABLONOT. All three had been
17 shot. After burning Nanipil, the Japanese took the
18 seven civilian prisoners to Titig Mountain, forced
19 the men to remove their clothing, and then made
20 all seven kneel at the edge of a precipice with
21 their hands tied behind their backs. While in this
22 helpless position, two Japanese attempted to behead
23 them, one of the soldiers striking the victims
24 across the neck with a saber while the other pushed
25 the decapitated bodies over the cliff. Apparently

1 all of this group were killed except two. The
2 bodies of four were later identified. One man
3 survived the attempted beheading and one man is
4 believed to have escaped before he was struck but
5 has never been found. There is no definite proof
6 that the woman in this group was killed but the
7 survivor Juanito ALINES, heard her scream with pain.
8 Though her body was not found with those of the
9 four identified male victims, she has not been
10 heard of since and must be presumed to have been
11 killed."

12 We tender in evidence IPS Document No.
13 2823, which is a summary of evidence of JAG Report
14 No. 267 on the execution of 21 Filipino prisoners
15 at Barrio Angad, Bangued, Abra in November 1944.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's docu-
18 ment No. 2883 will be given exhibit No. --

19 MR. HORWITZ: 2823.

20 THE MONITOR: Mr. Horwitz, if you decide
21 to read the whole document instead of the excerpts
22 as you have given us, will you please mention the
23 fact because we do not have the document in our
24 booth and we will have to get it as soon as you
25 mention that.

MR. HORWITZ: All right.

THE MONITOR: Thank you.

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1 MR. HORWITZ: Has there been a ruling on
2 this, your honor?

3 THE PRESIDENT: Yes. It is admitted on
4 the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 2823 will receive exhibit No. 1383.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1383 and received in evidence.)
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MR. HORWITZ: We read the whole summary:

"A number of Filipino paroled prisoners - of-war were summoned to a meeting at the municipal building where the names of twenty-seven prisoners-of-war were read from a roster. These men were then grouped and marched to the Japanese garrison where they were questioned, after which six of them were released. The remaining twenty-one were tied, placed on a truck, and taken to a nearby barrio. Within a short time, machine-gun fire and screams were heard, and later flames and smoke were seen. Charred bodies were later seen by some civilians inside a burned house at the same barrio."

We offer in evidence IPS document No. 2883 which is a transcript of the testimony of Mariano Bayaras, Mayor of Basco, Batanes Island, in the **YAMASHITA** trial regarding atrocities in Basco, Batanes in May-September, 1945.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 2883 will receive exhibit No. 1384.

(Whereupon, the document above referred to was marked prosecution's exhibit No. 1384 and received in evidence.)

MR. HORWITZ: We read from that document

1 on page 1, the fifth, seventh and tenth questions
2 and answers:

3 "Q Are you the Mayor of Basco, Bataan Island?

4 "A Yes, sir.

5 "Q Were you given a list by the Japanese of
6 persons killed by them at Basco?

7 "A Yes, sir.

8 "Q How many were killed?

9 "A Seventy-four."

10 Page 2, from the fourth question and
11 answer through to and including the sixth:

12 "Q Did you see any of them mistreated?

13 "A I did not see whether they were mistreated,
14 but I saw they were suffering from bad treatment.

15 "Q What makes you think that?

16 "A Because I saw them with their hands tied
17 behind, eating their food on the floor without using
18 their hands because they could not use their hands.
19 Some of them had broken hands, with bruises on their
20 faces and some of them, one of them, had no more eye.

21 "Q Was his eye out?

22 "A Yes, sir."

23 We introduce in evidence IPS document No.
24 2827 which is a summary of evidence of JAG Report No.
25 304 on the execution of Charles Putnam, Thomas

1 Daggett, Captain Vicente Pinon and six other un-
2 armed Filipinos in March 1944 at Alaminos, Pangasinan.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 2827 will receive exhibit No. 1385.

6 (Whereupon, the document above
7 referred to was marked prosecution's exhibit
8 No. 1385 and received in evidence.)

9 MR. HORWITZ: We read from that document
10 the whole summary:

11 "On 10 March 1944, two Americans and
12 some Filipinos were taken from the Japanese
13 garrison at Dagupan, Pangasinan, to the garrison
14 at Alaminos, Pangasinan. The following morning,
15 the town chief of police saw the bodies of the
16 two Americans and seven Filipinos in a grave within
17 the garrison premises. The Americans had been be-
18 headed and the Filipinos had been bayoneted."

19 We submit in evidence IPS document No.
20 2807 which is a summary of evidence of JAG Report
21 No. 1 on the massacre of approximately 500 Filipino
22 civilians at Dapdap, Penson Island, Camotes Islands,
23 Cebu Province, in December 1944.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

1 No. 2807 will receive exhibit No. 1386.

2 (Whereupon, the document above
3 referred to was marked prosecution's exhibit
4 No. 1386 and received in evidence.)

5 MR. HORWITZ: From that document we read
6 page 1, paragraph 2, first sentence:

7 "At approximately 9:00 o'clock December
8 29, 1944, a patrol of about 50 Japanese soldiers,
9 including two officers, entered the barrio of
10 Dapdap, Penson Island, Camotes Islands, Philippine
11 Islands."

12 Page 1, paragraph 3, sentences 1-3
13 inclusive:

14 "Shortly after arriving at the plaza,
15 the people, numbering about four or five hundred,
16 were ordered to group themselves in families and
17 congregate in the church so they would be unobserved
18 from a plane which was heard in the vicinity. The
19 excuse given was that they might be strafed. The
20 people followed out the instructions without delay."
21

22 Page 3, paragraph 6:

23 "When the church was about half emptied
24 the remaining people became apprehensive of their
25 lives. Some saw blood running out of a nearby shack,
a few noticed the soldiers washing their bloody

1 bayonets at the artesian well nearby, and others
2 observed that as soon as the families were taken
3 outside they were shackled with ropes. Eutiquio
4 Lucenas then urged those remaining to fight for
5 their lives and attempt an escape, whereupon he
6 picked up a rock, hurled it at the door guard,
7 hitting him on the head, and knocking him to the
8 ground. He also rushed another guard but was
9 killed in his bid for freedom. Many then made a
10 break for the door and were machine-gunned in-
11 discriminately or stabbed with bayonets. Several
12 pleaded and begged for mercy, but to no avail.
13 The church resounded with the wails and cries of
14 the wounded and those who feared death was imminent.
15 Some escaped and were killed by rifle and machine-
16 gun fire while running toward the beach. A very
17 small number escaped unscathed and found safety in
18 the sea and swamps. Most of the victims showed
19 numerous stab wounds, some babies in their mothers'
20 arms were run through and the blades passed into the
21 bodies of the mothers. One woman was found who had
22 given premature birth to a baby and its dead body
23 was beside her."

24 Page 4, paragraph 5:

25 "On 16 January 1945, Captain Gonzalo R.

1 Sievert, Executive Officer of the 94th Regiment,
2 92d Division, P.A., accompanied by Major Pete W,
3 Scott, PCAU No. 15 Detachment, Captain Henry L.
4 Guire, 5th Air Force, and a Sergeant William Young,
5 photographer of the 7th Infantry Division, were
6 ordered by a task force commander, Colonel Walker,
7 182d Infantry, 7th Division, U.S. Army, to proceed
8 to Dapdap, make an investigation, and dispose of
9 the dead bodies. Before arriving at the town they
10 met three survivors of the debacle, all of whom
11 gave evidence of numerous wounds. Approaching
12 the town the foul odor of dead bodies filled the
13 air. They looked in two huts and saw approximately
14 30 to 50 and 15 to 20 bodies respectively in a bad
15 state of decomposition. Dogs and other animals had
16 eaten away large portions of the bodies making it
17 difficult to ascertain whether they were men,
18 women or children; however, the presence of long
19 hair and small skulls indicated that there were
20 some of the latter in the groups. Proceeding
21 further into town they inspected huts en route and
22 found similar conditions existing. Arriving at the
23 church they saw about 100 bodies scattered on the
24 ground in and around the building, about half of
25 which were inside, and visible from the doorway."

1 "Here too, the dogs, pigs and other animals had
2 devoured parts of the bodies. About 500 yards
3 north of the church they observed approximately
4 50 to 60 dead bodies under an acacia tree, all in
5 an advanced state of decomposition. Several dogs
6 and pigs were eating the remains, and chickens
7 were picking the bones. They counted 230 dead
8 and estimated there were 500 bodies in and around
9 the barrio. The photographer took various pictures,
10 one of a shack where dead could be seen in the
11 doorway, others showing the conditions inside and
12 outside the church, one of numerous dead bodies in
13 a lane a short distance away, and one of a decom-
14 posed body, tied to the trunk of a tree and identified
15 as Quentin Morelos."

16 THE PRESIDENT: Here again the Court will
17 have to read the whole exhibit to get a fair idea of
18 what happened.

19 MR. HORWITZ: We offer in evidence IPS
20 document No. 2835 which is a summary of evidence
21 of JAG Report No. 137 on the murder of five civilians
22 in Cervantes, Ilocos Sur, in August 1945, and the
23 eating by six Japanese soldiers of the flesh from
24 some of the bodies of their victims.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document
2 No. 2835 will receive exhibit No. 1387.

3 (Whereupon, the document above
4 referred to was marked prosecution's exhibit
5 No. 1387 and received in evidence.)

6 MR. HORWITZ: We read from that document
7 all but the last sentence of the first paragraph:

8 "In the early part of August 1945 six
9 Japanese soldiers were seen going to the home of
10 PITLUNGAY in sitio Lilong. Two men fled and hid
11 nearby as the Japanese approached but the Japanese
12 bayoneted to death all five occupants of the house,
13 one of whom was a three-year old girl. The six
14 Japanese ate the flesh from some of the bodies of
15 their victims during the two-day period that they
16 stayed at the house. The first evening, the flesh
17 of the little girl was cut into small pieces, put
18 on the ends of sticks and roasted over an open
19 fire. The next morning, the flesh of another
20 victim was roasted or boiled with native vegetables.
21 The flesh of three of the victims was consumed in
22 this manner. The body of one of the victims was
23 later thrown into the river that ran in front of
24 the house. The bodies of the two other victims were
25 not touched. After the Japanese left, the two

1 observers went into the house and saw a piece of
2 human flesh inside of a bag left by one of the
3 Japanese and also inside of one of the kettles
4 that had been used by the Japanese."

5 We submit in evidence IPS document No.
6 2725 which is the affidavit of Isidro Cabusas
7 regarding torture and murder at Cordova, Cebu,
8 in August 1944.

9 THE PRESIDENT: Admitted on the usual
10 terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 2725 will receive exhibit No. 1388.

13 (Whereupon, the document above
14 referred to was marked prosecution's exhibit
15 No. 1388 and received in evidence.)

16 MR. HORWITZ: We read from page 2 of that
17 document the first answer:

18 "A. At about nine o'clock in the evening
19 of August 19, 1944, we left Cebu for Mactan Island.
20 When we arrived there, we landed at Opon and from
21 there, we went by truck to Cordova. As soon as we
22 arrived at Cordova, the Japanese soldiers began to
23 gather all of the civilians and brought them to the
24 central school house. There they took the clothes
25 of all the women naked and made them stand all night."

1 They severely beat many of the men with clubs,
2 baseball bats and rifle butts. The Japanese took
3 all of the money, jewelry and valuables from the
4 civilians. The next morning, I saw three men tied
5 and beaten and then taken about three kilometers
6 in the southwestern part of Cordova and there be-
7 headed by three Japanese soldiers."
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1 We tender in evidence IP# document No. 2833
2 which is a summary of evidence of JAG Report No. 253
3 on the murder, torture and rape of civilians at Bogo,
4 Cebu during August, September, October and November
5 1944.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution document
8 No. 2833 will receive exhibit No. 1389.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1389 and received in evidence.)

12 MR. HORWITZ: From that document we read
13 paragraphs 1, 4, and 5:

14 "During August, September, October and Nov-
15 ember 1944 Japanese military forces maintained the
16 garrison at the Medellin Sugar Central near Bogo,
17 Cebu, P.I. In these four months civilians in this
18 vicinity were beaten, shot, bayoneted and raped.

19 "On 12 October 1944 two women were bayoneted
20 to death in their home and a third was severely beaten.
21 Two other Filipino girls were raped, one of them by
22 several Japanese soldiers. One of the victims then was
23 forced to live with a Japanese corporal as his mistress
24 for three weeks.

25 "On 17 October 1944 Japanese soldiers burned

1 houses and a warehouse. The same day twenty-five persons
2 were bayoneted to death, apparently in revenge for
3 sabotage and guerrilla activities."

4 We offer in evidence IFS document No. 2816
5 which is a summary of evidence of JAG Report No. 180
6 on torture and murder of civilians at Dumanjug, Cebu
7 in August 1944.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution document
10 No. 2818 will receive exhibit No. 1390.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1390 and received in evidence.)

14 MR. HORWITZ: From that document we read the
15 fifth sentence:

16 "Here, the Japanese bayoneted two women and
17 threw a year and a half old child into the sea."

18 We introduce in evidence IFS document No.
19 2791 which is a summary of evidence of JAG Report
20 No. 174 on executions of Filipino civilians at Calbayog,
21 Samar, in July 1943.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution document
24 No. 2791 will receive exhibit No. 1391.

25 (Whereupon, the document above

1 referred to was marked prosecution's
2 exhibit No. 1391 and received in evidence.)

3 MR. HORWITZ: We read from that document the
4 first two sentences of the first paragraph:

5 "During the summer of 1943, twenty to forty
6 Filipino men were arrested as suspected spies and
7 investigated by the commanding officer of the garrison
8 at Calbayog, Samar, P.I. Two or three weeks later five
9 of the men were singled out for execution by the
10 Commanding Officer, who stated that this action was
11 by order of his Commander stationed at Catbalogan."

12 We offer in evidence IP# document No. 2859
13 which is a summary of evidence of JAG Report No. 298
14 on the massacre of 37 civilians in Pilar, Camotes
15 Islands, Cebu, in December 1944.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution document
18 No. 2859 will receive exhibit No. 1392.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1392 and received in evidence.)

22 MR. HORWITZ: From that document we read the
23 last sentence of paragraph 1:

24 "Thirty-seven of the victims were killed while
25 the rest survived despite severe bayonet wounds."

1 We offer in evidence IP document No. 2816
2 which is a summary of evidence of JAG Report No.
3 142 on the murder of 11 American Baptist teachers of
4 the faculty of the Central Philippine College and the
5 murder of 6 other Americans at Camp Hopevale near Tapaz,
6 Capiz in December 1943.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 2816 will receive exhibit No. 1393.

10 (Whereupon, the document above re-
11 referred to was marked prosecution's exhibit
12 No. 1393 and received in evidence.)

13 MR. HORWITZ: From that document we read the
14 first nine sentences, and the last sentence:

15 "Japanese officers and enlisted men under the
16 command of a Captain WATANABE, engaged in one of the
17 several punitive expeditions in Panay Island, left the
18 township of Libacao, Capiz Province, on 18 December
19 1943 for Iloilo City. The next morning, they reached
20 Camp Hopevale near Tapaz, Capiz Province, which was first
21 surrounded, and then Captain WATANABE and his soldiers
22 entered the Camp proper. Sixteen Americans along with
23 three others who had been captured previously, were
24 placed under guard without food or water. In the
25 afternoon of 20 December 1943, one of the American women
was seen kneeling with her hands tied behind her back

1 and begging Captain WATANABE for mercy. Captain
2 WATANABE ignored her pleas and drew his samurai sword.
3 An hour later, inside a house that was already in
4 flames, were discovered twelve bodies and there was a
5 strong odor of burning flesh. Some of the victims
6 had been bayoneted and some had been beheaded. Three
7 weeks later, another witness who was familiar with the
8 names of most of the Americans visited the scene and
9 was able to identify the remains of the victims from
10 teeth, bits of burned clothing, hair, identification
11 tags, and a truss. The remains were taken from two
12 burned dwellings and buried in the church at Katipunan.
13 On the day of the execution, one Filipino who was in
14 hiding reported that he had seen blood on the trousers
15 of one of the Japanese guards and that one of the
16 Japanese told Filipinos that the Americans whom they
17 had feared were now gone and that the Filipinos should
18 obey the Japanese. Another witness verified that she
19 saw smoke coming from the Hopevale area on the date
20 of the massacre and that her brother and a cousin saw
21 the bodies in three burned houses. Some of the remains
22 of the Americans were identified. Two of the bodies
23 were not burned and were found outside. All of the
24 victims except Mrs. Rounds, her son, Douglas, the
25 Clardy family and Albert King were members of the

1 faculty of the Central Philippine College at Iloilo
2 City, Panay."

3 We offer in evidence IP# document No.
4 2836 which is a summary of evidence of JAG Report No.
5 140 on punitive expeditions on Panay Island by Japanese
6 forces against civilians in September and October
7 1943 where hundreds of civilians were massacred,
8 and buildings burned.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution document
11 No. 2836 will receive exhibit No. 1394.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 1394 and received in evidence.)

15 MR. HORWITZ: We read from that document
16 page 1, paragraph 1, sentences 1, 7-9, 15-19.

17 "Under the command of Colonel WATANABE a group
18 of Japanese were stationed at Iloilo City, Panay, and
19 from time to time smaller groups, commanded by him-
20 self or other officers, would be formed to go on punitive
21 expeditions throughout the island.

22 "In Barrio Lungao, Passi, many Filipino civilian
23 men, women and children were questioned by the Japanese
24 then killed and their bodies thrown into a fire. The
25 whole barrio was burned. Many other civilians were killed

in other barrios.

1 "From the remaining civilians a woman and her
2 six children, aged one to twelve, were questioned and
3 denied being related to a certain man who had previously
4 attempted to escape. Her youngest child was torn from
5 her arms by Captain WATANABE and its body smashed against
6 the road, the blood splattering onto the clothes of the
7 witnesses. Other soldiers seized the other children
8 by the feet and used them as clubs to beat the man and
9 the woman. Then all of them were dragged into a fire,
10 though the mother was still alive at that time. At
11 another place two girls, one of whom was pregnant, were
12 caught by the Japanese and made to dance naked until
13 they were exhausted."

14 Page 2, paragraph 2, sentences 1-3, 8, 14-15,
15 and 18:

16 "On 17 October 1943 another punitive expedition
17 of Japanese started from Iloilo City by motor launch
18 and arrived at the town of Bataan on the north coast
19 of Panay Island on 18 October 1943. All the civilians
20 in the town were investigated by the light of a bonfire
21 and during the investigation were beaten with clubs and
22 made to walk through the fire. About three o'clock
23 in the morning the Japanese received orders to proceed
24 and approximately one hundred and forty civilians includ-
25 ing two priests were beheaded by OTSUKA, KUWANO and other

1 Japanese soldiers.

2 "While in the town of Altavas, KUMANO and
3 OTSUKA killed between thirty and forty old men, women,
4 and children, and in Balete thirty men were killed by
5 these two men.

6 "A blind woman, who had been unable to flee
7 from the Japanese, was discovered the next day, taken
8 from her house, and her clothes were stripped from her
9 body. Some of the Japanese manhandled her private
10 parts.

11 "Another group of Japanese that started out
12 on the same expedition executed hundreds of people
13 in Bataan Altavas, Balete, Libacao and other places
14 and returned to Iloilo City by boat from New Washington."

15 THE PRESIDENT: We will adjourn now until
16 half-past nine tomorrow morning.

17 (Whereupon, at 1600, an adjournment
18 was taken until Wednesday 11 December 1946
19 until 0930.)

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11 DEC

11 DECEMBER 1946

I N D E X
Of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
Moody, Samuel B., Staff Sergeant, U. S. Army.	12578
Direct by Mr. Lopez	12578
Cross by Mr. SOMIYA	12584
" " Mr. Logan	12585
(Witness excused)	12591
Ingle, Donald E.	12610
Direct by Mr. Lopez	12610
Cross by Mr. Logan	12624

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2829	1395		Summary of evidence of JAG Report No. 303 on the Murder of 30 or more Filipinos at San Charles in August 1943 and February 1944		12481
2828	1396		Summary of evidence of JAG Report No. 300 on Murder of 35 Filipinos at Malaiba, Vallehermose, in February 1944		12482
2821	1397		Summary of evidence of JAG Report No. 263 of the Murder of 90 Filipino civilians on the shores of the Tagburos River, Palawan Island March 1945		12483
2832	1398		Summary of evidence of JAG Report No. 291 re Murder and Rape near Jagna, Bohol from April to October 1945		12484

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Eviden</u>
2843	1399		Summary of evidence of JAG Report No. 290 on the Murder, Rape and Torture of civilians in the vicinity of Tagbilaran, Bohol, June to September 1942 and July 1944		12485
2719	1400		Affidavit of Jose C. Tupez on the Murder of 24 men and three women at Tigbuan, Iloilo Province in August 1943		12486
2727	1401		Affidavit of Nonito Tubungbanwa re the Massacre of civilians at the Barrio of Lungao, Iloilo, in September 1943		12487
2724	1402		Affidavit of Cayetano Narra re the Crucifixion of a Filipino in the Barrio Progreso, Ajuy, Iloilo, in September 1943		12488
2721	1403		Affidavit of Lorenzo Polito re Atrocities committed in Inopencan and Cenangay, Leyte, in March 1944		1248
2729	1404		Affidavit of Redimode (More on Atrocities committed at Barrio Rayah, Municipal District of Wato, Lanao Province in August 1942)		12490

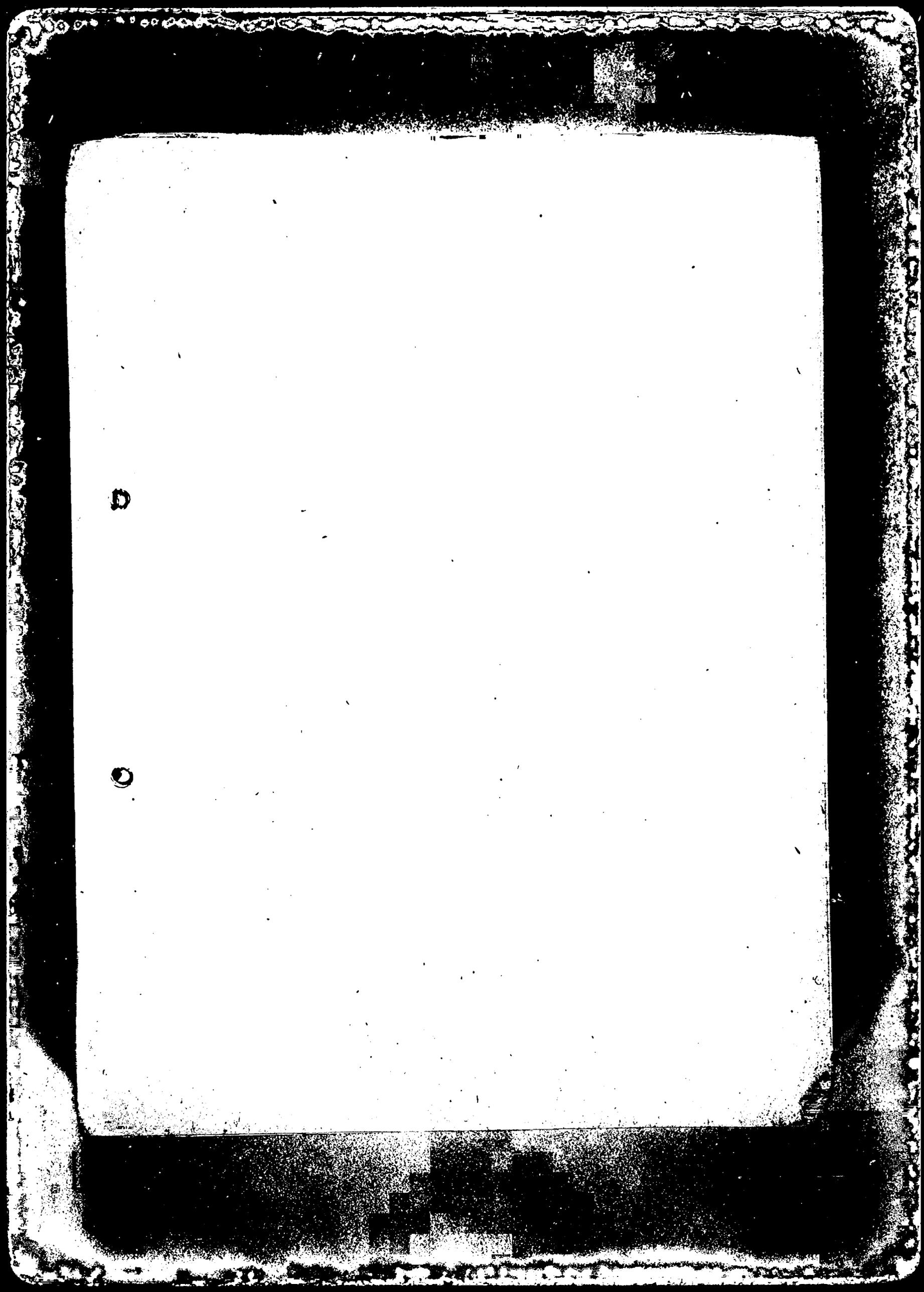
I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2841	1405		Summary of evidence of JAG Report No. 233 re conditions existing in the prisoner-of-war camp at Davao Penal Colony and the Davao City Civilian Internment Camp from 1942 to 1944		12491
2803	1406		Summary of evidence of JAG Report No. 166 on the Murder of approximately 89 Filipinos at Tugbrk, Davao, in May 1945		12493
2728	1407		Affidevit of Miguel Estimada re the Rape of two women at Bacaca, Davao City, in May 1945		12494
2856	1408		Summary of evidence of JAG Report No. 282 on the Atrocities at Barrio San Roque and Sitio Bitute, Zamboanga City, Mindanao, in March 1945		12496
2822	1409		Summary of evidence of JAG Report No. 265 on Murder of 5 Filipinos in the hospital area at the Barrio of Umegos, Mandampog, Balingasag, Oriental Misamis, in October 1944		12498
2824	1410		Summary of evidence of JAG Report No. 272 on Murder of 2 Filipinos at Butuan, Agusan, Mindanao, during the early part of March 1945		12499



I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2825	1411		Summary of evidence of JAG Report No. 281 re the Murder of 29 civilians at Rensao-Pilayan, Cotabato, Mindanao, in June 1944		12500
2857	1412		Summary of evidence in JAG Report No. 302 on Murder, Torture and Lootings in and around Vigan, Ilocos Sur from December 1941 to April 1945		12500
2817	1413		Summary of evidence of JAG Report No. 109 on Tortures and Murders at Fort Santiago, from January 1942 to February 1945		12502
2877	1414		Transcript of the testimony of Justina Manlisik in the YAMASHITA trial describing Atrocities in Teneuan, Batangas, in February 1945		12507
2820	1415		Summary of evidence of JAG Report No. 262 on Mistreatment and Torture of civilians by Japanese Kempei-Tai at Dumaguete, during June 1944 to March 1945		12507
2804	1416		Summary of evidence of JAG Report No. 161 on Torture and Murder of Japanese Kempei-Tai at Bacolod, Negros Occidental, in February and March 1945		12508

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2723	1417		Affidavit of Leonore Palacio Villas re the Torture received by her brothers Fidel and Florentino and herself in Palo, Leyte, in February 1942		12510
2726	1418		Affidavit of Tryambong Chagse re the Torture he received at Kabayo, Atok, Mountain Province, in March 1943		12513
2865	1419		Summary of evidence of JAG Report No. 55 re Torture and Starvation of Dr. Gilbert Isham Cullen, an American citizen in the Provincial Prison of Iloilo City in May 1942		12517
2735	1420		Transcript of the testimony of Henry Keys, War Correspondent, of the London Daily Express in the YAMASHITA trial describing the Atrocities at Intramuros in February 1945 particularly about Rufina Mercade	12520	
2844	1421		Summary of evidence of JAG Report No. 61 on Mass Rape at the Bay View Hotel, Miramar Apartments, Boulevard Apartments and Alhambra Apartments in February 1945		12520

I N D E X

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E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2709	1422		Affidavit of Easter Garcia Moras re mass rape by Japanese soldiers and officers at the Bay View Hotel in February 1945		12529
2886	1423		Transcript of testimony of Nena Alban in the trial of HOMMA, Masaharu		12536
2847	1424		Transcript of the testimony of Apolinario Duc Tuazon in the HOMMA, Masaharu trial		12539
2872	1425		Transcript of the testimony re Raping of Celestina de la Rosa in the HOMMA trial in January 1942 at Bansic, Hermose, Fataan		12541
2848	1426		Transcript of the testimony of Amedeo Cebe in the HOMMA trial on the Rape of two American women in Manila in January 1942		12543
2876	1427		Transcript of the testimony of Juan Etujera in the YAMASHITA trial re Rape at Obando, Katangalan, in February 1945		12545
2858	1428		Summary of evidence of JAG Report No. 287 on Arson, Rape and Robbery at Balinghan and Sikatuna, Bohol, in September 1945		12546

I N D E X

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E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2862	1429		Transcript of the testimony of Francisca Bernardo de Luna re how she was raped at Sempaloc, Talavera, Nueva Ecija, in January 1942.		12547
2868	1430		Transcript of testimony of Vicente Arins in the YAMASHITA trial re the burning of certain buildings in Manila in February 1945		12549
2811	1431		Summary of evidence of J.A.G. Report No. 71 on the Bombing of Manila in December 1941 (then declared an open city)		12551
2866	1432		Transcript of testimony in the YAMASHITA trial of Dominador Santos, Deputy Chief of the Detective Bureau, Manila Police Department, re the dynamiting and burning of the Singer Building in Manila in February 1945		12553
2867	1433		Transcript of the testimony of Amando Alvarez in the YAMASHITA trial re how the Japanese set fire to the Bank of the Philippine Islands Building in Manila in February 1945		12554

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2861	1434		Transcript of the testimony of Rosa Calalong in the YAMA-SHITA trial re Rape in the Manila Cathedral and the Burning of the Cathedral in February 1945		12556
2881	1435		Transcript of testimony of Juan P. Juan in the YAMA-SHITA trial re the burning of the Philippine Red Cross Building by Japanese soldiers in February 1945		12559
2880	1436		Summary Report dated 27 September 1946 of the physical destruction and other losses suffered in the Philippines caused by Japanese aggression during December 8 1941 to July 4 1945		12561
2815	1437		Summary of evidence of JAG Report No. 151 on the Murder of civilians and the wanton destruction of property in Malvor and Batangas Provinces in January and February 1945		12564
2707	1438		Allied Translators Interpreter Service Research Report No. 72	12566	

I N D E X

O F

E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2707D	1438-A		Mimeographed and handwritten file of the Manila Navy Defense Force and South-western Area Fleet Operation Orders dated 23 December 1944 to 14 February 1945		12566
2707K	1438-B		English translation of extracts from a Diary dated 24 October 1944 to 31 December 1944 of Warrant Officer YAMAGUCHI, Yoshimi		12567
415	1439		English translation of extracts from a captured diary of Private 1st class MATSUOKA, Itoji dated 19 December, presumably 1944, to 27 March 1945		12569
426	1440		English translation of an extract from the captured diary kept by a Japanese soldier dated 24 April 1944 to 23 January 1945		12570
2776	1441		English translation of extracts from a captured notebook diary belonging to a member of Akatsuki 16709 Force dated from 31 July 1944 to 21 February 1945		12571
428	1442		English translation of an excerpt taken from a loose handwritten sheet containing battle report dated 13 April, presumably 1945, issued by commanding officer of Ijichi unit		12572

I N D E X

OF

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2749	1443		English translation of an extract from a bound, printed and mimeographed file containing censored matters entitled "Police Affairs B No. 2 (Incoming Reports on Public Order)" dated 1 July 1943 to 12 January 1944		12573
2777	1444		English translation of an excerpt from the bound handwritten notebook diary dated 14 November 1943 to 17 April 1945 belonging to a member of the FUJITA Unit 3330 Force		12574
425	1445		English translation of extract from a captured bound diary notebook dated July 1944 -- 22 May 1945 (owner and unit not stated)		12575
2707H	1446		English translation of a captured Japanese "Memorandum concerning the training of all officers and men for the prevention" dated 18 November 1944, which makes admission and confirmation of the practice of cannibalism		12576
2850	1447		Extract from statement made by prisoner-of-war YANAGIZAWA, Eiji, captured by Australian troops at Maresupe		12577

I N D E X

O F

E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2713	1448		Affidavit of Major-General Edward P. King, Commanding-General of the American-Filipino Forces that surrendered on Bataan in April 1942		12592
2879	1449		Transcript of the testimony in the HOMMA trial of Basilio Hernandez, Chief of Casualty Division of the Filipino Army on the number of Filipino troops on Bataan		12596
2809	1450		Summary of evidence of JAG Report No. 75 on deaths, mistreatment of and living conditions at Camp O'Donnell between the period of April 1942 to December 1942 where more than 1500 American prisoners-of-war and approximately 26000 Filipino prisoners died		12597
2831	1451		Summary of evidence of the Report on Atrocities at Bataan General Hospitals No. 1 and 2 in April 1945		12601
2799	1452		Summary of evidence of JAG Report No. 189 on mistreatment and improper conditions of American and Filipino prisoners-of-war in Corregidor in the summer of 1942		12604
2870	1453		Affidavit of James E. Strawhorn re tortures, etc., at the Prisoners-of-War Camp at Nicholes Field and Pasay		12606

1 Wednesday, 11 December, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with
14 the exception of: HONORABLE JUSTICE D. JARANILLA,
15 Member from the Republic of the Philippines, not
16 sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 The Accused:

20 All present except OKAWA, Shumei, who is
21 represented by h's counsel.

22 - - -

23 (English to Japanese and Japanese
24 to English interpretation was made by the
25 Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Moore.

4 LANGUAGE ARBITER (Major Moore): Mr.
5 President, with the Tribunal's permission we pre-
6 sent the following language corrections:

7 Exhibit 1198, record page 10,468, line 13,
8 delete from "he wished" to the end of the paragraph
9 and substitute "they wished to avoid a Japanese-
10 American war. But really how is it?"

11 "I replied that His Majesty's decision is
12 of such gravity that, once decided, it could not
13 later be retracted. Hence it is felt that if there
14 is the least uncertainty every possible precaution
15 should be taken to do that to which His Majesty can
16 give assent. Accordingly I requested that the Navy
17 Minister and the Chief of the Naval General Staff
18 be called at once and the true intention of the Navy
19 be ascertained, and that the matter be conveyed
20 frankly to the Premier also.

21 "At 6:35 P M I was summoned in audience
22 and was ordered as follows: The Navy Minister and
23 the Chief of the Naval General Staff have answered
24 my question about the previous matter with con-
25 siderable confidence, so instruct the Premier to

1 proceed as planned."

2 THE PRESIDENT: Mr. Lopez.

3 MR. LOPEZ: We introduce in evidence IPS
4 document No. 2829, which is a summary of evidence
5 of JAG report No. 303 on the murder of 30 or more
6 Filipinos at San Carlos, Negros Occidental, in
7 August 1943 and February 1944.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's docu-
10 ment No. 2829 will receive exhibit No. 1395.

11 (Whereupon, the document above re-
12 referred to was marked prosecution's
13 exhibit No. 1395 and received in evidence.)

14 MR. LOPEZ: We read from that document the
15 last three sentences of paragraph 2:

16 "Twenty-six prisoners, some of whom were
17 volunteer guards, were taken at Malaiba, questioned,
18 beaten up, tortured and then brought into the woods
19 where they were bayoneted. Four survived from
20 bayonet wounds inflicted upon them. The next day,
21 twenty-two bodies were identified and buried by the
22 families and friends of the victims."

23 We offer in evidence IPS document No. 2828,
24 which is a summary of evidence of JAG report No.
25 300 on murder of thirty-five Filipinos at Malaiba,

1 Vallehermoso, Negros Oriental, in February 1944.

2 THE PRESIDENT: Admitted on the usual
3 terms.

4 CLERK OF THE COURT: Prosecution's docu-
5 ment No. 2828 will receive exhibit No. 1396.

6 (Whereupon, the document above re-
7 referred to was marked prosecution's
8 exhibit No. 1396 and received in evidence.)

9 MR. LOPEZ: From that document we read:
10 Paragraph 1, last two sentences: "The men were
11 questioned, beaten up and then taken to a corn
12 field where they were bayoneted. Only four of those
13 men survived."

14 Paragraph 2, last sentence: "Early the
15 next morning, fourteen identified dead bodies of
16 Filipino civilians were found with bayonet wounds."

17 We offer in evidence IPS document No. 2821,
18 which is a summary of evidence of JAG report No.
19 263 on the murder of approximately ninety Filipino
20 civilians on the shores of Tagbueros River, Palawan
21 Island, in March 1945.

22 THE PRESIDENT: Admitted on the usual
23 terms.

24 CLERK OF THE COURT: Prosecution's docu-
25 ment No. 2821 will receive exhibit No. 1397.

1 (Whereupon, the document above
2 referred to was marked prosecution's ex-
3 bit No. 1397 and received in evidence.)

4 MR. LOPEZ: We read from that document the
5 first two paragraphs:

6 "a. On or about 1 March 1945, Luis Saban
7 and a companion were taken by a group of sixty
8 Japanese soldiers to the bank of the Tagbuos River
9 where they joined approximately thirty-five Filipino
10 prisoners, among whom were women and children.
11 These prisoners were divided into three groups,
12 SABAN being in a group of twenty. He was struck with
13 a saber, bayoneted and fell unconscious for fifteen
14 minutes. When he regained consciousness, the
15 Japanese had gone and he saw the dead bodies of the
16 other prisoners in his group scattered around him.
17 All had wounds on their bodies."

18 "b. On or about 1 March 1945, about one
19 hundred Japanese soldiers were seen with approximate-
20 ly seventy Filipino civilians, including women and
21 children, near the Tagbuos River. The victims
22 were tied, lined up along the river and all were
23 bayoneted to death by the Japanese."

24 We tender in evidence IPS document No.
25 2832, which is a summary of evidence of JAC report

1 No. 291 on the murder and rape near Jagna, Bohol,
2 from April to October 1945.

3 THE PRESIDENT: Admitted on the usual
4 terms.

5 CLERK OF THE COURT: Prosecution's docu-
6 ment No. 2832 will receive exhibit No. 1398.

7 (Whereupon, the document above
8 referred to was marked prosecution's ex-
9 hibit No. 1398 and received in evidence.)

10 MR. LOPEZ: We read from that document the
11 last paragraph:

12 "In October 1945, Japanese raided a home
13 in Jagna, wounded the owner and carried away two
14 Filipino women. The older woman succeeded in escap-
15 ing from the Japanese camp the same evening, but the
16 other was kept there until shortly before their sur-
17 render in February 1946. She declares that during
18 this period she was raped by nineteen different
19 Japanese all of whom she has identified from among
20 those in custody, according to the investigator's
21 report."

22 We introduce in evidence IPS document No.
23 2843, which is a summary of evidence of JAG report
24 No. 290 on the murder, rape and torture of civil-
25 ians in the vicinity of Tagbilaran, Bohol, June to

1 September 1942 and July 1944.

2 THE PRESIDENT: Admitted on the usual
3 terms.

4 CLERK OF THE COURT: Prosecution's docu-
5 ment No. 2843 will receive exhibit No. 1399.

6 (Whereupon, the document above
7 referred to was marked prosecution's ex-
8 hibit No. 1399 and received in evidence.)

9 MR. LOPEZ: We read from that document
10 paragraph three:

11 "About the middle of June 1942, a young
12 woman of Baclayon, Bohol was ordered by the puppet
13 governor to go to the home of Col. MINI in Tagbila-
14 ran. When she refused, the governor and a Japanese
15 captain who had accompanied him, threatened to
16 kill her family and burn her home. Then they forced
17 her into a car and drove her to Col. MINI's head-
18 quarters. The colonel told her to sit beside him
19 and when she refused he beat her and slapped her
20 and then he tore off her clothes and threatened her
21 with his samurai sword. When she refused to submit
22 to him, he tied her hands, fastened the rope to the
23 head of the bed and then raped her. The following
24 night she jumped out of the window and succeeded in
25 escaping to a nearby island."

1 We offer in evidence IPS document No.
2 2719, which is the affidavit of Jose G. Tupaz on
3 the murder of twenty-four men and three women who
4 were tied like cattle and beheaded at Tigbuan,
5 Iloilo Province in August 1943.

6 THE PRESIDENT: Admitted on the usual
7 terms.

8 CLERK OF THE COURT: Prosecution's docu-
9 ment No. 2719 will receive exhibit No. 1400.

10 (Whereupon, the document above
11 referred to was marked prosecution's ex-
12 hibit No. 1400 and received in evidence.)

13 MR. LOPEZ: We read from page 9 of that
14 document, the first two sentences of the last para-
15 graph:

16 "After the investigation, which lasted
17 for about an hour, the twenty-four males and three
18 women were all tied with hands behind their backs,
19 and later on they were retied on a piece of strong
20 rope, like cattle, and were pulled to a thicket
21 about 25 meters away from the concentration camp
22 where they were beheaded. A baby, three months old,
23 the 28th member of the group, was thrown into the
24 air by the Japanese and impaled upon a bayonet."
25

1 We tender in evidence IPS Document No. 2727,
2 which is the affidavit of Nonito Tubungbanwa regarding
3 the massacre of civilians at the Barrio of Lungao,
4 Iloilo in September 1943.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 2727 will receive exhibit No. 1401.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 1401, and was received in evidence.)

11 MR. LOPEZ: From that document we read the
12 following:

13 Page 1, fourth answer, the last three
14 sentences:

15 "These Chinese, were later on separated and
16 killed. At the next barrio, Salngan, the first group
17 of Japanese soldiers had already caught a large
18 number of civilians. When we left, they killed all
19 the civilians, after getting information from them."

20 Page 2, fourth answer, sixth and seventh
21 sentences:

22 "After killing the civilians, they threw
23 the bodies to the fire. They burned the whole barrio."

24 We offer in evidence IPS Document No. 2724,
25 which is an affidavit of Cayetano Narra regarding the

1 crucifixion of a Filipino in the Barrio Progreso, Ajuy,
2 Iloilo, in September 1943.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 2724 will receive exhibit No. 1402.

6 (Whereupon, the document above
7 referred to was marked prosecution's exhibit
8 No. 1402, and was received in evidence.)

9 MR. LOPEZ: We read from page 2 of that
10 document, the second question and answer:

11 "Q Did you personally witness any other
12 atrocity after the one you just mentioned?

13 "A Yes. On this same day, and in the same
14 barrio, I saw the other Filipino civilians killed by
15 the same group of Japanese soldiers. They were
16 Aurelio Artacho, 38 years old, and Lucas Doctolero, 40.
17 The former was chopped in the neck with a sword and
18 thrown into a house which later on was set afire by
19 the Japanese. The latter was crucified to the ground
20 with three six-inch nails; one on each wrist, and the
21 third driven thru the base of his skull. I was stand-
22 ing only two meters from where this occurred."

23 We submit in evidence IPS Document No. 2721,
24 which is the affidavit of Lorenzo Polito regarding
25 atrocities committed in Inopacan and Canangay, Leyte,

1 in March 1944.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 2721 will receive exhibit No. 1403.

5 (Whereupon, the document above
6 referred to was marked prosecution's exhibit
7 No. 1403, and was received in evidence.)

8 MR. LOPEZ: We read from that document the
9 following: Page 1, second answer, sentences 11 to 19,
10 inclusive:

11 "The second day of the patrol, we reached
12 Canangay, at about two o'clock in the afternoon. A
13 young woman, Eufresina Payot, about 24 years old, was
14 caught hiding in the grass. The officer in charge of
15 the entire patrol tore off her clothes, while two
16 soldiers held her. He then had her taken to a small
17 nipa hut, without walls, about fifteen feet away from
18 where she was caught and there the officer in charge
19 of the patrol used his sabre to cut her breasts and
20 womb. Soldiers held her while the officer did this.
21 At first, the girl was screaming. She finally lay
22 still and silent. The Japanese then set fire to the
23 nipa hut. When the girl was caught and her clothes
24 were torn off by the officer, I was about a hundred
25 meters away."

1 We offer in evidence IPS Document No. 2729,
2 which is an affidavit of Radimoda (Moro) on atrocities
3 committed at Barrio Rayah, Municipal District of Wato,
4 Lanao Province in August 1942.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 2729 will receive exhibit No. 1404.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 1404, and was received in evidence.)

11 MR. LOPEZ: From that document we read the
12 first eight sentences of the last answer on page 1:

13 "It was one early dawn in August 1942 when
14 some Japanese soldiers from the garrison stationed at
15 Dansalan City, Lanao, about hundred of them and under
16 the command of four Japanese officers, one of whom
17 was Captain NAKAJURA (FNU) raided our barrio (Rayah).
18 Our barrio had a population of about 2,500. We were
19 taken by surprise. When the Japanese arrived they
20 immediately began bayoneting the people including those
21 whom they found fishing in the lake. After a while
22 they burned the barrio, completely razing down to the
23 ground about eight houses. It was only when the houses
24 were set on fire that the population came to know just
25 what was happening. In the commotion that ensued

1 some four Japanese soldiers were killed. The Japanese
2 kept on firing and bayoneting the people and they had
3 completely gained control of the barrio, they took me
4 and three others as prisoners."

5 We offer in evidence IPS Document No. 2841,
6 which is a summary of evidence of JAG Report No. 233
7 on conditions existing in the prisoner-of-war camp
8 at Davao Penal Colony and the Davao City Civilian In-
9 ternalment camp from 1942 to 1944.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 2841 will receive exhibit No. 1405.

13 (Whereupon, the document above
14 referred to was marked prosecution's exhibit
15 No. 1405, and was received in evidence.)

16 MR. LOPEZ: From that document we read the
17 following:

18 Page 1, paragraph 1, sentences 6 to 8, inclu-
19 sive:

20 "Between October 1942 and June 1944, there were
21 from two thousand to two thousand two hundred American
22 prisoners-of-war in the camp. This number gradually
23 decreased due to deaths, escapes and transfers. On
24 14 March 1944, over five hundred guerrilla prisoners
25 were also brought to the Davao Penal Colony."

1 Page 2, paragraph 5:

2 "Prisoners were forced, over their protests,
3 to construct airfields."

4 Page 2, paragraphs 8 and 9:

5 "There were innumerable beatings by fists,
6 rifles, bayonets, revolvers, sabers, bamboo poles,
7 sticks, clubs, rubber shoes, shovels, kicking, and
8 slapping.

9 "Aside from beatings, prisoners were tortured
10 in several different inhuman ways: kept in a kneeling
11 position for periods extending to three days; forced
12 to kneel--"

13 Page 3, paragraphs 1 to 4, inclusive:

14 "--on cinders and rocks, with arms extended,
15 and to carry boards and bricks with the body leading
16 backwards so that the entire weight would fall to
17 the rear; compelled to stand or kneel in water or warm
18 tea while live electric wires were applied to the body;
19 tied to a barbed-wire fence with arms outstretched
20 while burning boards or sticks were applied to his body
21 or face. Prisoners were forced to hit each other
22 until they bled.

23 "American prisoners-of-war were used as,
24 targets in bayonet practice resulting in death or
25 serious injury to many."

1 "During bombing raids, prisoners were not
2 allowed to seek shelter, thus exposing them to bombings
3 and gunfire.

4 "Prisoners were forced to work from ten to
5 fourteen hours a day."

6 We offer in evidence IPS Document No. 2803,
7 which is a summary of evidence of JAG Report No. 166
8 on the murder of approximately 89 Filipinos at Tugbak,
9 Davao, in May 1945.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 2803 will receive exhibit No. 1406.

13 (Whereupon, the document above
14 referred to was marked prosecution's exhibit
15 No. 1406, and was received in evidence.)

16 MR. LOPEZ: From paragraph 1 of that document
17 we read the seventh and the last two sentences:
18

19 "The following afternoon, three of those
20 who escaped returned to the scene of the massacre and
21 counted the bodies of eighty-nine people.

22 "It is not known why these people were killed.
23 They were not given a trial."

24 We introduce in evidence IPS Document
25 No. 2728, which is the affidavit of Miguel Estimada
regarding the rape of two women at Bacaca, Davao City,

1 in May 1945.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 2728 will receive exhibit No. 1407.

5 (Whereupon, the document above
6 referred to was marked prosecution's exhibit
7 No. 1407, and was received in evidence.)

8 MR. LOPEZ: From that document we read the
9 following:

10 Page 1, first sentence of paragraph 7:

11 "I saw here thirty-four people in all which was
12 made up of twenty-two men and twelve women."

13 Page 1, paragraphs 8 to 12, inclusive:

14 "I remember that MOSUKAWA came into the air-
15 raid shelter and dragged out Encarnacion Lines, about
16 17 years of age, and the Japanese soldiers held her
17 outside on the front of the air raid shelter.

18 "MOSUKAWA came back again and pulled out a
19 girl named Pilar, I do not remember her last name.
20 She was about 21 years of age. She was taken up the
21 ladder of the air-raid shelter and forced her to go
22 somewhere from the air-raid shelter with some Japanese
23 soldiers. I do not know where they took her.

24 "MOSUKAWA then came back to the platform in
25 front of the air-raid shelter and grabbed Encarnacion

1 Lines from the soldiers who were holding her and tore
2 off her dress and all the clothes that she wore until
3 she was completely naked. Encarnacion was shouting
4 and crying and tried to fight but the other three
5 soldiers grabbed her and held her down on the ground.
6 They placed her down on her back and two soldiers held
7 her feet and another soldier held her arms. The names
8 of those soldiers were Private MORI, Private HIROSHI
9 and Private OIDE.

10 "I then saw MOSUKAWA removed his pants and
11 laid on top of Encarnacion Lines. He remained there
12 about five minutes. I saw his body moving up and down
13 doing 'pom-pom' (sexual intercourse). When he was
14 finished he put on his pants and walked away.

15 "Next, Private HIROSHI took off his pants and
16 did the same thing while the other two soldiers held
17 the feet of Encarnacion and the other soldier, her arms.
18 After that the Japanese soldiers, MORI and OIDE, did
19 the same thing. People in the air-raid shelter were
20 crying because of how they saw these soldiers raped
21 Encarnacion Lines.

22 "MOSUKAWA later returned, a short time after
23 the soldiers had raped Encarnacion Lines, and carried
24 her completely naked into the air raid shelter. My
25 brother, Donato had a towel around his neck which he

1 gave to Encarnacion to cover her body. A few
2 minutes later, Pilar was brought back into the shelter.
3 I saw that her dress was also torn off. She was cry-
4 ing and told her mother that the three Japanese who
5 took her away had abused her and raped her. MOSUKA'A
6 then gave some water and biscuits to the two girls who
7 were raped."

8 We submit in evidence IPS Document No. 2856,
9 which is a summary of evidence of JAG Report No. 282
10 on the atrocities at Barrio San Roque and Sitio
11 Bitute, Zamboanga City, Mindanao, in March 1945.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 2856 will receive exhibit No. 1408.

15 (Whereupon, the document above
16 referred to was marked prosecution's exhibit
17 No. 1408, and was received in evidence.)

18 MR. LOPEZ: We read from that document the
19 last paragraph:

20 "On or about 23 March 1945, Japanese military
21 personnel rounded up civilians at Sitio Bitute, Barrio
22 Pasenanca, Zamboanga City, and confiscated all bolos.
23 The prisoners were then tied and some of them taken
24 individually to a nearby stream where Japanese slashed
25 them on the head and back with sabers, bolos, and

1 picks. Another victim who attempted to escape was
2 bayonett~~ed~~ while a Filipino woman states that she was
3 raped by a Japanese."
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1 MR. LOPEZ: We tender in evidence IPS Docu-
2 ment No. 2822 which is a summary of evidence of JAG
3 Report No. 265 on murder of five Filipinos in the
4 hospital area at the Barrio of Umagos, Mandampog,
5 Balingasag, Oriental Misamis, in October 1944.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2822 will receive exhibit No. 1409.

9 (Whereupon, the document above referred
10 to was marked prosecution's exhibit No. 1409 and
11 received in evidence.)

12 MR. LPEZ: We read from that document the sum-
13 mary of evidence:

14 "On or about 1 October 1944 a patrol of
15 approximately fifty Japanese soldiers entered the
16 hospital area at Barrio Umagos and bayoneted two
17 Filipino guerrilla guards and one civilian. Another
18 civilian was also bayoneted but survived. The
19 Japanese then bayoneted to death two bedridden patients
20 whom they had found in an evacuation place. After
21 three days, the Japanese burned the hospital buildings
22 and about thirty-two hourses, then left the place.
23 The bodies of the victims were found, identified and
24 later buried."

25 We offer in evidence IPS document No. 2824

1 which is a summary of evidence of JAG Report No. 272
2 on murder of two Filipinos at Butuan, Agusan, Mindanao,
3 during the early part of March 1945.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 2824 will receive exhibit No. 1410.

7 (Whereupon, the document above referred
8 to was marked prosecution's exhibit No. 1410 and
9 received in evidence.)

10 MR. LOPEZ: We read the entire document:

11 "Sometime during the latter part of February
12 1945, an aged couple and their son were harvesting rice
13 when they saw four Japanese soldiers coming towards
14 them. The couple were tied and taken away by the
15 Japanese while the son hid in a banana grove. After
16 several days the bayoneted and beheaded bodies of
17 these victims, and another Filipino civilian, were
18 found nearby."

19 We offer in evidence IPS document No. 2825
20 which is a summary of evidence of JAG Report No. 281
21 on murder of 29 civilians at Ranao-Pilayan, Cotabato,
22 Mindanao, in June 1944.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 2825 will receive exhibit No. 1411.

1 (Whereupon, the document above referred
2 to was marked prosecution's exhibit No. 1411 and
3 received in evidence.)

4 MR. LOPEZ: We read the whole summary except
5 the last sentence:

6 "On 6 June 1944 about three hundred Japanese
7 soldiers accompanied by Philippine Constabulary and
8 Moro troops entered Ranco-Pilayan, gathered the
9 civilians and placed them in a poultry house for the
10 night. On 7 June 1944, twenty of the prisoners were
11 placed in one house while the rest in another house.
12 The Japanese then bayoneted the victims and set the
13 houses on fire. Screams were heard from the victims."

14 We introduce in evidence IPS document No. 2857
15 which is a summary of evidence of JAG Report No. 302
16 on murder, torture and lootings in and around Vigan,
17 Ilocos Sur, from December 1941 to April 1945.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 2857 will receive exhibit No. 1412.

21 (Whereupon, the document above referred
22 to was marked prosecution's exhibit No. 1412 and
23 received in evidence.)

24 MR. LOPEZ: From that document we read para-
25 graphs 1, 4 and 5:

1 "During the period from 10 December 1941 to
2 3 April 1945, Japanese soldiers stationed at and around
3 Vigan, Ilocos Sur, P.I., following their usual pattern
4 of operation against innocent civilians, raided and
5 looted private homes, killed and mistreated a number
6 of persons.

7 "On 10 April 1944, six Japanese dragged a woman
8 into a house in San Vicente. The woman tried to get
9 away from the Japanese by jumping out of the window,
10 but she was overtaken and found dead with bayonet
11 wounds a few moments afterwards.

12 "On 27 August 1944, Japanese soldiers fired
13 upon people then congregated in the cockpit in Santa
14 Catalina, wounding one and probably killing several
15 persons. On 20 October 1944, thirty persons were
16 arrested and brought to the Bantay garrison where the
17 prisoners were tortured. One of the prisoners was never
18 released. On 15 November 1944, three prisoners were
19 beheaded in Vigan. On 27 December 1944, several
20 persons were rounded up in Barrios San Julian and
21 Capangpangan, Vigan, after their houses were looted.
22 The prisoners were tortured, and on 7 January 1945,
23 nine of the prisoners were beheaded."

24 We tender in evidence IPS document No. 2817
25 which is a summary of evidence of JAG Report No. 109

1 on tortures and murders at Fort Santiago from January
2 1942 to February 1945.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 2817 will receive exhibit No. 1413.

6 (Whereupon, the document above referred
7 to was marked prosecution's exhibit No. 1413 and
8 received in evidence.)

9 MR. LOPEZ: We read the entire document:

10 "The record in this case, consisting of four
11 hundred and sixty-one pages, contains innumerable
12 instances of the brutal and barbaric treatment of
13 many persons taken to Fort Santiago for questioning.
14 The practice of inhuman treatment prevailed from the
15 time of the Japanese Occupation in January 1942 to
16 February 1945. When the Japanese realized that Manila
17 was lost they engaged in a final orgy of mass murder
18 by shooting, bayonetting and burning alive of all
19 prisoners remaining inside the fort. It is impractical
20 to detail the treatment received by each individual,
21 but in general the forms of torture summarized below
22 were imposed in whole or in part upon the prisoners.
23 Some of the victims were American prisoners-of-war and
24 American nationals. The treatment given specific
25 individuals may be learned by referring to the record

1 citation opposite their names in the list of victims
2 herein.

3 "Upon arrival at Port Santiago for 'investi-
4 gation', a person was placed in a cell approximately
5 sixteen feet long and thirteen and one half feet wide
6 in which had been placed many other people so that there
7 was not sufficient room for all of them to lie down.
8 Talking was prohibited. The diet was entirely inade-
9 quate and consisted of a small amount of rice, and
10 occasionally some native vegetables or greens. Prac-
11 tically all of the witnesses suffered a loss of weight
12 ranging from twenty-five to seventy-five pounds during
13 the time they were held. One person was incarcerated
14 for thirty-three days and lost thirty-two pounds.
15 Sanitary conditions were almost unbearable, the only
16 toilet facility being an opening in the floor at one
17 end of the cell which was never cleaned more than
18 once a day, and the receptacles were entirely inadequate.
19 There was not sufficient water provided, though
20 apparently in each cell was a faucet from which a few
21 drops of water was obtainable. The prisoners were not
22 issued soap. Generally bathing was infrequent and
23 sometimes less than once a week. Usually all in a
24 cell, sometimes numbering eighteen or twenty, were
25 allowed five or ten minutes for the entire group to

1 bath. Men were forced to be in view of women
2 prisoners. The only ventilation in the cells were small
3 windows high at one end, and the stench of human waste
4 and dirty bodies was over-powering. The cells were
5 infested with lice and vermin. Persons who had been
6 tortured and returned to the cell in a wounded con-
7 dition, some were helpless, and some died in the cell.
8 There is only one instance of rape.

9 "Of the various forms of torture administered
10 by the personnel at Fort Santiago the following are
11 typical:

12 "Some prisoners were kicked and slapped
13 across the face, beaten with the flat of a sheathed
14 sword across the back, shoulders and kidneys. Others
15 were beaten with iron rods or with baseball bats, clubs,
16 poles, ropes, and telephone wires, and some were thrown
17 by Jiu Jitsu methods. The water cure was frequently
18 employed. This consisted of tying the victim to a
19 bench, putting a cloth over the face and inserting a
20 water hose in the mouth or nostrils. Water was forced
21 into his stomach until he became unconscious, and then
22 the Japanese pressed and jumped on his stomach to force
23 the water out. Prisoners had their arms tied behind
24 their backs, a pole inserted through the arms at the
25 elbows, and then were raised and suspended from the
floor. Others were hung for hours by the arms. Some

1 had sticks inserted in the opening of the penis or
2 vagina, and others were burned about the body with
3 lighted cigarettes or cigars. Ammunition would be
4 placed between the fingers and then the fingers were
5 squeezed until the bones would break. Small bamboo
6 slits, or other instruments were placed under toe nails
7 and finger nails and finger and toe nails were pulled
8 out with pliers. Electricity was used to shock or burn
9 the victims. A piece of skin was sliced from the back
10 of one man's hand and he was forced to eat it. The
11 skin on his face and arm was twisted with a pair of
12 wooden pliers and he was hit in the testicles. The
13 Japanese guards ground the prisoner's toes under their
14 hobnailed boots. Three American pilots who had been
15 shot down during the bombing of Manila received a
16 sword thrust through the shoulder or were burned by
17 lighted cigarettes. Holes were made in their fingers,
18 wire inserted through them, and the prisoners were then
19 suspended by the wires. One pilot's whole body was
20 burned, another was paralyzed and they were taken to
21 a hospital. American soldiers were shot. Many
22 prisoners from Fort Santiago were executed at the
23 Chinese Cemetery or buried there. As a form of in-
24 timidation prisoners were shown headless men and men
25 whose faces were so swollen and bloody as a result of

1 beatings they could not be recognized. Intestines of
2 some men were removed while they were still alive in
3 the presence of other prisoners. One Filipino prisoner
4 was forced to behold two other Filipinos. Dead bodies
5 with their hands tied behind their backs were thrown
6 into the Pasig River which flows at the rear of Fort
7 Santiago. Torture as described above was administered
8 not only to men but to women. Some of the women were
9 nuns. Some of the men were priests. Some victims
10 died after being released as a result of their treat-
11 ment at Fort Santiago. In February of 1945 the cells
12 in Fort Santiago were packed with people who resided
13 within the Walled City. Doors were barricaded, gasoline
14 was poured around, set afire and hundreds were burned
15 to death. Others were executed. Hundreds of bodies
16 were discovered by American troops when Fort Santiago
17 was taken. Many of the civilians were able to escape
18 the burning buildings only to be shot by Japanese guards
19 as they escaped or when attempting to swim across the
20 Pasig River. Some, however, survived and lived to relate
21 the horror to which they had been subjected."

22 THE PRESIDENT: The atrocities against the
23 American airmen may be the same as those given in
24 evidence yesterday, or may be similar only.

25 MR. LOPEZ: We offer in evidence IPS document

1 No. 2877 which is a transcript of the testimony of
2 Justine Manlisik in the YAMASHITA trial describing
3 atrocities in Tancuan, Batangas in February 1945.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 2877 will receive exhibit No. 1414.

7 (Whereupon, the document above referred
8 to was marked prosecution's exhibit No. 1414 and
9 received in evidence.)

10 MR. LOPEZ: From page 2 of that document we
11 read the last question and answer of the direct exam-
12 ination:

13 "Q What else did you see?

14 "A One of my sisters is pregnant and they slashed
15 her stomach open and when the baby come out they cut
16 its head off (Weeping)."

17 We introduce in evidence IPS document No. 2820
18 which is a summary of evidence of JAG Report 262 on
19 mistreatment and torture of civilians by Japanese Kempei-
20 Tai at Dumaguete.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 2820 will receive exhibit No. 1415.

24 (Whereupon, the document above referred
25 to was marked prosecution's exhibit No. 1415 and
received in evidence.)

1 LI. LOPEZ: We read the entire document:

2 "During the period June 1944 to March 1945,
3 several persons were apprehended by the Japanese
4 military police of Dumaguete and were tortured and
5 mistreated during their confinement in jail. While
6 being 'investigated' by the Japanese, these prisoners
7 were subjected to several forms of torture such as
8 beating, kicking, burning with cigarette butts,
9 'water cure,' choking, judoholds, and hanging by
10 the wrists. Food was inadequate, sanitary facilities
11 were hardly provided, and the prisoners were often
12 deprived of drinking water, for which salty water
13 was substituted. During air raids, the prisoners
14 were not allowed to take shelter."

15 "We offer in evidence IPS document No. 2804,
16 which is a summary of evidence of JAG report No. 161
17 on torture and murder by Japanese Kempei-Tai at
18 Bacolod, Negros Occidental, in February and March,
19 1945.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 2804 will receive exhibit No. 1416.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1416 and received in evidence.)

1 Mr. LOPEZ: We read from that document the
2 following: Page 2, paragraph 1, sentences 8-12, in-
3 clusive:

4 "They and others were tortured. One could
5 hardly stand or lie down as his entire body was
6 swollen. Another was mangled and black and blue.
7 Still another was beaten severely with a police club,
8 thrown across the floor and the next night was
9 forced to jump from a window eighteen or twenty
10 feet above asphalt pavement, which dislocated his
11 hip, causing him to lose his power of locomotion
12 for about four months. Another man was thrown from
13 a staircase about twelve feet high."

14 Page 2, paragraph 2:

15 "While confined by the Japanese, the following
16 method of torture was observed, though it is not
17 known who these victims were. It is possible they
18 were other members of the espionage ring. One man
19 was beaten until he was a mass of blood. Another
20 man was strapped to a table and his wrists burned
21 with an alcohol flame until the odor of burning
22 flesh filled the room. A third man had a bayonet
23 thrust through his arm at the wrist, and as he was
24 being questioned, the bayonet was gradually forced
25 down his arm."

1 We tender in evidence IPS document No. 2723,
2 which is an affidavit of Leonora Palacio Villas
3 regarding the torture received by her brothers
4 Fidel and Florentino and herself in Palo, Leyte,
5 in February, 1942.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2723 will receive exhibit No. 1417.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1417 and received in evidence.)

12 MR. LOPEZ: We read from that document
13 the following: Page 1, the 2nd question, and sen-
14 tences 1-10, 11-13 of the 2nd answer:

15 "Q In February 1942 did you or your brother
16 suffer any indignities or mistreatment at the hands
17 of the Japanese stationed in Palo?

18 "A On Sunday afternoon in the middle of Feb-
19 ruary, 1942, myself and my two brothers, Fidel and
20 Florentino and some other members of the family were
21 taken to the Municipal building in Palo. That after-
22 noon my brother's child had been baptized and at the
23 house there were a number of guerrillas and friends
24 of the family. One of the guerrillas was discovered
25 and the Japanese, believing that there were others

1 We tender in evidence IPS document No. 2723,
2 which is an affidavit of Leonora Palacio Villas
3 regarding the torture received by her brothers
4 Fidel and Florentino and herself in Palo, Leyte,
5 in February, 1942.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2723 will receive exhibit No. 1417.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1417 and received in evidence.)

12 MR. LOPEZ: We read from that document
13 the following: Page 1, the 2nd question, and sen-
14 tences 1-10, 11-13 of the 2nd answer:

15 "Q In February 1942 did you or your brother
16 suffer any indignities or mistreatment at the hands
17 of the Japanese stationed in Palo?

18 "A On Sunday afternoon in the middle of Feb-
19 ruary, 1942, myself and my two brothers, Fidel and
20 Florentino and some other members of the family were
21 taken to the Municipal building in Palo. That after-
22 noon my brother's child had been baptized and at the
23 house there were a number of guerrillas and friends
24 of the family. One of the guerrillas was discovered
25 and the Japanese, believing that there were others

1 there, took myself, my brothers and other members
2 of the family to Palo municipal jail and concentrated
3 us. We were kept overnight in the municipal jail and
4 during this period we were never questioned by the
5 Japanese soldiers. My brother Fidel was taken out,
6 his hands were tied behind his back and another rope
7 was tied to his hands and thrown over a tree. He hung
8 there stark naked. As he hung there a Japanese soldier
9 beat him unmercifully, drawing blood from his eyes and
10 his nose and other parts of his body. He was also
11 whipped with a thorn branch on the various parts of his
12 body. He was continually beaten for a period of three
13 hours. While he was hanging there the Japanese poured
14 gasoline under his arms and around his private parts
15 and they set it afire. As soon as Fidel was cut down
16 my brother Florentino was tied in a similar fashion
17 and beaten for a period of about three and a half hours,
18 drawing blood from his eyes, ears, nose and various parts
19 of his body. He was also beaten with a switch.
20 Gasoline was poured on the hair underneath his arms,
21 on the hair around his private parts and set afire."

22 Page 2, paragraph 1, sentences 3-6

23 inclusive:

24 "On Tuesday morning I was taken
25

10/21/41

by the Japanese soldiers to the municipal building. The
1 Japanese removed all my clothing and as I stood there naked

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1 the Japanese soldiers beat me with a switch. The
2 Japanese soldiers took my clothes and dressed me
3 and gave me a little water. I spent three days in
4 jail without any medical treatment and could hardly
5 move because my body was so stiff and sore from the
6 treatment I had received."

7 We submit in evidence IPS document No.
8 2726, which is an affidavit of Tayambong Chagse
9 regarding the torture he received at Kabayo, Atok,
10 Mountain Province, in March, 1943.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 No. 2726 will receive exhibit No. 1418.

14 (Whereupon, the document above re-
15 ferred to was marked prosecution's exhibit
16 No. 1418 and received in evidence.)

17 MR. LOPEZ: We read from that document the
18 following: Page 7, the first four questions and
19 answers:
20

21 "Q What is your full name?

22 "A Tayambong Chagsa.

23 "Q How old are you?

24 "A I am not sure, maybe about 60.

25 "Q What is your nationality?

"A Filipino-Igorot.

1 "Q Where do you live?

2 "A Kabayo, Atok, Mountain Province, P.I."

3 Page 7, the tenth answer, and eleventh
4 question:

5 "A On the morning of March 13, 1943, a little
6 before noon the Japanese arrived in our sitio. They
7 asked us where the Americans and the Filipino sol-
8 diers and Major Dangwa were. When I answered them
9 that I have not seen any and I don't know the Jap-
10 anese tied me up in my house. They tied my hands
11 behind my back until about one o'clock in the after-
12 noon. Then they untied me and asked me again where
13 were the Americans and Major Dangwa. When I an-
14 swered I don't know they made me lie on the floor
15 and gave me much water. When I did not reveal any
16 to the Japanese, they tied me and burned my buttocks
17 and legs and hit my mouth and I lost two teeth. They
18 hit my mouth with a piece of wood, about as long and
19 about as big as a man's arm. I was hung up inside
20 my house and my hands were tied behind my back with
21 a rope and the rope was tied to the center of the
22 house and I was raised from the floor about four
23 feet. While I was hanging up the interpreter
24 KAWASIMA got a match and lighted the candle and
25 held the candle close to my G-string near my right hip."

1 "The G-string caught fire and kept burning until
2 about only two feet of it was left. When the last
3 two feet of my G-string was not burned, KAWASIMA
4 took it and put it around my head and burned it with
5 the candle until all of the piece of cloth was burned,
6 together with my hair. The Japanese untied me at
7 about one o'clock in the afternoon.

8 "Q Then what did they do?"

9 Page 8, the first answer and the succeeding
10 three questions and answers:

11 "A They laid me down on the floor and made
12 me drink a petroleum can of water. I don't know
13 how much water the can held but they made me drink
14 all I could. Then they asked the same questions
15 over again and they beat me with their fists and
16 hands and with the piece of wood. Four Japanese
17 soldiers held me. One, who was near my head twisted
18 my ears. He held my ears with his hands and twisted
19 them around. One stepped up and down on my breast
20 on top of me so the water that I drank would then
21 come out of my mouth. One of the soldiers was sit-
22 ting on my stomach, just sitting and holding me down.
23 One held the rope which was tied around my legs.
24 After a short while they all stood up and one of
25 them started to hit me all over my body with a piece

1 of wood, asking the same questions over again and
2 asking me to tell the truth about the American and
3 Filipino soldiers. After that they untied my legs
4 leaving the rope in my hands tied behind my back and
5 brought me to the forest. They took me about one
6 hundred meters away from my house to the forest, and
7 when we got there one of the Japanese picked up a
8 stone about the size of my fist and hit me and
9 then they tied me there. After dark my neighbors
10 went to look for me. They found me in the forest
11 and untied me. After being untied I went home.
12 The Japanese did not bother me again.

13 "Q Did this all occur on March 13, 1943?

14 "A Yes, it all happened on the same day.

15 "Q Do you have any scars as a result of the
16 burning and beating given you by the Japanese?

17 "A Yes, I have a scar on my right hip. I
18 have a very bad scar yet today.

19 "Q How many Japanese came to your home on
20 March 13, 1943?

21 "A About seventy, including two officers."

22 We tender in evidence IFS document No. 2865,
23 which is a summary of evidence of JAG report No. 55
24 on torture and starvation of Dr. Gilbert Isham
25 Cullen, an American citizen in the Provincial Prison

1 of Iloilo City in May, 1942.

2 THE PRESIDENT: Admitted on the usual terms.

3 'CLEIK OF THE COURT: Prosecution's document
4 No. 2865 will receive exhibit No. 1419.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1419 and received in evidence.)

8 Mr. LOPEZ: We read from that document the
9 following: Page 1, paragraph 3, the last four sen-
10 tences:

11 "The questioning took place in the warden's
12 office where, for a period of several hours, Dr.
13 Cullen was struck in the abdomen with a club, kicked
14 while lying on the floor, slapped repeatedly with the
15 heel of the hands of his inquisitors. They then took
16 a pair of pliers and slowly pulled the toe nail from
17 Dr. Cullen's great toe on his left foot. He was
18 clubbed about the body, head and face and then sus-
19 pended from a cross beam by his thumbs with his feet
20 off the floor, and again later was hung by his
21 ankles until his legs were badly cut by the ropes.
22 The fingers of his left hand were bent and twisted
23 until some of them were broken and dislocated."
24

25 Page 1, paragraph 4, reads as follows:

"As a result of the treatment above described,

1 Dr. Cullen suffered a broken nose, several cracked
2 ribs, a broken right leg, loss of his great toe nail,
3 broken and dislocated fingers and an injury to his
4 jaw which impaired its function. The injuries were
5 inflicted upon Dr. Cullen in an effort to make him
6 reveal the names of local citizens who were sending
7 radio messages and to force him to reveal information
8 concerning various military subjects such as loca-
9 tion and number of American troops. The torture
10 lasted from morning until late in the afternoon and
11 Dr. Cullen still bears the marks of his torture, more
12 than three years after their infliction."
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1 MR. LOPEZ: If your Honor please, in our
2 order of presentation document 2735 comes next;
3 but we ask leave to skip it up for the time being
4 pending the arrival of the witness Rufina Mercade
5 who is expected momentarily here in Tokyo from
6 Manila.

7 THE MONITOR: Mr. Prosecutor, what is the
8 name of the witness you referred to? Mr. Lopez,
9 what is the name you referred to -- the witness,
10 that is?

11 MR. LOPEZ: No, I referred to document
12 2735.

13 THE MONITOR: Yes, and the name you referred
14 to?

15 MR. LOPEZ: Rufina Mercade, the next order,
16 order 70A, order No. 70A.

17 THE MONITOR: Thank you.

18 THE PRESIDENT: You do not need our leave,
19 Mr. Lopez. We deal with the documents as you
20 tender them.

21 MR. LOPEZ: At the suggestion of the Clerk
22 of this Tribunal, instead of skipping it up now,
23 we offer document No. 2735 merely for the purpose
24 of identification.
25

CLERK OF THE COURT: Prosecution's document

1 No. 2735 will be given exhibit No. 1420 for identi-
2 fication only.

3 (Whereupon, the document above re-
4 ferred to was marked prosecution's exhibit
5 No. 1420 for identification.)

6 MR. LOPEZ: We introduce in evidence IPS
7 Document No. 2844, which is a summary of evidence
8 of JAG Report No. 61 on mass rape at the Bay View
9 Hotel, Miramar Apartments, Boulevard Apartments,
10 and Alhambra Apartments in February 1945.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 No. 2844 will receive exhibit No. 1421.

14 (Whereupon, the document above re-
15 ferred to was marked prosecution's exhibit
16 No. 1421 and received in evidence.)

17 MR. LOPEZ: We read the entire document:

18 "Briefly summarized, the evidence adduced by the
19 Investigator-Examiners is to the effect that:

20 "On 9 February 1945, American troops were closing
21 in on Manila and the bombing and shelling were
22 continuous. Fires had broken out, water and food had
23 become extremely difficult to obtain, and safe shelter
24 was sought by countless numbers of refugees throughout
25 the city. During the afternoon of 9 February and into

1 the evening Japanese patrols scoured the Ermita
2 District, routing from their homes and places of
3 business everyone in that area and bringing them to
4 Plaza Ferguson. These people were told that because
5 of the bombs and shellfire it was the desire of the
6 Japanese to assemble them in protected areas and since
7 the statement seemed reasonable under the circum-
8 stances, most of the civilians went voluntarily.

9 "By approximately 1700 hours some 2,000 men,
10 women and children, all civilians and of mixed
11 nationalities, had been brought to the Plaza and
12 at that time a Japanese officer who appeared to be
13 in charge came and ordered that the men and elder
14 male children be separated from the women and children.
15 The men were taken to the Manila Hotel and the women
16 and children to the Bay View Hotel, with the exception
17 of a small group of approximately twenty girls who
18 were taken to a nearby restaurant called 'The Coffee
19 Pot', a lounge or club for Japanese officers and
20 enlisted men. These in this group were given food
21 and liquor and from there they went to the Bay View
22 Hotel where they were put on one of the upper floors.
23 The remainder of the captives appear to have been kept
24 on the lower floors of the hotel.

25 "Between the hours of 1800 and 0430 the following

2 morning the Japanese removed any doubt they might
3 have had as to the 'protection' which they were to
4 receive. In twos and threes, enlisted men and
5 officers came to the various rooms in which these
6 women had been quartered, selected those they wished
7 by the light of candles and flashlights, took them
8 to other rooms and raped them.

9 "Similar scenes were enacted at the nearby
10 Boulevard, Alhambra and Miramar Apartments where the
11 Filipino women in the group were taken during the
12 following day. Throughout the nights of confine-
13 ment in all three places young girls were forced,
14 some at bayonet point, to go with these Japanese
15 for their pleasure.

16 "The reason for this segregation was given early
17 in the afternoon of 10 February when one of the women
18 inquired of an officer as to the reason the Filipinos
19 were leaving the hotel. Believing her to be white,
20 he answered 'We hate white women.... There are orders
21 that we are to kill all of you, but we are waiting
22 because we may decide to use all of the white women
23 as our frontline to keep the Americans from coming
24 in on us.'

25 "Only seven of the victims would admit having
been raped, although the proof is clear that at least

1 forty were violated, the same being indicated by
2 their return to their rooms in nervous condition
3 with hair and dress disarranged and frequently with
4 blood showing upon their garments. Thirty-six
5 state that attempts were made to rape them and the
6 evidence indicates that, notwithstanding their
7 denial of the accomplishment of the act, these
8 attacks came suspiciously close to fruition.

9 "This treatment continued for varying periods,
10 the persons confined at the Bay View Hotel being
11 released or escaping on 12 February 1945 and those
12 at the Boulevard, Alhambra and Miramar Apartments
13 being released or escaping on 13 February, all of
14 which releases, with some exceptions to be commented
15 upon later, were necessitated by bombing and shelling
16 and resultant fire.

17 "During these three days, the following incidents
18 exemplify the terroristic debauchery that took place:

19 "In one night, a twenty-four year old Filipino
20 woman was raped between twelve and fifteen times.
21 Notwithstanding that she became so dazed and weak
22 after the first few attacks that she fell to the
23 floor half-conscious, Japanese continued until 0400
24 to enter the room and drag her away for further
25 ravishment."

1 "One Japanese, in a spirit of drunken braggadocio,
2 showed the sharpness of his bayonet by ripping a
3 girl's skirt open from its bottom to her hips with
4 a slash.

5 "Kicking girls as they lay prostrate on the
6 floor was a common occurrence and there were instances
7 where a girl was dragged away, her attacker grasping
8 her leg and pulling her along on her back."
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2 showed the sharpness of his bayonet by ripping a
3 girl's skirt open from its bottom to her hips with
4 a slash.

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6 floor was a common occurrence and there were instances
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1 "A few were able to escape the common fate
2 by claiming they were menstruating, although demon-
3 strative proof was usually required and was sometimes
4 followed by a blow with a rifle butt.

5 "One girl accompanied a particular Japanese
6 quite willingly, saying that he was her sweetheart
7 and she 'had already promised him that' while some
8 others acquiesced without resistance solely because
9 of fear and their captors' promises of freedom if
10 they would submit quietly.

11 "A fourteen year old British girl was taken
12 with her sister, pushed and kicked along the corridor
13 to another room and raped at least four times, was al-
14 lowed finally to return to her own room, bleeding and
15 torn. Having a light complexion she was favored and,
16 in fact, the white girls were searched out and segre-
17 gated.

18 "A Turkish woman, forty years of age, success-
19 fully and resourcefully dissuaded a would-be attacker
20 by claiming she was too old and removing and showing
21 her false teeth to prove it. She then kept her daughter
22 safe by hiding her underneath her skirt.

23 "In the face of pointed weapons, the sheer
24 determination of an elderly friend protected a young
25 mother with a child in her arms from being taken."

1 "Three prostitutes told their fellow captives
2 that they would submit to the Japanese and thus at-
3 tempt to protect the younger girls and married women.
4 Some of the victims clearly felt grateful for the pro-
5 tection thus afforded.

6 "At the Miramar, an officer took a fifteen
7 year old Filipino girl to his room, asked her to go
8 to bed and when she refused he proposed that she
9 marry him. This she also refused, whereupon he told
10 her she was no good and sent her back to the Bay View
11 Hotel.

12 "No such incidents seem to have occurred
13 during the daytime, although thirst and hunger kept
14 these victims in acute discomfort. On the second day
15 one group were brought a pail of dirty water which was
16 partially spilled on the floor in their haste to drink.
17 Such spilled drops were eagerly licked off the floor.
18 The drinking water supply was also supplemented by
19 water from the toilets, and for food they received a
20 few biscuits (which were thrown on the floor), a small
21 can of fish and some vitamin pills. This was to serve
22 fifty people. Another group, twelve in number, re-
23 ceived a pail of water, a box of crackers, a kettle of
24 hot tea, some sugar and some vitamin pills. Also given
25 to them were some tennis shoes. Except for the moles-

1 tations, these women felt they had been comparatively
2 well treated, and apparently it was because one of the
3 Japanese had previously fallen in love with a girl in
4 that room. Old biscuits and salty water were the lot
5 of a less fortunate part of twenty.
6

7 "In the main dining room on the first floor
8 of the hotel two or three ladies of the Red Cross set
9 up an aid station for the sick and wounded on 10 Feb-
10 ruary and during the afternoon of that day from two
11 hundred to two hundred and fifty women and children
12 were brought there from the rooms upstairs. This re-
13 fuge was but temporary, however, and during the follow-
14 ing nights of captivity girls were not only taken from
15 the dining room but some were raped there among their
16 fellow captives.

17 "As if apace with the steadily mounting battle
18 outside, the attacks and terrorism in the hotel rose
19 to a crescendo during the third night and fourth
20 morning of captivity. A Japanese officer known as
21 TERAMOTO told one lady, early in the morning of 13
22 February, that he was going away to fight the Americans
23 and to die, and that before he left he wished to have
24 intercourse with her daughter as his last worldly
25 pleasure; others stated that they constituted a 'suicide
detail' and behaved even more brutally than before."

1 "Fire, which broke out in the Bay View Hotel
2 on the 12th and at the Miramar and Alhambra on the 13th
3 proved the salvation for those victims. Some were rather
4 unwillingly released and others escaped in the resulting
5 confusion.

6 "One girl is known to have contracted gonorrhoea
7 as a result of this experience and nearly all of them
8 obtained medical examinations when the Americans came.
9 No pregnancies and no deaths having a direct connection
10 with the atrocity appear to have followed it, although
11 at least two ladies had to be treated for shock and
12 generally weakened condition."

13 We offer in evidence IPE document No. 2709,
14 which is the affidavit of EASTER GARCIA MORAS regarding
15 mass rape by Japanese soldiers and officers at the Bay
16 View Hotel in February 1945.

17 THE PRESIDENT: Admitted on the usual terms.
18 That is a lengthy extract you are going to read, Mr.
19 Lopez. We will recess for fifteen minutes.

20 (Whereupon, at 1045 a recess was taken
21 until 1100, after which the proceedings
22 were resumed as follows):
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Lopez.

4 CLERK OF THE COURT: Prosecution's document
5 No. 2709 will receive exhibit No. 1422.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1422 and received in evidence.)

9 MR. LOPEZ: We read from that document the
10 following:

11 On page 3, the last 7 questions and answers,
12 through the 10th question and answer:

13 "Q Upon your arrival at the Bay View Hotel,
14 what happened?

15 "A We were marched up the stairs to the second
16 or third floor and taken to a room the number of which
17 I don't know, but it was on the side toward the bay and
18 it wasn't a corner room.

19 "Q Who else was in the room when you arrived?

20 "A Nobody.

21 "Q Did anyone come in the room besides your
22 group?

23 "A No. The Japs shut the door on us and we
24 could hear them on the other side of the door.

25 "Q Describe the room."

1 "A It was entirely unfurnished except for
2 a few camouflage nets and old mattresses lying on the
3 floor. There was a small bathroom but no water was
4 running in it. There was one window and the room
5 was about seven meters square.

6 "Q What did you do?

7 "A We tried to make ourselves comfortable,
8 but everybody was nervous and praying. There was hardly
9 room enough to lie down, and it was pitch dark.

10 "Q Then what happened?

11 "A In about 5 or 10 minutes in walked about
12 5 Japs with flashlights and candles, and commenced to
13 look around and peer into our faces. We pulled our hair
14 down over our eyes and turned our faces into the wall
15 and crouched into the corner attempting to avoid their
16 scrutiny.

17 "Q What did the Japanese do?

18 "A They completed their inspection and then
19 left the room in about five minutes, closing the door
20 upon us.

21 "Q Then what happened?

22 "A In about another five minutes, three Japs
23 came in and grabbed my two sisters Priscilla and
24 Evangeline by their arms and forcibly pulled them from
25 the room. Both of my sisters pulled back and resisted

1 strenuously and cried out in anguish to be left alone,
2 but they were taken anyway.

3 "Q Did you see your sisters again after that?

4 "A Yes, in about half an hour Evangeline
5 (Evan) came back to the room alone crying and shaking
6 all over and sobbing and fell in my arms. She was
7 crying like her heart would break. I tried to soothe
8 her and ask her what had happened? She said the Japs
9 were doing things to Priscilla. I then asked her what
10 happened to her. She said, 'Nothing happened to me
11 because I am menstruating.'

12 "Q Did you ask her for particulars?

13 "A No, there was so much turmoil in the
14 room with all the girls crying and praying and my
15 sister was so upset that I just held her close and we
16 waited.

17 "Q When did you see Priscilla again?

18 "A She came into the room about 20 minutes
19 after Evangeline had come back the first time.

20 "Q What was her appearance?

21 "A She was perspiring, her hair was awry,
22 and her dress was soiled and mussed.

23 "Q Did she say anything to you?

24 "A She said she wanted to die.

25 "Q Did you question her?"

1 "A No, I knew what had happened.

2 "Q Did she say anything further other than
3 that she wanted to die?

4 "A No.

5 "Q Before your sister Priscilla returned to
6 the room as you have just related, had the Japanese
7 come back and bother anyone?

8 "A Yes, about five minutes after my sister
9 Evangeline had returned, three Japs entered and took
10 hold of my sister Evangeline again and Fanny Gadol and
11 dragged them across the floor and out of the room All
12 the while, Evangeline and Fanny were struggling and
13 screaming.

14 "Q Did you say or do anything?

15 "A I tried to hold Evan back, but I was
16 not strong enough. Everyone in the room was crying and
17 trying to hide under mattresses and nets.

18 "Q Did Evangeline return to the room?

19 "A No, I did not see her again that night
20 until the next morning when she was with my mother.

21 "Q Did you see Fanny Gadol again that night?

22 "A No, I did not see her until the next
23 morning, downstairs.

24 "Q Did any more Japanese come in the room?

25 "A Yes, about ten minutes after Priscilla had

1 come back in the room, about four Japs, I think,
2 entered the room and took me and some of the other
3 girls who I was too distraught to observe.

4 "Q Did you resist?

5 "A Yes, I told them I was sick and that I
6 had a headache, but that made no difference to them.
7 They just pulled me by the shoulders and forced me out
8 of the room and pulled me down the hall to another
9 room.

10 "Q How many Japs actually took you to the
11 other room?

12 "A Three of them.

13 "Q Can you describe any of these three
14 Japanese or any of the Japanese who had entered the
15 room prior to your removal?

16 "A No.

17 "Q Do you know their rank?

18 "A No, they were just marines; no officers.

19 "Q What happened when you reached this room?

20 "A They made me lie down on the floor.

21 "Q Who was present?

22 "A Just I and the three marines.

23 "Q Did you notice how the room was furnished?

24 "A There was nothing in it. I was forced
25 to lie down on the bare floor. They lifted my dress

1 up to my waist and tore off my pants.

2 "Q How many of the Japs actually pulled up
3 your dress and tore your panties off?

4 "A One.

5 "Q What did the other two Japanese do at this
6 time?

7 "A Just standing there, looking and laughing.

8 "Q What were you doing?

9 "A I was struggling, kicking, and striking
10 out with my arms, but the one who was holding me down
11 slapped me all about my face with his bare hands.

12 "Q Did you lose consciousness?

13 "A No, but I became dazed from the slapping
14 and when I finally got exhausted, I lay on the floor
15 like a log."

16 Page 6, 15th question - the remainder of the
17 page.

18 THE PRESIDENT: Mr. Lopez, why do you stop
19 there? The next answer shows that rape was committed.
20 Do you want us to guess at rape and be uncertain about
21 it unless we look at the whole exhibit? If it appears
22 later it will be sufficient.

23 MR. LOPEZ: If your Honor please, in preparing
24 this evidence out of a mountainpile of evidence in our
25 possession we were confronted with the problem of how much

1 to use and how much not to use. All the time at the
2 back of our minds was an honest desire to expedite
3 this case in order to help the Court in its determina
4 tion to push the successful end of this Trial.

5 THE PRESIDENT: Proceed as you have outlined
6 your case.

7 MR. LOPEZ: Can I proceed with the reading?

8 THE PRESIDENT: Proceed as you intended.

9 MR. LOPEZ: Page 6, 15th question - the
10 remainder of the page:

11 "Q Then what happened?

12 "A I crawled on my hands and knees, struggled
13 to my feet, and somehow managed to get back to the room
14 where I had been taken from the other girls.

15 "Q About how long had you been gone from the
16 room and the girls?

17 "A About 20 minutes.

18 "Q About what time was it when you returned
19 to the room rejoining the girls?

20 "A It was nearly midnight.

21 "Q After your return to the room, what did
22 you observe?

23 "A I did not observe anything. I just fell
24 on the floor and sobbed."
25

Page 8 from the first two questions and answers:

1 "Q What time did you get back to your room?

2 "A It was about 1 o'clock in the morning,
3 10 February 1945."

4 Page 134, the question and the first four
5 sentences of the last answer:

6 "Q Were you molested again that night?

7 "A Yes, I was raped between 12 and 15 times
8 during that night. I cannot remember exactly how many
9 times. I was so tired and horror stricken that it
10 became a living nightmare. The Japs would come
11 singly and in groups drag me from the room hardly before
12 I had fallen to the floor from a preceding raping,
13 and would again take me and do it to me over and over."

14 We offer in evidence IPS document No. 2886
15 which is a transcript of the testimony of Nena Alban
16 in the trial of Masaharu HOJIMA, describing the rape
17 of two women in broad daylight in the commercial
18 section of Manila.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 2886 will receive exhibit No. 1423.

22 (Whereupon, the document above
23 referred to was marked prosecution's exhibit
24 No. 1423 and received in evidence.)

25 MR. LOPEZ: From page 2 of this document

1 we read the sixth, seventh, eighth, and ninth
2 questions and answers:

3 "Q Go ahead, please.

4 "A I went to my destination by walking because
5 there was no transportation in these days. As soon
6 as I reached the Quezon Boulevard, after I passed
7 the corner of Azcarraga I saw three Japanese -- I
8 saw some naked ones near the corner of Espana and
9 Quezon Boulevard. That is the AFWESPAC Headquarters
10 now; the Far Eastern University.

11 "Q What were the Japanese doing?

12 "A While I was still far away I saw two
13 Japanese like rolling on the street. When I was
14 nearing -- when I was nearing I saw two Filipino
15 women pause by the Japanese right on the street.
16 The Japanese abused the women and the women were
17 trying to get away from them. When I was very near
18 I saw the Japanese take a hold of the women's legs
19 until the women cannot move any more. Then when I
20 saw that I tried to get away from that place because
21 I was afraid the Japanese could see me, so I pro-
22 ceeded a little bit farther, and I was about five
23 yards away and I turned back and the Japanese were
24 still doing the work.

25 "Q Doing what?

1 "A Were still doing such things.

2 "Q They were using the girl?

3 "A Yes, sir."
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1 We offer in evidence IPS document No. 2847
2 which is a transcript of the testimony of Apolinaria
3 Due Tuazon in the MOYMA trial describing the abuses
4 she and her husband received from the Japanese in
5 February 1942 at Santa Ana, Pampanga.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2847 will receive exhibit No. 1424.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1424 and received in evidence.)

12 MR. LOPEZ: We read from that document the
13 following: Page 1, the 11th to the 13th answer
14 which is carried over to page 2:

15 "A. On February 2, 1942, at about 12:00 p.m.,
16 or midnight, eleven Japanese came to our house.

17 "Q What Japanese?

18 "A They were Japanese soldiers.

19 "Q Please proceed.

20 "A They were carrying with them guns, and they
21 fired shots around the house. I went into the
22 house and went directly into the room. As soon
23 as they went in the house a Japanese took hold of
24 my husband and held him by the neck, and then three
25 Japanese abused me. Three Japanese did all they

1 wanted to with me; they abused me."

2 Page 2, beginning with the third question
3 and ending with the statement made by Colonel Lim,
4 the interrogator.

5 "Q What happened after that?

6 "A Afterwards they stripped me naked; they
7 didn't leave any piece of clothing on my body. Then
8 they held me by the hair and they dragged me down-
9 stairs. When I arrived downstairs the other
10 Japanese were waiting, and they also abused me.

11 "Q How many Japanese abused you downstairs?

12 "A I cannot remember the exact number; maybe
13 it is around four or five, because there were times
14 when I was unconscious.

15 "Q Do you remember where your husband was all
16 this time?

17 "A They blindfolded him and they threw him
18 out of the window. They beat him. I don't know
19 where he was taken.

20 "Q Had you seen your husband while you were
21 downstairs?

22 "A We saw each other, yes. When we saw each
23 other I talked to him and one of the Japanese who
24 saw me got angry. He lifted the butt of his gun
25 and he was about to strike him on the nape of the

1 neck. When I saw this I lifted my body and I
2 thrust my body towards him to prevent the blow,
3 and the gun, or the butt of the gun, struck my
4 knee.

5 "Q Did you receive any wound by that action
6 of the Japanese?

7 "A Yes, here (indicating).

8 "Q Do you have any scar of that wound?

9 "A Yes, because this was operated on by the
10 doctor, because if the doctor did not operate on
11 this I will have my knee straight and I cannot bend
12 it."

13 We tender in evidence IPS document No. 2872
14 which is a transcript of the testimony of Celestina
15 de la Rosa in the FOIWA trial confessing that she
16 was raped in January 1942 at Bansic, Hermosa,
17 Bataan, and delivered a child.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 2847 will receive exhibit No. 1424. Correction:
21 prosecution's document No. 2872 will receive exhibit
22 No. 1425.

23 (Whereupon, the document above
24 referred to was marked prosecution's exhibit
25 No. 1425 and received in evidence.)

1 MR. LOPEZ: We read from that document
2 the following: Page 1, third answer, first four
3 lines:

4 "A I lived in a small house in Bansic.

5 "GENERAL DONOVAN: Whereabouts? Ask her
6 whereabouts? She didn't state the name.

7 "THE WITNESS: I lived in a little house
8 in Bansic, Hermosa, Bataan."

9 Page 2, third and fourth questions and
10 answers:

11 "Q What happened to you? Go ahead, please.

12 "A I tried to struggle. When I tried to
13 struggle he scared me with fixed bayonet. Because
14 I was trying to struggle he gave me a rough push.
15 He used me, and then I was weaken because of the
16 force, so I sat down and he left me. The other Jap
17 who came in did the same thing to me and I was down
18 on the floor. After using me he left the room and
19 I got out of the room.

20 "Q Go ahead.

21 "A After manhandling me he took the jewels
22 on me and he took the shirts of the men. After
23 taking my jewels he sent me out of the room and he
24 took one of the girls named Maria Roncal."
25

Page 3, second question, lines 4-6 inclusive:

1 "LIEUTENANT PELZ: I will stipulate that
2 the girl had a child as a result of this.

3 "COLONEL LIM: She became pregnant and
4 delivered her child."

5 We offer in evidence IPS document No. 2848
6 which is a transcript of the testimony of Amadeo
7 Cabe in the HOLMA trial, on the rape of two American
8 women in Manila in January 1942.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 2848 will receive exhibit No. 1426.

12 (Whereupon, the document above
13 referred to was marked prosecution's exhibit
14 No. 1426 and received in evidence.)

15 MR. LOPEZ: We read from that document
16 the following: Page 1, eighth question:

17 "Q In January 1942, as assistant chief of
18 police of Quezon City, did you personally know of
19 any cases of rape or atrocities?"

20 Page 1, tenth question and answer:

21 "Q (By Colonel Lim) Had you received any
22 complaints in connection with rape cases in January
23 of 1942?

24 "A Yes, sir."

25 Page 3, the third question and answer:..

1 "Q (By Colonel Lim) What was the result of
2 the investigation made by the officer whom you sent
3 to investigate this matter?

4 "A The report submitted by this officer stated
5 two daughters of Mrs. Webb had been forced by the
6 Japanese who went to their house and beat them
7 with their bayonets if they would not accede to
8 their wishes; in which case Mrs. Webb had been also
9 threatened not to shout to the neighbors."

10 Page 3, the last question and all but the
11 last sentence of the answer thereto:

12 "Q (By Colonel Lim) Please proceed.

13 "A The report further stated that the girls
14 had been forced because they were threatened by
15 the soldiers and if they do not give them what
16 they wanted they would be killed. And in this
17 case the girls were brought in to the medical
18 officers of the Philippine General Hospital and
19 examined for the complaint. The result of the
20 examination of the doctor was that they were really
21 raped."

22 We offer in evidence IPS document No. 2876
23 which is a transcript of the testimony of Juan
24 Etuijera in the YAMASHITA trial regarding rape at
25 Obando, Katangalan in February 1945.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 2376 will receive exhibit No. 1427.

4 (Whereupon, the document above
5 referred to was marked prosecution's exhibit
6 No. 1427 and received in evidence.)

7 MR. LOPEZ: We read from page 3 of that
8 document the fourth question on through to the
9 seventh answer:

10 "Q And did you have a conversation with your
11 niece at that time?

12 "A Yes. She was able to talk to me, and she
13 was asking for water because she was already dying
14 at that time.

15 "Q Did she say what had happened?

16 "A It is a sad story to tell, but she said
17 that she was raped and then was bayoneted in the
18 abdomen, and then thrown into the fish pond.

19 "Q Did she say anything about other people
20 who were with her?

21 "A She told me that all -- she and all her
22 companions there were raped.

23 "Q How many were there?

24 "A I know of nine, and two of them were married."

25 THE PRESIDENT: That woman also testified

1 that the victim was bayoneted in the abdomen and
2 her intestines came out. You have not included that.

3 MR. LOPEZ: We submit in evidence IPS
4 document No. 2858 which is a summary of evidence
5 of JAG Report No. 287 on arson, rape and robbery
6 at Balilihan and Sikatuna, Bohol in September 1945.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 2858 will receive exhibit No. 1428.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 1428 and received in evidence.)

13 MR. LOPEZ: From the last paragraph of
14 that document we read the following:

15 "On another occasion, a group of six
16 Japanese looted a home and forced the son and
17 daughter of the household to accompany them as
18 guides. The son was later bayoneted and left for
19 dead, while the body of the daughter was found
20 about a month later near the tent where the Japanese
21 had camped. Six front teeth were missing and her
22 legs had been severed from the body. Her hands were
23 still tied behind her back."

24 We offer in evidence IPS document No. 2862
25 which is a transcript of the testimony of Francisca

1 Bernardo de Luna describing how she was raped at
2 Sampaloc, Talavera, Nuev. Ecija in January 1942.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 2862 will receive exhibit No. 1429.

6 (Whereupon, the document above
7 referred to was marked prosecution's exhibit
8 No. 1429 and received in evidence.)

9 MR. LOPEZ: From that document we read
10 the direct examination:

11 "Q (By Colonel Lim) Please give your name?

12 "A Francisca Fernando.

13 "Q What is your married name?

14 "A De Luna.

15 "Q What is your nationality?

16 "A Filipino.

17 "Q On 10 January 1942, do you remember having
18 seen some Japanese soldiers in the barrio of Sampaloc,
19 Municipality of Talavera, Nueva Ecija?

20 "A Yes, sir, on the 10th of January, 1942.
21 Yes, it was on January 10, 1942, and the Japanese
22 went there and searched and arrested people, and I
23 was threatened with a bayonet, and at that time I
24 was pregnant. I was pregnant and about to deliver.

25 "COLONEL LIM: Incidentally, sir, this is

1 in connection with paragraph number 5.

2 "Q (By Colonel Lim) What happened next?

3 "A They boxed me on the face, both sides of
4 my face, both arms, and also on my thigh, and when
5 I laid prostrate on the ground I was raped.

6 "Q Who raped you?

7 "A I cannot remember his name, but he is a
8 Japanese.

9 "Q A Japanese soldier?

10 "A A captain. He had a sword, a very long
11 sword, and that is the sword that he was threatening
12 me with."

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1 We offer in evidence IPS document No.
2 2868, which is a transcript of the testimony of
3 Vincente Arias in the Yamashita trial describing
4 the burning of certain buildings in Manila in
5 February 1945.

6 THE PRESIDENT: Admitted on the usual
7 terms.

8 CLERK OF THE COURT: Prosecution's docu-
9 ment No. 2868 will receive exhibit No. 1430.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1430 and received in evidence.)

13 MR. LOPEZ: From that document we read the
14 following:

15 Page 1, the fifth question on through to
16 the eighth answer:

17 "Q (By Captain Pace) On the morning of
18 February 5, 1945, did you see anything unusual?

19 "A Yes.

20 "Q What was it?

21 "A On about eleven o'clock in the morning a
22 group of Army men set fire to the north of Carriedo
23 Street.

24 "Q What Army did they belong to?

25 "A The Japanese Army. "

1 "Q Will you indicate on exhibit 193 where you
2 saw the Japanese setting fires?

3 "A The fire was set on the corner of Carriedo
4 Street and Escolta, thereafter at the corner of
5 Escolta and Rizal Street. From there they set fire
6 to the building occupied by the Romanach music firm.
7 The next building they set fire to was the one occu-
8 pied by the Music Association, at the corner of
9 Estoro Cegado and Carriedo. The next was the
10 Roces Building at the corner of Rizal Avenue and
11 Carriedo."
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1 We introduce in evidence IPS document
2 No. 2811, which is a summary of evidence of JAG
3 Report No. 71 on the bombing of Manila in December
4 1941, then declared an open city.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 2811 will receive exhibit No. 1431.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1431 and received in evidence.)

11 MR. LOPEZ: We read from the Summary of
12 Evidence, sentence 1-6, inclusive:

13 "On 26 December 1941, Manila was declared
14 an open and undefended city. The announcement was
15 published in the local press, broadcast over the
16 radio in English and Tagalog, and announced throughout
17 the streets of Manila by trucks with loudspeakers.
18 On the night of the 26th, all the lights of the
19 city were turned on. The text of the announcement
20 was cabled to the United States on the same day."
21

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1 "On 27 December 1941, between 1200 and 1330 hours
2 approximately twenty-one Japanese bombers, copies of
3 the American Douglas DC-2 bomber, plainly marked
4 with the rising sun on their fuselages and wings,
5 flew low over Intramuros. Erik W. Friman, a pilot
6 in the First World War, and later a test pilot for
7 Douglas Aircraft and Lockheed Aircraft Companies,
8 estimated the altitude of the first three planes at
9 approximately twenty-eight hundred feet."

10 Sentences 11-13, inclusive:

11 "The bombs dropped on Intramuros were 100
12 and 300 pound bombs. The Santo Domingo Church,
13 Letran College, Santa Rosa College, Santa Catalina
14 College, the Intendencia Building and Santo Tomas
15 University were struck by Japanese bombs on 27 and
16 28 December 1941. Many other buildings, including
17 the DiHM Building (Herald Building), Intramuros
18 Elementary School Building, and a large block of
19 houses between Santa Catalina, Beaterio and Solano
20 Streets, were destroyed by fire as a result of the
21 bombings."

22 The last two sentences are as follows:

23 "The total estimated damage was
24 ₱1,077,538.00. This estimate does not include
25 private residences destroyed by fire."

1 We offer in evidence IPS document No.
2 2866, which is a transcript of the testimony in the
3 YAMASHITA trial of Dominador Santos, Deputy Chief of
4 the Detective Bureau, Manila Police Department,
5 regarding the dynamiting and burning of the Singer
6 Building in Manila, in February 1945.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 2866 will receive exhibit No. 1432.

10 (Thereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1432 and received in evidence.)

13 MR. LOPEZ: We read from that document the
14 following:

15 Page 1, the last question and answer:

16 "Q (By Captain Pace) How long after the
17 Japanese went into the Singer Building did you see
18 and hear the explosion?

19 "A About 20 minutes, sir, I heard the explosion."

20 Page 2, the first four questions and answers:

21 "Q Had the Japs left?

22 "A Before the explosion the Japanese left.

23 "Q What happened after the explosion?

24 "A There was a fire, sir.

25 "Q Did you return to that building after that? "

1 "A I was already -- The following day, Monday,
2 February 5th.

3 "Q What was the condition of that building
4 and the other buildings in that block?

5 "A They were all burned."

6 We tender in evidence IPS document No.
7 2867, which is a transcript of the testimony of
8 Amando Alvarez in the YAMASHITA trial describing
9 how the Japanese set fire to the Bank of the
10 Philippine Islands building in Manila, in February
11 1945.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 2867 will receive exhibit No. 1433.

15 (Whereupon, the document above re-
16 ferred to was marked prosecution's exhibit
17 No. 1433 and received in evidence.)

18 MR. LOPEZ: We read from that document the
19 following:

20 Page 1, the 10th and 11th questions and
21 answers, and page 2, paragraphs 1, 2, and 3:

22 "Q What did the Japs do?

23 "A The Japanese were trying to break down
24 door, but when they could not, they break down the
25 glass windows. "

1 "Q The door of what building?

2 "A The door of the Bank of the Philippine Is-
3 lands.

4 "Q (By Captain Pace) What did they do after
5 they broke the window?

6 "A They were trying to break down the door
7 again, but they could not because there is iron bar.
8 I heard a voice order, give command, and I saw a
9 soldier scurry away in the direction of Dasmariñas.
10 He came back carrying rags. The soldier laid the
11 rags in front of two cans of gasoline. One soldier
12 pour gasoline on the rags, and with the help of the
13 other soldiers they began throwing the rags inside
14 the edifice. When they finished throwing the rags
15 inside the edifice, one soldier ran away carrying
16 a long pole. At the tip of the pole seemed to be
17 rags tied, and it smelled with gasoline. He went
18 directly to an edifice adjacent to the bank, which
19 is burning; he dipped the tip of the pole where is
20 the fire that was lit, and he came back to the
21 edifice of the Bank of the Philippine Islands and
22 threw that pole with the burning tip inside, and
23 suddenly fire spurted out as far as the door where
24 the Japanese stood, so the Japanese ran away. I
25 ran away to help quickly my wife, gather those

1 things we had left, went back to the place where
2 my two children were, took them, and we went away.

3 "Q Was there anything on the end of the pole
4 that he took across the street to set fire to?

5 "A Yes, a white -- looks white. It is con-
6 sidered rags.

7 "Q Was the Bank of the Philippine Islands
8 burning when you left?

9 "A Yes, the whole down part was burning."

10 We offer in evidence IPS document No. 2861,
11 which is a transcript of the testimony of Rosa
12 Calalong, in the YAMASHITA trial, on rape in the
13 Manila Cathedral and the burning of the Cathedral
14 in February 1945.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 2861 will receive exhibit No. 1434.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1434 and received in evidence.)

21 MR. LOPEZ: From that document we read the
22 following:

23 Page 1, the 15th and 16th questions and
24 answers:

25 "Q Can you state to the Commission the

1 approximate number of persons that you saw there
2 in the cathedral?

3 "A There was lots of people; it is a very big
4 church, and it was very, very crowded.

5 "Q Would you say that there were 500 or 1000
6 or 1500 people there?

7 "A Maybe around 4000 or 5000; it is plenty.
8 There are very many."

9 Page 1, the last question and answer:

10 "Q Now, during the night did you see any
11 Japanese come into the cathedral building?

12 "A Yes, sir."

13 Page 2, the first question and answer:

14 "Q And for what purpose did they come into
15 the building?

16 "A I don't know, sir, but they went inside
17 the cathedral and they were going around, and then
18 afterwards they have been pulling girls outside of
19 the cathedral, and I saw two Japanese raping those
20 women right there in the cathedral, and one by
21 my side she is pregnant five months."
22

23 Page 2A, 8th through the 15th questions
24 and answers:

25 "Q Now, after you left the Cathedral, what
did you see, if anything, relative to the destruction

of the Manila Cathedral?

1 "A I see the Cathedral; I see it burning.

2 "Q You saw it burning?

3 "A Yes.

4 "Q Do you know what caused the fire that
5 burned the Manila Cathedral?

6 "A There is some explosion, plenty of explosion
7 inside the Cathedral.

8 "Q Are you sure those explosions were coming
9 from the inside of the Cathedral?

10 "A They are inside the Cathedral, yes. We are
11 here and the Cathedral is only on the next street.

12 "Q Were there any American bombings or shells
13 hitting in that area at that time?

14 "A There was no shelling yet.

15 "Q And no bombing yet?

16 "A No bombing yet.

17 "Q When you were in the Cathedral did you see
18 any signs of explosives being placed around inside
19 the building?

20 "A I just see those drums there, and supposing
21 this is the church here, the convent, there are
22 plenty of gasoline drums there.

23 "Q Around the church?

24 "A Yes."
25

1 We offer in evidence IPS document No. 2881,
2 which is a transcript of the testimony of Juan P.
3 Juan in the YAMASHITA trial on the burning of the
4 Philippine Red Cross building by Japanese soldiers
5 in February 1945.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2881 will receive exhibit No. 1435.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1435 and received in evidence.)

12 MR. LOPEZ: We read from that document the
13 following:

14 Page 7, the first five questions and
15 answers:

16 "Q Were you present in your home when the
17 Red Cross Building was destroyed?

18 "A Yes, I was.

19 "Q Will you tell the Commission how that
20 building was destroyed?

21 "A On the early morning of February 14th, or
22 when I was at the back yard of my building, I saw
23 flickering lights inside the room where the manager,
24 or Mr. Faralon, was, as I was actually in that room
25 there. I had been observing what was going on,

1 whether there was somebody inside the building, but
2 I didn't notice anybody. And for several minutes,
3 approximately less than half an hour, I noticed that
4 very suddenly the flickering light burst into flames,
5 and that part of the building where my daughter was
6 then enveloping in flames.

7 "Q Were any members of the Japanese forces in
8 your neighborhood at the time the building burned?

9 "A I did not notice any, but I noticed several
10 soldiers on that street in front of the Red Cross
11 Building.

12 "Q On that day?

13 "A On that day.

14 "Q Do you know whether or not the Red Cross
15 Building was hit by any shells prior to the time that
16 you saw it burn?

17 "A I didn't notice any."

18 Page 7, the last two questions and answers:

19 "Q (By Captain Hill) On the 14th, the day that
20 you saw the building burned, were those persons that
21 you saw in front of the headquarters building Japan-
22 ese soldiers:

23 "A They were Japanese soldiers, because they
24 had the uniform of the Japanese, and no other civilians
25 could roam around that building there."

1 We offer in evidence IPS Document No. 2880
2 which is a summary report dated September 27, 1946 of
3 physical destruction and other losses suffered in
4 the Philippines caused by Japanese aggression during
5 the period between December 8, 1941 to July 4, 1945.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2880 will receive exhibit No. 1436.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's document
11 No. 1436, and was received in evidence.)

12 We read from that document the following:

13 "Page 1, paragraphs 2, 3, 4, 5, 6, 7 and 8:

14 "The following table gives a summary of the
15 war losses sustained by the Philippines:

16 "Estimated Philippine War Damages (Partial):
17 Dec. 8, 1941 to July 4, 1945. Based on Reports received
18 by the Bureau of Census and Statistics up to June, 1946."
19
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12,562

1	<u>"Item</u>	<u>1941 Value</u>	<u>Percentage of</u> <u>distribution</u>
2	"Reel estate improvements....	539,374,320	19.7
3	Government corporations.....	81,756,232	3.0
4	Industrial and commercial		
5	properties.....	512,950,454	18.7
6	Public works improvements...	244,988,081	8.9
7	Government offices.....	125,663,477	4.6
8	Agriculture.....	281,170,790	10.3
9	Value of Japanese military		
10	notes issued.....	535,220,000	19.5
11	Personal effects.....	413,778,327	15.1
12	Libraries.....	<u>5,624,968</u>	<u>0.2</u>
13	TOTAL	<u>¥2,740,526,649</u>	<u>100.00</u>

14 "Reduced to physical quantities, these losses are
15 represented as follows:

16 "a. Destruction of houses.- About 270,000 private
17 structures were destroyed rendering from
18 1,500,000 to 2,000,000 persons homeless.

19 "b. Government buildings.- The destruction of
20 about 1,200 government structures has forced
21 the government to occupy private buildings
22 which could otherwise be utilized as dwellings.

23 "c. School buildings.- About 15,000 school build-
24 ings were destroyed, as a result of which thou-
25 sands of children of school age are out of school."

1 "The following table shows the estimated
2 number of structures damaged as a result of war
3 operations in the Philippines:

4 "ESTIMATED NUMBER OF BUILDINGS AND OTHER STRUCTURES
5 DAMAGED AS A RESULT OF WAR OPERATIONS IN THE
6 PHILIPPINES

7 December 8, 1941 - July 4, 1945

<u>Items</u>	<u>Number</u>
"Public school buildings.....	15,100
Government offices and other government	
structures.....	1,200
Private residences	269,950
Business houses	8,800
Private schools, colleges, hospitals	
and other structures	100
Churches, convents and other religious	
structures	<u>150</u>
TOTAL	<u>295,300</u> "

1 We offer in evidence IPS Document No. 2815
2 which is a summary of evidence of JAG Report No. 151
3 on the murder of civilians and the wanton destruction
4 of property in Malvar and Batangas Provinces in Jan-
5 uary and February 1945.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2815 will receive exhibit No. 1437.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1437, and was received in evidence.)

12 We read from that document the following:

13 "Page 5, paragraph 1, the last three sentences:--

14 THE MONITOR: Mr. Lopez, the document which
15 we have now is not marked. Will you kindly wait a
16 moment, please, Mr. Lopez? The document which we
17 have is not marked.

18 MR. LOPEZ: If you read order No. 25 in your
19 script there--

20 THE MONITOR: I will have the translator relay --
21 we will have relayed interpretation of this as the
22 original has not been marked.

23 MR. LOPEZ: If you read order No. 25 it would
24 facilitate our translation.

25 MONITOR: Mr. Lopez, this was originally

1 cancelled. However, the document is very short, so
2 we could do it very expediently.

3 MR. LOPEZ: All right. Correction, please.

4 We read from the document the following:

5 "Page 1, paragraph 1, the first three sentences:

6 "Early on the morning of 26 January 1945,
7 Japanese soldiers entered Barrio San Indres, Batangas
8 Province. They rounded up the inhabitants in small
9 groups and took them toward the school building.

10 About fifty blood-covered bodies were scattered over
11 the area, and three Filipinos, whose hands were tied
12 behind their backs, were bayoneted to death.

13 "Page 1, paragraph 2.

14 "On 19 February 1945, about thirty Japanese
15 soldiers and Makapilis approached the house of Santiago
16 de la PENA in Barrio Begong Pock, Malvar. The Japanese
17 surrounded the house which contained six persons and
18 one of the Japanese entered the home. After a little
19 while he came out, and the soldiers then took torches
20 and burned the house down. The bodies of the six
21 occupants were found in the charred ruins of the house."

22 We offer to be marked only for identification
23 IPS Document No. 2707 which is the Allied Translators
24 Interpreter Service Research Report No. 72 (Supplement
25 2), from which Documents Nos. 2707-D, 2707-K, 2707-H,

1 2707-F, 2707-J, 2707-R, 2707-S, which will be intro-
2 duced into evidence, have been reproduced. The use
3 of those excerpts was authorized by this Tribunal in
4 its order of 6 December 1946.

5 CLERK OF THE COURT: Prosecution's document
6 No. 2707 will receive exhibit No. 1438 for identifi-
7 cation only.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1438 for identification.)

11 We tender in evidence IPS Document No. 2707-D,
12 which is a bound mimeographed and handwritten file
13 of the Manila Navy Defense Force and Southwestern Area
14 Fleet Operation orders dated from 23 December 1944 to
15 14 February 1945.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 2707-D will receive exhibit No. 1438-A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1438-A, and was received in evidence.)

22 We read from that document paragraphs 4 and
23 6 on page 1:

24 "4. Be careful to make no mistakes in the
25 time of exploding and burning when the enemy invades."

1 "6. When killing Filipinos, assemble them
2 together in one place as far as possible, thereby saving
3 ammunition and labour.

4 "Disposal of the dead bodies will be trouble-
5 some, so either assemble them in houses scheduled to be
6 burned or blown up or push them into the river."

7 We offer in evidence IPS Document No. 2707-K
8 which is the English translation of extracts from a
9 diary dated 24 October 1944 to 31 December 1944, of
10 Warrant Officer YAMAGUCHI Yoshimi, assigned to 10 Tank
11 Regiment, under the command of Lieutenant Colonel
12 HARADA Kazuo.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 2707-K will receive exhibit No. 1438-B.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1438-B, and was received in evidence.)

19 We read from that document the third paragraph
20 on page 1:

21 "We are ordered to kill all the males we find.
22 Mopping up the bandits from now on will be a sight,
23 indeed."
24

25 "Page 2, 5th paragraph:

"Our aim is to kill or wound all the men and

1 collect information. Women who attempt to escape are
2 to be killed. All in all, our aim is extinction of
3 personnel."

4 THE PRESIDENT: It is now noon, Mr. Lopez.
5 We will adjourn until half-past one.

6 (Whereupon, at 1200, a recess was taken.)
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AFTERNOON SESSION

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3 The Tribunal met, pursuant to
4 recess, at 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. Lopez.

8 MR. LOPEZ: We offer in evidence IPS Document
9 No. 415, which is the English translation of extracts
10 from a captured diary of Private First Class MATSUOKA,
11 Itoji, 64th Infantry Regiment, 23d Division, dated
12 19 December, presumably 1944, to 27 March 1945.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution document
15 No. 415 will receive exhibit No. 1439.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1439, and was received in evidence.)

19 MR. LOPEZ: We read the following extract:

20 "27 Mar 45 Taking advantage of darkness,
21 we went out to kill the natives. It was hard for me
22 to kill them because they seemed to be good people.
23 Frightful cries of the women and children were hor-
24 rible. I myself stabbed and killed several persons."

25 We offer in evidence IPS Document No. 426,

1 which is the English translation of an extract from
2 the captured diary kept by a Japanese soldier, dated
3 24 April 1944 to 23 January 1945.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution document
6 No. 426 will receive exhibit No. 1440.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1440, and was received in evidence.)

10 MR. LOPEZ: We read that extract:

11 "Nov 44 - (TN Day not stated.) I cannot
12 remember the date, but we received information from
13 Lipa MP Squad that approximately 30 guerrillas attacked
14 Lipa Air Depot with hand grenades and other explosives,
15 and 11 of them were captured. The MP squad requested
16 that the GIGO Force dispose of the captured guerrillas.
17 During the night we dug holes here and there in the
18 coconut grove near the graveyard and bayoneted and
19 killed them. I noticed that some of them were small
20 like children. They had no strength at all since they
21 had not eaten for the last three days since their
22 capture by the MP unit. Their hands were tied behind
23 their backs, and they stood in front of the holes
24 with their heads bent slightly downward. It seemed
25 that their minds were already made up that they would

1 be killed, and they said nothing. Their hair was very
2 bushy. I was irritated. Later, one by one the mem-
3 bers of the section bayoneted the guerrillas. The
4 first one was bayoneted by SUZUKI, Yukimatsu. My turn
5 was the second one. The moment I bayoneted the victim
6 he cried 'Ah' and fell into the hole behind him. He
7 was suffering but I had no emotion at all. That may be
8 because I was so excited. After bayoneting them, we
9 covered them with soil and laid coconut leaves on top.
10 We returned to the company singing a military song at
11 2200 hours."

12 We offer in evidence IPS Document No. 2776,
13 which is an English translation of extracts from a
14 captured notebook diary belonging to a member of
15 Akatsuki 16709 Force, dated from 31 July 1944 to
16 21 February 1945.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution document
19 No. 2776 will receive exhibit No. 1441.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 1441, and was received in evidence.)

23 MR. LOPEZ: We read the following extracts:

24 "7 Feb 45 - 150 guerrillas were disposed
25 of tonight. I stabbed 10."

1 "9 Feb - Burned 1,000 guerrillas tonight.

2 "10 Feb - Guarded approx. 1,000 guerrillas.

3 "13 Feb - Enemy tanks are lurking in the
4 vicinity of Banzai Bridge. Our attack preparation
5 has been completed. I am now on guard duty at Guer-
6 rilla Internment Camp. While I was on duty, approx.
7 10 guerrillas tried to escape. They were stabbed to
8 death. At 1600 all guerrillas were burned to death.

9 "8 Feb - Guarded over 1,164 guerrillas which
10 were newly brought in today."

11 We offer in evidence IPS Document No. 428,
12 which is an English translation of an excerpt taken
13 from a loose, handwritten sheet containing battle
14 report, dated 13 April, presumably 1945, issued by
15 commanding officer of Ijichi Unit.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution document
18 No. 428 will receive exhibit No. 1442.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1442, and was received in evidence.)

22 MR. LOPEZ: We read the following excerpt:

23 "4. Number of rounds of ammunition expended --
24 28 rounds. (For killing natives).

25 "5. At 1200 hours today, 22 natives passed

1 in the vicinity of company positions. All were either
2 stabbed or shot to death by the remaining personnel
3 (those who returned from suicide assault mission, led
4 by Superior Pvt. HAYASHI of headquarters)."

5 We submit in evidence IPS Document No. 2749,
6 which is an English translation of an extract from a
7 bound, printed and mimeographed file containing
8 censored matters entitled "Police Affairs B No. 2
9 (Incoming Reports on Public Order)" dated 1 July 1943
10 to 12 January 1944, issued by 14th Army Military
11 Police Unit, owned by Tacloban MP Section, classified
12 "Military Most Secret," marked "To be kept for 5 years;"
13 seals read NAKANO (*1) and HIGASHIHARA (*2). 978 pages.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 2749 will receive exhibit No. 1443.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 1443, and was received in evidence.)
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1 MR. LOPFZ: We read from that document
2 the following:

3 "On 10 July, the Japanese troops gathered
4 all the men and boys at the church and questioned
5 those connected with the guerrilla unit. They had
6 them drink water and hit them on the cheeks. It
7 was pitiful, and I couldn't watch. They also shot
8 them and speared them to death with bamboo lances.
9 Indeed the Japanese Army does extreme things."

10 We offer in evidence IPS document No. 2777,
11 which is the English translation of an excerpt from
12 the bound handwritten notebook diary dated 14
13 November 1943 to 17 April 1945 belonging to a member
14 of the FUJITA (*1) Unit 3330 Force (TN 116 Fishing
15 Bn.) 123 pp.

16 THE PRESIDENT: Admitted on the usual
17 terms.

18 CLERK OF THE COURT: Prosecution's docu-
19 ment No. 2777 will receive exhibit No. 1444.

20 (Whereupon, the document above
21 referred to was marked prosecution's ex-
22 hibit No. 1444 and received in evidence.)

23 MR. LOPEZ: We read the following excerpt:
24 "13 Feb For security reasons, all inhabitants
25 of the town were killed and all their

1 possessions were confiscated.

2 "17 Feb 45 Because 90% of the Filipinos are not
3 pro-Japanese Army Headquarters issued
4 orders on the 10th to punish them. In
5 various sectors we have killed several
6 thousands (including young and old,
7 men and women, and Chinese). Their
8 homes have been burned and valuables
9 confiscated."

10 We offer in evidence IPS document No. 425,
11 which is the English translation of extract from a
12 captured bound diary-notebook dated July 1944 --
13 22 May 45. Owner and unit not stated.

14 THE PRESIDENT: Admitted on the usual
15 terms.

16 CLERK OF THE COURT: Prosecution's docu-
17 ment No. 425 will receive exhibit No. 1445.

18 (Whereupon, the document above
19 referred to was marked prosecution's ex-
20 hibit No. 1445 and received in evidence.)

21 MR. LOPEZ: We read the following extract:
22 "Feb 45 Every day is spent in hunting guerrillas
23 and natives. I have already killed well
24 over 100. The naivete I possessed at the
25 time of leaving the homeland has long

1 2850, which is an extract from statement made by
2 prisoner of war YANAGIZAWA Eiji, Australian, No.
3 JA 162002, a leading private of 9 Company, 3 Bat-
4 talion, 239 Infantry Regiment, captured by
5 Australian troops at Merasupe.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's docu-
8 ment No. 2850 will receive exhibit No. 1447.

9 (Whereupon, the document above
10 referred to was marked prosecution's ex-
11 hibit No. 1447 and received in evidence.)

12 MR. LOPEZ: We read from that document
13 the following:

14 "Cannibalism On 1 Nov 44 in a speech to
15 his troops, Maj Gen AOTU, 41 Division Infantry Group
16 commander, stated that troops must fight the Allies
17 even to the extent of eating them.

18 "On 10 Dec 44 an order was issued from 18
19 Army Headquarters that troops were permitted to eat
20 the flesh of Allied dead but must not eat their own
21 dead. At the time rumors were prevalent that troops
22 were eating their own dead. 15 Dec 44 four men were
23 executed by order of Maj MORIMOTO, commanding officer
24 of 2 Battalion for disobeying this order."
25

MOODY

DIRECT

1 We offer as our next witness Staff
2 Serpeant Samuel B. Moody, who will testify mainly
3 on the Bataan Death march.

4 - - - -

5 S A M U E L B. M O O D Y, called as a witness
6 on behalf of the prosecution, being first
7 duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. LOPEZ:

10 Q Please give us your full name, rank, serial
11 number and address.

12 A My name is Staff Sergeant Samuel B. Moody;
13 my army serial number of 11024156; and my home
14 address is 24 James Street, Lynn, Massachusetts.

15 Q How long have you been in the United States
16 regular army.

17 A I have been in the United States regular
18 army since November of 1940.

19 Q Were you in Bataan when the troops, under
20 Major General King, surrendered in April of 1942?

21 THE MONITOR: Mr. Lopez, will you speak
22 into the mike?

23 Q Were you with the troops of Major General
24 King that surrendered in Bataan in April of 1942?

25 A Yes, sir, I was.

MOODY

DIRECT

1 Q Did you take part in what is known as the
2 Bataan death march?

3 A Yes, I did.

4 Q How many days did it take you to make the
5 march?

6 A It took me seven days to walk 120 kilo-
7 meters.

8 Q Did the Japanese issue you food or water
9 during the march?

10 A No, sir, we received no food or water.

11 Q Where did you get your water to drink?

12 A We got our water to drink out of caribou
13 wallows and ditches alongside the highway.

14 Q If the Japanese did not provide you with
15 any food, how then were you able to eat during the
16 march?

17 A What food we received we received from
18 Filipinos, who would throw the food to us. The men
19 would break out of ranks and run into the fields
20 and gardens and get sugar cane stalks and a Philippine
21 vegetable called sinkamas.

22 Q Throughout the march how were you treated
23 by the Japanese?

24 A We were treated throughout the march by the
25 Japanese very badly. We were beaten, the men were

MOODY

DIRECT

1 bayoneted, stabbed, they were kicked with hobnail
2 boots.

3 Q Of your immediate friends who were with you
4 on the march, how many were killed either by bayonet-
5 ing or by shooting?

6 A Five, including my real close friend, Staff
7 Sergeant O.C. Jones.

8 Q Why were they killed?

9 A If any men lagged to the rear of the road,
10 fell off to the side, he was immediately bayoneted
11 and beaten. My friend Sergeant Jones had a severe
12 case of dysentery caused from drinking the muddy
13 caribou water.

14 Q You were talking about your buddy Sergeant
15 Jones, who had a severe case of dysentery. What
16 happened to him?

17 A When Sergeant Jones had fallen to the rear
18 of the column due to this case of dysentery, he was
19 bayoneted several times and beaten, and Sergeant
20 Jones died later on as a result of these beatings.

21 Q In the roadside as you marched along, did
22 you see littered on the highways dead bodies?

23 A Yes, I did. I saw many dead men, many of
24 whom were my friends. I also saw two dead women,
25 one of whom was pregnant. There was also a couple

MOODY

DIRECT

1 of dead priests that I saw, and as the Japanese
2 troops would come towards us as the men were marching
3 out of Bataan they were beaten by the incoming
4 troops and stabbed and bayoneted. Many times I
5 could look ahead and see my friends being stabbed
6 and beaten. Quite often I could hear groans of men
7 behind me that had received beatings from someone
8 in the rear.

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MOODY

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1 Q When you were confined as a prisoner of
2 war were you ever assigned to a Gapan bridge detail?

3 THE MONITOR: Will you repeat the question,
4 Mr. Lopez?

5 Q When you were confined as a prisoner in
6 Japanese hands were you ever assigned to a Gapan
7 bridge detail, G-a-p-a-n?

8 A Yes, I arrived at Gapan May first of 1942
9 with 200 enlisted men and 3 officers.

10 Q How were you treated there by the Japanese?

11 A Once again we were treated very badly. If
12 the men failed to count off in Japanese they were im-
13 mediately beaten, slapped, kicked, or hit over the
14 head with sticks.

15 Q Could you tell us what kind of work you were
16 put on?

17 A Well, I was the First Sergeant of the detail
18 and I didn't go out on the job, but the rest of the
19 men worked on bridge construction detail, carrying
20 heavy sand, lumber and other construction material.
21 The work there was so heavy and strenuous that many
22 of the men ruptured themselves.

23 Q How about the food given you?

24 A The food was a small amount of rice, the
25 skins of pigs, the rotten onions and squash that was

MOODY

DIRECT

left over from the Japanese kitchen.

1 Q And your Japanese guards, what were they
2 eating?

3 A The Japanese guards were eating meat, eggs,
4 lots of rice, sweet cakes, candied peanuts. They
5 had quite a bit of tobacco, and lots of beer.

6 Q How many died because of the work there in
7 Gatan?

8 A 37 men died in Gapan. I know this to be
9 a fact because I personally painted the crosses that
10 we put on the graves. I put each man in the casket
11 myself. There was 37 men.

12 Q Who prepared those caskets?

13 A The caskets were prepared in advance, due to
14 the fact that so many men were dying, there was always
15 three or four caskets ahead of time.

16 Q Did they provide you with any medicine?

17 A Yes, just once. There was so many men
18 dying of dysentery and malaria that we practically
19 demanded off of the commander of the camp some
20 quinine. We told him that quinine would save the
21 men's lives. Instead of bringing quinine they brought
22 a case of bromo-quinine, which is a mild laxative,
23 and made a strict order that every man would take
24 these pills every night.
25

MCODY

DIRECT

Q When were you moved out of the camp?

1 A We was moved out of the camp the last day
2 of June of 1942, due to the fact that there was no
3 more men left to work.

4 Q Now, out of the 203, more or less, men
5 that went out with you on that Japan bridge detail,
6 how many of you are alive today?

7 A Just seven.

8 MR. SOMIYA: Defense counsel SOMIYA, Shinji.

9 THE PRESIDENT: Counsellor SOMIYA.

10

11

CROSS-EXAMINATION

12

BY MR. SOMIYA:

13

14 Q I should like to ask of you, Mr. Witness,
15 something about the so-called Bataan death march.
16 Where did it begin and where did it end?

17 A The Bataan death march started at kilometer
18 post 181 and finished at San Fernando, Pampanga.

19 Q What was the distance between these two
20 points?

21 THE PRESIDENT: He gave us that. 120 kilo-
22 meters.

23 Q Do you know that Filipino POW's were released?

24 MR. LOPEZ: Objection, your Honor, as not
25 being covered by the direct examination.

MOODY

CROSS

1 THE PRESIDENT: Objection upheld.

2 Q Have you ever received cigarettes or
3 tobacco from Japanese troops, from Japanese soldiers?

4 A Not from the soldiers. We was issued them
5 the last year and a half of the war practically from
6 the Japanese Government, I imagine.

7 Q Are you aware of the fact that there is a
8 heavy penalty meted to Japanese troops who have vio-
9 lated discipline?

10 Mr. LOPEZ: Objection, your Honor, as a
11 point entirely irrelevant and immaterial.

12 THE PRESIDENT: Objection upheld.

13 Mr. Logan.

14 CROSS-EXAMINATION (Continued)

15 BY Mr. LOGAN:

16 Q Sergeant, who was, if you know, who was
17 the highest ranking officer of the Japanese on this
18 Bataan death march?

19 A I myself, I don't know who was the highest
20 ranking officer on the death march.

21 Q Do you know the rank of the officer in
22 charge?

23 A No, sir, I do not.

24 Q Do you know anything about any orders that
25 was given to the highest ranking Japanese officer on

MOODY

CROSS

1 that march?

2 MR. LOPEZ: Objection, as immaterial and
3 impertinent, your Honor.

4 THE PRESIDENT: Let him answer.

5 THE WITNESS: Would you mind repeating the
6 question?

7 Q Do you know of any orders that were given
8 to the highest ranking officer, Japanese officer,
9 who was in charge of the Bataan death march?

10 A Well, from what I seen of the death march,
11 it looked like there was lots of divisions and out-
12 fits the same as an American Army.

13 Q Perhaps I didn't make myself clear, Sergeant.
14 I want to know if you heard of any orders that were
15 issued by the Japanese to the highest ranking Japanese
16 officer who accompanied the men on that march?

17 THE PRESIDENT: Orders bearing on the
18 treatment of the prisoners.

19 A Well, the only thing I heard was that we
20 was all supposed to have been killed. I am a soldier.
21 I have done what I was told and I followed the rest
22 of the men.

23 Q But you didn't see such orders or hear such
24 orders read to you, or you don't know who issued such
25 orders, is that it?

MOODY

CROSS

1 A When we got to the main prison camp at
2 Camp O'Donnell the Japanese commander lined all the
3 American prisoners up -- this commander lined all
4 the prisoners up and he had a paper in his hand. It
5 was in the evening and we had just arrived there
6 and from what I could gather from his speech that he
7 made that night, we was supposed to be his slaves.

8 Q Was this after or before you began the march?

9 A This was at the end of the death march at
10 Camp O'Donnell.

11 Q My question, Sergeant, was directed to any
12 orders you may have seen or heard before the march
13 started.

14 A I know nothing of any orders about the
15 death march.

16 Q At this camp where there were 200 enlisted
17 men and 3 officers, including yourself, where you
18 stayed from May 1st to June 30, 1942, how many men
19 were there in that camp altogether?

20 A There was 200 enlisted men and 3 officers.

21 Q That is all?

22 A Yes, sir.

23 Q What was the highest ranking Japanese
24 officer there?

25 A A Captain.

MOODY

CROSS

1 Q Do you know of any orders that were issued
2 by him?

3 A Orders pertaining to what, sir?

4 Q Treatment of the prisoners.

5 A I do know that he allowed the Filipino
6 doctor, Dr. Tento, to come into the camp. This Dr.
7 Tento furnished medicine to American prisoners out of
8 his own pocket. As soon as the commander found out
9 that we was receiving medicine from the Filipino
10 doctor he wouldn't allow him to come back any more.

11 Q Do you know of any orders that were issued
12 to him by higher Japanese officers with respect to
13 treatment of prisoners?

14 A No, sir, I don't.

15 Q Sergeant, would you say that some of these
16 beatings that men received were due to language dif-
17 ficulties? By that I mean the prisoners not under-
18 standing the orders of the Japanese.

19 MR. LOPEZ: We object, your Honor, because
20 it is immaterial, impertinent and irrelevant. We
21 have language difficulties in this courtroom and
22 there is no beating going on.

23 THE PRESIDENT: It wouldn't justify bayo-
24 netings, but let him answer.

25 A That was one of the reasons we received

MOODY

CROSS

1 beatings. That went on right up until the last day
2 of the surrender.

3 Q Where were you transferred after June 30,
4 1942?

5 MR. LOPEZ: Objection, your Honor, because
6 it is beyond the scope of the direct examination.

7 THE PRESIDENT: Let him answer.

8 A To the main prison camp, Cabanatuan Camp
9 No. 1.

10 Q How were you treated at that camp?

11 MR. LOPEZ: Same objection, your Honor.

12 THE PRESIDENT: I think it is within the
13 scope of the examination in chief.

14 A Once again, I was treated very badly. I
15 was on the permanent grave detail there for prac-
16 tically three months.

17 Q Did you remain in this camp until the
18 surrender?

19 A No, sir, I didn't.

20 Q How long did you stay there?

21 A Three months.

22 Q And you transferred to another camp, I
23 suppose?

24 A Yes.

25 Q How was your treatment after June 30, 1942,

MOODY

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1 compared with the treatment you have described prior
2 to that date?

3 A My treatment after that got so bad that I
4 was blind. I had dysentery and malaria, and when I
5 was almost dead they took me to Bilibid Prison Hos-
6 pital, where I remained until I got well.

7 Q Did you get medical treatment?

8 A At Bilibid Hospital, yes.

9 Q How was the food you received after June
10 30, 1942, compared with that you received before?
11 I am speaking in general with respect to all the
12 other camps that you were at after June 30, 1942.

13 A The food after that was worse than at Gapan.
14 We was eating roots, leaves of trees, and just rice,
15 and, like I say, once before, the skins of pigs. The
16 food didn't improve until June of 1943.

17 Q And from that point on was your treatment
18 better?

19 A It was for me, yes.

20 Q Was there general disorder and confusion
21 between the period of April, 1942, and June 30, 1942?

22 A Yes.

23 Mr. LOGAN: That is all. No further cross-
24 examination.

25 THE PRESIDENT: The witness is released on

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the usual terms.

(Whereupon, the witness was excused.)

1 MR. LOPEZ: We offer in evidence IP# document
2 No. 2713, which is an affidavit of Major General Edward
3 P. King, Commanding General of the American-Filipino
4 Forces that surrendered on Bataan in April 1942.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 2713 will receive exhibit No. 1448.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1448 and received in evidence.)

11 MR. LOPEZ: We read from that document the
12 following: Page 1, all questions and answers through
13 the 2nd paragraph on page 2.

14 "Q. Will you please give your name and serial
15 number, sir?

16 "A. Edward P. King, Jr., 02442, Major-General,
17 AUt.

18 "Q. Were you the Commanding General of the
19 American forces on Bataan in April 1942?

20 "A. I was.

21 "Q. At what time did your forces surrender
22 to the Japanese?

23 "A. At about 2 A.M., April 9, 1942, I sent for-
24 ward with a flag of truce Colonel E. C. Williams, Colonel
25 J. K. Collier, my G-3, and Major Marshall Hurt, my .

1 Assistant G-3, to make an appointment for me to meet the
2 Japanese Commander of their forces on Bataan with a view
3 to surrendering. Colonel Williams was to make the ap-
4 pointment. Colonel Collier and Major Hurt were to get
5 word back to me of the appointment. Colonel Collier
6 and Major Hurt returned shortly after daylight and I
7 started forward with my two aides, Major Cothran and
8 Captain Achillo C. Tisdelle, Jr. Colonel Collier and
9 Major Hurt accompanied us in another car. On the way
10 forward, although carrying large white flags on our cars,
11 we were attacked repeatedly by light bomb and machine
12 gun fire from low-flying Japanese planes so that we were
13 compelled often to stop and take cover. It must have
14 been close to 10 o'clock when I reached Lamao, the place
15 to which Colonel Collier had directed me. At that place
16 I was received by a Japanese Major-General who informed
17 me, through a very poor interpreter, that he commanded
18 one division of the Japanese forces; that he had re-
19 ported my coming to Japanese headquarters in the Philip-
20 pines and that he had no authority to treat with me;
21 that another officer would be sent from Japanese head-
22 quarters to treat with me and that he would make no fur-
23 ther advance for thirty minutes while I decided what to do.
24

25 "Q. Do you know the Japanese General's name?

"A. I do not know the name of the Japanese

1 General. After some time, no Japanese officer having
2 arrived from Japanese headquarters, Colonel Williams
3 called my attention to the fact that the Japanese troops
4 had resumed their advance, and I immediately sent Colonel
5 Collier and Major Hurt back with instructions to direct
6 my units in the line of the Japanese advance to display
7 the white flag and to surrender and to go to my Command
8 Post and direct General Funk, my Chief of Staff, to order
9 all units to display the white flag and to give them-
10 selves up to the first Japanese who approached them.
11 Shortly after, an officer with an interpreter arrived
12 and I was told that the officer was a Colonel and that
13 he was General HOMMA's Chief of Staff, and that he had
14 come to discuss my surrender with me, as General HOMMA's
15 representative. I was concerned only with the treatment
16 that my men would receive and whether they would be
17 treated as prisoners-of-war. The Japanese officer de-
18 manded my unconditional surrender. I attempted to se-
19 cure from him an assurance that my men would be treated
20 as prisoners-of-war. He accused me of declining to
21 surrender unconditionally and of trying to make a con-
22 dition. We talked back and forth in this vein for some
23 time-- I should guess about a half hour. Finally he
24 said to me, through the interpreter, 'The Imperial
25 Japanese Army are not barbarians'. With that assurance

1 I had to content myself and surrender,

2 "In destroying arms and equipment in preparation
3 for surrender I had reserved enough motor transportation
4 and gasoline to transport all of my troops out of Bataan.
5 I endeavored, prior to surrender, to secure an assurance
6 that this might be done. I plead, after my surrender,
7 that this be done, offering to furnish personnel as might
8 be required by the Japanese for this purpose or to assist
9 in any way that they might require. The Japanese told
10 me that they would handle the movement of the prisoners
11 as they desired, that I would have nothing to do with it,
12 and that my wishes in that connection could not be con-
13 sidered."

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1 MR. LOPEZ: We offer in evidence IPS
2 Document No. 2879 which is the transcript of the
3 testimony in the HOMMA trial of Basilio Hernandez,
4 Chief of Casualty Division of the Filipino Army,
5 on the number of Filipino troops on Bataan.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2879 will receive exhibit No. 1449.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1449 and received in evidence.)

12 MR. LOPEZ: We read from this document
13 the fourth question through to and including the
14 sixth answer:

15 "Q Now, based on the records presently in
16 the A. G. Office, and from your knowledge, having
17 been on Bataan at the time of the surrender, can
18 you tell the Commission the number of Filipinos,
19 Philippine Army forces, in Bataan at the time of
20 the surrender?

21 "A Approximately 53,000.

22 "Q Will you repeat that?

23 "A Approximately 53,000.

24 "Q Can you estimate the number of Philippine
25 Scouts that were in Bataan at that time?"

1 "A I quite remember there were 12,000 Philip-
2 pine Scouts before the outbreak of the war. I
3 understand they were all committed to Bataan at
4 the date of surrender, but I can't tell the exact
5 number at the date of surrender. I know they were
6 committed before the date of surrender."

7 We offer in evidence IPS Document No. 2809,
8 which is a summary of evidence of JAG Report No. 75
9 on deaths, mistreatment of and living conditions
10 at Camp O'Donnell between the period of April 1942
11 to December 1942, where more than 1500 American
12 prisoners-of-war, and approximately 26,000 Filipino
13 prisoners died.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 2809 will receive exhibit No. 1450.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1450 and received in evidence.)

20 MR. LOPEZ: We read that document in its
21 entirety:

22 "Over nine thousand American and about forty-
23 seven thousand Filipino prisoners-of-war were im-
24 prisoned in Camp O'Donnell, and all had surrendered
25 on 9 April 1942 upon the capitulation of the American

1 Forces on Bataan. Many of them had made the so-
2 called 'Death March' from Bataan to San Fernando
3 and thence on to Camp O'Donnell. As a result of
4 this trip and the privations they had endured just
5 prior to their surrender, all of the prisoners
6 reached Camp O'Donnell in a state of exhaustion.
7 Upon arrival at the camp, the prisoners were searched,
8 and some were killed by the Japanese when found to
9 possess Japanese money or souvenirs. Other groups
10 of American and Filipino prisoners of war were
11 executed, or taken from camp under guard and never
12 heard of again.

13 "Most of the deaths in Camp O'Donnell were
14 due to dysentery and malaria coupled with malnutrition,
15 and many of these deaths could have been prevented
16 had the Japanese furnished adequate food, shelter,
17 clothing, water, sanitation facilities, and medicine
18 and hospital care. The quarters provided for the
19 prisoners were overcrowded and inadequate to protect
20 them from the weather. Only open latrines of the
21 'straddle trench' type were available, but many of
22 the prisoners were too weak from illness to use them,
23 and flies and filth were everywhere. No screens were
24 provided for the kitchen and food was contaminated by
25 flies from the open latrines. Food was inadequate,

1 consisting only of a bowl of rice sprinkled with
2 salt, camotes, with occasionally a little watery soup
3 made from greens, but this was later increased until
4 the men began to gain a little weight. The death
5 rate mounted to nearly sixty per day during the
6 first two months of imprisonment. During the first
7 few months at Camp O'Donnell the prisoners were not
8 allowed to use water for bathing, and conditions in
9 the hospital were most unsanitary due to the inability
10 of the patients to move to the latrines. There were
11 no beds nor bedding, and the patients were crowded
12 on the floor and under the building, with no pro-
13 tection from insects, flies, and the weather. Repeated
14 requests for medicine and hospital equipment were
15 refused. More than fifteen hundred American prisoners -
16 of-war died in Camp O'Donnell between the period
17 18 April 1942 to December 1942 (Exhibit D); and
18 approximately twenty-six thousand Filipino prisoners
19 died during that period (R 9, 209).

20 "American and Filipino prisoners were forced to
21 stand in the hot sun without hats for many hours
22 for minor violations of prison regulations. Others
23 were beaten with rifles, scabbards, and bamboo poles
24 when they fell, exhausted, while at work. Beatings
25 of the prisoners on work details by the Japanese guards,

1 with bayonets, clubs, and pick handles were common
2 occurrences.

3 "Many of the prisoners were forced to bury the
4 dead, build fences, and dig latrines, though they
5 were physically unfit to perform such labor because
6 of illness and malnutrition.

7 "Upon arrival at Camp O'Dornell, the prisoners
8 were forced to place all their personal belongings
9 on their blankets, and the Japanese confiscated all
10 money, jewelry, watches, and equipment including
11 medical supplies, although some of the officers were
12 allowed to keep a blanket.

13 "The prisoners were required to bury their
14 own dead in graves containing twelve to sixty bodies
15 each, without regard to proper identification of the
16 graves or positions of the bodies. Sixty-five who
17 died were listed as unknown. On some occasions they
18 were forced to bury men who were still alive.
19 Frequently the Japanese would not grant permission
20 to bury the dead, and bodies were left exposed to
21 the sun for two or three days at a time before
22 permission was granted to bury them.

23 "On several occasions representatives of the
24 Red Cross and other charitable organizations attempted
25 to bring medicine and supplies to alleviate the

1 condition of the prisoners, but they were turned away
2 at the entrance to the camp. When supplies were
3 allowed to be brought in by charitable organizations,
4 the Japanese confiscated much of it for their own
5 use and only allowed the prisoners to have what was
6 left."

7 We introduce in evidence IPS Document
8 No. 2831, which is a summary of evidence of the
9 report on atrocities at Bataan General Hospitals
10 No. 1 and 2 in April 1942.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 No. 2831 will receive exhibit No. 1451.

14 (Whereupon, the document above re-
15 ferred to was marked prosecution's exhibit
16 No. 1451 and received in evidence.)

17 MR. LOPEZ: We read that document in its
18 entirety:

19 "On 9 April 1942, the American forces at Bataan
20 Peninsula surrendered to the Japanese, but it was
21 not until about six weeks later that Corregidor
22 and Fort Drum capitulated. During this interval
23 Japanese artillery on Bataan was continually duelling
24 with the American guns on Corregidor and Fort Drum.

25 "The chief complaint against the Japanese seems

1 to be that they placed field pieces and tanks in
2 close proximity to the Bataan hospital where approxi-
3 mately seventy-five hundred American and seven
4 thousand Filipino patients were being treated. The
5 artillery was placed so close to the hospital that
6 it was obvious that the Japanese intended to use the
7 hospital as a shield against answering fire from
8 the American guns particularly since the patients
9 could have been evacuated. One patient saw twenty-
10 three Japanese guns from his place in the hospital.
11 When complaints were made to the Japanese about the
12 proximity of their artillery, Japanese officers replied
13 that the guns would not be moved until Corregidor
14 surrendered to the Japanese. As a result of placing
15 these guns so near the hospital, at least five
16 American patients in the hospital were killed and
17 many others wounded by gunfire from the Americans on
18 Corregidor and Fort Drum.

19 "After the American forces on Bataan surrendered,
20 Japanese confiscated medical supplies and almost all
21 of the food at the hospital, leaving only some fruit
22 juices, canned milk, and dirty, wormy, mouldy rice.
23 While the prisoners and patients were forced to live
24 on this meager diet, Japanese soldiers were eating
25 meals which included vegetables and meat."

1 "An American nurse was raped by Japanese soldiers
2 and apparently no disciplinary action whatever was
3 taken against the offenders.

4 "American prisoners were forced to haul Japanese
5 field pieces to various locations on Bataan for
6 use against the American forces on Corregidor.

7 "Filipino patients who were barely able to walk,
8 were forced to leave the hospital and join the
9 'death march'.

10 "Prisoners' personal effects were looted by
11 Japanese."

12 THE PRESIDENT: We will recess for fifteen
13 minutes.

14 (Whereupon, at 1445, a recess was
15 taken until 1500, after which the proceedings
16 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 MR. LOPEZ: If your Honor please, we offer
4 in evidence IPS document No. 2799 which is a summary
5 of evidence of JAG Report No. 189 on mistreatment and
6 improper conditions of American and Filipino prisoners-
7 of-war in Corregidor in the summer of 1942.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 2799 will receive exhibit No. 1452.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1452 and received in evidence.)

14 MR. LOPEZ: We read from that document, para-
15 graph 2:

16 "Shortly after the capitulation of Corregidor,
17 approximately ten thousand American and Filipino pris-
18 oners-of-war were crowded into a small area, formerly
19 the 92nd Coast Artillery Corps Garage area. Conditions
20 were so crowded that the prisoners were unable to move
21 during the night without disturbing sleeping companions
22 who were packed side by side. No shelter whatsoever
23 was furnished to protect the prisoners from the rain
24 or from the heat of the sun. Sanitary facilities
25 consisted only of an open slit trench, and no chemicals

1 or disinfectants were made available to improve
2 the sanitary conditions. Water was obtained from
3 two wells which were sunk below sea level, and the
4 water was salty and unpalatable. The prisoners
5 were given inadequate food, although ample supplies
6 were available and stored in the tunnels of Cor-
7 regidor. The men were forced to load captured
8 American supplies on Japanese ships. Many of the
9 prisoners were suffering from illness, some had
10 been wounded in combat, and all were suffering
11 from the privations endured in the days preceding
12 the surrender. Yet, in spite of the great need
13 for medicine and medical care, none was furnished.
14 The Japanese guards brutally beat the American
15 prisoners at the slightest provocation or for minor
16 infractions of the rules. As a result of the above
17 conditions and treatment, many of the prisoners
18 died."

19 We offer in evidence IPS document No. 2870
20 which is an affidavit of James E. Strawhorn regarding
21 tortures, abuses, mistreatment, and improper condi-
22 tions at the Prisoners of War Camp at Nicholes Field
23 and Pasay.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

1 or disinfectants were made available to improve
2 the sanitary conditions. Water was obtained from
3 two wells which were sunk below sea level, and the
4 water was salty and unpalatable. The prisoners
5 were given inadequate food, although ample supplies
6 were available and stored in the tunnels of Cor-
7 regidor. The men were forced to load captured
8 American supplies on Japanese ships. Many of the
9 prisoners were suffering from illness, some had
10 been wounded in combat, and all were suffering
11 from the privations endured in the days preceding
12 the surrender. Yet, in spite of the great need
13 for medicine and medical care, none was furnished.
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16 infractions of the rules. As a result of the above
17 conditions and treatment, many of the prisoners
18 died."

19 We offer in evidence IPS document No. 2870
20 which is an affidavit of James E. Strawhorn regarding
21 tortures, abuses, mistreatment, and improper condi-
22 tions at the Prisoners of War Camp at Nicholes Field
23 and Pasay.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

No. 2870 will receive exhibit No. 1453.

(Whereupon, the document above referred to was marked prosecution's exhibit No. 1453 and received in evidence.)

MR. LOPEZ: We read from the document the following: Page 1, the last two questions and answers, and paragraphs 1-7, inclusive, on page 2:

"Q Did you witness any atrocities or mistreatment of American citizens at any time?

"A Yes. I would like to tell you about the torture methods employed by the Japanese at Nicholas Field, P.I., between 8 September 1942 and 14 July 1944.

"Q State what you know of your own knowledge about those incidents.

"A The men were allotted a certain amount of work to be done each day. Due to physical conditions of the men and to weather conditions, it was in most instances impossible to perform the required amount of work in the time allotted. If the assigned tasks were not completed within the time limit, the men would be lined up and flogged by Japanese armed with pick handles, rifle butts, etc. In such instances, many arms, legs and backs were broken and if a man fell to the ground, the Japanese would beat him over

1 the head until he was unconscious. This was a
2 common occurrence. It was amazing to me how men
3 could take such punishment and still survive. I
4 personally have been beaten unconscious.

5 "Another form of torture was to make a
6 person stand at attention in the hot sun with a
7 bucket full of water on his head. If any of the
8 water was spilled, the man was beaten as indicated
9 above.

10 "Another common practice was to tie a man
11 to a board with his head lower than his feet and
12 then pour salty water into his mouth. In that posi-
13 tion, he had to swallow and the brine solution
14 would cause his stomach to swell. The Japanese
15 would then jump on his stomach with their feet. In
16 like manner the Japanese often forced a water hose
17 down a prisoner's throat and thus filled his stomach
18 with water until he became painfully swollen and
19 then they would jump on his stomach.

20 "Still another form of punishment was to
21 tie a man's hands behind his back and draw his
22 hands up between his shoulders with a rope suspended
23 over the limb of a tree and let him hang with his
24 feet just off the ground. This usually pulled both
25 arms out of socket. While at this camp, I personally

1 hung as long as twenty-four hours in that position.
2 No food or water was given during that time and I
3 was under no shelter, exposed to the searing sun
4 all day and to a heavy downpour of rain during the
5 night. During this time, I was beaten with plaited
6 rope and hit about the face and head with a pistol
7 butt. This occurred in September 1943.

8 "On one occasion, my hands were tied
9 behind my back and I was forced to kneel on the
10 ground. A piece of timber was placed behind my
11 knees and I was made to squat on that piece of
12 timber. This resulted, as a rule, in dislocation
13 of the knee joints and cut off all circulation. I
14 was forced to remain in that position for about
15 three hours.

16 "It was common practice for any and all
17 Japanese to abuse prisoners-of-war by hitting them
18 over the head with tent stakes, pistol butts, etc.,
19 for any and all minor offenses and quite often for
20 no offense whatsoever.

21 "The above recounted torture methods were
22 administered by W/O KAJUKI and several of his aides.
23 The aides are recalled only by the names of 'Pistol
24 Pete,' 'Saki Sam' and 'Cherry Blossom.' There was
25 also a warrant officer at this prison camp who was

1 known only as 'Harvard' because he was a graduate
2 of Harvard University. He spoke, read and wrote
3 English exceptionally well. He, too, participated
4 in administering the above described punishments.
5 The above torture methods, it is believed, were
6 committed and witnessed by higher authority, in-
7 cluding the Admiral in charge of Pasay Camps,
8 without any interference."
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INGLE

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1 We present as our next witness, Donald F.
2 Ingle, to testify as to mistreatment, torture, and
3 improper conditions at the Prisoners of War Camps at
4 NicholesField and Pasay.

- - - -

5 D O N A L D F. I N G L E, called as a witness on
6 behalf of the prosecution, being first duly
7 sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LOPEZ:

10 Q Please give us your full name, age, position
11 and address?

12 A My name is Donald Ingle, age is 27 and my
13 permanent address is Laurel, Illinois.

14 Q Were you with the United States Army that
15 surrendered at Bataan in April of 1942?

16 A Yes.

17 Q At the time of surrender what was the state
18 of your health?

19 A Well, in the first part of April of 1943 I had
20 contracted malaria and it was suspected that I had
21 pneumonia, so I was sent to the rear to Field Hospital
22 No. 1. About 30 minutes after my arrival there Japanese
23 planes appeared overhead and bombed the hospital on
24 3 consecutive runs.
25

INGLE

DIRECT

1 Q Were you wounded?

2 A I was wounded, well, minorly, in the right
3 shoulder.

4 THE PRESIDENT: Did the hospital have Red
5 Cross signs of any kind?

6 THE WITNESS: Yes, the hospital was plainly
7 marked.

8 Q What part of the building was marked?

9 A There were several wards and on the top of
10 each of the buildings was a large red cross.

11 Q At the time of the actual surrender where were
12 you, please?

13 A I was at -- Just after the bombing a medical
14 officer came by and asked if I was seriously wounded.
15 I told him, "no," and he ordered me to leave the area.
16 So, I wandered up the road about a kilometer to USAFFE
17 Headquarters bivouac area at Kilometer Post 165.

18 Q Were you in bed when the first Japanese
19 soldier approached and placed you under arrest?

20 A I was lying on a stretcher under a tree. It
21 was the only type of bed available. I was --

22 Q Where were you lying in this stretcher?

23 A In the USAFFE bivouac area.

24 Q I said, "why?"

25 A I did have bronchial pneumonia and malaria. My

INGLE

DIRECT

1 temperature was 105.6.

2 Q What did the Japanese soldier do to you?

3 A The first one that approached prodded me in
4 the back with a bayonet, ordered me to stand up. Well,
5 I complied with as much alacrity as possible and in
6 the next few minutes he took from me my watch, ring
7 and everything in my billfold with the exception of
8 a couple of pictures which I managed to convince him
9 were those of my mother.

10 Q Did he see that you were plainly sick?

11 A I would say it was comparatively obvious.

12 Q Despite the fact that you were sick were you
13 forced to join the Death March?

14 A Yes.

15 Q How long did it take you to make it?

16 A 9 days.

17 Q During the march did you have food and water
18 provided for you by the Japanese?

19 A For the first five days not a drop of food
20 or water or rest was given by any of the Japanese.

21 Q Where did you get your water?

22 A Well, there were many that didn't get any, many
23 that died that tried to get water. All that was avail-
24 able was from an occasional artesian well along the side
25 of the road or possibly a caribou well. That water in

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1 the ponds and in the ditches was so polluted that it
2 was highly dangerous to drink and that which came
3 from the artesian wells was of such small amount that
4 when the great numbers of men tried to get it, well,
5 the troops would simply raise their weapons and fire
6 into the group and when the smoke and dust cleared
7 away it was proven that pure water could cause your
8 death as well as polluted water.

9 Q During the first five days how were you able
10 to manage to get some food, if at all?

11 A The Filipino civilians tried on many occasions
12 to give food to the men that were marching. However,
13 they done so at the risk of their lives and a lot of the
14 civilians did lose their lives trying. Other than that,
15 only an occasional sugar cane patch offered food and
16 even that was at the risk of your life.

17 Q How were you treated during the march by the
18 Japanese guards?

19 A Well, even the lack of food could have been
20 stood and I suppose that going without water could have
21 been taken, but a person must have rest. But the
22 continued marching and sitting for hours in the hot sun,
23 undergoing search after search by members of the Japanese
24 Army, continual harrassing; members, friends, buddies
25 right close being taken out of column and shot or

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bayoneted for no reason, was a continual victim.

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1 Q Do you recall a Captain by the name of --
2 a Chaplain by the name of Captain Day?

3 A Yes, he is an Episcopalian Chaplain, I
4 believe.

5 Q Was he with you during the march, please?

6 A There were thousands of men in the march
7 but we ordinarily were segregated into groups of
8 one hundred, for the convenience of the guards, I
9 would assume, and Chaplain Day was in the same group
10 of one hundred that I was in.

11 Q Will you kindly tell us what happened to
12 the Chaplain, Captain Day, during the march?

13 A Well, Chaplain Day had taken a drink
14 from a stream or pond beside the road and had con-
15 tracted dysentery. As a result it was necessary for
16 him to answer Nature's call several times every day
17 every few minutes. His usual procedure was to step
18 out of line quickly, relieve himself and back into
19 the column. It was only a matter of a few seconds.
20 On one occasion he followed the same procedure and
21 a Japanese guard nearby spotted him and immediately
22 charged up. Well, before the Chaplain could regain
23 his place in ranks the Japanese charged and wounded
24 him with his bayonet.

25 Q After the Chaplain was wounded did you

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1 aid him, Mr. Ingle?

2 A I was one of several that helped to aid
3 him. I personally helped carry him until the next
4 rest period and throughout the following days we
5 took turns, two men at a time helping the Chaplain
6 on the march.

7 Q Could the Japanese guards see with their
8 own eyes that here is a Chaplain wounded?

9 A Rank or branch of service meant nothing.
10 As I just stated, we were in groups of one hundred
11 and I recall one day very vividly there were sixteen
12 Americans out of the group of one hundred men that
13 I was in -- sixteen of those men were taken from
14 the ranks and bayoneted, killed, and left by the
15 roadside in one day.

16 Q What I was trying to say to you, Mr. Ingle,
17 was this: Notwithstanding the fact that Captain
18 Day was wounded, he was made to continue to march
19 and he was given no medical treatment; was that it?

20 A Not only wasn't he given any medical treat-
21 ment but if we had not been able to assist him or
22 hadn't assisted him, then he, too, would have been
23 left by the roadside because they would not tolerate
24 anyone not being able to walk.

25 Q How many cases of killings and bayonettings

INGLE

DIRECT

1 or shootings did you actually see during the march?

2 A That I couldn't say accurately. I would
3 say that when a thing becomes so commonplace you
4 lose track of the importance of it so after the
5 first few hundred I didn't try to keep track.

6 Q Those who were killed during the march,
7 were they buried?

8 A They were usually rolled to the roadside.
9 I have seen on occasions some of them buried, but
10 mostly they were left lying where they were killed.

11 Q On the sixth day of your march how was it
12 that you were able to get some food?

13 A We were informed through an interpreter
14 that if we would turn in our watches, rings, and
15 whatever valuables we had that we would be given
16 food. By that time there was very few men that
17 had those same valuables; however, those that did have
18 were more than glad to give them up on the prospect
19 of being fed and they did so. Well, we received
20 the food that was promised all right. It was about,
21 I would say, a teacupful of boiled rice, nothing
22 more, nothing less, just boiled rice.
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1 Q Were you given some salt to make it quite
2 palatable?

3 A No salt.

4 Q On the 9th day what happened to you and
5 your group?

6 A Well, we felt pretty relieved on the 9th
7 day because we were informed we wouldn't walk any
8 more; we were going to ride. However, the relief
9 was relatively short-lived. We found that we were
10 to be crowded into the real small Filipino railroad
11 cars, 100 men to the car.

12 Q Could you give us a rough idea of how
13 jammed you were in one small car with 150 persons in?

14 A With that many men in one car there were
15 a number of men that never touched the floor from
16 the beginning of the trip to the end. There were
17 several men that fainted from lack of air in the
18 back part of the car, and those men couldn't be
19 tended; they couldn't be given any treatment because
20 of the close quarters. There was four guards in the
21 car, and they kept the space directly in front of
22 the doors, and whenever the train stopped at each
23 stop along the way the Filipino civilians tried to
24 give us food and water, but the guards would run
25 them away.

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20 of the close quarters. There was four guards in the
21 car, and they kept the space directly in front of
22 the doors, and whenever the train stopped at each
23 stop along the way the Filipino civilians tried to
24 give us food and water, but the guards would run
25 them away.

INGLE

DIRECT

1 Q Mr. Ingle, on the 27th of May, 1942, where
2 were you sent out?

3 A Well, I had been at Camp O'Donnell from
4 April 17 until this date, and I was selected along
5 with a detail of 300 men to leave on a road-building
6 detail under the supervision of the Japanese. We
7 were informed we were being sent to the jungle-
8 infested province of Tayabas to build roads and
9 bridges. En route to Tayabas we passed through
10 Pasay, and I had become ill again, and there, along
11 with seventeen other men, I was taken from the
12 detail and replacements were put in our places.

13 Q In the middle of August of the same year
14 did you happen to meet those people with whom you
15 were to be sent out to Tayabas?
16

17 A Yes. In the interim of six weeks I had
18 been sent back to Bilibid, and then in August seventy-
19 five men returned from Tayabas from that detail.
20 They were a deplorable-looking bunch of sick, blind --
21 some men were being carried on make-shift stretchers,
22 some of them so weak they could hardly walk. Among
23 those seventy-five men were two very close buddies
24 of mine: one, Cheslin, from Los Angeles, whom I
25 served with in the 31st Infantry; and another, James
Combs, an air corps man, from Crown, Kentucky. These

INGLE

DIRECT

1 men told me of the work that they had been forced
2 to do at Tayabas of building roads through the
3 jungle, with no shelter, extreme torture, working
4 without food or proper medicine to offset the disease
5 that was eating away at their lives.

6 Q What happened during that period -- what
7 became of you?

8 A Well, I guess I had everything that a
9 prisoner-of-war had. I was blind, had beri-beri,
10 both wet and dry, dysentery, pellagra, scurvy.

11 Q Have you been at Nicholes Field Camp and
12 Pasay School Camp?

13 A Yes.

14 Q When?

15 A I went there on June 8, 1943, and I left
16 about July 15 or 14, 1944.

17 Q At that time what was Nicholes Field in
18 relation to military installations of the Japanese
19 in the Philippines?
20

21 A Well, with the aid of prison labor they
22 were trying to move a mountain to fill in rice
23 paddies to build an air field for their planes to
24 land on.

25 Q Military planes?

A Yes.

INGLE

DIRECT

1 Q What was the nature of your work in the
2 field?

3 A Well, it was of a pick and shovel nature,
4 manual labor work, moving, as I said, a hill to
5 fill the lower regions that were formerly rice
6 paddies. It consisted of loading cars with rocks
7 and dirt and sand, pushing them down tracks about
8 a kilometer long, and making a runway.

9 Q How many carts were you required by the
10 Japanese to haul and push a day along that one
11 kilometer stretch?

12 A When I first went there the number was
13 eleven, and when I left a year later we were getting
14 twenty-three.

15 Q If you couldn't make your daily quota,
16 what would happen to you or any other prisoner there?

17 A We would get about as unmerciful a beating
18 as you ever witnessed. It took place with pick
19 handles, rifle butts, strips of bamboo lashed
20 together, and fists -- any sort of club available.

21 Q Was there anyone among the American prisoners-
22 of-war in Nicholes Field that ever escaped a beating?
23

24 A I won't try to say outright, but I doubt it
25 very much.

Q How about you, Mr. Ingle?

INGLE

DIRECT

1 A Well, for an example, the first part of
2 October I had gotten the dysentery, and I, too, had
3 to answer nature's calls pretty frequently. Well,
4 after a pleasant three-mile or approximately three-
5 mile walk to the field I was ready to answer a call
6 again. Soon I went to a straddle-trench area, I
7 would say, off-hand, about forty yards from the
8 Japanese supervisor's field office. There, under
9 the watchful eye of a Japanese sentry, I attended
10 my needs, but while I was there the count took
11 place, and I was counted missing; even though I
12 was in plain view of the office that meant nothing.
13 So when I reported back to my group the man in
14 charge, a Japanese called IKODA, or better known
15 to the men as "Wolf," became quite infuriated.
16 He, along with his interpreter, a Japanese known
17 as ESUMIDA-san, or nicknamed Ned,, proceeded to give
18 me a workout, just a simple expedient of making me
19 stand at attention and knocking me down. As soon
20 as I was down it was only a matter of kicking me
21 a few times and I could get up in about fifteen
22 minutes. I became almost insensible to pain. My
23 face was quite badly cut, and then I was dismissed
24 to go to work.

25 Q Do you recall Red Savage in the camp?

A Yes.

INGLE

DIRECT

1 Q Will you very briefly tell us what happened
2 to him, please?

3 A Yes. This took place in October, too. It
4 was another case of dysentery. In our group of 300
5 men only 16 were allowed to stay in camp for illnesses
6 or whatever the case may be. If the number exceeded
7 16 men, someone had to go to work. Well, in this in-
8 stance it was Red Savage. In a few days he became so
9 weak and sick that he could hardly make it to the
10 field let alone doing his work after he got there.
11 On this specific day when it came time for the noon
12 meal period, Red decided, I guess, that -- or, at least,
13 he didn't show up to eat his lunch. He stayed out at
14 the track where he worked.

15 MR. LOGAN: May I inquire, if the Tribunal
16 please, if this witness is testifying from notes?

17 WITNESS: Definitely not.

18 Q In other words, what happened to him?

19 A He was missed about 1:30 or 2 o'clock in the
20 afternoon, and immediately the guards and track bosses
21 took the remaining men to the area around the "Wolf's",
22 I should say the Japanese supervisor's office, and
23 made us sit in the shade while they searched for him.

24 Q Without going into any details, was he killed?

25 A Yes.

INGLE

DIRECT

1 Q Was he first tortured before he was killed?

2 A Yes.

3 Q You saw the killing?

4 A No. I heard the shot.

5 THE PRESIDENT: Why do you lead?

6 WITNESS: Pardon?

7 THE PRESIDENT: Why are you leading him like
8 that on an important matter? You are only diminishing
9 the effect of his testimony when you do that.

10 MR. LOPEZ: It is a question of time again,
11 your Honor, please.

12 THE PRESIDENT: We can spare the time to get
13 these details.

14 Q When you entered the Japanese camp what was
15 your weight, Mr. Ingle?

16 A Approximately 150 to 155 pounds.

17 Q In Nicholes Field how much did you weigh?

18 A At Nicholes Field I was as low as 88 pounds.
19 I worked every day when I weighed 105-110 pounds.

20 MR. LOPEZ: That is all for the witness.

21 THE PRESIDENT: Mr. Logan.

22 CROSS-EXAMINATION

23 BY MR. LOGAN

24 Q If the Tribunal please. Did you hold a com-
25 mission -- Mr. Ingle, is it?

INGLE

CROSS

1 A No.

2 Q I understand when you were taken prisoner
3 your temperature was 105.6, and you said that the
4 Japanese soldier obviously knew you were sick. How
5 did he know that?

6 A Because I was lying on a stretcher in the heat
7 of the day covered with about five blankets and a
8 shelter-half.

9 Q Were you in the hospital?

10 A No.

11 Q Have you ever testified in any cases before?

12 A No.

13 Q With respect to any atrocities?

14 A No.

15 Q Do you know anything about who was in command
16 of this Bataan death march?

17 A I didn't know the man personally, but it was
18 General HOMMA from newspapers and, well, rumor -- that
19 would be discounted I suppose, but the talk was General
20 HOMMA. He was everything, General HOMMA, he was in
21 all the Philippine newspapers at that time.

22 Q Was that the General HOMMA who was executed?

23 A Yes.

24 Q But you don't know what rank the officer had
25 who was in charge of the march itself, do you?

INGLE

CROSS

1 A How could I?

2 Q I do not know, Mr. Witness, I was not there.
3 I thought you might know.

4 A I was a prisoner of people whom I had never
5 seen except in markets in the United States. I didn't
6 at that time know anything about the ranks in their
7 military organizations.

8 Q You sound rather bitter about this, Mr. Ingle.
9 Are you?

10 A Well, there are several thousand buddies
11 that aren't here today that would be here if it weren't
12 for that. Use your own judgment.

13 MR. LOGAN: No further questions, your Honor.

14 THE PRESIDENT: Well, it is now 4 o'clock.
15 We will adjourn until half-past nine tomorrow morning.

16 (Whereupon, at 1600, an adjournment
17 was taken until Thursday, 12 December, 1946,
18 at 0930.)

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I N D E X
of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
Ingle, Donald F., (resumed)	12628
Cross by Mr. SHIMANOUCHI	12628
" " Mr. Levin	12635
" " Mr. SOMIYA	12636
Redirect by Mr. Lopez	12638
(Witness excused)	12639
Fliniau, F. M., Lieutenant-Colonel	12640
Direct by Mr. Lopez	12640
Cross by Mr. Logan	12652
" " Mr. Levin	12658
" " Mr. Cunningham	12662
" " Mr. SOMIYA	12664
" " Mr. Blewett	12666
(Witness excused)	12667
Montgomery, Austin J., Lieutenant-Colonel, U. S. Army	12673
Direct by Mr. Lopez	12673
Cross by Mr. Logan	12703
" " Mr. S. OKAMOTO	12711

I N D E X

O F

E X H I B I T S

<u>Doc. No.</u>	<u>Fros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2826	1454		Summary of evidence of JAG Report No. 285 on the Death March from Camp Keithley to Iligan, Lanao, Mindanao on 4 July 1942		12668
2859	1455		Summary of evidence on JAG Report No. 49 on the Mis-treatment and Murders at the Prisoner-of-War Camp at Puerto Princesa, Palawan during 1942 to 1945		12669

1 Thursday, 12 December, 1946 •

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with
14 the exception of: HONORABLE JUSTICE D. JARANILLA,
15 Member from the Republic of the Philippines, not
16 sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 The Accused:

20 All present except OKAWA, Shumei, who is
21 represented by his counsel.

22 - - -

23 (English to Japanese and Japanese
24 to English interpretation was made by the
25 Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: This Tribunal will observe
4 the provisions for holidays at Christmas and New
5 Years made by the Supreme Commander.

6
7 DONALD F. INGLE, called as a witness on
8 behalf of the prosecution, resumed the stand and
9 testified as follows:

10 MR. SHIMANOUCHI: I am Counsel SHIMANOUCHI.

11 CROSS-EXAMINATION (Continued)

12 BY MR. SHIMANOUCHI:

13 Q Was it during the night or was it during the
14 day that bombs fell on the field hospital at Bataan?

15 A It was during the day.

16 Q About what time?

17 A About 10 o'clock in the morning.

18 Q Was it fair or cloudy?

19 A It was very clear.

20 Q You said that bombs fell soon after you
21 arrived at the field hospital. At the time were you
22 inside the hospital or outside?

23 A I was outside.

24 Q Did you immediately go somewhere else?

25 A About, I would say, forty-five minutes later.

INGLE

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1 Q How were you transported?

2 A I walked.

3 Q How did you know that the roof of this hospital
4 had the insignia of the Red Cross?

5 A Parts of the roofs were visible from the
6 ground. They were very low buildings.

7 Q Were there any military installations near
8 this hospital?

9 A I don't know.

10 Q Were there any important traffic junctions
11 such as railway bridges or railway stations?

12 A No.

13 Q Was not the American military school which
14 you attended a military installation? Was not USAFFE
15 which you attended right after being discharged from
16 the hospital a military installation? You said that
17 after the hospital was bombed you went, you were sent
18 to an American military school. Was that not a military
19 installation?

20 A I said nothing about a school.

21 Q How far did you walk?

22 A The Number 1 hospital was about 167 and
23 a half, I believe, kilometer post. USAFFE headquarters
24 was at 165.

25 Q You walked that distance, didn't you?

INGLE

CROSS

1 A Yes.

2 Q Was the Japanese who woke you when you were
3 lying under the branches of a tree an officer or an
4 enlisted man?

5 A At that time I didn't know how to differentiate
6 ranks in the Japanese military.

7 Q Did he have a rifle or a saber?

8 A He had a rifle.

9 Q Did this soldier speak English?

10 A He said "hello."

11 Q Did he speak any other words?

12 A No.

13 Q Then were you able to get across to him what
14 kind of sickness you were suffering from?

15
16 A I didn't try to tell him I was sick.

17 Q You said that during the death march Chaplain
18 Day was wounded by a bayonet. How seriously was he
19 wounded?

20 A I am not a physician but the wound was of
21 such depth and of serious enough extent that it took
22 the aid of myself and friends to assist him that he
23 might continue the march.

24 Q How did you -- in what manner did you help
25 him to walk?

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1 THE PRESIDENT: There is no need to answer
2 that question which is utterly foolish.

3 Q How many days did you help him?

4 A That happened on the third or fourth day.
5 We assisted him from then on until the ninth day
6 which was the termination of our hike.

7 Q Did your sickness become worse during this
8 march?

9 A I seemed to have sweated out a portion of
10 the malaria and temporarily I felt somewhat better.

11 Q What route did this death march take?

12 A I am not too familiar with the routes in the
13 Philippines but I know that we passed up through the
14 Pampanga Province and boarded the train at San Fernando,
15 Pampanga.

16 Q Was this a mountain path or a wide road?

17 A A portion of it was through the jungle. The
18 rest of it was through rice fields.

19 Q Was there not the possibility then that when
20 the captives broke ranks to drink water that they would
21 escape and it would be difficult for them to be found?

22 A In the area of the mountains where the roads
23 were there were no artesian wells, and through the
24 rice paddies and the belt where the sugar cane fields
25 were in existence there was no vegetation close enough

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CROSS

1 to the road to offer any possible cover for escaping
2 soldiers.

3 Q Did freight carts and water carrying carts
4 pass on that road?

5 A I don't recall.

6 Q Did the Japanese Army have some means of
7 distributing water?

8 A There was quite heavy traffic on the road
9 and even the water that was available in the village
10 was, well, off limits to the marching men.

11 Q What was the situation of the American Army
12 in Bataan in regard to food before the surrender?

13 A I wasn't with the quartermaster. I am not
14 familiar with that.

15 Q The commander of the American troops in the
16 Bataan area said that before the surrender provisions
17 were one-fourth of the usual rations. Is that so?

18 THE PRESIDENT: You are attempting to give
19 evidence now. You know he isn't aware of the position.
20 As he told you, he wasn't with the quartermaster.

21 MR. SHIMANOCHI: I am just asking him
22 whether the food rationed out to him was less or not.

23 A We were on a fighter's rations, two meals
24 per day.

25 Q Did the Japanese troops march with the

INGLES

CROSS

1 captives also?

2 A They changed guards about three times per day.

3 Q When they rested what kind of place did they
4 rest in?

5 A Invariably in the open in a rice paddy.

6 Q Did the Japanese soldiers rest there also?

7 A Yes.

8 Q Where did the Japanese troops drink water?

9 A Whenever they felt like it.

10 Q Did they drink from streams?

11 A On many occasions they took canteens from the
12 marching men if they had water in them. If they didn't
13 have water in them they would throw the canteen to the
14 roadside.

15 THE PRESIDENT: Answer the question, witness.
16 Did the Japanese soldiers drink from streams on the
17 way?

18 THE WITNESS: No.

19 Q You have testified that one hundred men were
20 packed in one freight car. Is it not true that the
21 railroads were damaged by the war and that there wasn't
22 enough carriages to transport the men?

23 A I am not familiar with the railroad situ-
24 ation due to war damages.

25 THE PRESIDENT: How broad and how long were

INGLES

CROSS

1 the cars in feet?

2 THE WITNESS: I would estimate about forty
3 feet.

4 THE PRESIDENT: How broad?

5 THE WITNESS: Not more than eight feet.

6 BY MR. SHIMANOUCI (Continuing)

7 Q Returning to the place where you went after
8 being bombed at the hospital, was that a large billet
9 for officers?

10 A It was no billet. It was just a jungle
11 bivouac.

12 Q I am talking about the place where you went
13 after being bombed out of the hospital. I thought
14 you said that it was an officers' billet.

15 A I said nothing of the kind. It is not an
16 officers' billet.

17 Q Then what was it?

18 A It was an officers' or a headquarters bivouac.

19 Q How far was it from the hospital.

20 A I think -- I am sure the hospital was about
21 167 and possibly half kilometer post and USAFFE head-
22 quarters was 165.

23 MR. SHIMANOUCI: I conclude my cross-examin-
24 ation.

25 THE PRESIDENT: Mr. Levin.

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CROSS-EXAMINATION (Continued)

1
2 BY MR. LEVIN:3 Q What was the entire distance of your hike,
4 as you call it?5 A I started at 165 kilometer post and ended
6 at SanFernando.7 THE PRESIDENT: How far was it? Just say.
8 Have you ever worked it out?9 MR. LEVIN: The President asked you have you
10 ever worked it out?

11 THE PRESIDENT: How many miles or kilometers?

12 THE WITNESS: It is about 100 kilometers.

13 Q Did you enter the Army directly from school?

14 A No.
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1 Q What schooling have you had?

2 THE PRESIDENT: He need not tell us. He
3 is one of the brightest witnesses we have listened to.4 MR. LEVIN: I agree with the Court. The
5 reason for my question was the fact that his back-
6 ground of education might make some difference in
7 his ability to testify.8 THE PRESIDENT: It does. It makes his
9 ability considerable.

10 Counsel SOMIYA?

11 MR. SOMIYA: Yes.

12 CROSS-EXAMINATION (Continued)

13 BY MR. SOMIYA:

14 Q Were there any prisoners who succeeded in
15 escaping while you were at Nicholes Airfield?

16 A One.

17 Q Were there any who succeeded once, but were
18 taken again later?19 A I don't know of any others that tried to
20 escape.21 Q Were there any Japanese guards -- Japanese
22 soldiers, guards, or otherwise, who showed any kind-
23 ness to the prisoners?

24 A At Nicholes Field, do you mean?

25 Q Yes.

INGLE

CROSS

1 THE PRESIDENT: It is immaterial, but he
2 may answer. It is even irrelevant, but I will take
3 the liberty of letting him answer.

4 A Yes, there was one.

5 Q What kind of kindness did he show you --
6 did he show the prisoners?

7 A He went to sleep on a couple of occasions,
8 and we did not get our quota as far as actual count
9 was concerned. We padded the books.

10 Q Next, I shall ask you about the Bataan
11 front -- war front. Did you ever hear or see any-
12 thing to the effect that Philippine troops -- that
13 the food situation in regard to Philippine troops
14 was very bad compared to that of American troops?

15 A No, my job was radio operation, and I stuck
16 strictly to that.

17 Q Then, did you ever hear or see anything
18 to the effect that the situation of the Japanese
19 troops in the front line in regard to food was very
20 bad?

21 A No.

22 MR. LOPEZ: Objection, your Honor.

23 Q Then, did you ever hear or see anything
24 to the effect that the situation of the Japanese
25 troops in regard to health was also very bad and

INGLE

CROSS

1 that there were hardly any Japanese soldiers who
2 were fit --

3 MR. LOPEZ: Objection, your Honor.

4 Q (Continuing): In a fit condition?

5 THE PRESIDENT: He may answer.

6 A Prior or after the capitulation?

7 Q Before, that is to say, at the time of
8 the capitulation.

9 THE PRESIDENT: While you were in contact
10 with them as a prisoner.

11 A While the conflict was still raging, I
12 wasn't interested in the personal life of the Japanese
13 soldiers; and after the surrender all those that
14 I came in contact with seemed to be very healthy.

15 MR. SOMIYA: Thank you.

16 MR. LEVIN: Mr. President, there will be
17 no further cross-examination of this witness.

18 THE PRESIDENT: Mr. Lopez.

19 MR. LOPEZ: May I please ask just a few
20 questions for redirect?

21 THE PRESIDENT: What is in doubt?

22 REDIRECT EXAMINATION

23 BY MR. LOPEZ:

24 Q How many Japanese guards were there at
25 Nicholes Field?

INGIE

REDIRECT

1 A Counting the camp staff and the guards
2 that went to and from the project, as well as the
3 track bosses, there were about thirty, I would say.

4 THE PRESIDENT: That is not re-examination.

5 MR. LOPEZ: That was covered.

6 Q You mean to say that only one out of the
7 thirty ever showed kindness to you?

8 A Precisely.

9 Q That one Japanese guard was ever kind to
10 you. Did he show that kindness in the presence
11 of his companions?

12 A Well, he was caught once asleep, and as
13 a result the "Wolf" or IKOTA-SAN beat him so severely
14 that he was almost laid up for two or three days.

15 MR. LOPEZ: That is all, your Honor.

16 We offer as our next witness --

17 THE PRESIDENT: Well, we will release this
18 witness on our usual terms.

19 (Whereupon, the witness was
20 excused.)

21 MR. LOPEZ: We offer as our next witness,
22 Lieutenant Colonel F. M. Fliniau, to testify on
23 tortures, mistreatment, and improper conditions to
24 which prisoners of war were subjected to at Iloilo.
25

FLINIAU

DIRECT

1 F. M. F L I N I A U, called as a witness on
2 behalf of the prosecution, being first duly
3 sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. LOPEZ:

6 Q Please give us your name, rank, serial
7 number and home address?

8 A Franklin M. Fliniau, age 37, home address,
9 6924 Van Nuys Boulevard, Van Nuys, California.

10 Q On 27 May 1942, were you with the United
11 States Army that surrendered at Iloilo in Panay
12 Island, Central Philippines?

13 A Yes, I surrendered with the Sixty-First
14 Division on the island of Panai at Iloilo City.

15 Q What happened during the surrender?

16 A We surrendered at the small barrio of Misi.

17 Q How many Americans were in your outfit and
18 how many Filipinos?

19 A There were thirty-two American officers
20 and enlisted men and approximately sever hundred
21 Filipino officers and enlisted men.

22 Q On the next day of the surrender, Colonel,
23 what did the Japanese do to you and three other
24 American officers and sixty Filipinos?

25 THE PRESIDENT: Mr. Lopez, please don't lead.

FLINIAU

DIRECT

1 You are only reducing the value of the testimony
2 and there is no need to lead and you have no per-
3 mission to do so.

4 MR. LOPEZ: If your Honor please, I am
5 not reading. I am just glancing at my notes.

6 THE PRESIDENT: Well, you are still leading.
7 I do not know what is prompting you to do it, but
8 you are leading.

9 MR. LOPEZ: Leading, -- oh, I thought
10 you said I was reading.

11 THE PRESIDENT: I said "leading", not
12 "reading."

13 MR. LOPEZ: Oh, I am sorry. I beg your
14 pardon, your Honor.

15 THE PRESIDENT: I know you are acting in
16 all good faith, Mr. Lopez, but do not lead, please.

17 A On the following day after the surrender,
18 I was forced by a direct order to take three other
19 American officers and a group of Filipino officers
20 and enlisted men -- to take them back into the hills
21 of Panay and show where we had hidden and where we
22 had stored our food, our ammunition dumps, gasoline,
23 and so forth. I led the Japanese, which consisted
24 of two or three Japanese officers and approximately
25 thirty Japanese enlisted men. I took them back

FLINIAU

DIRECT

1 into the hills, but within my own mind I was not
2 going to show them, or was not going to lead them
3 to the dumps. I led them in circles throughout
4 the hills, the valleys and the mountains of Panay.
5 Throughout the trip the Japanese officer continually
6 told me that we would not eat or drink until we
7 showed them where our food was stored.

8 Q How long did it take you to make the trip
9 back and forth?

10 A It took six complete days for the round
11 trip.

12 Q During the trip, did the Japanese make
13 good their threat that you would not be given any
14 food or water unless you showed them the hideouts
15 of your food and ammunition dump?

16 MR. LEVIN: I submit, Mr. President, that
17 the question is leading.

18 THE PRESIDENT: It is both leading and
19 redundant. He has already answered, if I understand
20 rightly.

21 I suggest you pay more attention to what the
22 witness is saying and less to your notes, Mr. Lopez.
23 I think they are misleading you.

24 Q During the six days, were you able to get
25 any food or water?

FLINIAU

DIRECT

1 A We were given no food or water as a ration
2 from the Japanese in charge of us. However, the
3 food which we received was food which was left in
4 the mess kits of the Japanese soldiers.

5 Q What quantity or amount, more or less?

6 A I would say that the food that we received
7 was approximately one hundred and fifty grams of
8 rice per day.

9 Q How about the water?

10 A The water that we had was water which we
11 found in puddles along the road or in carabao
12 wallows.

13 Q How many miles a day were you averaging
14 then?

15 A We were averaging approximately twenty-five
16 miles per day.

17 Q How many Japanese guards did you have at
18 the time?

19 A We had approximately thirty Japanese guards.

20 Q What kind of food did the guards have?

21 A The guards were eating very well. They
22 had their field ration, and, in addition, they had
23 bulk rice, dried fish, pickled plums, and other
24 things which I do not know the name of.

25 Q After the trip was over, Colonel, where were

FLINIAU

DIRECT

1 you concentrated?

2 A After we completed the trip, we then
3 returned back to the Calinog Provincial Building
4 where we started, and found that the officers which
5 we left there had been transferred to the Iloilo
6 Provincial Jail. We were then loaded into trucks
7 and were immediately taken to the Iloilo Provincial
8 Jail.

9 Q How long did you stay in that jail?

10 A We stayed in the jail for approximately
11 forty-four days.

12 Q Could you tell the Court how you were
13 treated there during your confinement?

14 A The treatment in the jail was very severe.
15 In the first place, our ration, which consisted of
16 only rice and worms, and occasionally, approximately
17 once per week, an issue of egg plant.

18 Q How about your quarters?

19 A We were quartered in the cells of the jail.
20 In these cells we slept on double-deck wooden beds
21 full of vermin. There was no latrine available
22 for our use during the nights. Any request which
23 we might give to a Japanese guard was refused. Due
24 to the fact of our past living conditions and our
25 general state of health, many of the prisoners had

FLINIAU

DIRECT

1 beri-beri, dysentery; and, as a result, the stench
2 was terrible.

3 Q Did you have mats to sleep on?

4 A We had no mats.

5 Q Any pillows?

6 A No pillows.

7 Q What branch of the service were the guards
8 from, if you know?

9 A The branch of the service that the guards
10 in charge of us were from: the military police unit
11 of Iloilo City.

12 Q What kind of work did you have?

13 A Our main job in Iloilo, among the officers
14 and enlisted men, was the cleaning up of the city.
15 We did another job of loading manganese ore from
16 the docks, carrying the two baskets on the poles
17 similar to the coolies. We loaded this ore from
18 the dock into the hold of a ship.

19 Q Do you recall if there was any torture or
20 mistreatment in the jail while you were there?

21 MR. LEVIN: I object to that question,
22 Mr. President, on the grounds that it is leading and
23 suggestive.
24

25 MR. LOPEZ: I submit to the Court, your Honor.

 THE PRESIDENT: You can put it in another way.

FLINIAU

DIRECT

1 It is not very objectionable actually, but you can
2 put it in another way.

3 MR. LOPEZ: Was it sustained, your Honor?

4 THE PRESIDENT: I will sustain it, yes.

5 MR. LOPEZ: I did not hear it, if your Honor
6 please.

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1 Q Can you describe further the other treat-
2 ment of prisoners in the jail while you were there?

3 A Treatment among the prisoners, both American
4 and Filipino, was very severe, particularly the
5 beatings that were received by officers and enlisted
6 men. The treatment among the Filipinos was prob-
7 ably more damaging to the Filipino than it was to
8 the Americans. In certain cases among the Filipinos
9 that I witnessed, I saw them using the methods of
10 extraction of fingernails, the use of hot coals
11 placed under the chin of a Filipino prisoner, or the
12 Filipino prisoner being raised off the ground and
13 the hot coals placed under the soles of their feet.
14 Officers and enlisted men, both American and Fili-
15 pino, regardless of rank or regardless of the
16 position that they held during the war, were treated
17 the same.

18 Q You, yourself, how have you been treated?

19 A I was beaten on many occasions while in the
20 Iloilo jail.

21 Q With what?

22 A On the beatings of which I was the victim
23 they used three weapons mainly: ordinary steel
24 knuckles, bamboo poles, and two-by-four poles.

25 Q On those occasions what were you beaten for?

FLINIAU

DIRECT

1 A I was beaten throughout or all over the
2 entire body.

3 Q Why, why did they beat you -- for what
4 reason?

5 A On many occasions it seemed to me that
6 they did not need a reason. Other times they were
7 trying to gain information from me about the where-
8 abouts of Filipino soldiers who did not turn in or
9 who had deserted their unit prior to the turn-in
10 order.

11 Q Could you describe to the Court one of
12 those beatings that you were subjected to?

13 A On one particular occasion I was taken
14 into what we called the torture chamber, which was
15 a bare room, no chairs and no tables. A Japanese
16 captain and a Japanese warrant officer both asked
17 me the question: "How did Iloilo City get destroyed?"
18 It just so happened that at the time of the invasion
19 of the Japanese on Panay the invading force had to
20 go through the city of Iloilo. We defended the
21 city of Iloilo and by the use of artillery and
22 bombing from the air by the Japanese planes which
23 supported the landing, Iloilo City was destroyed.
24 They blamed me personally of lighting the match of
25 burning down the city of Iloilo. They forced me to

FLINIAU

DIRECT

1 stand at attention and both of them, one with a
2 bamboo pole and the other with a two-by-four,
3 started in on me. They beat me across the chest,
4 the ribs and the back, and finally with one blow
5 from a two-by-four, they hit me in the head which
6 rendered me unconscious. They called two other
7 officers, American officers, in; they carried me
8 out into the compound of the prison, threw buckets
9 of water on me to revive me. All the time that I
10 was on the ground both of them were kicking me
11 about the body. That is just one beating which I
12 received.

13 Q In relation to treatment of prisoners in
14 jail, in that particular jail, was electricity ever
15 used?

16 MR. LEVIN: Mr. President, I believe that
17 these questions can be propounded by simply asking
18 the witness what occurred. These questions are
19 leading. This is a very intelligent witness and
20 needs no leading at all. I object to the question.

21 MR. LOPEZ: If your Honor please--

22 THE PRESIDENT: I agree with Mr. Levin,
23 Mr. Lopez. This man is most intelligent; he has a
24 full recollection and there is no need for you to
25 resort to anything in the nature of a leading question.

FLINIAU

DIRECT

1 I know we are not bound by the strict rules of
2 procedure here, or by the strict rules of evidence
3 or for taking evidence; but it reduces the value
4 of the testimony unless it comes out willingly and
5 not as the result of prompting. We are judges,
6 not a jury.

7 MR. LOPEZ: Just for the record, if your
8 Honor please, I desire to state that I beg to dis-
9 agree with the learned opinion of the Court on that
10 particular matter in the sense that we feel we are
11 not putting into the mouth of the witness what we
12 want him to testify to; but, considering the fact
13 that we are fighting here against time, and the
14 further fact that the witness has had so many in-
15 cidents in his mind that we have to lead him to
16 produce this particular incident that we want him
17 to testify to here, I found myself constrained to
18 channel his thoughts into the particular points I
19 want to emphasize here instead of letting the
20 witness meander into fields I do not feel the Court
21 would have time or the patience to listen to.

22 Just one word, Mr. President, please, if
23 this be a failing, Mr. President, it springs merely
24 from an honest desire to help this Court in its
25 firm determination to give these accused the most

FLINIAU

DIRECT

1 prompt, speedy trial.

2 THE PRESIDENT: The question that prompted
3 Mr. Levin's intervention was not directed to prevent
4 the witness from meandering. It was directed to
5 getting further details of an episode already testi-
6 fied to by him and it was unnecessary prompting and
7 it invoked opposition and opposition wastes our
8 time; it does not save it. Proceed.

9 We will recess for fifteen minutes.

10 (Whereupon, at 1045, a recess was
11 taken until 1100, after which the proceedings
12 were resumed as follows:)

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1 MARSAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Lopez.

4 MR. LOPEZ: We are through with the witness,
5 your Honor. That is all for the witness. We are
6 through with our direct examination of the witness,
7 your Honor.

8 THE PRESIDENT: Mr. Logan.

9 MR. LOGAN: If the Tribunal please.

10 CROSS-EXAMINATION

11 BY MR. LOGAN:

12 Q Colonel, what rank did you hold at the time
13 of the capitulation?

14 A I held the rank of Lieutenant Colonel.

15 Q While you were at this first camp, at the
16 jail rather, you described some of the conditions
17 there. Were there any other buildings in Iloilo
18 City where the Americans and Filipinos could have
19 been kept besides the jail?

20 A Yes, there were several buildings available
21 for us as prisoners-of-war where we could have been
22 kept and would have been much more comfortable.

23 Q Well, were these other buildings being used
24 by the Japanese for other purposes?

25 A To name two of three buildings: Fort San

FLINIAU

CROSS

1 Pedro, which we were later moved to at the time of
2 our capture and placed in Iloilo Prison; there was
3 nothing being used at that time there at the Fort
4 San Pedro. Iloilo Agricultural College with its
5 dormitories was available for use.

6 Q Was that building being used by the Japanese
7 for some other purpose?

8 A No, sir, it was not being used at that time.

9 Q You remained in this jail for a period of
10 about forty-four days?

11 A Yes, sir.

12 Q And how many beatings did you personally
13 witness while you were at the jail?

14 A I personally witnessed approximately one
15 hundred beatings.

16 Q Would you say, Colonel, that these beatings
17 were the personal whims of the soldiers who adminis-
18 tered them?

19 A I was told by the Captain in charge when I
20 protested on beatings of different individuals that
21 he had orders from his superiors to punish us.

22 Q Did he tell you who these superiors were?

23 A On every occasion the only words used were,
24 "the High Command."
25

Q You, of course, don't know which command he

FLINIAU

CROSS

1 he meant by that, do you?

2 A I don't know.

3 Q Where did you go after you left Iloilo
4 jail, Colonel?

5 A We were then transferred to Fort San Pedro,
6 which is an old Spanish fort located right on the
7 beach in the City of Iloilo.

8 Q That is the fort you mentioned a minute ago,
9 isn't it?

10 A Yes, sir.

11 Q So being placed in the Iloilo jail was
12 just a temporary measure; is that it?

13 A When I complained to the Captain in charge
14 of the jail, asking for better quarters, he told me
15 that we were placed there for a period of time,
16 later to be announced, for interrogation, and that
17 we would be under the military police or kempeitai
18 for that period.

19 Q How soon after you made this complaint
20 were you taken from the jail?

21 A About five weeks later.

22 Q And was it the military police that
23 administered these beatings?
24

25 A Yes.

Q How were you treated when you arrived at

FLINIAU

CROSS

1 Fort San Pedro?

2 A The treatment at Fort San Pedro did not
3 change; in fact, as far as beatings and atrocities
4 went it gradually grew worse.

5 Q Would you say that the beatings at Fort
6 San Pedro were the personal whims of the soldiers?

7 A It was not the personal whims of the sol-
8 diers because the orders came down from their superior
9 officers.

10 Q What was the rank of the commanding officer
11 at Fort San Pedro?

12 A There was a Captain in charge, in immediate
13 charge of the Fort, and then on several occasions
14 there were on inspection parties one Lieutenant
15 Colonel, a Major, and two or three junior officers.

16 Q Did you ever see any of these orders or
17 hear them read?

18 A No, I never saw the orders. I, unfortunately,
19 could not read Japanese.

20 Q Were they ever read to you?

21 A Yes, presumably they were; at least, the
22 Captain who read the order to me always had a piece
23 of paper in front of him at the time of issuing the
24 order.

25 Q Colonel, these rice and worms that you say

FLINIAU

CROSS

1 you ate, is that the worms that were in the rice it-
2 self?

3 A Yes, sir, that was the rice. The worms
4 were in the rice.

5 Q By that I suppose you mean old rice, is
6 that it? Decayed.

7 A Yes, sir. The rice that we received as our
8 ration while in the prison was sweepings from the
9 floors of the warehouses. It had worms in it; it
10 had steel filings and everything.

11 Q Were the food conditions in the city bad
12 at that time, Colonel?

13 A I don't know very much about the Philippine
14 civilians. The only thing that I do know is that
15 there was plenty of fresh fruits and vegetables
16 available.

17 Q Anything else besides fresh fruits and vege-
18 tables available?

19 A There was also meat, corn, which I personally
20 saw in the markets. I don't know the situation as
21 far as the rice is concerned.

22 Q Did the food condition improve at Fort San
23 Pedro?

24 A No, sir. We were cut in our ration fifty
25 grams of rice per man per day upon arrival in San

FLINIAU

CROSS

Pedro.

1 Q Did you say cut to that amount or cut by
2 that amount?

3 A Cut by that amount.

4 Q What was the amount that you received?

5 A In Fort San Pedro we were receiving approx-
6 imately three hundred grams of rice per man per day.

7 Q Did you receive anything else besides rice?

8 A We received once a week, usually on a Sunday,
9 some camotes, which was sweet potatoes, and a squash.

10 Q Did you receive anything else?

11 A No, sir, nothing else.

12 Q Were you beaten at San Pedro too, the fortress?

13 A Yes, sir. I received in Fort San Pedro
14 approximately twelve beatings.

15 Q Colonel, was there a great deal of language
16 difficulty in the American soldiers understanding
17 orders issued by Japanese soldiers?

18 A We were very fortunate in our camp in Fort
19 San Pedro by having three Japanese interpreters who
20 had lived a good part of their lives in the Philippines
21 and spoke perfect English, and every order that was
22 given to me by the Japanese was interpreted by the
23 Japanese for me.

24 Q Colonel, have you ever testified in any other
25

FLINIAU

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1 trials?

2 A This is the first time I have ever been on
3 a witness stand.

4 MR. LOGAN: Thank you.

5 THE PRESIDENT: Mr. Levin.

6 CROSS-EXAMINATION (Continued)

7 BY MR. LEVIN:

8 Q Colonel, am I correct in understanding that
9 you were the highest ranking officer in charge of
10 that group that surrendered on the date that you have
11 indicated?

12 A No, sir. I was chief of staff to Colonel
13 Christie who was the senior officer on the Island
14 of Panay.

15 Q Did you arrange for the surrender?

16 A Yes, sir, I made all arrangements.

17 Q Were the terms of surrender in writing?

18 A The terms of surrender as handed down to
19 me and passed through the lines by the Japanese was
20 a total surrender in writing.

21 Q And did those terms require you to turn
22 over all available supplies and equipment?

23 A The exact wording of the terms of surrender
24 is as follows: You will--

25 Q Just a moment.

FLINI/AU

CROSS

1 A (Continuing) "You will surrender your forces,
2 both American and Filipino, through the three follow-
3 ing places: The northern seaport town of Cebiz; the
4 western part of our forces to surrender at Buena
5 Ventura in Antique; Division Headquarters and two
6 battalions of the 66th Infantry to surrender at Nisi.
7 Signed: The Japanese High Command."

8 Q Is it understood that part of a surrender,
9 such as occurred there, that the equipment and sup-
10 plies were required to be turned over, that is, turned
11 over to the forces to whom surrender had been made?

12 A I abided by the note which was sent to me
13 of turning over my force to the Japanese.

14 Q I am not asking you with reference to that,
15 Colonel. I am inquiring whether or not it is a
16 practice, when such a surrender occurs, to turn
17 over the equipment and supplies.

18 THE PRESIDENT: What did you do with your
19 supplies?

20 WITNESS: May I have that question again?

21 MR. LOPEZ: What did you do with your supplies.

22 A The supplies which I had I left back into
23 the hills.

24 MR. LEVIN: Mr. President, the reason I
25 directed that question is that he had made that

FLINIAU

CROSS

1 answer on his direct examination, and I was wondering
2 whether or not it is a custom of war, as part of a
3 surrender, to turn over supplies, and my question was
4 directed to that point.

5 THE PRESIDENT: Well, we do not want him
6 to answer questions of law for us, Mr. Levin. "e
7 know what the duties of the Japanese were under the
8 laws of war.

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1 Q Luring your search with the Japanese officers
2 and men for these supplies, did you locate them for
3 them?

4 A I passed by or in the vicinity of several
5 of my dumps. Several of the dumps were completely
6 gone. Others that I passed near but not close enough
7 to point out to the Japanese, I have found out since
8 then had been looted by the Filipinos. Of course, at
9 that time I did not know that.

10 Q Did you make protest to the Japanese officers
11 in charge as to the treatment that was accorded you
12 and your men?

13 THE PRESIDENT: I think he said he did; but
14 let him answer.

15 MR. LEVIN: I believe he did, Mr. President.

16 Q How often did you make protest?

17 A I made protests every day that I was in the
18 prison camp, both in the Ilcilo Jail and down in
19 Fort San Pedro.

20 Q What was the highest-ranking officer of the
21 Japanese Army that you came in contact with while you
22 were at the camps?

23 A On one occasion we had an inspection party
24 down from Manila, and the Japanese officer that made
25 the inspection was a General. I do not know his name.

FLINIAU

CROSS

1 Q And what was the designation of the officers
2 in charge of the camps?

3 A In the Iloilo Prison while we were under
4 the military police, the officer in charge was -- the
5 only thing that he would ever tell me was he was
6 commander. The officer in charge of the camp and the
7 beach at San Pedro, also a Captain of the Japanese
8 Army, and he was known as the Commander.

9 THE PRESIDENT: Mr. Cunningham.

10 MR. CUNNINGHAM: If the Tribunal please.

11 CROSS-EXAMINATION (Continued)

12 BY MR. CUNNINGHAM:

13 Q Colonel, what was your rank at the time of
14 the surrender?

15 THE PRESIDENT: He told us.

16 A Lieutenant Colonel.

17 Q And what was your unit; not division, but
18 lower unit?

19 THE PRESIDENT: I think he gave us that in
20 telling us the terms of surrender, but he may not have
21 done so. The chief of staff to Colonel Christie in
22 charge of the Island of Panay; but he gave us his unit
23 in giving the terms of surrender. You could not have
24 been in the courtroom, Mr. Cunningham.
25

Q Colonel, are you National Guard or Regular

FLINIAU

CROSS

1 Army?

2 THE PRESIDENT: That is beside any point
3 that we have to decide.

4 MR. CUNNINGHAM: May he answer?

5 THE PRESIDENT: No.

6 Q Colonel, how long were you in the Philippines
7 before the surrender?

8 A I arrived in the Philippines on the 20th
9 of November, 1941; surrendered on the 27th of May, 1942.

10 Q And where had your unit trained before you
11 came to the Philippines?

12 MR. LOPEZ: I object, your Honor.

13 THE PRESIDENT: It is irrelevant, and the
14 objection is upheld.

15 MR. CUNNINGHAM: Well, if your Honor please,
16 I would like to show by this witness that he was
17 trained specifically for Japanese warfare in the United
18 States, that his outfit was pin-pointed for Japanese
19 combat, and that his unit was only one of many units
20 which were dispatched to the Philippine Islands for
21 that purpose. If I am able to show by this witness--

22 THE PRESIDENT: That has no bearing on the
23 duties of the Japanese in respect of him as a prisoner-
24 of-war. It is outside the scope of the examination
25 in chief.

FLINIAU

CROSS

1 Q Colonel, did you have any part in the train-
2 ing of the Filipinos for guerrilla warfare before the
3 surrender?

4 THE PRESIDENT: The question is irrelevant.

5 MR. CUNNINGHAM: Of course, I disagree with
6 your Honor, and it is too bad, as I have a line of
7 questions along that line which would show that the
8 United States Army, I believe, contributed to the
9 situation which existed in the Philippines with this
10 guerrilla warfare and the mistreatment; and I am
11 sorry that I cannot go into that line of questioning.

12 THE PRESIDENT: You must accept our decision,
13 Mr. Cunningham. Our clear duty compelled us to give
14 that decision.

15 Counsel SOMIYA.

16 MR. SOMIYA: Yes.

17 CROSS-EXAMINATION (Continued)

18 BY MR. SOMIYA:

19 Q At the time of your surrender to the
20 Japanese, how many capitulated?

21 A At the time of surrender, there was thirty-two
22 American officers and enlisted men. Every American
23 officer and enlisted man surrendered.

24 THE PRESIDENT: Counsel intending to cross-
25 examine should listen carefully to the evidence.

FLINIAU

CROSS

1 Q How many Filipinos capitulated?

2 A There were approximately 700 Filipinos that
3 capitulated.

4 THE PRESIDENT: We have had all this, but
5 it is useless to try to prevent waste of time. We
6 waste further time by trying to prevent further waste
7 of time here with those red lights.

8 Q Were those 700 Philippine captives released
9 later?

10 A I don't know whether they were released or
11 not. At the time I left Panay for Japan, they were
12 still under the Japanese.

13 Q Were the 700 Philippine troops who capitulated
14 together with you -- no; were you always together
15 with them?

16 A No, we were separated from the 700. However,
17 in early part of August there was approximately 100
18 Filipino troops put in Fort San Pedro with us. The
19 balance of the Filipinos were in the cadre barracks,
20 about 400 yards from where we were.

21 Q Then you do not know whether those were
22 later released or not?

23 A I do not know.

24 Q Thank you.

25 MR. BLEWETT: Just one question, if your Honor

FLINIAU

CROSS

1 please.

2 THE PRESIDENT: Mr. Blewett.

3 CROSS-EXAMINATION (Continued)

4 BY MR. BLEWETT:

5 Q Colonel, can you tell me the duration of the
6 inspection trip made by the General you mentioned?

7 A In preparation for the inspection, we were
8 told by the camp commander that this General and his
9 inspecting party were inspecting the Visayan and
10 Mindanao. He was in our camp about ten minutes.

11 Q What was the condition of the camp during his
12 inspection?

13 A When we heard that the General was coming for
14 the inspection, each of the prisoners was given three
15 mangoes, each was given a papaya. This fruit was on
16 our bed at the time of the inspection party. Imme-
17 diately after the inspection party left, the fruit
18 was picked up. The barracks was clean during the
19 inspection. For that inspection we were given mops
20 and brooms and brushes to clean everything, and it
21 was spotless. But after the inspection, it was taken
22 away from us.

23 Q Do you recall on what date the inspection
24 was made, sir?

25 A On the 23d day of July, 1942.

FLINIAU

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Q Thank you.

MR. BLEWETT: That is all, sir.

MR. LEVIN: There will be no further cross-examination of Colonel Fliniau.

MR. LOPEZ: No redirect, your Honor.

THE PRESIDENT: The witness is released on the usual terms.

(Whereupon, the witness was excused.)

1 THE PRESIDENT: Yes, Mr. Lopez.

2 MR. LOPEZ: We tender in evidence IPS
3 document No. 2826 which is a summary of evidence of
4 evidence of JAG Report No. 285 on the Death March
5 from Camp Keithley to Iligan, Lanao, Mindanao, on
6 4 July 1942.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 2826 will receive exhibit No. 1454.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1454 and received in evidence.)

13 MR. LOPEZ: We read the entire summary:

14 "The Filipino and American forces which
15 surrendered to the Japanese in the Lanao area on 27
16 May 1942 were concentrated in Camp Keithley (Report
17 No. 285). On 4 July 1942, the prisoners were made
18 to march from Camp Keithley to Iligan, Lanao, a dis-
19 tance of about thirty-six kilometers, for the purpose
20 of taking them from there to Malaybalay, Bukidnon.
21 During the march, a prisoner who was sick and unable
22 to keep pace with the rest was shot. No food or
23 water was given the prisoners. As a consequence,
24 one died from drinking dirty water which he tried to
25 purify with iodine."

1 We offer in evidence IPS document No. 2869
2 which is a summary of evidence of JAG Report No. 49
3 on the mistreatment and murders at the Prisoner-of-
4 War Camp at Puerto Princesa, Palawan during 1942 to
5 1945.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2869 will receive exhibit No. 1455.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1455 and received in evidence.)

12 MR. LOPEZ: From that document we read the
13 following. Page 2, paragraph 5: "A rule was im-
14 posed providing for the execution of ten prisoners
15 for each one that escaped."

16 Page 2, paragraph 7, sentences 4-8, inclu-
17 sive:

18 "About 0200, 14 December 1944 two Jap
19 officers informed the men while in barracks that they
20 were going to work early the next morning. So, they
21 began at dawn but were called back at noon, which
22 caused the Americans to sense something strange.
23 There were two air raids during lunch and extra
24 guards were placed around the compound. During the
25 early afternoon another air raid warning was sounded

1 and the men were forced into their shelters and re-
2 quired to remain under cover, the Japs saying that
3 there were hundreds of American planes approaching.
4 When everyone was securely below the ground, between
5 50 and 60 Jap soldiers, armed with light machine-
6 guns, rifles, and carrying buckets of gasoline,
7 attacked the unsuspecting, defenseless prisoners in
8 the first shelter where there were approximately 40
9 of "A" Company. They first threw a lighted torch
10 into the entrance and followed it with a bucket or
11 two of gasoline which exploded, setting everyone
12 within on fire. As screaming men ran from the
13 shelter, they were mowed down by machine guns and
14 rifles while others, realizing they were trapped, ran
15 to the Japs and asked to be shot in the head, but the
16 Japs laughingly would shoot or bayonet them in the
17 stomach. When the men cried out for another bullet
18 to put them out of their misery the Japs continued to
19 make merry and left the men to suffer, twelve men
20 being killed in this manner. Captain SATO, commander
21 of the Jap garrison at the camp, walked over to C. G.
22 Smith, Signal 2c, USN, and split his head open with
23 his saber. The Japs started shooting everything in
24 sight, poked guns into the foxholes and fired them,
25 threw hand grenades, while throughout SATO was

1 laughing and shouting, urging the men to greater
2 effort. Men were thrown into holes while still
3 alive and covered with coconut husks. Some escaped
4 through a hole in their dugout, while 30 or 40 others
5 successfully tore barehanded through barbed wire
6 fences and ran to the water's edge. Those two
7 attempted to swim the bay were shot in the water
8 from the shore or from a barge moving just off shore.
9 Still others who sought refuge in crevices were hunted
10 down and dynamited. Bogue located Barta, Petry,
11 Pacheco, and Martyn, and about 2100 hours they swam
12 the bay to safety. For five days and nights, without
13 food or water except rain, Bogue tramped through the
14 jungle until rescued by Filipino prisoners at Iwa-
15 hig Penal Colony where he met McDole."

16 Page 4, last two paragraphs and first four
17 lines and last paragraph on page 5:

18 "Following the landing by American Forces
19 at Puerto Princesa, Palawan, on 28 February 1945 a
20 search of the POW enclosure was made and identifi-
21 cation tags, certain personal items, and fragmentary
22 records concerning American personnel were obtained.

23 Between the 15 and 23 of March 1945, seventy-
24 nine individual skeletons were buried by the 3rd
25 Platoon, 601st QM Co. (GR). Twenty-six of these

1 skeletons were found piled four and five high in one
2 excavation. Bullets had pierced the skulls and they
3 had been crushed with blunt instruments.

4 "The smallest number of bodies were found
5 in the largest dugouts which were closest to the
6 cliff and furthest away from the prison buildings.
7 Most of the bodies were huddled together at a place
8 furthese away from the entrance where twenty-six
9 bodies were taken from one hole which was not a dug-
10 out. In two dugouts (closest to the cliff) bodies
11 were in prone positions, arms extended with small
12 conical holes in the fingertips showing that these
13 men were trying to dig their way to freedom."

14 We offer as our next witness Lieutenant
15 Colonel Austin J. Montgomery who is a survivor from
16 Corregidor and of various prison camps and prison
17 ships.

18 MARSHAL OF THE COURT: Mr. President, the
19 witness is in court and will now be sworn.
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MONTGOMERY

DIRECT

1 A U S T I N J. M O N T G O M E R Y, called as a
2 witness on behalf of the prosecution, having
3 first been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LOPEZ:

6 Q Please give us your full name, rank, serial
7 number and home address.

8 A Lieutenant Colonel, Austin J. Montgomery,
9 serial No. 0290327, age 34, residence 14754 Grean
10 Leaf Street, Sherman Oaks, California.

11 Q Colonel, how long have you served the United
12 States Army?

13 A Thirteen years.

14 Q Did you serve the Army in the Philippines?

15 A Yes.

16 Q What part of the Philippines?

17 A I was on both Bataan and Corregidor.

18 Q When?

19 A I arrived in the Philippines in May of 1941
20 and was in the war phase from December 8, '41 until
21 May 6, 1942.

22 Q Why until May 6, 1942?

23 A Will you repeat that question, please?

24 Q Why until May 6, 1942? You mentioned "until
25 May 6, 1942." Why until that date, Colonel?

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A On May 6, 1942 Corregidor surrendered to the Japanese.

THE PRESIDENT: We will adjourn until half past one.

(Whereupon, at 1200, a recess was taken.)

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MONTGOMERY

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AFTERNOON SESSION

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The Tribunal met pursuant to recess at 1330.

4

MAJESTY OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

5

6

A U S T I N J. M O N T G O M E R Y, called as a

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witness on behalf of the prosecution, resumed

8

the stand and testified as follows:

9

THE PRESIDENT: Mr. Lopez.

10

11

Mr. LOPEZ: If your Honor please, could I
resume my direct examination, and would the reporter
be good enough to repeat the last question I directed
to the witness.

12

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THE PRESIDENT: He said he was at Corregidor,
or surrendered there in May, 1942. He can go on from
there.

16

17

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DIRECT EXAMINATION

19

BY Mr. LOPEZ (Continued):

20

Q You surrendered where, Colonel?

21

A On Corregidor.

22

Q What date, please?

23

A 6th May 1942.

24

Q Who else surrendered with you?

25

A Approximately 8,000 to 10,000 American
and Filipino troops.

MONTGOMERY

DIRECT

1 Q Since you surrendered on 6 May 1942 can you
2 tell the Tribunal in how many prison camps you have
3 been in and how many prison ships you have been?

4 A I have been in six temporary camps, 7 permanent
5 camps and 7 prison ships.

6 Q Will you name the location of those six
7 temporary camps?

8 A The first temporary camp was in the City of
9 Cabanatuan in Nueva Ecija. That was in June of '42.
10 The next camp was approximately 40 kilometers outside
11 the City of Cabanatuan. I was there in June of '42.
12 Also at the Fort San Pedro in Cebu City; at the
13 Olongapo Naval Reservation in Zambales Province; city
14 jail in San Fernando Pampang, and on the beach, San
15 Fernando La Union on Lingayen Gulf.

16 Q What is the name of the fort in Cebu, Colonel?

17 A Fort Santiago.

18 Q How about the permanent camps?

19 A The permanent camps were at the 92nd Garage
20 Area on Corregidor.

21 Q When, please?

22 A During May of '42. At Cabanatuan Camp No.
23 1, from June to October of 1942; at the Lavao Penal
24 Colony from November '42 until June '44. At an iso-
25 lation area adjacent to the main camp at Cabanatuan

MONTGOMERY

DIRECT

1 in June and July of 1944; in Bilibid Prison in
2 Manila from October to December 1944; at Fukioka
3 on Kyushu, from January 1945 until April 1945, and
4 in Jinsen, Korea, from April 1945 until September 9,
5 1945, when I was recovered by American troops.

6 Q Will you please give us the name of the
7 prison ships?

8 A There was the Erie Maru, which took us from
9 Manila to Davao during October of 1942. Then there
10 were two vessels, the names of which I don't know,
11 that brought us from Davao back to Manila in June of
12 1944. The Oryoku Maru in December 1944; the Brazil
13 Maru, from San Fernando La Union to Takao harbor,
14 during December and January of 1944 and '45; the
15 Enoura Maru in Takao harbor during January 1945.

16 Q Will you tell the Tribunal what happened to
17 two of these ships while you were on board?

18 A The Oryoku Maru was bombed and strafed by
19 American planes on December 14th and 15th, 1945.

20 Q What occurred after it was bombed?

21 A Repeat that question, please.

22 Q What occurred, what happened, after it was
23 bombed?

24 A After it was bombed the second time we
25 were given orders to evacuate the ship.

MONTGOMERY

DIRECT

1 Q What happened to the other prison ship you
2 were on?

3 A The second prison ship, the Anoura Maru, was
4 bombed by American planes while in the harbor at
5 Takao, Formosa.

6 Q Going back to 6 May 1942, when you had the
7 first contact with the enemy as a prisoner-of-war,
8 will you kindly describe to us the living conditions,
9 as to food, water and quarters, at the first con-
10 centration camp you were in on the Island of Cor-
11 regidor?

12 A We were kept at the area known as the 92nd
13 Garage. The place was terribly crowded. We had to
14 sleep in -- we had to organize ourselves to sleep in
15 shifts because of the crowded conditions. There was
16 no protection from the sun during the day or from the
17 rain, with the exception of a few improvised tar
18 paper shacks that some of the men had managed to put
19 up from some of the materials which were on hand.
20 The sanitary conditions were very poor and in con-
21 sequence the place was just swarming with flies. From
22 early morning until evening the men were kept busy
23 fighting these flies all day long. There was one
24 water tap from which we could draw our water, which
25 gave a small trickle of salty, unpalatable water.

MONTGOMERY

DIRECT

1 The food was definitely inadequate, and there were
2 practically no medicines available to us.

3 Q While you were not given sufficient food or
4 medical supplies, were there supplies, medical and
5 food supplies, in Corregidor at that time?

6 A Corregidor was prepared for a long siege.
7 The Japanese used work details from amongst the
8 prisoners running as high as 2,000 men a day to
9 transport these supplies aboard Japanese vessels,
10 which sailed for the China Sea shortly after being
11 loaded.

12 Q When were you and the other American and
13 Filipino prisoners-of-war moved out of Corregidor?

14 A May 24, 1942.

15 Q Will you describe to the Tribunal the cir-
16 cumstances under which you were moved out?

17 A We were marched down to the pier area and
18 loaded aboard three transport vessels. Conditions
19 aboard the vessels were very crowded. We were given
20 no food nor water while we were aboard those Japanese
21 vessels.

22 Q What time of day were you moved out?

23 A I would say about ten o'clock in the morning.

24 Q And where were you heading for?

25 A We went to a point called Paranaque and we

MONTGOMERY

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1 disembarked there.

2 Q How long did it take you to make the trip?

3 A The actual trip only took about two hours,
4 I would say.

5 Q Did you arrive the same day or the next day?

6 A The next day.

7 Q What time of day did you arrive in Paranaque?

8 A About eight o'clock in the morning.

9 Q Then what happened?

10 A We were taken ashore in invasion barges,
11 dumped into the water up to our shoulders, and as-
12 sembled on the shore at Paranaque in groups. We were
13 kept there for several hours, until the hottest part
14 of the day had arrived, and then we were marched
15 through the main thoroughfares of Manila, which were
16 lined with thousands of Filipinos out to witness the
17 procession. Many of these Filipinos tried to give
18 us food, fruit and water, and they were beaten by
19 the Japanese guards for attempting to help us. There
20 were many Japanese Army personnel and civilians
21 lining the streets to witness the march.

22 Q Where did the procession end, Colonel?

23 A At Old Bilibid Prison, which is in the
24 commercial section of Manila.

25 Q Will you tell us the distance between

MONTGOMERY

DIRECT

1 Paranaque and Old Bilibid Prison?

2 A About seven miles.

3 Q Have you been in Manila before the out-
4 break of the war, Colonel:

5 A I was stationed there for about seven months
6 before the war.

7 Q Are you familiar with the port area where
8 the piers are in Manila?

9 A Yes, I was stationed at port area.

10 Q Do you know if there were piers sufficient
11 in Manila?

12 A Yes, Manila is a large port. There were
13 several piers there, including Pier No. 7, which is
14 reputed to be the longest pier in the world.

15 Q Do you know the distance from the pier to
16 Old Bilibid Prison?

17 A It is about a mile.

18 Q Then, why did the Japanese not land you
19 at the pier and instead landed you at Paranaque?

20 MR. LEVIN: We object to that as asking for
21 a conclusion of the witness, Mr. President.

22 MR. LOPEZ: If he knows, your Honor.

23 THE PRESIDENT: Did the Japanese give you a
24 reason for that?

25 THE WITNESS: No, sir.

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1 THE PRESIDENT: Well, you don't know why
they made that choice. The objection is upheld.

2 MR. LOPEZ: He may answer, your Honor?

3 THE PRESIDENT: No, he may not. He couldn't
4 read their minds. They would have to tell him.

5 Q Can you describe to the Tribunal about the
6 living quarters and treatment of inmates of the Davao
7 Penal Colony while you were confined there?

8 A The Davao Penal Colony before the war and
9 during the war contained about 2,000 Filipino con-
10 victs. We were assigned to one of their areas and
11 approximately 2,000 men lived in these barracks. The
12 sanitary facilities were rather poor, but better than
13 we had run into at any other camp. Water was plenti-
14 ful -- drinking water was plentiful, but food was
15 inadequate. There were many men beaten by the Jap-
16 anese guards while performing their various work de-
17 tails, and we had one execution while down there.

18 Q Do you know if mass punishment was ever
19 imposed?

20 A Yes, on several occasions, specifically,
21 when I and approximately 600 other Americans were
22 mass punished for the escape of ten men.

23 Q What was the mass punishment meted out?

24 A Well, the mass punishment consisted of taking
25

MONTGOMERY

DIRECT

1 the six hundred men and putting them into a much
2 smaller compound, where we slept in cages. These
3 cages were separate, dimensions, I would say five
4 feet, ten in length, about three feet in width, and
5 three feet high. We entered them through a --

6 Q What were they made of, Colonel?

7 A They were made of wood and wire.
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1 Q How many of you were required to sleep in
2 one cage?

3 A One cage per man.

4 Q For how long?

5 A Well, that phase of the mass punishment lasted
6 two months.

7 Q Will you describe the inside of the cage
8 with respect to its cleanliness or lack of it?

9 A Well, for one thing it was a regular
10 bed bug incubator. A tall man could not stretch
11 out to his full length. He would have to double
12 his feet, draw up his legs. They were flat boards.
13 They were piled flat boards, and the cages were
14 set one above the other, double tier, double tiered
15 effect.

16 Q How were you treated as to food?

17 A Well, our food, while undergoing this punish-
18 ment, was considerably less than that of the main
19 camp, which was bad enough at that time.

20 Q How did they treat you personally?

21 A Well, we were placed on the most onerous
22 work details that they could possibly devise. We
23 were beaten without provocation. I have personally
24 been beaten on several occasions during that period;
25 and we were informed that that was part of the

MONTGOMERY

DIRECT

1 punishment that had been imposed upon us.

2 Q Do you know who gave the order of that
3 punishment?

4 A After the escape we waited about seven
5 days pending our sentence. The six hundred men to
6 be punished were assembled. The commanding officer
7 of the camp, the Major MAIDA, announced to us that
8 he had received the notification of the punishment
9 to be imposed from the High Command.

10 Q Did he state anything further?

11 A No. He made quite a ceremony out of the
12 affair, and read our sentence off from a sheet of
13 paper or a scroll, and concluded with: we should
14 meditate and repent.

15 Q Colonel, in Davao camp did you hold any
16 position?

17 A Yes, I was the Adjutant of the Camp and
18 the Works Details Officer.

19 Q Do you recall if the prisoners-of-war in
20 Davao were given a set of questionnaires whether
21 they were willing to work or not?

22 A Yes. In April of 1943 we were given a
23 form, each man was given a form to fill out by the
24 Japanese, and it asked whether you would volunteer
25 to work or not.

MONTGOMERY

DIRECT

1 Q And what was the answer of the men?

2 A They got six hundred negative answers from
3 us.

4 Q What happened when they learned that you
5 did not want to work?

6 A Well, in spite of the fact that they had
7 asked whether we would volunteer, they returned
8 these negative reports to us and stated that we
9 would work and that if anybody did not work, they
10 would be confined in the guardhouses and severely
11 punished until they volunteered to work.

12 Q Are you familiar with the place Lasang, Davao,
13 Colonel? Does that strike any recollective chord
14 in your memory?

15 A Yes. Yes, it does.

16 Q What was it?

17 A Well, the Japanese authorities at the
18 penal colony ordered a six hundred man work detail
19 to build a military air field at Lasang. We protested
20 this decision, and I, personally, drafted a letter
21 of protest which was signed by Commander Warren Ports,
22 who was our senior officer in the camp.

23 THE MONITOR: Is he a Lieutenant-Commander
24 or full Commander?

25 A He was a full Commander. Also signed by

MONTGOMERY

DIRECT

1 Colonel Olsen, who was the Camp Commander. The
2 senior officer was not the camp commander at this
3 camp. In this letter we stated that working on
4 military installations was covered under the rules
5 of land warfare and requested that they reconsider
6 the matter of assigning American officers and
7 enlisted men to work on military installations.

8 Q What happened to the letter?

9 A It was returned after several days by a
10 Japanese officer and interpreter, and they stated
11 that letters such as that type would do us no good.
12 They made the statement that the Japanese Government
13 would live up to only such parts of international
14 law as were not in conflict with their rules and
15 regulations.

16 Q When were you moved out of Davao?

17 A In June of 1944.

18 Q Will you describe the circumstances under
19 which you were moved out?

20 A Yes. We were loaded aboard trucks, roped
21 together and blindfolded. We were so crowded in
22 these trucks that the men who were sick passed out.
23 They had great difficulty in sinking to the floor
24 of the truck. The trip lasted between three and
25 four hours. At no time were we permitted to get off

MONTGOMERY

DIRECT

1 the trucks during that period.

2 Q At the wharf, what happened, Colonel?

3 A When we arrived at the wharf, we were de-
4 trucked. The ropes were taken off us. We had our
5 blindfold removed. While I was there I noticed a
6 large automobile, a limousine, flying a yellow flag,
7 a gold-colored flag, which is indicative of the
8 General grade in the Japanese Army. This Japanese
9 General appeared to be quite amused at the method
10 of transporting us. The Commanding Officer of the
11 Camp, who was a Major TAKASAKI, came over to Colonel
12 Olsen and myself and spoke to us, and apologized for
13 the drastic methods used to transport us, and assured
14 us that he was merely following orders from higher
15 authority.

16 Q A little while ago, Colonel, you mentioned
17 the circumstances of the sinking of the Oryoku
18 Maru in December of 1944. You stated that while it
19 was off Subic Bay it was bombed and strafed by
20 American planes carrying American prisoners of war.
21 Can you explain to the Court why American planes
22 should bomb a prison ship carrying American prisoners-
23 of-war?

24 MR. LEVIN: We object to that, Mr. President,
25 on the ground that it is asking the witness for a

MONTGOMERY

DIRECT

1 conclusion not within his powers.

2 THE PRESIDENT: Confine yourself, Mr. Lopez,
3 to getting from the witness facts from which we
4 may draw the conclusions that you invite him to
5 draw.

6 MR. LOPEZ: I will reform the question.

7 Q At the time the Oryoku Maru was bombed
8 off Subic Bay in December of 1944, had it any identi-
9 fication as to what ship it was?

10 A The Oryoku Maru was absolutely unmarked,
11 was heavily gunned, many anti-aircraft, and there
12 were adequate in number gun crews to man those guns.

13 Q How many American prisoners-of-war were
14 aboard when it was bombed and strafed by American
15 planes?

16 A We boarded the Oryoku Maru with approximately
17 sixteen hundred and fifty men. However, at the
18 time the planes started to bomb and strafe the ship,
19 about thirty or forty had already died.

20 Q How many times was it bombed and strafed?

21 A Well, the planes picked up the Oryoku Maru
22 at eight o'clock in the morning, and they bombed it
23 and strafed it at intervals until four-thirty.

24 Q You say that the Oryoku Maru carried anti-
25 aircraft guns at the time. Could you please tell us

MONTGOMERY

DIRECT

1 what those guns were doing at the time the
2 American planes were strafing and bombing the
3 Oryoku Maru?

4 A The anti-aircraft guns were firing constantly.

5 Q What happened to the Oryoku Maru after
6 she was bombed and strafed the second time?

7 A The serious damage to the Oryoku Maru, so
8 far as we were concerned, happened the morning of
9 the fifteenth. A bomb landed right alongside of
10 the athold, blew a hole in the side of the ship.
11 However, the Oryoku Maru had been so badly damaged
12 the day before that it was obvious that it could
13 not continue its voyage; and the Japanese had already
14 evacuated some civilians who were aboard the ship
15 the night of the fourteenth and fifteenth.

16 Q What order was given when it was found that
17 it could not continue with the voyage?

18 A In the hold I was in we were informed by
19 a Japanese interpreter that we would make for the
20 shore. We would probably have to swim. We were
21 ordered not to take any shoes with us, and to strip
22 down as much as possible, as it was a fairly long
23 swim. We ascended the ladders leading down into
24 the hatch, and some people were permitted to go to
25 one of the lower levels and jump overboard. Others

MONTGOMERY

DIRECT

1 were forced to jump right where they were, which
2 was a distance of about eighteen feet, I should say,
3 into the water. The Japanese guards aboard the boat
4 were definitely trigger-happy; and several people
5 were shot while they were still on the Oryoku Maru.

6 There were machine guns lined up on the shore
7 that opened fire upon men who were in improvised
8 little rafts or clinging to driftwood, who apparently
9 did not trust their swimming ability to make the
10 shore. As I was swimming in, I passed a raft with
11 five officers on it whom I knew: Colonel Maverick,
12 Humber, Dencker, Major Nerdlinger, and Chaplain
13 Cleveland.

14 THE MONITOR: Would you repeat the names,
15 please?

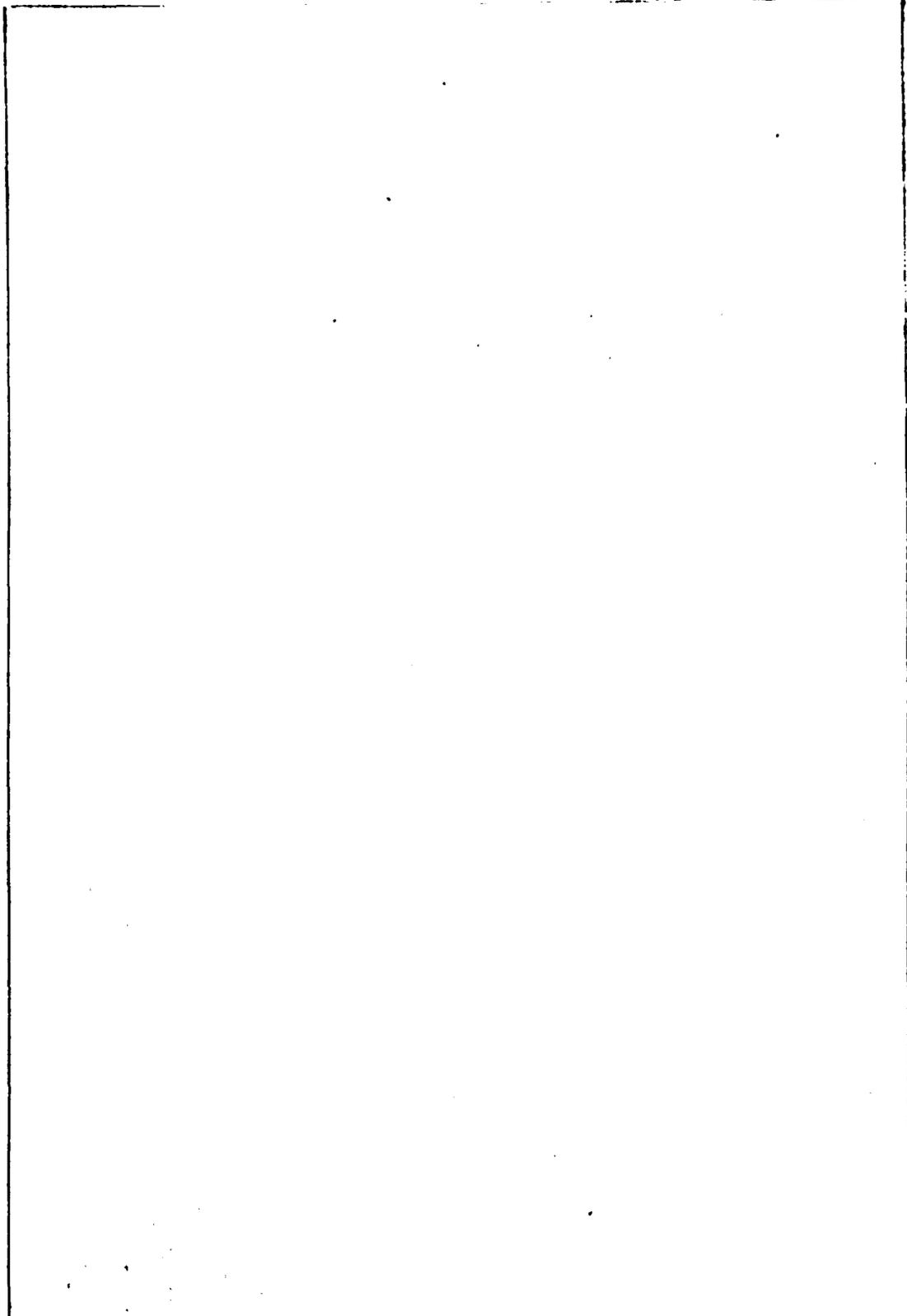
16 THE WITNESS: Colonels Humber, Maverick,
17 Dencker, Major Nerdlinger, Chaplain Cleveland.

18 A (Continuing): The Japanese machine guns
19 opened fire on these men who were paddling towards
20 the shore, a prescribed point, killing Cleveland,
21 Dencker, Major Nerdlinger. The other two officers
22 managed to swim to shore, but they subsequently died.

23 Q Please describe conditions on the Oryoku
24 Maru before she was sunk?

25 A The Oryoku Maru was the worst experience

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MONTGOMERY

DIRECT

1 that I had ever had as a prisoner. We were literally
2 jammed into the hold of this ship. We were so
3 crowded that sitting down, or our allocation of
4 space, was absolutely impossible. It was so crowded
5 that men had to be beaten down into the hold. Apparently
6 they had allocated so many men to a hold, and those --
7 there were about seven hundred, I think, in the hold
8 I was in -- and those seven hundred men just had to
9 get down there if they had to walk up somebody's back
10 to do it. It was terribly hot within the hold,
11 and this was further increased when the Japanese
12 battened down the hatches on several occasions. I
13 would estimate that it got as high as one hundred
14 and twenty degrees in that hold.

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1 Q How was the food situation aboard the ship?

2 A We received one issue of rice and one small
3 issue of water all the while we were on the Oryoku
4 Maru. That was December 13 to December 15.

5 Q How about the sanitary facilities?

6 A They supplied four buckets for latrine
7 purposes for the seven hundred men in this partic-
8 ular hold. Permission was refused to empty these
9 buckets and in consequence they quickly filled and
10 overflowed. The odor was terrific.

11 Q How about the water?

12 A Well, due to the crowd, crowded conditions,
13 the fact that it was terribly hot in the holds, men
14 dehydrated very quickly. If a person had water in
15 their canteen they were forced to drink it. I used
16 the term "forced to drink it" because many of us in-
17 tended to conserve on this water realizing that on
18 these Japanese cruises water was quite scarce. How-
19 ever, by that first evening there were very few men
20 who had any water left in their canteens. The water
21 issue that we received that night from the Japanese
22 consisted of a canteen cup per bay. They divided
23 these ships into bays, so many men to a bay. We had
24 something like thirty-seven men. The combination of
25 the heat, dehydration, the terrible conditions on that

MONTGOMERY

DIRECT

1 boat drove a lot of the men out of their minds.
2 Some of them resorted to drinking urine in an
3 effort to assuage their thirst. Other men slashed
4 their wrists and anybody else's wrists that they
5 could get hold of to drink the blood. During this
6 whole period there was quite a clamor in the holds--
7 people yelling, trying to quiet down the maniacs--
8 and at that time the Japanese battened down the
9 hatches as a disciplinary measure. That, of course,
10 completely shut us off from any appreciable amount
11 of air.

12 Q Colonel, could you tell us how many
13 Americans died as a result of the strafings and
14 bombings?

15 A Well, we started out with about 1650
16 and when we held a roll call at Olongapo there were
17 between 1300 and 1400 men present -- nearer thirteen.

18 Q What was the cause of the deaths of those
19 men missing?

20 A Suffocation, indiscriminate shooting on the
21 vessel and from the shore party and some deaths
22 attributable to the bombing. However, there were
23 more deaths attributable to the conditions aboard
24 the Oryoku Maru than from any other circumstance or
25 series of circumstances, such as indiscriminate

MONTGOMERY

DIRECT

1 shooting and the bombing itself.

2 Q Could you tell us, Colonel, whether there
3 were wounded of those of you who survived?

4 A Well, there were at least sixty or seventy
5 men who were wounded or injured.

6 Q Did the Japanese give them any medical
7 treatment or hospitalization?

8 A None whatsoever. One example that remains
9 in my mind very vividly, there was a Marine corporal
10 by the name of Speck got a machine gun slug in his
11 arm. Gangrene set in and it swelled up to an in-
12 credible size. Our doctors repeatedly asked the
13 Japanese interpreter and commanding officer of
14 troops for permission to send this man specifically
15 and many of the other wounded and injured men to some
16 point where they could receive hospitalization. One
17 of our medical officers, a Colonel Swartz, seeing
18 that permission would not be granted, decided to
19 amputate this man's arm without anesthetic and with
20 the crudest surgical appliances imaginable. He
21 amputated this corporal's arm and he died about
22 three days later.

23 Q The 1300 or 1400 of you who survived, where
24 were you concentrated later?

25 A After we got ashore they rounded us up,

MONTGOMERY

DIRECT

1 marched us to a doubles tennis court -- not two
2 tennis courts but a doubles tennis court -- and
3 the survivors, between 1300 and 1400 men, were
4 placed in this area and told that we would dispose
5 ourselves as best we could.

6 Q Was it an indoor tennis court or outdoor
7 tennis court?

8 A It was an outdoor court with backboards
9 and netting to keep the balls from leaving the
10 playing surface.

11 Q Was there any roofing on it?

12 A Absolutely none.

13 Q How many day did you stay in that tennis
14 court?

15 A Six days.

16 Q Where did you sleep during the six days?

17 A Well, that required quite a bit of organiza-
18 tion. We divided ourselves up into squads of,
19 roughly, seventy men stretched across the court,
20 got reasonably close to each other. We were in
21 files. After setting aside a small area for the
22 seriously wounded and injured, we allocated that
23 space to the individual squads to give you roughly
24 two feet apart. I would say the lines were roughly
25 two feet apart.

MONTGOMERY

DIRECT

1 THE PRESIDENT: Mr. Lopez, I prevented
2 you from asking this witness what reasons the
3 Japanese had for taking the route they did to the
4 Bilibid Prison and you left it at that. There is
5 nothing to prevent you from getting from the wit-
6 ness the circumstances attending that march so that
7 we may draw the necessary conclusion. You may think
8 over that during the recess.

9 We will recess for fifteen minutes.

10 (Whereupon, at 1445, a recess
11 was taken until 1500, after which the pro-
12 ceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Lopez.

4 MR. LOPEZ: Mr. President, could I resume
5 by going on with the testimony? Could I resume with
6 the direct examination and meet the suggestion later
7 of the court in the last part of his testimony?

8 THE PRESIDENT: It rests entirely with you,
9 Mr. Lopez.

10 BY MR. LOPEZ (Continued):

11 Q Were there trees overhanging, whose branches
12 overhung the tennis court to protect you from the
13 rain or from the heat of the sun?

14 A No.

15 Q Were you provided with any beds to sleep in
16 in the tennis court?

17 THE PRESIDENT: Well, he told us what
18 happened. They were in squads two feet apart, or
19 something like that. That meant on the ground, I
20 take it.

21 Q Were you provided with nets?

22 A No.

23 Q How about your food?

24 A The first two days we got nothing issued to
25 us in the way of food from the Japanese. On the

MONTGOMERY

DIRECT

1 third day, and each day hereafter while we remained at
2 Olongapo, we received one tablespoon -- mess kit
3 spoonful of uncooked rice.

4 Q On the third day of your stay in the tennis
5 court what happened, please?

6 A On the third day a Lieutenant UKI, who had
7 been an officer assigned to the supervisory personnel
8 of the penal colony, came up to Olongapo. He was
9 assigned to General KUO's office, who I believe was
10 in command of all prison camps in the Philippines.
11 UKI sent for Colonel Olsen and myself, as he knew us
12 at Davao, and wanted to talk to us. At that time we
13 told him about the conditions aboard the Oryoku Maru.
14 He could see visible evidence of how we were carrying
15 on at Olongapo, the fact that we had practically no
16 clothing, that we were broiling during the daytime
17 from the sun and freezing at night; the fact that
18 we had had no cooked food since the 13th of December.

19 We asked him if he would bring those conditions to
20 the attention of the higher authority in Manila.
21

22 Q What came out of your talk with Lieutenant
23 UKI, if you know?

24 A UKI said he would do what he could for us;
25 but our condition did not change in the slightest all
the while we were at Olongapo.

MONTGOMERY

DIRECT

1 Q How many American prisoners-of-war were
2 you when the Enoura Maru was bombed in January, 1945,
3 at Takao, Formosa?

4 A Well, at this time there were about 1300
5 survivors left.

6 THE PRESIDENT: We have that.

7 MR. LOPEZ: This is another one, your Honor,
8 we are questioning him about. This is the Enoura Maru.

9 THE PRESIDENT: He does not seem to under-
10 stand so. The same number of survivors, 1300 in each.
11 It may be a coincidence. Go ahead.

12 MR. LOPEZ: Your Honor, the witness said,
13 in answer to the number of survivors from the Oryoku
14 Maru that it was between 1300 and 1400, your Honor.
15 Just for the purpose of clarification, your Honor, I
16 should like to ask this question of this witness with
17 respect to survivors of the Enoura Maru.

18 Q Will you tell us how many survived from the
19 bombing and strafing of the Enoura Maru at Takao,
20 Formosa?

21 A There were no more than 1300 men on the
22 Enoura Maru at the time she was bombed at Takao
23 Harbor. Approximately 300 men were killed outright
24 on the bombing at Takao Harbor.

25 Q At the time she was bombed did the Enoura Maru

MONTGOMERY

DIRECT

1 carry any identification?

2 A The Enoura Maru was unmarked and armed.
3 I might add that no Japanese ships that I have ever
4 been on carrying prisoners were marked in any way.
5 I will supplement that by saying marks of any kind
6 to indicate that it was carrying prisoners of war
7 aboard.

8 Q What kind of arms did the Enoura Maru carry,
9 what kind of arms?

10 A They had several anti-aircraft guns.

11 Q Were those guns used when she was attacked
12 by American planes?

13 A That was the first warning we received, was
14 when the Enoura Maru opened fire on the planes.
15 Shortly thereafter the bombs hit the vessel.

16 Q Of the 1600 or 1650 prisoners of war
17 aboard the Aryoku Maru in December, 1944, how many
18 of you survived upon reaching here in Japan?

19 A There were approximately 450 of the prisoners
20 reached Moji.

21 Q Going back to the boulevard of the Bilibid
22 Prison march, can you state to the Court if Paraque
23 is a port of debarkation for the Army?

24 A It is not.

25 Q Did it have any pier or wharf of any kind?

MONTGOMERY

DIRECT

1 A No.

2 Q How were you disembarked from the three
3 vessels?

4 A With Japanese landing craft, assault boats,
5 whatever they call them.

6 Q What principal thoroughfares of Manila
7 did you pass through, or you were made to pass through?

8 A We went down Dewey Boulevard, which is one
9 of the main thoroughfares, down Taft Avenue, which
10 is also in the main section of town; and then to
11 get to Bilibid you have to go through the commercial
12 section of Manila.

13 MR. LOPEZ: That is all for the witness,
14 your Honor.

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MONTGOMERY

CROSS

1 THE PRESIDENT: Mr. Logan.

2 MR. LOGAN: If the Tribunal please.

3 CROSS-EXAMINATION

4 BY MR. LOGAN:

5 Q Colonel, what commission did you hold at the
6 time of the capitulation?

7 A Major.

8 Q I understood you to say that at the time of
9 the capitulation the food that the Americans had was
10 placed on Japanese ships and taken across the China
11 Sea. Is that correct?

12 A Headed toward the China Sea.

13 Q Isn't it a fact, Colonel, that at the time of
14 the surrender the Americans had very little food left?

15 A People on Bataan were much worse off than on
16 Corregidor. On Corregidor the plan was for it to hold
17 out an additional ninety days after the fall of Bataan,
18 and there was a reserve of food that was not to be
19 touched under any circumstances.

20 Q Was this a very large supply you had stored
21 up or a small supply?

22 A Repeat that, please, I don't hear you.

23 Q Was it a very large supply or a small supply
24 you had stored up?

25 A I would say that there was food there.

MONTGOMERY

CROSS

1 We were on two meals a day on Corregidor.

2 Q And that was rationed meals at that, wasn't it?

3 A Yes. It was two light meals. I would say that
4 Corregidor had a ninety day ration in store at the same
5 rate that we had been eating these two meals a day,
6 that would keep a person from starving to death.

7 Q For how many men?

8 A Approximately ten thousand.

9 Q When you were at Bilibid Prison, Colonel,
10 conditions were crowded in the barracks there, is that
11 correct?

12 A I have been in Bilibid Prison on three occa-
13 sions: Which occasion are you talking about?

14 Q The first occasion, when you were talking
15 about these cages.

16 A Yes, it was quite crowded in Bilibid.

17 Q Who constructed these cages in which you
18 were placed?

19 MR. LOPEZ: If your Honor please, just for
20 a point of clarification, those cages were not placed
21 in Bilibid, but in Davao.

22 THE PRESIDENT: You are not at liberty to
23 contradict the witness.

24 A I don't know who built the cages at Davao
25 Penal Colony.

MONTGOMERY

CROSS

1 Q How were conditions with respect to over-
2 crowding at the prison?

3 A When we first got down to Davao it was not
4 too crowded because about six hundred of the thousand
5 men that came down from Manila were immediately sent
6 to a hospital, that is, to a hospital area. Subse-
7 quently, the Japanese drove a lot of these sick men
8 back to the main part of the camp so that they could
9 work at various tasks that they thought up for them.

10 Q Do you know if these cages were used as
11 temporary shelter for men before you were required
12 to use them?

13 A I can't answer that as I had never been in
14 that area before.

15 Q Well, they were not constructed especially
16 for the six hundred men that were placed in them,
17 were they?

18 A I don't think so.

19 Q From your examination of them, would you say
20 that they were used as for sleeping purposes for men
21 due to overcrowded conditions in that particular area?

22 A No. As I recall it, there were other struc-
23 tures available there in which we could have been
24 billeted. We were in three barracks.

25 Q What I am trying to find out, Colonel, is

MONTGOMERY

CROSS

1 just what these cages were used for before you did --
2 before you used them. Six hundred cages is quite a
3 large number.

4 A The area in which we were confined had been
5 used when the penal colony was in operation for the
6 more or less incorrigible prisoners. There were three
7 rows of barbed wire running around this compound;
8 flood lights shining in there at all times. It could
9 well be that the Filipino convicts were confined under
10 a somewhat similar circumstance as a disciplinary
11 measure.

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1 Q Now, do you speak Japanese?

2 A Very, very slightly; and I do not feel the
3 urge to improve it.

4 Q I suppose you didn't understand it at all
5 in 1942; is that so?

6 A I could count, name work details. I had to
7 do that as the majority of the Japanese guards did not
8 speak English.

9 Q When Major MAJDA read this notification of
10 punishment that you received at this camp, did he speak
11 in Japanese?

12 A Yes, he spoke in Japanese. He could speak
13 practically no English.

14 Q You say he read this sentence from a paper
15 or scroll which he had in his hand?

16 A That is correct.

17 Q Was there an interpreter there?

18 A Yes.

19 Q Did the interpreter specifically use the
20 words "High Command"?

21 A That was one of their favorite expressions.
22 They used the word "High Command" on many, many
23 occasions, and specifically on that occasion.

24 Q They were the words that were used by the
25 interpreter, but you don't know whether or not they

MONTGOMERY

CROSS

1 were the words Major MAIDA used in Japanese, is that it?

2 Did you answer?

3 A No more so than on any other occasion when
4 a Japanese officer used an interpreter. However--

5 Q Let's confine it to this occasion, Colonel.

6 A Well--

7 Q And later on, when you were at this other
8 penal colony, you protested about working on the
9 building of this airfield. Did the same situation
10 prevail there with respect to the reading of the order
11 that was given to you with respect to the fact that
12 they would not live up to the regulations of the Rules
13 of Land Warfare?

14 A The letter was returned, and the statement
15 was a verbal statement made by -- through an inter-
16 preter.

17 Q You, of course, do not know, Colonel, whether
18 or not on both of these occasions the officer who
19 spoke actually had orders from higher authorities,
20 isn't that so?

21 A I did not see any orders.

22 Q And you do not know whether he actually had
23 any orders from higher authority?

24 THE PRESIDENT: How could he?

25 A No, I don't know that.

MONTGOMERY

CROSS

1 Q When you arrived at this wharf and the Captain,
2 whose name was NAGASAKI, spoke to you--

3 A TAKASAKI.

4 Q TAKASAKI. Did he speak English?

5 A Yes, he could speak English -- Major TAKASAKI.

6 Q Major? And do you know as an actual fact
7 that there was a General there at that time?

8 A Oh, unquestionably.

9 Q At any of these camps you were at, Colonel,
10 I presume you made protests about beatings and food,
11 and so forth, did you?

12 A Most of them.

13 Q In any of these camps, did any of these pro-
14 tests bring any results?

15 A Usually made things worse.

16 Q Were there any times when they were made good?

17 A I have to think pretty hard on that one.
18 Yes, I recall one specific instance.

19 Q Were guards ever punished for mistreatment
20 of American soldiers after protests were made?

21 A That is the instance I have in mind.

22 Q Just one instance?

23 A One instance.

24 Q Now, at the time this ship was bombed where
25 you got ashore on the tennis court, that was an

MONTGOMERY

CROSS

1 emergency condition set up there, wasn't it, Colonel?
2 In other words, the Japanese weren't expecting the
3 ship to be bombed or expecting that they would have
4 to take care of about 1300 men at that particular time
5 at that spot, isn't that so?

6 A We landed right at the Olongapo Naval
7 Reservation. That was a permanent station formerly
8 used by our Navy for many, many years. There were
9 hospital facilities there and there were facilities
10 to cook the food. If ever a place were designed to
11 take care of unexpected guests, that was the place.

12 Q Was it crowded at that time, Colonel?

13 A You mean crowded with Japanese soldiers?

14 Q With anybody.

15 A I'd say there were a couple of hundred
16 marines there manning gun positions which were all
17 around the tennis court where we stayed. But no
18 large concentration of troops.

19 Q Were there any other prisoners there?

20 A None.

21 MR. LOGAN: That is all.

22 MR. S. OKAMOTO: I am counsel OKAMOTO,
23 Shoichi.

24 THE PRESIDENT: Counsel OKAMOTO.
25

MONTGOMERY

CROSS

CROSS-EXAMINATION (Continued)

1
2 BY MR. S. OKAMOTO:3 Q When the 600 prisoners at Davao said that
4 they would not volunteer for work, did they do so
5 one by one, or did they do this as a group?6 THE MONITOR: Did they do this individually,
7 or did they talk, consult with each other and come to
8 a decision and acted as a group?

9 A We did it together.

10 Q Did you do this upon consultation with each
11 other, as a result of a mutual agreement?12 A No. We were rather happy to have the oppor-
13 tunity of expressing our desires on whether we would
14 work or not, and we unanimously decided we did not
15 volunteer to work.16 Q But, was not this refusal made by a represen-
17 tative -- made through a representative?18 A No. They gave us a series of printed forms
19 to fill out and we put under "Do you volunteer to
20 work?" "No."
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MONTGOMERY

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1 Q Did each person take this slip of paper
2 individually or did they -- were these slips of paper
3 collected and taken by a representative?

4 A Better have him repeat that question.

5 THE PRESIDENT: No, don't. We do not want
6 that question. We do not want the answer.

7 Q Then I shall ask another question: You tes-
8 tified that the ship which was bombed outside Manila
9 was the "Oryoku Maru." Was it not the "Oryokko Maru"?

10 A Well, I don't guarantee my Japanese pro-
11 nunciation, but I think it is spelled O-r --
12 phonetically -- O-r-y-o-k-u: Oryoku.

13 Q Were there not many Japanese civilian
14 evacuees on that ship -- women and children?

15 A Oh, yes, very many.

16 Q When this ship began to sink, were the women
17 and children evacuated first?

18 A The civilians were evacuated first. I
19 don't know in what order. And they were evacuated
20 the morning of December 15. When I say "morning,"
21 I mean about two o'clock in the morning, December 15.

22 Q Were not the lifeboats used for the evacu-
23 ation of these women and children, and is that not
24 the reason why lifeboats became unavailable later?

25 A I wouldn't say that at all. We could hear,

MONTGOMERY

CROSS

1 in the holds, the sound of boats, apparently launches
2 -- that putt-putt sound that you'll get from a light
3 launch -- approaching the Oryoku Maru at about two
4 o'clock in the morning. Now, whether they sup-
5 plemented the lifeboats with these launches or used
6 the launches entirely, I can't say.

7 Q When this ship was sunk, was not food and
8 clothing sent from Manila to Subic Bay by automo-
9 bile in order to aid the people who had evacuated
10 from this ship?

11 A In the first place, the Oryoku Maru was not
12 sunk; and it was subsequently bombed when the prison-
13 ers had been removed and ammunition exploded, and it
14 burned. But it was in no danger of sinking so far as
15 I could ascertain at the time we evacuated it. Now,
16 as for food, I have testified that we received one
17 tablespoon of uncooked rice after the third day and
18 that that was the total ration that we were allowed
19 daily as long as we stayed at Olongapo.

20 Q Was not Olongapo a small town with no
21 Japanese garrison and with no facilities for food
22 and other supplies?

23 A The naval reservation at Olongapo was
24 garrisoned by Japanese troops. Olongapo --

25 Q Were there billeting facilities?

MONTGOMERY

CROSS

1 A At Olongapo? Certainly. That is, at the --
2 correction: at the naval reservation.

3 Q How long did it take to go from Manila to
4 Subic Bay -- to Olongapo and Subic Bay, considering
5 the transportation situation of those days? Would
6 you say it would take about two days?

7 A No. From -- I've driven from Manila to
8 Olongapo on several occasions in jeeps, passenger
9 cars and trucks. I would say at the most it is a
10 five-hour ride.

11 Q Did not the Americans carry out severe
12 bombings of the area at the time, and were not
13 transportation facilities very bad?

14 A American planes were bombing during the
15 daytime in the Philippine area. However, you can
16 run convoys at night, and one truckload of supplies
17 would have helped us immeasurably.

18 Q Then when you testified that Lieutenant
19 UKI reached Olongapo on the third day, do you be-
20 lieve that he was delayed very much or do you con-
21 sider that natural in the light of the situation at
22 the time?
23

24 A I consider it natural. I don't believe
25 that the Japanese authorities were very much con-
 cerned about our welfare.

MONTGOMERY

CROSS

1 Q Did Lieutenant UKI enjoy a good reputation
2 among prisoners-of-war since your Davao days?

3 A Lieutenant UKI was pretty well thought of
4 at Davao, all in all considered; I mean in com-
5 parison with the others.

6 Q I may not have -- this may be repititious,
7 but how long did it take from the time the Oryokko
8 Maru was bombed to the time you actually evacuated
9 the ship?

10 A About forty minutes, I believe. I hope
11 I've got your question straight. We were told
12 that we would evacuate the ship shortly -- this
13 was after she had been bombed on the 15th; and after
14 the bomb hit the ship, approximately forty minutes
15 later we started to evacuate the vessel.

16 Q What I wish to ask you was the time con-
17 sumed since the ship left port to the time you
18 actually evacuated the ship.

19 THE MONITOR: In other words, the actual
20 sailing time of the ship.

21 A Right. We left Manila about two o'clock
22 in the morning of the 14th. We evacuated the
23 Oryoku Maru at approximately ten o'clock the morning
24 of the 15th.
25

THE PRESIDENT: We had that already. Are

MONTGOMERY

CROSS

1 you likely to be much longer?

2 MP. S. OKAMOTO: I will only take one more
3 minute.

4 THE PRESIDENT: Will there be any further
5 cross-examination?

6 We will adjourn now until half-past nine
7 tomorrow morning.

8 (Whereupon, at 1602, an adjourn-
9 ment was taken until Friday, 13 December
10 1946, at 0930.)

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Rec'd Jan 16, 1947 ✓

13 DEC.

13 DECEMBER 1946

I N D E X
OF
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
Montgomery, Austin J., Lieutenant Colonel, U.S. Army (resumed)	12718
Cross by Mr. S. OKAMOTO (cont'd)	12718
" by Mr. Brooks	12719
Redirect by Mr. Lopez	12724
(Witness excused)	12724
Stubbs, Guy H., Colonel, U. S. Army	12738
Direct by Mr. Lopez	12738
Cross by Mr. Blewett	12753
" by Mr. SHIMANOCHI	12762
Redirect by Mr. Lopez	12770
Recross by Mr. Brooks	12773
(Witness excused)	12775

I N D E X
OF
EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
2742	1456		Affidevit of Major Charles Thomas Brown on Mistreat- ment and Improper Conditions at the Tayabas Detail in the summer of 1945		12725

I N D E X

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E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2855	1457		Summary of evidence of JAG Report No. 210 on the transportation of prisoners-of-war under improper conditions from Davao Penal Colony, Mindanao, to Manila from 6 June to 26 June 1944		12730
2808	1458		Summary of evidence of JAG Report No. 76 on Mistreatment and Improper Conditions existing at Bilibid Prison, Manila from May 1942 to February 1945		12732
2795	1459		Summary of evidence of JAC Report No. 99 on Mistreatment and Improper Conditions at Cabanatuan Camp during September 1942 to May 1943		12734
2830	1460		Summary of evidence of JAC Report No. 207 re the Mistreatment and Improper Conditions at the American Prisoners-of-War Camp at Capan between May and June 1942		12776
2837	1461		Summary of evidence of JAG Report No. 72 on the Murder of two American captured fliers at Cebu City in March 1945		12778

I N D E X

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E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
552	1462		Allied Translator and Interpreter Section Southwest Pacific Area Research Report No. 65 (Suppl No. 1) dated March 29, 1945	12779.	
552-A	1462A		English translation of Extracts from a captured booklet entitled "Japanese Instructions on How to Interrogate		12779
2707-F	1463		English translation of an extract from a mimeographed manual entitled: "Reference on Detection and Disposal of Land Mines" issued September 1943 by the Japanese Army Engineer School		12780
2707-R	1464		English translation of an extract from instructions issued 5 February (year not stated) by the Commanding General of the 16th Division		12781
2707-S	1465		Extract from instructions dated 3-21 April 1944, for treatment of prisoners, taken from a file of miscellaneous orders belonging to TOHIRA Military Police Section 33 Infantry Regiment, 16 Division, presumably the Tacloban Military Police Detachment commanded by a Captain TOHIRA		12782

I N D E X

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E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2718	1466		Captured loose handwritten sheet containing an account of a visit to Muntinlupa Prison in the Philippines, kept by a specified number of TORII 8th Unit, dated 24 October (year not stated)		12784
10-Y	1467		Certificate of Mr. Arthur A. Sandusky re the authenticity of documents 10-B through 10-X		12786
10-B	1468		American Government note to the Japanese Government thru the Swiss Government dated 18 December 1941 re the Geneva Prisoner-of-War Convention		12787
10-C	1469		Japanese Government note of 4 February 1942, directed to the American Government thru the Swiss Government		12787
10-D	1470		American Government note of 14 February 1942, directed to the Japanese Government through the Swiss Government		12789
10-E	1471		Japanese Note transmitted on 24 February 1942, through the Swiss Government		12790
10-F	1472		Foreign Minister TOGO's communication of February 1942, directed to the American Government through the Swiss Government		12791

I N D E X

OF

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
10-G	1473		American Note of 19 March 1942 informing the Japanese Government of the rations provided for Japanese internees detained by American forces		12792
10-H	1474		American Note of 3 April 1942 directed to the Japanese Government through the Swiss Government		12793
10-I	1475		American Government note of 21 May 1942 directed to the Japanese Government through the Swiss Government		12795
10-J	1476		American note of 17 November 1942 directed to the Japanese Government through the Swiss Government		12796
10-K	1477		American Government note of 12 December 1942 directed to the Japanese Government re Barbarcus Conditions at Fort Santiago, Santo Tomas, Davao, and other internment camps in the Philippines		12797
10-L	1478		American Government note of 5 April 1943 directed to the Japanese Government through the Swiss Government		12802
10-M	1479		Undated American Government note transmitted 5 February 1944 by the Swiss Minister in Tokyo to the Japanese Foreign Office		12803

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E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
10-N	1480		American Government note of 21 June 1944 re Swiss representatives to be permitted by the Japanese Government to visit internment camps	-	12811
10-P	1481		American note of 11 September 1944 to the Japanese Government through the Swiss Government		12812
10-S	1482		American Government note of 10 March 1945 directed to the Japanese Government through the Swiss Government		12812
10-T	1483		American note of 6 April 1945 to the Japanese Government through the Swiss Government		12814
10-U	1484		American note directed to the Japanese Government through the Swiss Government, dated 19 May 1945		12815
10-V	1485		American Government note of 19 May 1945 addressed to the Japanese Government through the Swiss Government		12816
10-W	1486		American Government note of 8 June 1945 directed to the Japanese Government through the Swiss Government		12817

I N D E X
OF
EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
10-X	1487		American Government note of 31 July 1945 directed to the Japanese Government through the Swiss Govern- ment		12818
2882	1488		Transcripts of Allied Station broadcasts monitored by the Foreign Office in Japan on Treatment of Allied prisoners- of-war, recorded between 24 January 1944 and December 19, 1944		12821

1 Friday, 13 December, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with
14 the exception of: HONORABLE JUSTICE D. JARANILLA,
15 Member from the Republic of the Philippines, not
16 sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 The Accused:

20 All present except OKAWA, Shumei, who is
21 represented by his counsel.

22 - - -

23 (English to Japanese and Japanese
24 to English interpretation was made by the
25 Language Section, IMTFE.)

MONTGOMERY

CROSS

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3
4 A U S T I N J. M O N T G O M E R Y, called as a
5 witness on behalf of the prosecution, resumed
6 the stand and testified as follows:

7 THE PRESIDENT: Counselor.

8 MR. S. OKAMOTO: May I have the last question
9 and answer read back?

10 (Whereupon, the official court reporter
11 read as follows:)

12 "Q What I wish to ask you was the time consumed
13 since the ship left port to the time you actually
14 evacuated the ship?

15 "THE MONITOR: In other words, the actual
16 sailing time of the ship.

17 "A Right. We left Manila about two o'clock
18 in the morning of the 14th. We evacuated the Oryoku
19 Maru at approximately ten o'clock the morning of
20 the 15th.

21 "THE PRESIDENT: We had that already. Are
22 you likely to be much longer?"

23 MR. S. OKAMOTO: About ten minutes more, sir.

24 CROSS EXAMINATION (Continued)

25 BY MR. S. OKAMOTO:

MONTGOMERY

CROSS

1 Q How long after the departure of the ship
2 was it that the POW's were said to have drunk
3 their urine?

4 A The heat in the hold of that ship was so
5 terrific that men started to pass out within ten
6 minutes after they were jammed in into these holds.
7 The circumstances that I described, the slashing of
8 wrists, the drinking of urine, occurred the morning
9 of the fourteenth and the night and morning of the
10 fifteenth.

11 MR. S. OKAMOTO: That is all, sir.

12 THE PRESIDENT: Captain Brooks.

13 CROSS-EXAMINATION (Continued)

14 BY MR. BROCKS:

15 Q Colonel, at the Davao you said there was
16 certain work done on military installations in
17 violation of the rules of land warfare. What was
18 the nature of the work that was being done?

19 A We were building a runway on a military air
20 field.

21 Q What was the name of this air field?

22 A So far as I know, the air field had no name.
23 It was located right near Lasang.

24 Q Do you know how long that air field had been
25 in use, whether it had been in use previous to the war?

MONTGOMERY

CROSS

1 A I don't know that.

2 Q Was it used by any civilian type of planes
3 as well as military?

4 A I knew nothing of the Davao area prior to
5 my arriving there as a prisoner.

6 Q Now, as to these ships that the prisoners
7 of war were being transported on, do you know what
8 type of marking should have been on such a ship?

9 A Well, according to the rules of land war-
10 fare, it should have been marked with a red cross
11 or some appropriate mark indicating that it was
12 carrying prisoners of war.

13 Q And I think you said it had on board others
14 than prisoners-of-war, isn't that correct?

15 A That is quite correct. It had approximately
16 a thousand Japanese civilians.

17 Q Now, at Manila, you were discussing certain
18 piers down there that might have been used closer to
19 your destination. Were these piers in use at the
20 time, by shipping, that your contingent arrived at
21 Manila?

22 A As we came into Manila Bay from Corregidor,
23 there were spaces available to dock a ship in the port
24 area.

25 Q Were there any spaces in that area already

MONTGOMERY

CROSS

1 filled with other shipping?

2 A As I recall it, they had other vessels
3 tied up at some of the piers.

4 Q Was there any vessels entering and leaving
5 the area of the piers' within these spaces that were
6 available that you spoke about?

7 A I do not remember seeing any vessels enter-
8 ing or leaving that area.

9 THE PRESIDENT: You were landed in barges,
10 you said?

11 THE WITNESS: We are discussing, your
12 Honor, the circumstances at the port area.

13 THE PRESIDENT: I understand that you were
14 landed in barges, is that so?

15 THE WITNESS: That is correct. Yes, sir.

16 THE PRESIDENT: Could you have been landed
17 in barges near the pier?

18 THE WITNESS: Yes, sir.

19 THE PRESIDENT: There was no need to take
20 you that roundabout way?

21 THE WITNESS: No, sir.

22 BY MR. BROOKS (Continued):

23 Q Do you know whether there were any mines
24 in this area where these spaces were that you could
25 have gone through?

MONTGOMERY

CROSS

1 THE PRESIDENT: Cross-examination, for its
2 own sake, is very seldom profitable, Captain Brools.

3 A The Japanese occupied Manila on January 2nd.
4 This was May 24th. As we know that Manila is a
5 large port rather strategically located, it is logical
6 to assume that within that period, if there were mines
7 around, that they would have removed them.

8 Q Colcnel, did you ever meet on any of these
9 camps you were in any of the members of the high
10 command that were referred to as members of the
11 high command by the Japanese officers?

12 A Let me put it this way: While a prisoner
13 in the Philippines, I can recall four inspections.
14 The first was by a General MORIMOTO, I believe that
15 is correct, that name. I might add that that inspec-
16 tion consisted of riding through the camp at Cabana-
17 tuan on a horse. It took ten minutes. At that time
18 there were dead bodies lying under the barracks
19 and in the latrine areas. Whether or not General
20 MORIMOTO was a member of the High Command, I do not
21 know; but he was a major-general in their army and
22 in charge at that time, I believe, of all of the
23 prison installations in the Phillipines.

24 Q Had there been any complaints made by your
25 administrative staff prior to such inspections?

MONTGOMERY

CROSS

1 A There were complaints made about food,
2 water, sanitary conditions, and every other phase
3 about which we had cause to complain.

4 MR. LEVIN: Mr. President, there will be
5 no further cross-examination of this witness.

6 THE PRESIDENT: Mr. Lopez: Yesterday, I
7 misunderstood something you said, and I told you
8 you had asked for something you had already received.
9 That appears from the transcript which I read last
10 evening. I misapprehended what you said. You were
11 entitled to ask the question I disallowed.

12 I will now ask the witness whether the Japanese
13 carried out their threat that if he found the food --
14 if he did not find the food that had been hidden,
15 the Americans would be deprived of food until the
16 food had been discovered to the Japanese?

17 MR. LOPEZ: Mr. President, it was a question
18 I intended to ask the other witness, Lieutenant
19 Colonel Fliniau.

20 THE PRESIDENT: Well, whatever witness it
21 was, I was wrong in not allowing you to question
22 him, but that is because I misunderstood you, as
23 clearly appears in the transcript. So if you desire,
24 you can recall that witness for that purpose.

25 MR. LOPEZ: Thank you very much, your Honor.

MONTGOMERY

REDIRECT

1 Just one more question of this witness, if
2 your Honor please.

REDIRECT EXAMINATION

BY MR. LOPEZ:

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4
5 Q Colonel, have you made a check of the total
6 number of survivors as of today of those of you
7 who boarded the Oryoku Maru way back in December
8 of 1944?

9 A Yes. Out of the sixteen hundred and fifty
10 who started on the trip to Japan, approximately four
11 hundred and fifty arrived in Moji on January 30, 1945.
12 Of that four hundred and fifty, approximately two
13 hundred died within two months after arrival in
14 Japan. If anything, that is a conservative estimate.

MR. LOPEZ: That is all for the witness.

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16 THE PRESIDENT: Witness is released on the
17 usual terms.

18 (Whereupon, the witness was excused.)
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1 .R. LOPEZ: We submit in evidence IPS
2 document No. 2742, which is the affidavit of Major
3 Charles Thomas Brown on mistreatment and improper
4 conditions at the Tayabas Detail in the summer of 1945.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document
7 No. 2742 will receive exhibit No. 1456.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution exhibit No.
10 1456 and received in evidence.)

11 .R. LOPEZ: We read from that document the
12 following: Page 1, the last question and answer.

13 "Q Outline your medical education and your
14 previous practice.

15 "I attended Baylor University, School of
16 Medicine, at Dallas, Texas, and received my M. D.
17 degree in 1932. Upon graduation I began my interne-
18 ship at Robert B. Green Memorial Hospital, San Antonio,
19 Texas, and remained there for one year. I began pri-
20 vate practice in medicine in 1933 at San Marcos, Texas,
21 and after practicing for one year there I went on ac-
22 tive duty with the U. S. Army Medical Corps and I have
23 remained on active duty as an officer in the Army
24 Medical Corps since that time."

25 Page 2, all but the last two sentences of the

24 These
25 weeks having been picked

1 last answer:

2 "On 19 June 1942 the Japanese ordered the
3 Senior medical officer at Bilibid Prison, Manila, to
4 furnish two medical officers and four medical corpsmen
5 to go on detail. I volunteered to go on this requested
6 detail. At that time thirty dying Americans had been
7 brought into the prison hospital by the Japanese and
8 we were told that other men were dying and hence the
9 necessity for sending medical personnel to the suffering
10 prisoners on the work detail. On or about the morning
11 of 20 June, Captain Paul Ashton and four medical de-
12 tachment corpsmen, whose names I do not now recall,
13 and I were taken by truck to the province of Tayabas
14 in southern Luzon to a point twenty kilometers from a
15 town called Calauag. We arrived there at night and
16 found on a small creek bed about three hundred American
17 soldiers, sailors and marines in most pitiful conditions,
18 some at the point of death, three already dead, and the
19 living suffering from malaria, dysentery and malnutri-
20 tion. The Japanese furnished us no medical supplies
21 and Captain Ashton had only a small medical field
22 pouch. This was all of the medicine we had. The
23 Japanese then told us that medicine would come later.
24 These three hundred men had been here for about three
25 weeks having been picked at random from the survivors

1 of the 'Death March' at Camp O'Donnell. All were in
2 poor physical condition when they were taken from Camp
3 O'Donnell by truck. They were removed from Tayabas
4 for the purpose of building a road through an almost
5 impenetrable jungle. When we arrived we were told
6 that thirty men had already died from dysentery, ma-
7 laria and exposure, and the survivors were sleeping
8 on the ground in the rocky creek bed, drinking filthy
9 water from the creek, and living in the open without
10 cover. These men were forced to work from daylight
11 to dark. Men who were almost dead from malaria and
12 dysentery were forced to work in the sun without
13 clothing, cover or shoes, with a wheelbarrow, pick
14 and shovel. Men were frequently beaten by guards for
15 stopping to relieve themselves. Men too weak to work
16 were beaten and prodded along by Japanese guards with
17 pick handles, bayonet scabbards, or any other object
18 they found around. When we arrived this had been going
19 on for three weeks. Captain Ashton, who was in charge
20 of our medical detail, immediately requested the Japa-
21 nese to allow the medical detachment a free hand and
22 asked that the dying men be allowed to rest and asked
23 for supplies. I also interceded with the Japanese at
24 various times on behalf of the sick. The food at the
25 time of our arrival might be considered sufficient and

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1 "During the period I was there possibly
2 fifty men died. I do not remember exactly how many.
3 Had we been furnished with medical supplies and had
4 we been able to improve living conditions, many of
5 these men could have been saved. In my opinion, it
6 was criminal to send these men to Tayabas from Camp
7 O'Lonnell as they had not received from the privations
8 of Bataan, and almost all of them had made the 'Death
9 March' from Bataan."

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1 We submit in evidence IPS document No. 2855,
2 which is a summary of evidence of JAG Report No. 210
3 on the transportation of prisoners-of-war under im-
4 proper conditions from Davao Penal Colony, Mindanao,
5 to Manila, from June 6 to June 26, 1944.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2855 will receive exhibit No. 1457.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1457 and received in evidence.)

12 MR. LOPEZ: We read from that document the
13 following:

14 Page 1, paragraph 1, sentences 1-7 inclusive:

15 "Sometime during the first week in June,
16 1944 between 1,200 and 1,500 American prisoners-of-war
17 were transported by truck from the Davao Penal Colony
18 to Davao City. The men were tied together by rope
19 around their waists and crowded into trucks. They were
20 blindfolded and required to keep their hands in view.
21 Many of the sick prisoners and even amputees on crutches
22 were required to stand during the 25-mile trip. If
23 it was thought that any of the men were peeking, they
24 were struck with clubs or rifle butts by the guards.
25 Many were suffering from beri-beri and during the rough

1 trip their flesh was rubbed raw against the sides of
2 the trucks. Some men fainted and were held up only
3 by the rope, tying the prisoners together, and this in
4 turn, cut off the circulation of blood of the prisoners
5 near by."

6 Page 1, paragraph 1, the last 10 sentences:

7 "For the remaining days of the trip the
8 prisoners were required to stay in the hold. There was
9 not enough room for them to lie down and it was necessary
10 for them to sleep in shifts. The only latrine facilities
11 were a few 5-gallon cans that were lowered into the
12 hold. As many of the men were suffering from dysentery
13 and diarrhea they often were forced to relieve themselves
14 before these latrine cans became available. The hatches
15 were kept almost completely covered. The men never had
16 enough water to drink and what was provided was not
17 completely distilled. The temperature of the hold was
18 estimated at 120 to 125 degrees Fahrenheit and many
19 suffered from heat prostration. The food consisted of
20 small amount of rice and thin soup. Some of the soup
21 had been made from spoiled meat which probably aggravated
22 the sickened condition of the men. After the escape
23 of the two officers, the rations were decreased so
24 that it was estimated that the Americans received about
25 one-sixth of the amount received by the Japanese."

1 We offer in evidence IPS document No. 2808,
2 which is a summary of evidence of JAG Report No. 76
3 on mistreatment and improper conditions existing at
4 Bilibid Prison, Manila from May 1942 to February 1945.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 2808 will receive exhibit No. 1458.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1458 and received in evidence.)

11 MR. LOPEZ: We read all but the first paragraph
12 of that document:

13 "a. The cells were grossly overcrowded and
14 sanitation facilities were non-existent or extremely
15 crude (Exhibits 1-11). The regular diet consisted of
16 a maximum of seven hundred to eight hundred calories
17 a day and during the worst periods, the prisoners
18 received only two meals a day consisting of one-half
19 and three-fourths of a canteen cup of rice respectively.

20 "b. The little food actually issued to the
21 prisoners was often contaminated, resulting in many
22 cases of dysentery and diarrhea. Beri-beri was also
23 prevalent. On one occasion eight persons died from
24 dysentery, no hospitalization having been provided.

25 "c. American prisoners-of-war frequently

1 resorted to eating garbage from the scrap cans and pig
2 troughs. Captain NOGI, Medical Director, was apparent-
3 ly responsible for those conditions.

4 "d. American prisoners were beaten with sticks
5 and baseball bats, often to insensibility. A Major
6 R.B. Prager, 26th Cavalry, was hanged by the wrists for
7 sixty hours and a Major Thomas S. Jones of the same
8 unit for eighteen hours in September and October
9 1943.

10 "e. About three thousand prisoners slept on
11 concrete floors without bedding or mosquito nets. There
12 were three showers for their use.

13 "g. In 1942 a prisoner escaped from Old
14 Bilibid. Fifteen hundred prisoners were placed on a
15 diet of straight rice for three months as punishment.

16 "h. On 11 or 12 October 1944 twelve hundred
17 prisoners were evacuated from Bilibid Prison to the dock
18 area in Manila Bay which was then subjected to an
19 Allied bombing raid.

20 "i. On about 19 June 1942, Japanese army
21 personnel at Old Bilibid Prison confiscated all quinine
22 and medical supplies brought by prisoners-of-war from
23 the hospital at 'Little Baguio'.

24 "j. Confiscated Red Cross supplies originally
25 destined for Allied prisoners-of-war were stored in

1 General YAMASHITA's Headquarters in Manila. The
2 number of these boxes was estimated to be more than a
3 thousand.

4 "The above mentioned incidents are merely
5 representative examples of the uniformly brutal treat-
6 ment accorded to prisoners-of-war at Old Bilibid by
7 the Japanese."

8 We introduce in evidence IPS document No.
9 2795, which is a summary of evidence of JAG Report No.
10 99 on mistreatment and improper conditions at Caban-
11 atuan Camp during September 1942 to May 1943.

12 THE PRESIDENT: Admitted on the usual terms.
13 CLERK OF THE COURT: Prosecution's document
14 No. 2795 will receive exhibit No. 1459.

15 (Whereupon, the document above re-
16 ferred to was marked prosecution's exhibit
17 No. 1459 and received in evidence.)

18 MR. LOPEZ: We read from that document the
19 following:

20 Page 1, paragraphs 4, 5, and 6.

21 "Living conditions were poor, and sanitary
22 facilities inadequate. The roofs were wooden frames
23 covered with nipa grass with a strip of tin along the
24 peak. Storms blew holes in the roof and the nipa
25 rotted, but no supplies were provided for making repairs.

1 "Seven men were crowded into compartments 7 x 10 feet,
2 in which they slept on tiers of bamboo platforms, some
3 without any blanket. No clothing was provided, and
4 any extra clothes the prisoners had were taken away
5 by the Japanese.

6 "The latrines consisted of slit trenches
7 not more than twenty or thirty feet from the buildings.
8 Flies swarmed around these latrines and into the
9 living quarters and mess hall as there were no
10 screens whatsoever.

11 "Medical supplies were lacking entirely or
12 provided in such small amounts as to be of no value.
13 There was enough quinine to treat only about ten
14 percent of the patients needing it. Supplies of
15 antiseptics were inadequate and there were very little
16 sulphur drugs. While the prisoner hospital patients
17 were forced to sleep on shelves of bamboo poles, the
18 Japanese hospital patients had hospital beds with
19 inner-spring mattresses, linen, blankets, and mosquito
20 bars. While prisoners were dying because of lack of
21 medicine, the Japanese refused to release adequate
22 supplies of adrenalin, although there was sufficient
23 to meet both their needs and those of the prisoners.
24 Medical supplies from the Gripsholm were unloaded by
25 prisoners and taken to the Japanese warehouse where

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1 large supplies of aspirin, sulpha drugs, organic
2 iodine, emetine, bandages, cotton, and adhesive tape
3 were seen by the prisoners. But despite this vast
4 supply, the Japanese refused to release adequate
5 amounts for the treatment of the prisoners."

6 Page 2, paragraphs 1-3, inclusive:

7 "Though the prisoners were so weakened by
8 malnutrition and inadequate medical treatment that
9 they were physically unable to perform ordinary
10 labor, they were forced to do heavy work and beaten
11 if they collapsed.

12 "Prisoners of war were forced to work on
13 military installations such as building runways and
14 digging foxholes.

15 "The prisoners were also forced to submit
16 to medical experiments at the hands of Dr. NOGI."

17 Page 2, paragraphs 5-6, inclusive:

18 "In order to prevent attempted escape by
19 the prisoners, the Japanese forced them to sign
20 pledges not to escape. The squad system of punish-
21 ment was employed. Under this system the prisoners
22 were divided into squads of ten. The Japanese announced
23 that if any prisoner escaped and was not apprehended,
24 the remaining men in his squad would be executed. If
25 he were apprehended, he would be executed."

1 "There were innumerable beatings and tortures
2 for minor mistakes or infractions of the rules. A
3 prisoner who joined the wrong group at the noon bell
4 was slapped on the face with a bamboo stick and then
5 twenty-six American prisoners were forced to pass by
6 the prisoner and slap him in the face. Many of the
7 blows were not sufficiently hard to satisfy the
8 Japanese guard who was supervising the procedure, and
9 he required the slapping to be repeated after first
10 having demonstrated how it should be done. At other
11 times the prisoners were paired off and forced to
12 slap each other."

13 Page 2, last paragraph, third sentence:

14 "Filipinos threw food to the prisoners, and
15 when one of the Americans reached over to get the
16 food, he and three others with whom he shared it were
17 shot."

18 We introduce as our next witness, Colonel
19 Guy H. Stubbs, to testify on the Death March, improper
20 conditions at Cabanatuan and eleven other Japanese
21 prisoner of war camps, and on four prison ships.
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STUBBS

DIRECT

1 G U Y H. S T U B B S, called as a witness on
2 behalf of the prosecution, having first been
3 duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LOPEZ:

4
5
6 Q Colonel, will you please give us your
7 name, rank, serial number and home address?

8 A Guy H. Stubbs, Colonel, Coast Artillery Corps,
9 015253, Peachbottom, Pennsylvania.

10 Q When did you join the United States Army
11 for the first time, Colonel?

12 A 7 August 1919.

13 Q Continuously until the present time?

14 A Yes.

15 Q In April of 1942 were you with the American
16 forces that surrendered at Bataan?

17 A Yes.

18 Q Do you know personally the commanding general
19 of those forces?

20 A Yes, at the time of the surrender I was
21 on the staff of General King, who commanded our
22 forces on Bataan.

23 Q What position did you hold on his staff,
24 Colonel?

25 A I was coast artillery and anti-aircraft

STUBBS

DIRECT

1 officer on his staff.

2 Q What rank did you have then?

3 A I was at that time a lieutenant colonel.

4 Q Do you recall Japanese planes raiding
5 Bataan before the surrender?

6 A Yes, they were overhead almost continuously
7 during the day; sometimes at night. They bombed
8 and strafed and on occasion dropped literature on us.

9 Q By literature do you mean leaflets?

10 A They dropped leaflets and newspapers.

11 Q What was in the leaflets, Colonel?

12 A They very frequently dropped what we
13 called "surrender passes." These passes contained
14 writing in Japanese on one side and English on the
15 other, in general. The English promised the bearer
16 humane and honorable treatment for himself and any
17 group that would surrender with him. The newspapers
18 generally contained this same promise. In addition
19 to this, about March 15 of 1942 personal messages
20 addressed to General Wainwright were dropped in many
21 places on Bataan. These messages likewise promised
22 General Wainwright and all of his troops humane and
23 honorable treatment if we would surrender. In addition
24 to this the Japanese-controlled radio in Manila
25 dedicated a program to the men on Bataan each evening.

STUBBS

DIRECT

1 This program, as I recall, was dedicated to the
2 "brave American and Filipino soldiers on Bataan who
3 were fighting for what they think a just cause." This
4 program likewise offered humane and honorable treatment
5 to all of us if we would surrender. All of these prom-
6 ises were made in the name of the Imperial High Command.

7 Q Will you kindly tell us at what kilometer
8 post on the Bataan front did you find yourself at
9 the actual moment of surrender?

10 A I was at General King's headquarters,
11 which was close to kilometer post 167.

12 Q Do you know if Major General King made
13 any preparation prior to his decision to surrender?

14 A Yes, he ordered that all passenger-carrying
15 vehicles and sufficient gasoline be surrendered intact
16 so that his men could be carried in them to their
17 concentration camp.

18 Q Do you know if that order was passed on
19 through the line and carried out as directed by
20 Major General King?

21 A That order evidently reached the majority
22 of our troops because practically all of the passenger-
23 carrying vehicles were surrendered without being des-
24 troyed.

25 Q How many American members of the armed forces
surrendered on Bataan in April of 1942, Colonel?

STUBBS

DIRECT

1 A Approximately 11,000.

2 Q Did you take part in what is now known
3 as the Death March?

4 A Yes, I did.

5 Q Could you kindly describe to the Court
6 some of the unusual incidents you observed during
7 the march?

8 A Among the multitude of such incidents I
9 saw men shot and bayoneted when they fell by the
10 roadside and were unable to continue the march.
11 The first instance of this that I saw was just
12 below Orani. I saw several between there and
13 Lubau. At Lubau in the concentration compound I
14 also saw the Japanese guards start to bury five
15 Filipinos alive after throwing them into a latrine.

16 Q Were those Filipinos civilians or soldiers?

17 A They were soldiers in uniform.

18 Q Please go ahead.

19 A At the same place they had a Filipino
20 spread-eagled staked on the ground. He was un-
21 conscious when I saw him but I am sure that his
22 hip joints were dislocated from having his legs
23 spread as far as they were. His friends said that
24 he was being punished for wearing a Japanese helmet
25 which he had picked up along the road.

STUBBS

DIRECT

1 Also at Lubau I saw a Filipino in uniform
2 come dashing out of the warehouse in which the
3 Filipinos were confined. This man had to defecate
4 badly and he did so in the doorway of the warehouse.
5 A Japanese guard made him eat everything that he
6 had eliminated.

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Q This man whom you had seen during the march bayoneted, had he previously offered any resistance or provoked the guards whatsoever?

A Not in the cases I have mentioned. They were simply so weak that they could not keep up on the terribly long marches. Most of them knew what was awaiting them if they fell, and they continued until they fell unconscious. I did see one man who struck back when a Japanese guard slapped him. He also was killed.

Q Colonel, will you tell us in how many prison camps you have been since you surrendered?

A I was confined in six permanent camps and six temporary compounds.

Q Please name the six non-permanent camps.

A The six compounds were Orani, Lubao, San Fernando, Pampanga, Cabanatuan Town, all on Luzon; Fort San Pedro in Cebu, and the horse stables in Moji, Japan.

Q How about the permanent camps?

A Camp O'Donnell, Cabanatuan Camp No. 1, Bilibid Penitentiary, Davao Penal Colony, Yokkaichi, Toyama.

Q Yokkaichi is where, please?

A Yokkaichi and Toyama in Japan.

STUBBS

CROSS

1 Q Will you tell us the approximate dates or
2 the months or year when you were in those permanent
3 camps, Colonel?

4 A I was in Camp O'Donnell from the 20th of
5 April until the 1st of June, 1942; Cabanatuan Camp
6 No. 1, 2nd of June until the 26th of October, both
7 1942; I was in Bilibid Penitentiary for about
8 thirty-six hours in 1942, and for five days in 1944;
9 Davao Penal Colony from the 8th of November, 1942,
10 until the 6th of June, 1944; Yokkaichi, Japan, from
11 the 4th of September, 1944, until the 1st of June,
12 1945; Toyama from the 2nd of June, 1945, until the
13 6th of September, same year.

14 Q In how many prison ships have you been,
15 Colonel?

16 A Four.

17 Q Will you kindly name those ships, if you can?

18 A I went from Manila to Davao in 1942 on what
19 I believe was the Erie Maru. I was brought from
20 Davao to Cebu on a ship whose name I do not know.

21 Q When was that?

22 A Sixth of June, 1944, until about the 10th
23 of June. We came from Cebu to Manila in another
24 ship whose name I do not know. I came from Manila
25 to Moji, Japan on the steamship Canadian Inventor.

STUBBS

CROSS

1 That ship took sixty-one days.

2 Q Will you tell the Court the positions you
3 held not only in the different prison ships, but
4 also in the different prison camps, please?

5 A At Camp O'Donnell General Bleumel took me,
6 as one of his assistants, to command a part of what
7 was known as the air corps group. When the generals
8 were segregated I became group commander.

9 Q At Cabanatuan?

10 A From the time I commanded the group at Camp
11 O'Donnell the Japanese apparently had me marked as
12 a commanding officer of prisoners. I tried repeatedly
13 to get away from that unpleasant duty, but rarely
14 succeeded. I commanded the first group of 1500
15 prisoners moved from O'Donnell to Cabanatuan. At
16 Cabanatuan I commanded a group originally of 2500
17 prisoners. At Davao I was on administrative work,
18 ranging from barracks commander to temporary camp
19 commander from July, 1943 until I left there in
20 June of 1944. I then commanded a company of 200
21 prisoners on the move to Manila. In Manila I was
22 placed in command of a detail of 1024 prisoners
23 being moved to Japan. I commanded this group on
24 the trip to Moji, and also was in command at
25 Yokkaichi and Toyama in Japan.

STUBBS

CROSS

1 Q How long were you group commander at
2 O'Donnell?

3 A About three weeks.

4 Q Could you tell the Court how many died
5 at O'Donnell while you were there as camp commander?

6 A Almost sixteen per cent of the Americans
7 at Camp O'Donnell died the first five or six weeks.
8 We had approximately 9500 at Camp O'Donnell at one
9 time or another.

10 Q You mean Americans?

11 A Yes. When I left O'Donnell we had buried
12 over 1500 in our cemetery.

13 Q When you were in Cabanatuan as commander
14 of this group, how many Americans died during con-
15 finement while you were there?

16 A Approximately twenty-two per cent or
17 2000 had died when I left Cabanatuan Camp No. 1.

18 THE PRESIDENT: We will recess for fifteen
19 minutes.

20 (Whereupon, at 1045, a recess was
21 taken until 1100, after which the proceed-
22 ings were resumed as follows:)
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1 MARSPAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Lopez.

4 BY MR. LOPFZ: (Continued)

5 Q You stated, Colonel, that twenty-two per
6 cent of the men in Camp No. 1 in Cabanatuan died
7 while you were there?

8 A Yes.

9 Q Can you give us the figure of the total
10 number of men who were concentrated in that par-
11 ticular area, Camp No. 1?

12 A There were approximately nine thousand in
13 the camp at one time or another.

14 Q Will you tell the Court about food condi-
15 tions in the camp?

16 A We were receiving approximately 350 grams
17 per man per day, of deteriorated rice. The rice
18 frequently was wormy, contained bullets, glass,
19 dirt, and was obviously swept off of a warehouse
20 floor. We also received on the average about thirty
21 grams, or one ounce, per man per day of vegetables.
22 The vegetable supplied was frequently kangkong,
23 which has practically no food value. About twice
24 in each month we received a very small issue of
25 meat. On one occasion only we had chickens and

STUBBS

DIRECT

1 eggs. We received three very small chickens and
2 either eleven or twelve eggs for each mess hall
3 feeding five hundred men each. Japanese photo-
4 graphers took pictures of the cooks dressing the
5 chickens for propaganda purposes.

6 Q How about the food situation in O'Donnell
7 while you were there?

8 A At O'Donnell we received approximately
9 three hundred grams of rice per man per day, about
10 the same quantity of vegetables as at Cabanatuan.

11 Q How about water in O'Donnell?

12 A Men stood in line for hours for a drink of
13 water at Camp O'Donnell. This was true throughout
14 my stay there.

15 Q As camp commander in Cabanatuan Camp No. 1
16 did you make any protest against the inadequate
17 food given you by the guards?

18 A Yes, almost daily.

19 Q What came out of your protests?

20 A Nothing.

21 Q Specifically tell the Court what was the
22 duty of the camp commander.

23 A He was, first of all, an errand boy for
24 every Japanese civilian and soldier on duty in the
25 camp. He, of course, had to wrangle continually

STUBBS

DIRECT

1 with the Japanese about conditions and a multitude
2 of abuses. He not infrequently got slapped or
3 beaten for protesting about anything.

4 Q When you protested about the inadequacy of
5 the food at Cabanatuan what did the Japanese com-
6 mander of the camp say to you?

7 A He frequently tried to tell me that the
8 food was not available. We finally organized an
9 underground through which we received messages
10 from the outside. Through this I was informed
11 that the Filipinos would be glad to sell me food
12 in exchange for an order on the United States govern-
13 ment for payment later. They preferred an order
14 from me for later payment to selling to the Japanese
15 for occupation currency.
16

17 Q Around the area where the camp was located
18 was there shortage or abundance of food?

19 A The camp was located in central Luzon,
20 which is known as the granary of the Philippines.
21 I was told that there were large herds of cattle
22 north of us. The owner of these cattle contacted
23 me in regard to selling for an order on the United
24 States government. I could not tell all of this
25 to the camp commander but I did tell him that I
could get food myself if he would allow me to visit

STUBBS

DIRECT

1 these ranches. He refused to let me contact those
2 people.

3 Q In the meantime, what food was the com-
4 mander of the camp, his staff and his guards eating?

5 A They had all of the fresh meat, chickens,
6 eggs, beer, rice, whiskey and practically every-
7 thing else that they could use.

8 Q Did you have occasions to see them actually
9 eat, Colonel?

10 A Yes, we could frequently see them eating,
11 and we of course saw the supplies in large quanti-
12 ties being carried into their mess halls, which
13 were right across the fence from us.

14 Q How often did the supplies of food come
15 in to the compound?

16 A Trucks came into camp almost daily from
17 Cabanatuan town. Most of this food was local pro-
18 duction.

19 Q They were loaded with what?

20 A They brought in all of the rice for the
21 camp, pigs, chickens, eggs, caribou were led in,
22 whiskey, beer, some Japanese dried fish, bean
23 paste, soya sauce -- everything.

24 Q Do you recall if some prisoners were re-
25 quired to work in the Japanese mess kitchen?

STUBBS

DIRECT

1 A Yes, they used American kitchen police
2 and these men would frequently sneak in leftovers
3 from the Japanese mess.

4 Q What leftovers would they bring back to
5 you?

6 A Mostly left over rice, but frequently
7 eggs, meat.

8 Q After having been in twelve prison camps
9 camps and four prison ships, what can you say, of
10 your own knowledge, of the general treatment of
11 prisoners-of-war by the Japanese?

12 THE PRESIDENT: Mr. Levin.

13 MR. LEVIN: Mr. President, the witness has
14 already described the conditions which he has seen and
15 which he is familiar with. I take it no summary from
16 him is necessary; therefore, I object to the question.

17 THE PRESIDENT: The objection is very technical.
18 Nevertheless, we can form our own conclusions. There is
19 no need for the witness to designate the treatment.

20 MR. LOPEZ: Subject to the learned view of the
21 Tribunal, I should have liked to get from the witness
22 his opinion as an expert on prison camps after having
23 gone through all that experiences.

24 THE PRESIDENT: The objection is upheld. It is
25 the shortest way of disposing of the matter.

STUBBS

DIRECT

1 Q Those of you who surrendered and were taken
2 prisoners, were you accorded the status and treatment
3 of prisoners-of-war under the Geneva Convention?

4 MR. BROOKS: I object, your Honor. It calls
5 for a conclusion and invades the province of the Court.

6 THE PRESIDENT: Objection upheld.

7 Q When you arrived at Camp O'Donnell, Colonel,
8 do you recall of any speech made by the camp commander?

9 A Yes. Each group entering Camp O'Lonnell was
10 addressed by the camp commander. This was the Japanese
11 camp commander, who told us that we were not prisoners-
12 of-war; that we would be treated as criminal captives.
13 He said, through his interpreter, that he would enter-
14 tain no protests of any kind from any of us; further,
15 that all he wanted to hear from us was a report daily
16 on how many died so he could keep his record straight.
17 He added, further, that he didn't care how many died.

18 Q How about the food in Davao? Was it any
19 better or worse than in Cabanatuan or Camp O'Donnell?

20 A At first the food situation at Davao was much
21 better than anything we had seen so far. It later
22 deteriorated.

23 Q What could you say about food and living
24 quarters on prison ships?

25 A The prison ships on which I traveled were all

STUBBS

DIRECT

1 terribly crowded. Food was very inadequate. The
2 average water ration was approximately 25 ounces per
3 man per day. We were forbidden to brush our teeth,
4 wash our hands or faces with water. That prohibition
5 was also true at Camp O'Donnell and for the first two
6 months at Cabanatuan Camp 1. I personally had my
7 first bath, first real bath, four months after the
8 date of my capture.

9 MR. LOPEZ: That is all for the witness.

10 THE PRESIDENT: Mr. Blewett.

11 MR. BLEWETT: If the Court please.

12 CROSS-EXAMINATION

13 BY MR. BLEWETT:

14 Q Colonel, what were the conditions at Bataan
15 just before the surrender?

16 A Food and medicine were extremely -- in
17 extreme low supply. The men were all in bad condition
18 and obviously not in condition to make the long march
19 which they were required to make.

20 Q Can you tell us what officer, or what rank
21 officer, arranged for this trip to Manila?

22 A I don't understand which trip is referred to.
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Q Who was it that gave the orders for the death march?

A I have no idea.

Q Can you tell us under what circumstances that march was arranged for?

A No.

Q What was the general state, in so far as the command of the Japanese troops was concerned, just subsequent to the surrender?

A They were apparently well under control. They certainly had a very similar method of treating us.

Q What I would like to obtain, Colonel, if possible is who actually arranged for this death march of the Japanese officers.

A My impression -- I can give no more -- was that it came from the highest command in the Philippines. The Japanese were so secretive that all orders were given in the name of the Imperial High Command. They never mentioned a name so far as I heard.

Q Well, of course, we understand, Colonel, that all you know is what you actually saw and heard on the spot. Now, what were the conditions under which your own group were informed as to where you were going and how?

A General Fing was gone. His staff surrendered

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18 given in the name of the Imperial High Command. They
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21 all you know is what you actually saw and heard on the
22 spot. Now, what were the conditions under which your
23 own group were informed as to where you were going
24 and how?

25 A General King was gone. His staff surrendered

STUBBS

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1 to a Japanese general. We were not told his name but
2 he was obviously in command of the Japanese tanks. He
3 had, at that time, taken over our General Hospital
4 No. 1 for his tank headquarters. He told us that we
5 would be sent to a concentration camp. He didn't say
6 where.

7 Q Were you the senior officer, Colonel, on the
8 trip?

9 A No. General Arnold Funk was the chief of
10 staff and the senior officer present.

11 Q Do you know whether or not these passenger
12 cars were used for any American troops?

13 A Yes, they were. The staff alone, in so far
14 as I know, was placed in passenger cars and started
15 for Camp O'Donnell. The car in which I rode was wrecked
16 after approximately two miles and when it was pulled
17 out of the ditch by the Japanese, the car was taken
18 together with most of our personal belongings.

19 Q So you left in the car but by reason of the
20 wreckage you were thus necessitated to walk the balance
21 of the distance?

22 A Yes, I walked the rest of the way except for
23 a very short ride in a Jap -- in a truck.

24 Q Do you know, Colonel, what happened to the
25 balance of the passenger cars, that is, if they weren't

STUBBS

CROSS

1 all used, that is, the ones that were capable of being
2 used?

3 A Yes. We saw them being used all over Bataan
4 by Japanese for hauling their equipment, personnel,
5 et cetera.

6 Q I assume that you mean later, Colonel, by that,
7 do you?

8 A Both during the death march and later the
9 Japanese used our trucks.

10 Q Well, it may be a small point but the
11 passenger cars which were ordered by General King to
12 be used for the transportation of American troops,
13 were they all used for that purpose or for some other
14 purpose?

15 A So far as I know, only the five cars in which
16 the staff were started toward Camp O'Donnell were used
17 for transporting Americans in any way. The others
18 were used continually for everything else.

19 Q Was there a Japanese officer in charge of
20 your particular contingent during the march?

21 A No. We were simply herded along the road
22 and the guards apparently changed about every five
23 miles and the new guard would take over and continue
24 to herd the same men along.

25 Q About what was the size of the force of

STUBBS

CROSS

1 Japanese that landed on Luzon, if you know?

2 A I don't know, but my estimate at the time
3 was approximately 85,000 men.

4 Q Now, these particular guards, of what branch
5 of the service were they?

6 A I don't know, but they were equipped as
7 infantry men.

8 Q Could you tell from the insignia as to their
9 branch of the service?

10 A No.

11 Q What was the rank of the officer in charge
12 of O'Donnell?

13 A His interpreter said that he was a captain,
14 and, furthermore, that he had been sent there specific-
15 ally to take charge of the prisoners who may surrender
16 in the Philippines.

17 Q Was he army, Kempetai, or marine, if you know?

18 A I don't know, but we were told he was army.
19 I never saw him except on the occasion of his initial
20 speech to us.

21 Q Well, now, am I wrong or right, Colonel, in
22 the fact that you were in command at O'Donnell?

23 A I was never prisoner commander at O'Donnell.
24 I was in command of a group.

25 Q I see. That is right. You were only there

STUBBS

CROSS

1 three weeks. During that period of three weeks at
2 O'Donnell, did you make any protests there as regards
3 food or otherwise?

4 A I protested, of course, to General King and
5 to his staff, but so far as I know only one American
6 in that camp was allowed to even approach the Japanese
7 headquarters. He, I believe, tried to convey our
8 protest to the Japanese but he said that he had been
9 reminded that we were not to protest about anything.

10 Q Who was the Japanese camp commander at Davao
11 while you were there, Colonel?

12 A A Major MAIDA was in command when I first went
13 there. He was later relieved by a major whose name
14 was, I believe, TAKASAKI.

15 Q Were these army officers?

16 A Yes.

17 Q What were the guards? What branch of the
18 service were the guards, generally, in the camps in
19 which you were confined?

20 A At Camp O'Donnell and Cabanatuan Camp No. 1
21 they were Japanese Army. Later the Japanese brought
22 in men who said they were Formosans. These men were
23 trained, apparently for the first time, at Cabanatuan
24 Camp No. 1 and from then on they were our -- provided
25 the majority of our guards until we left the Philippines.

STUBBS

CROSS

1 The key men of the guard, however, in all cases con-
2 tinued to be Japanese.

3 Q Did at any camp the guard consist of military
4 police?

5 A Not to my knowledge, although these Formosans
6 were said to be not in the Japanese Army but a type
7 of civilian guard. They were, however, equipped
8 almost identically with the Japanese Army and were
9 provided with machineguns. To all intents and purposes
10 they were soldiers so far as I could see. As part of
11 their training at Cabanatuan, the Japanese took these
12 men up into the hills on raids against what they said
13 were guerillas. They returned from one of these raids
14 led by one of their number carrying a Filipino head on
15 a pole over his shoulder.

16 Q What was the highest ranking officer that
17 you came in contact with during your -- while camp
18 commander in any particular camp or all of them. Just
19 a minute. I will rephrase that question; it is very
20 complicated. Let it go.

21 What is the highest ranking officer, Japanese
22 officer, you came in contact with, Colonel?

23 A I saw general officers on, I believe, three
24 occasions but none of them condescended to speak to
25 me, and on only one occasion that I know of did they

STUBBS

CROSS

1 speak to any prisoner. At Cabanatuan Camp No. 1 an
2 officer who was said to be General MORIMOTO asked
3 Colonel Atkinson, who commanded a group, "How are your
4 men?" Colonel Atkinson replied, "They are very weak."
5 General MORIMOTO, through his interpreter said, looking
6 at a row of skeletons, "They need exercise; we will run
7 them on the road." Other than these three general
8 officers, the highest Japanese officer whom I saw
9 and the only ones with whom I spoke in that grade were
10 lieutenant colonels.

11 Q If the prisons were inspected, what was the
12 general condition during the inspection period?

13 A Before General MORIMOTO's first inspection
14 at Cabanatuan Camp No. 1 we were told to clean up the
15 camp, the men were lined up for inspection, and we were
16 given an issue of meat. He rode through the camp on
17 a horse, spoke only to Colonel Atkinson, as I have
18 said, and went his way. A sergeant, Japanese sergeant,
19 in headquarters told me that evening that they had
20 been severely criticized for giving us meat on the
21 day the general inspected, that he didn't want to see
22 any such thing again. The camp detail, having been
23 properly indoctrinated, we, thereafter, on the occasion
24 of the other two inspections by Japanese generals, got
25 no better or worse food than ordinarily.

STUBBS

CROSS

1 Q How long did these inspections last ordinarily,
2 Colonel?

3 A The general, said to be General MORIMOTO, who
4 inspected Cabanatuan rode through camp on a horse. On
5 the second visit he rode down the road in a car. On
6 the third inspection by a general, it was at Davao,
7 they rode into the camp in a car but did get out of
8 the car for about ten minutes and stood under a
9 shelter to get out of the rain and then left. On each
10 occasion, of course, the inspecting officer spent
11 considerable time with the camp commander in his office
12 or quarters. On two occasions I could see that they
13 were drinking very considerable sake and eating some
14 very good looking food.

15 MR. BLEWETT: Thank you, sir. That is all.

16 THE PRESIDENT: We will adjourn until half
17 past one.

18 (Whereupon, at 1200, a recess was
19 taken.)

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AFTERNOON SESSION

The Tribunal met pursuant to recess at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

G U Y H. S T U B B S, called as a witness on
behalf of the prosecution, resumed the stand
and testified as follows:

MR. SHIMANOUCI: Defense counsel SHIMANOUCI.

THE PRESIDENT: Counsel SHIMANOUCI.

CROSS-EXAMINATION (Continued)

BY MR. SHIMANOUCI:

Q Did the twelve thousand men -- officers and
men who surrendered at Bataan all participate in the
Bataan Death March?

A In one way or another all eleven thousand
who surrendered there were, I believe, in that Death
March.

Q How many motor vehicles were there at the
time of the surrender?

A I do not know. Many vehicles were destroyed
in action just prior to the surrender, and I do not
know how many there were to begin with. There were,
however, sufficient passenger-carrying vehicles to
have transported all of the men who surrendered by

GILBERT & BISHOP

STUBBS

CROSS

1 shuttling the trucks back and forth; I mean using
2 them for more than one trip.

3 Q Where were these vehicles located at the
4 time of the surrender?

5 A They were scattered all over Bataan. There
6 was very considerable confusion in our lines as our
7 troops fell back from the final Japanese attack and
8 their vehicles were everywhere.

9 Q What was the area occupied by the American
10 Army in Bataan?

11 A At the moment of the surrender, we occupied
12 only the very southern tip of Bataan on the east
13 coast. The depth of our area on the east coast was
14 probably not over four or five miles. Our forces
15 on the west coast of Bataan had not been attacked
16 and still held the line from Sasayan Point for a
17 total depth of twenty-five or thirty miles.

18 Q At the time of the surrender, where was
19 the gasoline located?

20 A Practically all gasoline had been issued
21 from our dumps and was at that time in the hands of
22 the units. In other words, it was with the vehicles.

23 Q Did the American Army Headquarters on Bataan
24 issue an order to hand over vehicles and gasoline
25 to the Japanese Army?

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1 A Yes.

2 Q When?

3 A As I recall, twenty-four to thirty-six
4 hours prior to the actual surrender. I would like to
5 correct that: The order was given just prior to the
6 surrender, possibly six to seven hours.

7 Q When were you captured by the Japanese Army?

8 A At General King's headquarters near kilo-
9 meter post 167 on the southern tip of Bataan.

10 Q When were you captured?

11 A On the morning of the 9th of April, 1942.
12 I believe that it was about ten or eleven o'clock
13 that morning that the first Japanese troops entered
14 our headquarters, and we surrendered to them.

15 Q Then when the order was issued to hand over
16 the vehicles and gasoline to the Japanese Army was
17 given at around three or four a. m. on the ninth?

18 A No, it was prior to that. The surrender was
19 planned for daylight, the morning of the ninth of
20 April.

21 Q I am inquiring, Mr. Witness, the time when
22 the order was issued to hand over the vehicles and
23 gasoline to the Japanese Army?

24 A I first heard of the order just after I
25 returned from--to headquarters, probably around

STUBBS

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1 midnight.

2 Q Did not the American Army destroy its
3 military equipment just prior to the surrender,
4 its arms and equipment?

5 A Yes. Most of the equipment was destroyed
6 just before the surrender. Some probably were not
7 so destroyed.

8 Q Most of the cars and gasoline were de-
9 stroyed, were they not?

10 A No, I believe not. I saw these cars and
11 trucks in use not only just after the surrender,
12 but throughout my time in the Philippine Islands.
13 For instance, at Marivells Airfield, trucks and
14 passenger-carrying vehicles were assembled on the
15 field in large numbers for this purpose.

16 Q After you were captured prisoner at
17 around ten o'clock on the morning of the ninth,
18 what happened?

19 A The personnel at headquarters remained in
20 that camp under Japanese guard until the following
21 morning. We were then taken to General Hospital
22 No. 1 in the passenger cars, which I have mentioned,
23 and there formally surrendered to a Japanese general
24 officer.

25 Q During your internment were you able to see

STUBBS

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1 the outside?

2 A Yes, in general, through barbed wire.

3 Q Was headquarters located near the airfield?

4 A No. It was approximately ten kilometers
5 from Marivells Airfield and six kilometers from
6 Cabcaban Airfield.

7 THE PRESIDENT: What assistance do you
8 hope the Court will get from all these details?

9 MR. SHIFANOUCI: With respect to the so-
10 called Death March, I wanted to find out from the
11 witness whether, according to the arrangement made,
12 the witness contends that arrangements were made by
13 United States Army Headquarters to transport prisoners-
14 of-war on motor vehicles, and I am trying to find
15 out just what took place.

16 THE MONITOR: I am trying to find out
17 whether they actually had enough vehicles available
18 to do that.

19 THE PRESIDENT: He has already answered
20 fully on that.

21 Q What was the food situation in the American
22 Army at the time of its surrender on Bataan?

23 A According to the reports of our supply men,
24 we had three-quarters of a ration for each man on
25 Bataan at the time of the surrender.

STUBBS

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1 Q Was it not one-fourth?

2 A As I recall, the reports at that time were
3 that we had three-fourths, but these reports were
4 undoubtedly based on the half-ration which we had
5 been issuing since the sixth of January.

6 Q How much food supply was left at the time
7 of the surrender?

8 A I do not know, other than the official
9 reports made to headquarters. There may have been
10 some food which was not reported.

11 Q According to official reports, how much
12 food supply was there left?

13 A As I have said, I believe three-quarters
14 of a ration, which was probably based on the half-
15 ration. I was not in the supply department; there-
16 fore, knew this only from hearing it in general
17 conferences and matters of general information.

18 Q Then I shall inquire about the March in
19 Bataan. Where was this particular soldier killed,
20 the one you mention having been beaten by a Japanese
21 guard and who fought back or resisted?

22 A As near as I can recall, it was between Orian
23 and Orani on the east coast of Bataan. That was at
24 night. I, myself, was in very bad condition from
25 malaria, and I am not positive of the exact location.

STUBBS

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1 Q What kind of a place was it? Was it in
2 the jungles, or in the suburbs, or outskirts of a
3 city?

4 THE PRESIDENT: You need not answer.

5 Q How many Japanese soldiers were there in
6 the neighborhood at that time?

7 A Probably six or eight.

8 Q How many prisoners of war were there at
9 that place?

10 A Not more than ten within sight.

11 Q Then I shall inquire about the prison ships.
12 Were Japanese evacuees also on the ships -- on the
13 same ships?

14 A There were some few Japanese, and possibly
15 one hundred Filipinos on the Erie Maru which went
16 from Manila to Davao in 1942.

17 Q Were not Japanese and Filipinos also placed
18 in crowded quarters?

19 A They were not crowded on the Erie Maru,
20 although they did not have what would be called first-
21 class passage. I saw no Japanese on the other three
22 prison ships other than our guards and the crew.

23 Q At the time of the surrender on Bataan,
24 were you located near a field hospital?
25

THE MONITOR: Were you ever in the vicinity

STUBBS

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1 of a field hospital?

2 A Yes. Our hospital No. 1 was within
3 several kilometers of our headquarters, and I went
4 there to surrender to the Japanese general, as I
5 have said.

6 Q Were there any military installations in
7 that vicinity?

8 A There were military installations all over
9 southern Bataan due to the small area available
10 to us, and many of them were near our headquarters,
11 some within five hundred meters of the hospital.

12 Q Then one more: Was this field hospital
13 a low structure?

14 A Part of it was two-story. The rest of
15 it consisted of one-story buildings, sheds and
16 tents; and some of the men, I believe, were out in
17 the open due to the extreme crowding and the large
18 number of wounded before the surrender.

19 MR. SHIMANUCHI: Thank you very much.
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MR. LEVIN: Mr. President.

THE PRESIDENT: Mr. Levin.

MR. LEVIN: There will be no further cross-examination at this time.

MR. LOPEZ: Mr. President, please, this morning in my direct examination I overlooked some questions which I should like to have the permission of the Court to address them now to the witness as additional direct examination.

THE PRESIDENT: Well, if it is important enough, but you will recollect that it lets in further cross-examination. However, it is for you to decide.

MR. LOPEZ: Yes sir, Mr. President.

REDIRECT EXAMINATION

BY MR. LOPEZ:

Q Could you describe to us, Colonel, the water situation at O'Donnell while you were there?

A I said that men stood in line for hours waiting to get a drink of water at Camp O'Donnell.

THE PRESIDENT: Mr. Levin.

MR. LEVIN: Mr. President, I would like to object to that question on the ground, first, that I believe it has been answered, and if it hasn't been answered by this witness, I am quite sure it was answered by Colonel Montgomery.

STUBBS

REDIRECT

1 THE PRESIDENT: But this witness speaks
2 for a different group. The objection is overruled.

3 Q Continue please.

4 A This was particularly true of the group
5 which I commanded where conditions were probably
6 worse than elsewhere in Camp O'Donnell. We had an
7 officer on duty at each water hydrant in order to
8 maintain order in the line.

9 MR. LOGAN: If the Tribunal please, this
10 identical question was asked this witness this
11 morning and he gave as his answer that he stood in
12 line for hours. It is apparent now that prosecution
13 is not wishing to ask further questions, but is merely
14 giving an opportunity to the witness to further
15 expand his answer.

16 MR. LOPEZ: I leave it entirely to the sound
17 judgement of the Tribunal.

18 THE PRESIDENT: It is not for us to put what-
19 ever case you have, Mr. Lopez. It is for us to decide
20 on objections. It does appear that the witness has
21 substantially covered the ground and that this is only
22 repetitious. The objection is allowed.

23 MR. LOPEZ: Mr. President, please.

24 THE PRESIDENT: Have you any further questions?

25 MR. LOPEZ: We have, your Honor.

STUBBS

REDIRECT

1 Q Do you recall of an incident in Cabanatuan
2 way back in 1942 involving six American prisoners-of-
3 war?

4 A Yes, that was the only time that I saw
5 prisoners given any semblance of a trial before they
6 were punished. In many other cases they were beaten,
7 tortured or executed without, in some cases, even a
8 hearing; sometimes a short questioning. These six
9 prisoners had been caught inside the fence with a
10 quantity of food which had obviously been brought
11 from outside. They admitted that they had gone through
12 the fence at night and had returned with the food.
13 They were first brutally beaten and then tied to a
14 fence along the road for all of one night and about
15 half of the next day. They were then marched up the
16 road, each man having his hands tied behind him, a
17 Japanese soldier holding the end of the rope with which
18 he was tied. They were brought into a room in the
19 guard headquarters, which was directly across the road
20 and very close to the building in which I lived. What
21 appeared to be a court consisting of a few officers
22 and several non-commissioned officers was assembled
23 in this room. The six prisoners still tied and held
24 by their guards like dogs on a leash were stood up
25 against the wall of the room facing me. The court,

STUBBS

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1 if I may call it such, joked, smoked, drank beer
2 and conversed for about half an hour. The prisoners
3 so far as I could see or hear, and I am sure I could
4 have caught it, were not allowed to say a word.

5 Q Were these represented by any Japanese or
6 American counsel?

7 A Certainly not, so far as I could discern. Half
8 an hour after the court adjourned all six men were
9 shot.

10 MR. LOPEZ: That is all for the witness,
11 your Honor.

12 THE PRESIDENT: Captain Brooks.

13 RECROSS-EXAMINATION

14 BY MR. BROOKS:

15 Q Colonel, the soldiers and officers were
16 equipped with canteens for carrying water, were they
17 not?

18 A Yes.

19 Q Did they also not have as a matter of issue
20 halycon tablets for the treatment of impure water
21 making it palatable?

22 A I never saw those at that time and I
23 believe that the only available substance for that was
24 the chlorinating capsules which we used in lister bags.

25 Q These chlorinated capsules that you speak of

STUBBS

RECROSS

1 were also items of issue that would have a similar
2 effect for the treatment of water as the Dalycon
3 tablet, is that not correct?

4 A Yes, I believe so.

5 Q And every soldier had those issued as part
6 of his regular equipment for use in jungle conditions
7 so he could drink stagnant water by having it treated,
8 is that not correct?

9 A No, so far as I know they were issued only
10 to units, in general, to the mess.

11 Q And then didn't the units break that down
12 so that each man had an individual issue in case of
13 emergency so he could use those tablets?

14 A That was done for isolated details, but I
15 doubt that the individual officer or soldier himself
16 carried them except in rare cases.

17 Q Did you or any of your men have such capsules
18 for the purpose of treating water available to you?

19 A I recall one man who did have such a capsule
20 on the Death March.

21 Q Did you have a capsule yourself, then?

22 A No.

23 MR. BROOKS: That is all.

24 MR. LEVIN: No further cross-examination.

25 MR. LOPEZ: No further questions, your Honor.

1 THE PRESIDENT: The witness is released
2 on the usual terms.

3 (Whereupon, the witness was excused.)

4 THE PRESIDENT: Do you expect to finish
5 your phase today, Mr. Lopez?

6 MR. LOPEZ: I don't think so, your Honor.
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1 We tender in evidence IPS document No. 2830
2 which is a summary of evidence of JAG Report No. 207
3 on the mistreatment and improper conditions at the
4 American Prisoners-of-War Camp at Gapan, which re-
5 sulted in the deaths of thirty-seven Americans
6 between May and June 1942.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 2830 will receive exhibit No. 1460.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No 1460 and received in evidence.)

13 MR. LOPEZ: We read the entire summary:

14 "In May 1942, about two hundred American
15 prisoners-of-war were brought to Gapan and stayed
16 for a period of approximately two months. During
17 this time, thirty-seven of them died and were
18 buried in the cemetery of Gapan. The Americans were
19 sickly when they arrived, and continued to suffer
20 from dysentery, diarrhea, malaria, beri-beri and
21 malnutrition. The Japanese became alarmed at the
22 high death rate and called in a Filipino doctor.
23 The Japanese told the doctor not to use medicine
24 that was useful to the army or civilians. However,
25 he treated them with medicine of his own. The

1 Americans began to improve and he was prevented
2 from giving further aid. The prisoners were poorly
3 clothed, most of them only having an undershirt,
4 drawers, and sometimes overalls. They were under-
5 fed, part of the time receiving 'kangkong' leaves,
6 pigskin, squash, a little dried fish, and an insuf-
7 ficient amount of rice. The natives were prevented
8 from aiding the prisoners and were punished when
9 caught giving them food or cigarettes. The evidence
10 shows that the Japanese had eggs and meat to eat
11 and gave the Americans only what was left.

12 "Some of the prisoners worked at the
13 Japanese garrison and were mistreated if they rested
14 or asked for more food. Others worked at the Gapan
15 Bridge at duties difficult to perform because of
16 their physical condition. Forty or fifty men a day
17 hauled gravel, stone and sand in sacks for road and
18 bridge repair. Some of them were required to dig
19 canals. The prisoners were whipped, slapped and
20 kicked when they were unable to do the work required.
21 All of the witnesses agree that the work required
22 was too strenuous for men in their condition. The
23 Japanese even refused to allow a priest to visit the
24 dying prisoners."
25

We offer in evidence IPS document No. 2837

1 which is a summary of evidence of JAG Report No. 72
2 on the murder of two American captured fliers at
3 Cebu City in March 1945.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 2837 will receive exhibit No. 1461.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1461 and received in evidence.)

10 MR. LOPEZ: We read from that document
11 the last three sentences of paragraph 1:

12 "Both men were confined at the Cebu Normal
13 School and on the morning of 26 March 1945 were
14 taken to a point approximately one hundred and fifty
15 feet directly east of the southeast corner of the
16 school building, where a foxhole had been dug.
17 They were forced to kneel by the edge of the fox-
18 hole with heads bent forward while a Japanese sergeant
19 took a saber in both hands, and struck each of them
20 across the back of the neck. The Americans fell
21 forward into the foxhole and a Japanese officer
22 stepped up and fired a number of shots into their
23 bodies."

24 We present merely for the purposes of iden-
25 tification IPS document No. 552.

1 CLERK OF THE COURT: Prosecution's document
2 No. 552 will receive exhibit No. 1462 for identifi-
3 cation only.

4 (Whereupon, the document above
5 referred to was marked prosecution's exhibit
6 No. 1462 for identification only.)

7 MR. LOPEZ: We present in evidence IPS
8 document No. 552-A which is an English translation
9 of extracts from a captured booklet entitled,
10 "Japanese Instructions on How to Interrogate."

11 CLERK OF THE COURT: Prosecution's document
12 No. 552-A, which is an excerpt from the foregoing, is
13 given exhibit No. 1462-A.

14 (Whereupon, the document above
15 referred to was marked prosecution's exhibit
16 No. 1462-A and received in evidence.)

17 MR. LOPEZ: We read the following extracts
18 commencing with numeral (2):

19 "(2) Measures to be normally adopted.--
20 'Torture (COMMON) (embraces beating, kicking, and
21 all conduct involving physical suffering). It is
22 the most clumsy method and only to be used when all
23 else fails. (Specially marked in text). When violent
24 torture is used change interrogation officers and it
25 is beneficial if one new officer questions in a

1 sympathetic fashion.

2 "Threats. As a hint of physical discom-
3 forts to come, e.g. murder; torture; starving;
4 deprivation of sleep; solitary confinement; etc.
5 Mental discomforts to come, e.g. will not receive
6 same treatment as other prisoners of war; in event
7 of exchange of prisoners he will be kept till last;
8 he will be forbidden to send letters; will be for-
9 bidden to inform his home he is prisoner of war,
10 etc."

11 We offer in evidence IPS document No. 2707-F
12 which is an English translation of an extract from
13 a mimeographed manual entitled, "Reference on De-
14 tection and Disposal of Land Mines," issued Septem-
15 ber 1943 by the Japanese Army Engineer School.

16 CLERK OF THE COURT: Prosecution's document
17 No. 2707-F will receive exhibit No. 1463.

18 (Whereupon, the document above
19 referred to was marked prosecution's exhibit
20 No. 2707-F and received in evidence.)

21 MR. LOPEZ: We read from that document
22 paragraph 2 on page 2:

23 "It would be advantageous if prisoners-of-
24 war, natives or animals could be sent ahead as a
25 precautionary measure, along the route of advance."

1 We offer in evidence IPS document No.
2 2707-R which is an English translation of an ex-
3 tract from instructions issued 5 February, year not
4 stated, by the Commanding General of the 16th
5 Division.

6 CLERK OF THE COURT: Prosecution's document
7 No. 2707-R will receive exhibit No. 1464.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 1464 and received in evidence.)

11 MR. LOPEZ: We read the first three para-
12 graphs of that document commencing at the numeral 1:

13 "1. Prisoners-of-war will be _____ed
14 on the battlefield; those who surrender, who are
15 of bad character, will be resolutely _____ed in
16 secret and counted as abandoned corpses. By
17 'Prisoners-of-War' we mean soldiers and bandits
18 captured on the battlefield; by 'surrenders' we
19 mean those who surrender or submit prior to the
20 battle. Prisoners-of-War will be interrogated on
21 the battlefield and should be immediately _____ed
22 excepting those who require further detailed inter-
23 rogation for intelligence purposes.

24 "In the event of _____, it must be
25 carried out cautiously and circumspectly, with no

1 policemen or civilians to witness the scene, and
2 care must be taken to do it in a remote place and
3 leave no evidence.

4 "Malicious surrenderers will be taken into
5 custody for the time being and after observance of
6 public sentiments will be _____ed secretly when
7 the inhabitants have forgotten about them, or
8 secretly under pretext of removal to some distant
9 locality, thus avoiding methods likely to excite
10 public feeling."

11 We offer in evidence IPS document No.
12 2707-S which is an extract from instructions dated
13 3-21 April, 1944, for treatment of prisoners, taken
14 from a file of miscellaneous orders, belonging to
15 the TOHIRA Military Police Section, 33 Infantry
16 Regiment, 16 Division, presumably the Tacloban
17 Military Police Detachment commanded by a Captain
18 TOHIRA.

19 CLERK OF THE COURT: Prosecution's document
20 No. 2707-S will receive exhibit No. 1465.

21 (Whereupon, the document above
22 referred to was marked prosecution's exhibit
23 No. 1465 and received in evidence.)

24 MR. LOPEZ: We read from that document
25 the first and third paragraphs:

1 "No. 6. The treatment of Surrenders.

2 "25. When prisoners are taken, those
3 who are not worth utilizing shall be disposed of
4 immediately except those who require further de-
5 tailed interrogation for intelligence purposes,
6 according to No. 126 of Part I of the orders con-
7 cerning important operational matters.

8 "27. Surrenderers found to be malicious
9 after the interrogations performed on them according
10 to No. 126 of Part I of the orders concerning im-
11 portant operational matters will be immediately
12 killed in secret and will be disposed of so as not
13 to excite public feeling."
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1 We offer in evidence IPS document No. 2718,
2 which is a captured loose handwritten sheet contain-
3 ing an account of a visit to Muntinglupa Prison in
4 the Philippines, kept by a specified number of TORII
5 8th Unit, dated 24 October, year not stated.

6 CLERK OF THE COURT: Prosecution's document
7 No. 2718 will receive exhibit No. 1466.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1466 and received in evidence.)

11 MR. LOPEZ: We read from that document the
12 following:

13 Page 1, the full translation:

14 "On the 24th of October, I visited Munting-
15 lupa Prison with the commander of TORII (*9) Unit,
16 as a guide. The prison is guarded by 2d Lt. TAKE-
17 SHIBA (*10) and 20 men of the TORII Unit. Accord-
18 ing to the story of 2d Lt. TAKESHIBA, there are
19 2,200 prisoners including doctors, ministers and
20 constables. The food consists of thick rice gruel
21 and one or two slices of papaya. Because of lack of
22 food, deaths average 10 per day.

23 "I entered with the unit commander into
24 No. 3 Barracks which had a foul odor. We entered
25 by using the guard's key. The heavy iron lattice

1 door was opened by a prisoner. The prisoners near
2 us, upon hearing the command to salute, saluted us.
3 17 or 18 year-old youths to 60 year-old men were all
4 ill-smelling.

5 "Because the prisoners were emaciated, their
6 thighs and ankles were the same size. Even walking
7 appeared to be an ordeal for them. I have never
8 seen such thin people. It was truly pitiful. Some
9 lay on narrow double deck beds covered with mats.
10 These I learned were dead bodies. On the way out,
11 we met the corpse carriers. 10 prisoners were seen
12 carrying the stretchers.

13 "The prison is surrounded with three
14 barbed wire fences; the center fence is charged with
15 electricity. The guard towers are placed at various
16 points. I saw prisoners who were working inside
17 with iron chains around their legs. The construc-
18 tion of the entrance to the prison camp is like an
19 old castle. The flag of the Philippines is hoisted
20 on the look-out tower. It is surprising to notice
21 the great contrast between outside and inside.

22 "Visiting is permitted at certain hours.
23 The visitors are mothers or wives. They carry a
24 straw sack which appears heavy with presents. The
25 anxiety with which a family awaits the release of

1 their loved ones is apparent. I wondered how the
2 families feel when they see the pitiful state of
3 their loved ones. For those who have no visitors
4 or receive no presents, there is only death waiting.
5 Even though they are foreigners, my heart goes out
6 to them. The prisoners are Filipinos and Chinese.
7 There are also a few westerners.

8 "We, who are at war, must not lose to the
9 Allies or our fate will be worse. Certain victory!"

10 We tender in evidence IPS document No. 10-Y,
11 which is a certificate of Mr. Arthur A. Sandusky
12 regarding the authenticity of documents 10-B through
13 10-X, which will be subsequently presented in
14 evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 10-Y will receive exhibit No. 1467.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1467 and received in evidence.)

21 MR. LOPEZ: We offer in evidence IPS document
22 No. 10-B, which is an American Government note
23 directed to the Japanese Government through the
24 Swiss Government, dated 18 December 1941, relative
25 to the Geneva Prisoner-of-War Convention.

1 THE PRESIDENT: Admitted on the usual terms.
2 CLERK OF THE COURT: Prosecution's document
3 No. 10-B will receive exhibit No. 1468.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1468 and received in evidence.)

7 MR. LOPEZ: We read from that document,
8 paragraph 4:

9 "Although the Japanese Government is a
10 signatory of the above conventions, it is under-
11 stood not to have ratified the Geneva Prisoner of
12 War Convention. The Government of the United States
13 nevertheless hopes that the Japanese Government will
14 apply the provisions of both conventions reciprocally
15 in the above-sense."

16 We offer in evidence IPS document No. 10-C,
17 which is the Japanese Government note of 4 February
18 1942 directed to the American Government through the
19 Swiss Government.

20 THE PRESIDENT: Admitted on the usual terms.
21 CLERK OF THE COURT: Prosecution's document
22 No. 10-C will receive exhibit No. 1469.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1469 and received in evidence.)

1 MR. LOPEZ: We read from that document the
2 quotation in sentence 2 through to the last sentence:

3 "Japanese Government has informed me: 'first:
4 Japan is strictly observing Geneva Red Cross Conven-
5 tion as a signatory state; second: although not
6 bound by the Convention relative treatment prisoners
7 of war Japan will apply mutatis mutandis provisions
8 of that Convention to American prisoners of war in
9 its power.'"

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1 We introduce in evidence IPS Document No.
2 10-D which is the American Government note of 14 Feb-
3 ruary 1942 directed to the Japanese Government through
4 the Swiss Government.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 10-D will receive exhibit No. 1470.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit No.
10 1470, and was received in evidence.)

11 MR. LOPEZ: We read from that document the
12 first 13 lines up to the end of (2):

13 "Please request the Swiss Government to inform
14 the Japanese Government (1) that this Government has
15 received disquieting reports that there is being
16 imposed upon American civilians in areas in the
17 Philippines occupied by the Japanese forces an extremely
18 rigid and harsh regime involving abuse and humiliation;
19 (2) that this Government desires to receive from the
20 Japanese Government assurances either that a thorough
21 investigation by the appropriate Japanese authorities
22 has disclosed the incorrectness of these reports or
23 that immediate and effective steps have been taken to
24 remedy the situation and to accord to Americans in the
25 Philippines moderate treatment similar to that being

1 extended by this Government to Japanese nationals
2 in its territory;"

3 We offer in evidence IPS Document No. 10-E
4 which is the Japanese Government note transmitted
5 on 24 February 1942 through the Swiss Government.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 10-E will receive exhibit No. 1471.

9 ("hereupon, the document above re-
10 ferred to was marked prosecution's exhibit No.
11 1471, and was received in evidence.)

12 MR. LOPEZ: We read from that document the
13 following:

14 "Page 1 and 2, paragraph 2, sentences 3-9
15 inclusive:

16 "American civilians detained in all Japanese
17 territories number 134. Conditions applied to them
18 are more favorable than contemplated by convention.
19 Their provisioning in bread, butter, eggs, meat, heat-
20 ing oil, coal and fats assured by Japan. They can re-
21 ceive from outside gifts of food and clothing. Despite
22 inconvenience which arrangement presents Japan they
23 are specially detained in vicinity of residence of
24 their families in order that latter can see them more
25 easily. Internees are visited from time to time by

1 doctor and sick persons can consult doctor from outside
2 and obtain admission subsequently to hospital. They
3 are permitted to read papers, books, and listen to
4 Japanese radio and to go out subject to certain restric-
5 tions if they submit valid reasons."

6 We offer in evidence IPS Document No. 10-F
7 which is Foreign Minister TOGO's communication of
8 February 1942 directed to the American Government through
9 the Swiss Government.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 10-F will receive exhibit No. 1472.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1472, and was received in evidence.)

16 MR. LOPEZ: We read from that document the
17 following: Page 2, paragraph 1, 5th sentence.

18 "Apprehensions American Government based on
19 information from unknown sources and citing no exact
20 facts are therefore without foundation. Japanese
21 authorities will continue accord facilities to Swiss
22 Minister for his visits to internment camps."

23 We offer in evidence IPS Document No. 10-G
24 which is the American Government note of 19 March 1942
25 informing the Japanese Government of the rations

1 provided for Japanese internees detained by American
2 forces.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 10-G will receive exhibit No. 1473.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1473, and was received in evidence.)

9 MR. LOPEZ: We read from that document the
10 following: Page 1, the last seven lines.

11 "(Four) That the following rations are
12 provided for each Japanese national detained by the
13 American authorities: In temporary custody of the
14 Department of Justice: Weight in pounds per day per
15 individual: Meats and fish, 0.75; Lard and cooking
16 oils, 0.15; flour, starches and cereals, 0.80; dairy
17 products, 1.00; eggs 0.03; sugar and syrup, 0.25;
18 beverages (coffee or tea) 0.10; potatoes and root
19 vegetables, 1.00; leafy green or yellow vegetables,
20 0.60; dried vegetables and nuts, 0.10.

21 Page 2, the first ten lines.

22 "Fresh fruits and berries, 0.15; dried fruits,
23 0.08; miscellaneous food adjuncts, 0.015; spices,
24 relishes and sauces, 0.10; Japanese food, 0.06032;
25 Interned in the custody of the War Department: Weight

1 in ounces per day per individual: meat, 18.0; fresh
2 eggs, one each; dry vegetables and cereals, 2.6; fresh
3 vegetables, 21.0; fruit, 4.7; beverages, coffee, 2.0;
4 cocoa, 0.3; tea, 0.05; lard and cooking fats, 1.28;
5 butter, 2.0; milk, evaporated, 1.0; fresh, 8.0; flour
6 (wheat) 12.0; sugar and syrup, 5.5; macaroni, 0.25;
7 cheese, 0.25; spices, relishes and sauces, 0.984;
8 allowance is made in the preparation of food for
9 Japanese national and racial preferences,"

10 We offer in evidence IPS Document No. 10-H
11 which is the American Government note of 3 April 1942
12 directed to the Japanese Government through the Swiss
13 Government.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 10-H will receive exhibit No. 1474.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1474, and was received in evidence.)

20 MR. LOPEZ: We read from that document para-
21 graphs marked (one) and (three).

22 "(one) That the American Government has
23 taken note of the statements of the Japanese Government
24 regarding the treatment accorded American nationals
25 in the Philippines,"

1 "(three) That the principal source of dis-
2 quiet in connection with these reports is the apparent
3 reluctance of the Japanese Government to permit the
4 appointment by the International Red Cross Committee
5 of an appropriate neutral observer to act as the Com-
6 mittee's delegate in the Philippines,"

7 THE PRESIDENT: We will recess now for fifteen
8 minutes.

9 (Whereupon, at 1445, a recess was taken.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Captain Brooks.

4 MR. BROOKS: If the Tribunal please, I would
5 like to invite their attention on the matter of visits,
6 to the unread portion in Exhibit 1471 on page 2, and
7 the unread portion of Exhibit 1472 on page 1, in rela-
8 tion to visits by the Swiss representatives.

9 THE PRESIDENT: You can draw our attention to
10 those passages later.

11 Mr. Lopez.

12 MR. LOPEZ: We offer in evidence IPS Document
13 No. 10-I, which is the American Government note of
14 21 May 1942 directed to the Japanese Government through
15 the Swiss Government.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's Document
18 No. 10-I will receive Exhibit No. 1475.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1475, and was received in evidence.)

22 MR. LOPEZ: We read from paragraph 1 of that
23 document, the second sentence:

24 "This Government must insist on a basis of
25 reciprocity that Japanese Government take all necessary

1 steps to insure that military commanders and other
2 Japanese authorities in outlying areas under Japanese
3 control understand Japanese Government's commitments
4 respecting Geneva Prisoners of War Convention and
5 apply its provisions to prisoners of war and civilian
6 internees."

7 We tender in evidence IPS Document No. 10-J,
8 which is the American Government note of 17 Novem-
9 ber 1942 directed to the Japanese Government through
10 the Swiss Government.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's Document
13 No. 10-J will receive Exhibit No. 1476.

14 (Whereupon, the document above
15 referred to was marked prosecution's exhibit
16 No. 1476, and was received in evidence.)

17 MR. LOPEZ: We read from page 1 of that docu-
18 ment paragraphs marked 3 and 4.

19 "3. Wife of repatriated official reports
20 that an American woman at Cebu was raped by Japanese
21 soldier in full view of husband and children who were
22 held powerless by other soldiers.

23 "4. Repatriated responsible person states
24 that two Belgian priests described to him scenes that
25 they had witnessed in Philippine villages occupied by

1 Japanese Army where Filipino women and girls were being
2 openly violated in streets by troops."

3 We offer in evidence IPS Document No. 10-K,
4 which is the American Government note of 12 December
5 1942 directed to the Japanese Government through the
6 Swiss Government, protesting against barbarous con-
7 ditions at Fort Santiago, Santo Tomas, Davao and other
8 internment camps in the Philippines, of the death
9 march, and the atrocious conditions at Camp O'Donnell.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's Document
12 No. 10-K will receive Exhibit No. 1477.

13 (Whereupon, the document above
14 referred to was marked prosecution's exhibit
15 No. 1477, and was received in evidence.)

16 MR. LOPEZ: We read from that document the
17 following:

18 Page 1, paragraph 2:

19 "From American citizens repatriated from Japan
20 and Japanese-controlled territories, the Government
21 of the United States has learned of instances of gross
22 mistreatment suffered by American civilians and priso-
23 ners-of-war in the power of the Japanese Government
24 in violation of the undertaking of that Government to
25 apply the provisions of the Geneva Prisoners-of-War-

1 Convention of 1929 to American prisoners-of-war
2 taken by Japanese forces and, in so far as they may
3 be adaptable to civilians, to American civilian inter-
4 nees in Japan and Japanese-controlled territories. It
5 is evident that the Japanese Government has failed to
6 fulfill its undertaking in this regard and that some
7 officers and agencies of that Government have violated
8 the principles of the Geneva Convention in their treat-
9 ment of certain American nationals not only by posi-
10 tive mistreatment but by failure to provide for these
11 American nationals necessities of life that should,
12 in accordance with the provisions of the Convention,
13 be furnished by the holding authorities. The Govern-
14 ment of the United States, therefore, lodges with the
15 Japanese Government a most emphatic protest and
16 expects that the inhumane and uncivilized treatment
17 accorded American nationals, both civilians and
18 prisoners-of-war, will be made a matter of immediate
19 investigation and that the Japanese Government will
20 give assurances that treatment inconsistent with the
21 provisions and spirit of the Geneva Convention is not
22 now and will not in the future be inflicted upon
23 American nationals detained, interned, or held as
24 prisoners-of-war in Japan or Japanese-controlled
25 territory. The American Government also expects the

1 Japanese Government to take necessary disciplinary
2 action with regard to agents or officers of that
3 Government who have inflicted mistreatment upon
4 American nationals or who have neglected their obli-
5 gations to supply to American nationals in their
6 care the necessities of life, which the Geneva Con-
7 vention provides shall be supplied.

8 "There follows a statement citing cases of
9 mistreatment of American nationals in Japanese hands:

10 "A Civilians.

11 "1. Conditions in prisons and internment
12 camps.

13 "Americans incarcerated in jails were fur-
14 nished unhealthful and inadequate rations of common
15 criminals. Those interned were supplied a meager diet
16 for which they were sometimes compelled to pay, or they
17 were given no food and had to provide their sustenance
18 under difficulties. This situation apparently still
19 exists in certain areas. It is in direct contrast
20 to the treatment accorded Japanese subjects in United
21 States who are provided hygienic quarters with adequate
22 space for individual needs, sufficient wholesome food,
23 in preparation of which allowance is made for national
24 differences in taste, and in addition allowances of
25 money or tobacco, sweets and toiletries."

1 Page 3, the last paragraph, all but the
2 last sentence:

3 "4. Fort Santiago, Manila.

4 "Roy Bennett, Robert Abbott, and other
5 Americans are reported to be imprisoned under barbarous
6 conditions in Fort Santiago. They were reported
7 practically unrecognizable in June as result hardships
8 and mistreatment suffered."

9 Page 4, paragraph 2, first sentence.

10 "6. Santo Tomas, Manila.

11 "Americans at Santo Tomas because of lack of
12 preparation were forced to sleep on floors without
13 mosquito nets or covering for at least three nights
14 before they were permitted to obtain necessities from
15 their houses."

16 Page 4, paragraph 3, first sentence.

17 "7. Davao and other internment camps in the
18 Philippines.

19 "In Davao interned Americans were forced to
20 perform hard labor during first six weeks of intern-
21 ment."

22 Page 5, paragraphs 1 and 2.

23 "From information received conditions other
24 internment camps in Philippines appear equally bad.

25 "The American Government expects that the

1 Japanese Government will take immediate steps to
2 fulfill its undertaking to furnish American nationals
3 held by it with suitable and adequate housing and
4 sustenance under humane and hygienic conditions."

5 Page 8, paragraphs 2 and 3.

6 "B. Prisoners-of-war.

7 "Reports have been received of inhuman treat-
8 ment accorded prisoners-of-war by the Japanese
9 authorities which is completely inconsistent with
10 the provisions and spirit of the Geneva Convention.

11 "I. Philippines:

12 "American and Filipino troops taken at
13 Bataan were forced to march ninety miles despite fatigue,
14 sickness and wounds, to Camp O'Donnell near Tarlac.
15 During march sick and wounded dropped by the roadside
16 and were left without medical care and when those who
17 survived reached Camp O'Donnell they were without food
18 for thirty-six hours and without shelter for three days,
19 sick and well equally exposed to the elements.
20 Japanese authorities made no effort to give medical
21 care to sick and wounded and American and Filipino
22 nurses and doctors who volunteered their services were
23 refused permission to enter camp. Death rate estimated
24 at twenty-five per cent was the result of this
25 neglect."

1 We offer in evidence IPS Document No. 10-L,
2 which is the American Government note of 5 April 1943
3 directed to the Japanese Government through the
4 Swiss Government.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's Document
7 No. 10-L will receive Exhibit No. 1478.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 1478, and was received in evidence.)
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1 MR. LOPEZ: From that document we read the
2 last paragraph on page 4.

3 "The American Government also solemnly warns
4 the Japanese Government that for any other violations
5 of its undertakings as regards American prisoners-of-
6 war or for any other acts of criminal barbarity infli-
7 cted upon American prisoners in violation of the rules
8 of warfare accepted and practiced by civilized nations
9 as military operations now in progress draw to their
10 inexorable and inevitable conclusion, the American
11 Government will visit upon the officers of the Japanese
12 Government responsible for such uncivilized and inhumane
13 acts the punishment they deserve."

14 We submit in evidence IPS document No.
15 10-M which is an undated American Government note
16 transmitted 5 February 1944 by the Swiss Minister
17 in Tokyo to the Japanese Foreign Office.

18 THE PRESIDENT: Admitted on the usual
19 terms.

20 CLERK OF THE COURT: Prosecution's docu-
21 ment No. 10-M will receive exhibit No. 1479.

22 (Whereupon the document above
23 referred to was marked prosecution's
24 exhibit No. 1479 and received in evidence.)
25

MR. LOPEZ: We read from that document the

1 following:

2 Page 3, paragraph marked Charge V, last
3 sentence:

4 "In 1942 and 1943, American and Filipino
5 prisoners-of-war in the Philippines and civilian
6 internees at Baguio were forced to labor without
7 shoes and clad only in loin cloths."

8 Page 4, paragraph 3.

9 "Prisoners of war from Corregidor being
10 taken to Manila were not landed at the port of
11 Manila but were unloaded outside the city and were
12 forced to march through the entire city to Bilibid
13 Prison about May 23, 1942."

14 Page 4, paragraph 5, and the first para-
15 graph on page 5.

16 "It appears, therefore, that the great
17 prevalence of deficiency diseases in prisoner-of-
18 war camps where internees have been solely dependent
19 upon the Japanese authorities for their food supply
20 over an extended period is directly due to the
21 callous failure of these authorities to utilize
22 the possibilities for a health sustaining diet
23 afforded by available local products. The respon-
24 sibility for much of the suffering and many of the
25 deaths from these diseases of American and Filipino

1 prisoners-of-war rests directly upon the Japanese
2 authorities. As a specific example, prisoners-of-
3 war at Davao Penal Colony suffering from grave
4 vitamin deficiencies could see from their camp
5 trees bearing citrus fruit that they were not al-
6 lowed to pluck. They were not even allowed to
7 retrieve lemons seen floating by on a stream that
8 runs through the camp."

9 Page 5, paragraph 4, first sentence.

10 "Officer prisoners-of-war have been com-
11 pelled by Major MIDA, the Camp Commandant at Davao
12 Penal Colony, to perform all kinds of labor includ-
13 ing menial tasks such as scrubbing floors, cleaning
14 latrines used by Japanese troops and working in
15 the kitchens of Japanese officers."

16 Page 5, last paragraph.

17 "Charge XII. The condition of health of
18 prisoners-of-war in the Philippine Islands is
19 deplorable. At San Fernando in April 1942,
20 American and Filipino prisoners were held in a
21 barbed-wire enclosure so overcrowded that sleep and
22 rest were impossible. So many of them were sick and
23 so little care was given to the sick that human
24 excrement covered the whole area. The enclosure
25 of San Fernando was more than 100 kilometers from

1 Bataan and the abominable treatment given to the
2 prisoners there cannot be explained by battle
3 conditions. The prisoners were forced to walk this
4 distance in seven days under merciless driving.
5 Many who were unable to keep up with the march
6 were shot or bayoneted by the guards. During this
7 journey as well as at other times when prisoners-of-
8 war were moved in the Philippine Islands, they were
9 assembled in the open sun even when the detaining
10 authorities could have allowed them to assemble in
11 the shade. American and Filipino prisoners are
12 known to have been buried alive along the roadside
13 and persistent reports have been received of men
14 who tried to rise from their graves but were beaten
15 down with shovels and buried alive.

16 "At Camp O'Donnell conditions were so bad
17 that 2,200 American and more than 20,000 Filipinos
18 are reliably reported to have died in the first few
19 months of their detention. There is no doubt that
20 a large number of these deaths could have been pre-
21 vented had the Japanese authorities provided
22 minimum medical care for the prisoners. The so-
23 called hospital there was absolutely inadequate to
24 meet the situation. Prisoners_of_war lay sick and
25 naked on the floor, receiving no attention and too

1 sick to move from their own excrement. The
2 hospital was so overcrowded that Americans were
3 laid on the ground outside in the heat of the blaz-
4 ing sun. The American doctors in the camp were
5 given no medicine, and even had no water to wash
6 the human waste from the bodies of the patients."

7 "At Cabanatuan there was no medicine for
8 the treatment of malaria until after the prisoners
9 had been in the camp for five months."

10 Page 8, the last two paragraphs and the
11 first paragraph of page 9:

12 "Charge XVI. At Camp O'Donnell many of the
13 men had to live without shelter during 1942. In
14 one case twenty-three officers were assigned to a
15 shack, fourteen by twenty feet in size. Drinking
16 water was extremely scarce, it being necessary
17 to stand in line six to ten hours to get a drink.
18 Officers had no bath for the first thirty-five
19 days in the camp and had but one gallon of water
20 each in which to have their first baths after that
21 delay. The kitchen equipment consisted of cauldrons
22 and a fifty-five gallon drum. Camotes were cooked
23 in the cauldrons, mashed with a piece of timber,
24 and each man was served one spoonful as his ration.

25 "In late October 1942, approximately 970

1 prisoners-of-war were transferred from the Manila
2 area to the Davao Penal Colony on a transport
3 vessel providing only twenty inches per man of
4 sleeping space. Conditions on the vessel were so
5 bad that two deaths occurred, and subsequently
6 because of weakness some fifty per cent of the
7 prisoners fell by the roadside on the march from the
8 water front at Lasang, Davao to the Penal Colony."

9 Page 9, last paragraph and all but the
10 last paragraph of page 10.

11 "Charge XVIII. Prisoners-of-war who were
12 marched from Bataan to San Fernando in April 1942
13 were brutally treated by Japanese guards. The
14 guards clubbed prisoners who tried to get water,
15 and one prisoner was hit on the head with a club
16 for helping a fellow prisoner who had been knocked
17 down by a Japanese Army truck. A colonel who
18 pointed to a can of salmon by the side of the road
19 and asked for food for the prisoners was struck
20 on the side of his head with the can by a Japanese
21 officer. The colonel's face was cut open. Another
22 colonel who had found a sympathetic Filipino with
23 a cart was horsewhipped in the face for trying to
24 give transportation to persons unable to walk. At
25 Lubao a Filipino who had been run through and

1 gutted by the Japanese was hung over a barbed-
2 wire fence. An American Lieutenant Colonel was
3 killed by a Japanese as he broke ranks to get a
4 drink at a stream.

5 "Japanese sentries used rifle butts and
6 bayonets indiscriminately in forcing exhausted
7 prisoners-of-war to keep moving on the march from
8 the Cabanatuan railroad station to Camp No. 2
9 in late May 1942.

10 "At Cabanatuan Lieutenant Colonels
11 Lloyd Biggs and Howard Breitung and Lieutenant R.
12 D. Gilbert, attempting to escape during September
13 1942 were severely beaten about the legs and feet
14 and then taken out of the camp and tied to posts,
15 were stripped and were kept tied up for two days.
16 Their hands were tied behind their backs to the
17 posts so that they could not sit down. Passing
18 Filipinos were forced to beat them in the face with
19 clubs. No food or water was given them. After
20 two days of torture they were taken away and,
21 according to the statements of Japanese guards,
22 they were killed, one of them by decapitation.
23 Other Americans were similarly tortured and shot
24 without trial at Cabanatuan in June or July 1942
25 because they endeavored to bring food into the camp."

1 "After being tied to a fence post inside the camp
2 for two days they were shot."

3 Page 11, paragraph 2, first sentence.

4 "At the Davao Penal Colony, about April
5 1, 1943, Sergeant McFee was shot and killed by a
6 Japanese guard after catching a canteen full of
7 water which had been thrown to him by another
8 prisoner on the opposite side of a fence."

9 Page 11, paragraph 3, last sentence.

10 "Dr. A. Gray died at Baguio on March 14,
11 1942 after being beaten and given the water cure
12 by police authorities."
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1 MR. LOPEZ: We offer in evidence IPS document
2 No. 10-N which is the American Government's note of 21
3 June 1944 expressing hope that the Japanese Govern-
4 ment could be persuaded to allow Swiss representatives
5 to visit internment camps.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 10-N will receive exhibit No. 1480.

9 (Whereupon, the document above referred
10 to was marked prosecution's exhibit No. 1480 and
11 received in evidence.)

12 MR. LOPEZ: We read from page 2 of that docu-
13 ment the last paragraph thereof:

14 "The United States Government continues to
15 hope that the Japanese Government will be persuaded
16 without further delay to enable the Swiss representa-
17 tives to visit all detained nationals of the United
18 States wherever detained. There would seem to be no
19 reason why the Japanese Government should not permit
20 such visits without prejudice to the juridical position
21 taken by Japan on the question of representation of
22 enemy interests."

23 We introduce in evidence IPS document
24 No. 10-P which is the American note of 11 September
25 1944 directed to the Japanese Government through the

1 Swiss Government.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 10-P will receive exhibit No. 1481.

5 (Whereupon, the document above referred
6 to was marked prosecution's exhibit No. 1481 and
7 received in evidence.)

8 MR. LOPEZ: We read paragraph 2 of that docu-
9 ment:

10 "The Government of the United States has
11 received from reliable sources that certain American
12 civilian internees in the Philippine Islands have been
13 removed from the Los Banos Camp to Fort McKinley where
14 a major ammunition dump for central Luzon is maintained."

15 We offer in evidence IPS document No. 10-S
16 which is the American Government note of 10 March
17 1945 directed to the Japanese Government through the
18 Swiss Government.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 10-S will receive exhibit No. 1482.

22 (Whereupon, the document above referred
23 to was marked prosecution's exhibit No. 1482 and
24 received in evidence.)

25 MR. LOPEZ: We read from that document the

following:

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Page 1, paragraph 2:

"American prisoners-of-war who survived the sinking on September 7, 1944, of a Japanese freighter on which they were being transported off the coast of Mindanao, Philippine Islands, have made comprehensive reports to the United States Government of the conditions under which American prisoners were held in the Philippines. These reports further corroborate the reports made earlier that the treatment accorded to prisoners-of-war in the Philippines has been consistently cruel and inhumane."

Page 3, the last two paragraphs:

"The abusive, cruel, and inhumane treatment which has characterized the administration of prisoner-of-war camps in the Philippines is affirmed unanimously by prisoners who have escaped from those camps.

"The United States Government demands that, in fulfillment of the obligations assumed by the Japanese Government with regard to Americans taken prisoner-of-war by Japan, that Government take steps effectively to prevent the continuation in all Japanese prisoner-of-war camps of the inhumane practices that have disgraced Japan in its administration of prisoner-of-war camps in the Philippines."

1 The tender in evidence IPS document No. 10-T
2 which is the American note of 6 April 1945 to the
3 Japanese Government through the Swiss Government.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 10-T will receive exhibit No. 1483.

7 (Whereupon, the document above referred
8 to was marked prosecution's exhibit No. 1483 and
9 received in evidence.)

10 MR. LOPFZ: We read from that document the
11 following:

12 Page 1, paragraph 2:

13 "The United States Government has received
14 evidence of the murder by the Japanese authorities of
15 four American citizens, Carroll Calkins Grinnell,
16 Alfred Francis Duggleby, Ernest Emil Johnson, and
17 Clifford Lawrence Larsen, civilian internees in Santo
18 Tomas Internment Camp, Manila. Mr. Grinnell was the
19 spokesman of the Santo Tomas Internment Camp."

20 Page 2, paragraph 2, last sentence:

21 "The United States Government further
22 demands that the Japanese Government shall take all
23 steps necessary to prevent in any territory under
24 Japanese control a repetition of such barbarous and
25 arbitrary deeds which are in utter disregard of the

1 Japanese Government's commitment to apply the humanitar-
2 ian standards of the Geneva Prisoners-of-War Convention
3 to interned American nationals in its custody."

4 We offer in evidence IPS document No. 10-U
5 which is the American note directed to the Japanese
6 Government through the Swiss Government, dated 19
7 May 1945.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 10-U will receive exhibit No. 1484.

11 (Whereupon, the document above referred
12 to was marked prosecution's exhibit No. 1484 and
13 received in evidence.)

14 MR. LOPEZ: We read from that document the
15 following:

16 Page 1, paragraph 2:

17 "The United States Government charges the
18 Japanese Government with the wanton murder of George
19 J. Louis at the Los Banos Internment Camp, Philippine
20 Islands, on January 28, 1945."

21 We offer in evidence IPS document No. 10-V
22 which is the American Government note of 19 May 1945
23 addressed to the Japanese Government through the Swiss
24 Government.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document
2 No. 10-V will receive exhibit No. 1485.

3 (Whereupon, the document above referred
4 to was marked prosecution's exhibit No. 1485 and
5 received in evidence.)

6 MR. LOPEZ: We read from that document the
7 following:

8 Page 1, paragraphs 2 and 3, and paragraph 1
9 on page 2:

10 "The brutal massacre on December 14, 1944
11 of one hundred and fifty American prisoners-of-war at
12 Puerto Princesa, Palawan, Philippine Islands, by the
13 personnel of the Ogawa Tai Construction Corps has pro-
14 foundly shocked the Government and the people of the
15 United States.

16 "At noon of that day the prisoners who had
17 been detailed to work on a nearby airfield were re-
18 called to camp. Following upon a series of air raid
19 alarms the Japanese guards forced the prisoners into
20 air raid shelters within the camp compound. The
21 shelters were tunnels some seventy-five feet long with
22 openings at each end. About two o'clock in the after-
23 noon fifty to sixty Japanese guards armed with rifles
24 and machine guns and carrying buckets of gasoline
25 and lighted torches, approached the shelters. They

1 emptied the gasoline into the openings of the tunnels
2 and hurled the blazing torches after it. Violent ex-
3 plosions followed. The victims, enveloped in flames
4 and screaming in agony, swarmed from the shelters only
5 to be mowed down by machine guns or attacked with
6 bayonets. Four officers who had sought shelter else-
7 where suffered a similar fate. One of them, emerging
8 in flames from his retreat, approached a Japanese officer
9 and pled that the carnage be stopped. He was ruth-
10 lessly shot down. In order to insure that no living
11 prisoners remained in the shelters, the guards fired
12 the tunnels with dynamite charges."

13 Page 2, paragraph 3, first two sentences:

14 "Such barbaric behaviour on the part of the
15 Japanese armed forces is an offense to all civilized
16 people. The Japanese Government cannot escape
17 responsibility for this crime."

18 We offer in evidence IPS document No. 10-W
19 which is the American note of 3 June 1945 directed to
20 the Japanese Government through the Swiss Government.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 10-W will receive exhibit No. 1486.

24 (Whereupon, the document above referred
25 to was marked prosecution's exhibit No. 1486 and
received in evidence.)

1 MR. LOPEZ: We read from that document the
2 last paragraph on page 2:

3 "Should the Japanese Government continue to
4 deprive civilian internees and prisoners-of-war in its
5 custody of the food necessary to safeguard them from
6 starvation and maintain them in health, the United
7 States Government hereby solemnly declares that it will
8 hold personally and officially responsible for this
9 crime all of the officials of the Japanese Government,
10 regardless of position or status, who have participated
11 therein either through neglect or from wilful intent
12 and will in due course bring them to judgment. It
13 solemnly declares that it will visit upon all such
14 individuals the punishment which is their due."

15 We offer in evidence IPS document No. 10-X
16 which is the American Government note of 31 July 1945
17 directed to the Japanese Government through the Swiss
18 Government.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 10-X will receive exhibit No. 1487.

22 (Whereupon, the document above referred
23 to was marked prosecution's exhibit No. 1487 and
24 received in evidence.)

25 MR. LOPEZ: We read from page 1 of that

1 document paragraphs 1 to 4, inclusive:

2 "Request Swiss to inform Jap Govt as follows:
 3 QUOTE As of July 4, 1945, Japanese civilian internees
 4 held in the United States received daily 4.831 pounds
 5 of food representing 4100 calories. The foods are as
 6 follows, giving first the weight in pounds and second
 7 the caloric content.

8	"Meats & Fish	.4425	442.00
9	"Eggs	.10725	64.00
10	"Milk & Cheese	.56744	302.00
11	"Margarine	.036	1211.00
12	"Fats, other	.05625	230.00
13	"Sugars	.2255	351.00
14	"Cereals	1.234	1888.00
15	"Legumes	.044	73.00
16	"Vegetables	.548	55.00
17	Tomatoes	.05104	5.00
18	"Citrus fruits	.18	36.00
19	"Potatoes	.70	350.00
20	Vegetables, other	.33526	67.00
21	"Fruits, other	.147	44.00
22	"Fruits, dried	.045	72.00
23	"Beverages	.069	- -
24	"Miscellaneous	.04317	- -
25			

"The Japanese Government will observe that

1 the foregoing diet is well balanced.

2 "Japanese POWS held in the US of of May 3, 1945,
3 were receiving similarly balanced diets. Typical
4 daily menus for POWS are as follows:

5 "Breakfast: Stewed fruit, wheat cereal, milk,
6 one egg, bread, margarine, coffee. Dinner: Fish, rice,
7 vegetable, vegetable salad, bread. Supper: Soup,
8 meat, macaroni, potatoes, bread, tea. Breakfast:
9 Fresh fruit, hominy grits, milk, bread, margarine,
10 coffee. Dinner: Meat, rice, vegetable, vegetable
11 salad, bread. Supper: Soup, soy beans, potatoes,
12 vegetable, bread, tea. "

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1 of the broadcast:

2 "BBC Jan. 24, 1944 17:00

3 "U.S. GOVERNMENT: ISSUES REPORT ON JAPANESE
4 ATROCITY.

5 "The United States Army and Navy authorities
6 have issued an official report on Japanese atrocity
7 on American and Filipino prisoners at Bataan and
8 Corregidor in the Philippines. The report is based
9 on sworn statements by American officers who escaped
10 from Japanese prison camps. He says that many Ameri-
11 cans have died from starvation, forced labor and
12 general brutality. At one camp about 2,300 Ameri-
13 cans died in April and May of 1942. In another
14 4,000 Americans died by October 1942. After the
15 surrender of Bataan in 1942, and in what is described
16 as the March of Death American prisoners were strapped
17 and beaten up as they marched in the sun without
18 food or water."

19
20 On page 2 we read the entire transcript of
21 the broadcast:

22 "WASHINGTON: DISCLOSES JAPANESE ATROCITY
23 BECAUSE RELIEF NOT PERMITTED.

24 "KWID Jan. 29, 1944. 18:00.

25 "White House Secretary Stephen Early made the
disclosure today that the Japanese Government will

1 not permit the United States Government to send
2 food, material aid, or supplies to United States
3 and Filipino soldiers now Japan's prisoners-of-war.

4 "This, said Early, is the reason the United
5 States Government last night authorized the publica-
6 tions of accounts of Japanese atrocities against
7 prisoners-of-war. He said this information has
8 been known for some time by this government, but
9 it had been withheld while there was any hope of
10 transmitting relief to the prisoners in Japan's hands.

11 "Early said, 'The time has come for releasing
12 the factual reports which have been carefully in-
13 vestigated and authenticated because we can not ex-
14 pect to get further relief to our prisoners-of-war
15 now in the hands of the Japanese.'"

16 On page 3 we read the entire transcript of
17 the broadcast:

18 "SAN FRANCISCO KWID Jan. 29, 1944 7:00
19 "PRISONERS-OF-WAR: JAPANESE ILL TREAT PRISONERS-
20 OF-WAR.

21 "The Secretary of State, Mr. Cordell Hull,
22 released a statement of the treatment of prisoners-
23 of-war in Japanese hands. A great many of them
24 died of starvation on two Japanese prison camps in
25 October of 1942. We wrote the statement by

Secretary of State.

1 "According to the reports of cruelty and in-
2 humanity it would be necessary to summon the re-
3 presentatives of all the demons available anywhere
4 and combine the fiendishness with all that is
5 (bloody) in order to describe the conduct of those
6 who inflicted those unthinkable (atrocities) on the
7 Americans and Filipinos."

8
9 "The escaped American officers in their state-
10 ment indicated several instances of Japanese at-
11 rocities. They said that the Japanese forces
12 sometimes wantonly murdered thousands of American
13 and Filipino soldiers captured in Bataan and Cor-
14 regidor in the Philippines.

15 "They stated that at least 5,200 American
16 soldiers died mostly of starvation at two prison
17 camps in October 1942. 36,000 American and
18 Filipino soldiers have been captured in those
19 campaigns, said Colonel White, former Domestic
20 Director of the Office of War Information and that
21 most of the prisoners have been murdered.

22 "PRISONERS-OF-WAR: EDEN REPORTS TO HOUSE OF
23 COMMONS ON PRISONERS-OF-WAR.

24 "In London, British Foreign Secretary, Anthony
25 Eden, told the House of Commons, that some thousands

1 of British, Chinese, Burmese and Indian war
2 prisoners and internees also have died in Japanese
3 prison camps. He said that specific atrocities have
4 been told by escapees.

5 "Eden said that British protests have drawn un-
6 satisfactory results from Japan. He said that the
7 Japanese were violating not only International Law
8 but all human, decent civilized conduct. He
9 warned the Japanese Government that in time to come
10 the record of their military atrocities in this
11 war will not be forgotten."

12 On page 4 we read the first transcript of
13 the broadcast.

14 "KWID Jan. 29, 1944 8:00

15 "JAPANESE ATROCITIES: DESCRIPTION GIVEN.

16 "Here are some of them, factually based upon
17 the personal experiences and observations of the
18 three escaped officers.

19 "Prisoners reduced in weight from 200 pounds
20 to 90 pounds in some cases. Some of them found
21 with Japanese money or souvenirs on their persons
22 were beheaded or bayoneted. A few American and
23 Filipino men were buried alive. Numerous prisoners
24 were beaten, whipped, and shot when they begged for
25 food and water."

1 "Many were forced to strip naked for hours in
2 the hot sun. Many of them were forced on long marches
3 without food or water, and made to do labor when
4 they were not physically able to do so. Some bodies
5 of the soldiers were run over by Japanese trucks.

6 "HULL: MAKES STATEMENT ON JAPANESE ATROCITY
7 TO PRISONERS.

8 "Secretary of State Cordell Hull made the fol-
9 lowing formal statement:

10 "Mr. Hull said that repeated protests have been
11 lodged with Tokyo but to no apparent avail.

12 "He said that it is not known what happened
13 to the food and supplies previously sent to the
14 prisoners aboard the liner 'Gripsholm.'

15 "He said that efforts, nonetheless, will be
16 continued to obtain release of war prisoners.

17 "He said this government is assembling all
18 possible facts concerning Japanese treatment of
19 war prisoners, and it intends to seek full punish-
20 ment of the responsible Japanese authorities."

21 On page 6 we read the entire transcript of
22 the broadcast:

23 "Oct. 23, 1944.

24 "MacARTHUR'S WARNING.

25 "Army News Service.

1
2 "MacArthur's GHQ, October 22, -- General MacArthur
3 issued a warning to the Japanese military leaders
4 that as commander-in-chief of the American invasion
5 forces, he will hold the enemy leaders immediately
6 responsible for any failure to accord prisoners and
7 internees proper treatment. MacArthur addressed his
8 warning to the Japanese Field Marshal, Count
9 TEHAUCHI, who is commander-in-chief of the Jap-
10 anese military forces in the Philippines.

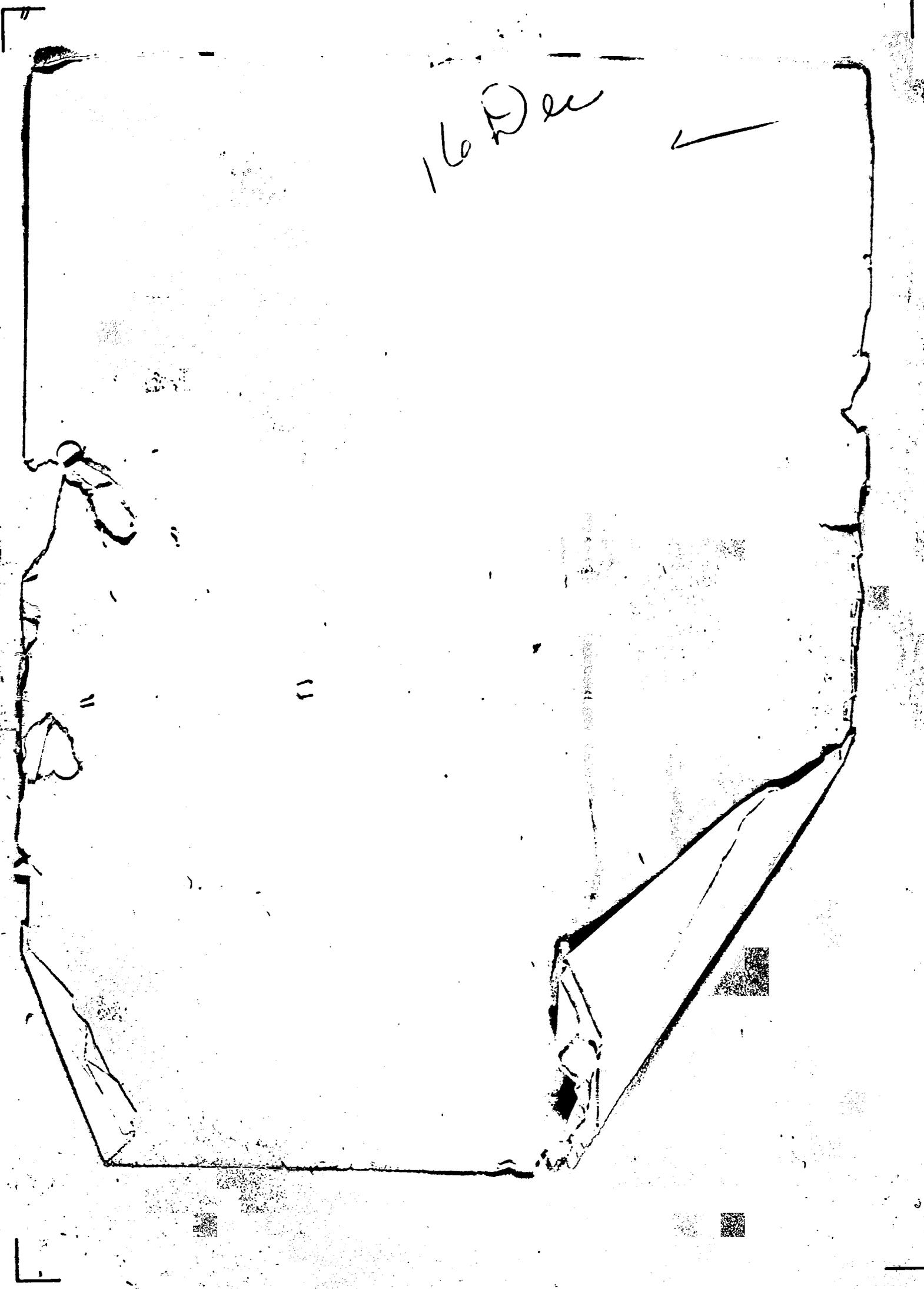
11 "The General said the surrender of the United
12 States and Philippine forces in previous campaigns
13 was made with the belief that they would receive
14 the dignity and honor and protection of military
15 prisoners as provided by the rules and customs of
16 war. Since then unimpeachable evidence has been
17 received of the degradation and even brutality to
18 which these prisoners have been subjected in vic-
19 lation of the most sacred code of martial honor."

20 THE PRESIDENT: We will adjourn until half
21 past nine on Monday morning.

22 (Whereupon, at 1600, an adjournment
23 was taken until Monday, December 16, 1946, at
24 0930.)
25

- - - -

16 Dec



16 DECEMBER 1946

I N D E X
OF
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
SUZUKI, Tadakatsu	12830
Direct by Mr. Lopez	12830
Cross by Mr. Logan	12834
(Witness excused-to be recalled later)	12843
Brien, Colin Fleming	12883
Direct by Mr. Justice Mansfield	12883
Cross by Mr. Blewett	12888
" by Mr. SHIMANOUCI	12891
Redirect by Mr. Justice Mansfield	12891
(Witness excused)	12892

I N D E X
OF
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2782	1489		Affidevit of SUZUKI, Tadakatsu dated 12 November 1946		12832
1469-D	1490		Letter dated 29 January 1942 from the Japanese Minister of Foreign Affairs to the Swiss Minister		12878

I N D E X

O F

E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1469-B	1491		Letter dated 13 February 1942 from Japanese Ministry of Foreign Affairs to the Swiss Minister		12878
1469-C	1492		Copy of letter dated 20 February 1942 from the Swiss Minister to Shigenori TCGO, Japanese Foreign Minister		12879
1469-A	1493		Letter dated 2 March 1942 from the Japanese Ministry of Foreign Affairs to the Swiss Minister		12879
847-D	1494		Letter from the Argentine Minister in Tokyo on behalf of Great Britain and the Dominions, dated 3 January 1942		12879
847-E	1495		Letter from the Argentine Minister in Tokyo dated 5 January 1942 to TOGO - National and Racial customs of the prisoners with regard to food and clothing		12882
1465-C	1496		Letter dated 29 January 1942 from the Minister for Foreign Affairs TOGO to the Argentine Minister		12882

I N D E X

O F

E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5430	1497		Synopsis of Evidence "Singapore" A. At time of Capitulation		12893
5129	1498		Declaration of Wong Sin Joon	12894	
5129	1498-A		Excerpt therefrom		12894
5374	1499		Affidavit of A. F. Bell	12895	
5374	1499-A		Excerpt therefrom		12896
5051	1500		Affidavit of C. W. Perry	12896	
5051	1500-A		Excerpt therefrom		12896
5047-B	1501		Affidavit of Rev. G. Polain	12896	
5047-B	1501-A		Excerpt therefrom		12897
5242	1502		Affidavit of L. W. Mc- Cann	12898	
5242	1502-A		Excerpt therefrom		12899
5045	1503		Affidavit of G. A. Croft	12899	
5045	1503-A		Excerpt therefrom		12899
5081	1504		Affidavit of Lieutenant Colonel C. P. Heath, D. S. O.	12901	
5081	1504-A		Excerpt therefrom		12902

I N D E X
OF
EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5044	1505		Affidavit of L. W. Wright	12902	
5044	1505-A		Excerpt therefrom		12903
5052-B	1506		Affidavit of F. C. Stuart	12904	
5052-B	1506-A		Excerpt therefrom		12904

I N D E X
Of
EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5373	1507		Declaration of J. W. Craven	12907	
5373	1507-1		Excerpt therefrom		12907
5063	1508		Synopsis of Evidence "Singapore" - B - Prisoners of War in Internment	12908	
5063	1508-A		Excerpt therefrom		12909
5061	1509		Affidavit of Lieutenant F. Ramsbotham	12909	
5061	1509-A		Excerpt therefrom		12910
5080	1510		Affidavit of Lieutenant Colonel C. P. Heath, D.S.O.	12910	
5080	1510-A		Excerpt therefrom		12911
5130	1511		Affidavit of Sergeant G.V. D. Picozzi	12912	
5130	1511-A		Excerpt therefrom		12912
5428	1512		Affidavit of Lieutenant R. G. Wells	12913	
5428	1512-A		Excerpt therefrom		12914
5395	1513		Affidavit of Lieutenant P. V. Dean	12914	
5395	1513-A		Excerpt therefrom		12914

I N D E X

of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5397	1514		Affidavit of Lieutenant A. G. Weynton	12927	
5397	1514-A		Excerpt therefrom		12927
5077	1515		Affidavit of Major J.W.D. Bull	12928	
5077	1515-A		Excerpt therefrom		12928
5064B	1516		Affidavit of Major B.L.W. Clarke	12929	
5064B	1516-A		Excerpt therefrom		12929
5058	1517		Affidavit of Brigadier F.G. Galleghan	12930	
5058	1517-A		Excerpt therefrom		12930
5057B	1518		Affidavit of W.T.C. Guest	12933	
5057B	1518-A		Excerpt therefrom		12934
5078	1519		Affidavit of J.L. Wilson	12935	
5078	1519-A		Excerpt therefrom		12935
5131	1520		Affidavit of C.B. Hiltermann	12944	
5131	1520-A		Excerpt therefrom		12944
5205	1521		Affidavit of Dr. T. M. Johns	12944	
5205	1521-A		Excerpt therefrom		12945

I N D E X
of
EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5154	1522		Statement of Sepoy Mul Chand	12946	
5432	1523		Excerpt therefrom - Synopsis of Evidence "Malaya" - Massacre near Ipor		12946
5241	1524		Affidavit of T.C. Trevor	12948	
5241	1524-A		Excerpt therefrom		12948
5043	1525		Affidavit of Lieutenant B. C. Hackney	12949	
5043	1525-A		Excerpt therefrom		12949
5085	1526		Affidavit of L.J.W. Seekings	12952	
5085	1526-A		Excerpt therefrom		12953
5084	1527		Affidavit of Captain P.R. Adams	12953	
5084	1527-A		Excerpt therefrom		12954
5024B	1528		Affidavit of Major E.R. Stevens	12954	
5024B	1528-A		Excerpt therefrom		12955
5375	1529		Affidavit of B.G. Mapleback	12956	
5375	1529-A		Excerpt therefrom		12956
5139	1530		Statement of Chew Sway Leok	12957	
5139	1530-A		Excerpt therefrom		12957

I N D E X

O f

E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5141	1531		Statement of Ahmand Bin Cheteh	12958	
5141	1531-A		Excerpt therefrom		12958
5142	1532		Statement of Miss Yong Len Moi	12959	
5142	1532-A		Excerpt therefrom		12960
5143	1533		Statement of W.T. Davies	12960	
5143	1533-A		Excerpt therefrom		12961
5441	1534		Synopses "Burma-Siam"		12963
5276	1535		Affidavit of T.B. Auchterlonie	12963	
5276	1535-A		Excerpt therefrom		12964
5260	1536		Statement of W.O. II A.H.H. Cullen	12964	
5260	1536-A		Excerpt therefrom		12965
5120	1537		Declaration of Mg. 'San Mgwe	12965	
5120	1537-A		Excerpt therefrom		12966
5138	1538		Affidavit of Lieutenant Colonel E.L. St. J. Couch exhibiting three statements of Ohn Myaing, Ma San Theen and Ah Yi	12966	
5138	1538-A		Excerpt therefrom		12967

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5337	1539		Statement of Captain T.C.B. Burdokin	12968	
5337	1539-A		Excerpt therefrom		12968
5137	1540		Affidavit of Lieutenant Colonel E.L. St. J. Couch	12969	
5137	1540-A		Excerpt therefrom		12969
5336	1541		Report of Lieutenant Colonel A.M. Sturrock	12970	
5336	1541-A		Excerpt therefrom		12970
5344	1542		Statement of Maung Bu Gyi	12972	
5344	1542-A		Excerpt therefrom		12972
5346	1543		Statement of Maung Tun Shwe	12973	
5346	1543-A		Excerpt therefrom		12973
5347	1544		Statement of Maung Kin Mg	12974	
5347	1544-A		Excerpt therefrom		12974
5342	1545		Statement of Mg. Pan	12975	
5342	1545-A		Excerpt therefrom		12976

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5340	1546		Statement of Saw Bo Gyi Gyaw	12976	
			Excerpt therefrom		12976-A
5340	1546-A		Statement of R. A. Nicol	12976-A	
5339	1547		Excerpt therefrom		12976-B
5339	1547-A		Statement of Mg Than Mg	12976-B	
5348A	1548		Excerpt therefrom		12976-C
5348A	1548-A				

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5348	1549		Statement of Mg. Than Maung	12977	
5348	1549-A		Excerpt therefrom		12977
5354	1550		Statement of Sergeant Major YOSHIKAWA, Sadaichiro	12978	
5354	1550-A		Excerpt therefrom		12978
5359	1551		Statement of Roland Joseph	12979	
5359	1551-A		Excerpt therefrom		12979
5356	1552		Declaration of Harry Joseph	12981	
5356	1552-A		Excerpt therefrom		12981
5361	1553		Statement of Sima Bahadur	12983	
5361	1553-A		Excerpt therefrom		12983
5364	1554		Statement of Bel Bahadur Rai	12985	
5364	1554-A		Excerpt therefrom		12986

1 Monday, 16 December, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with
14 the exception of: HONORABLE JUSTICE D. JARANIILA,
15 Member from the Republic of the Philippines, not
16 sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 The Accused:

20 All present except OKAWA, Shumei, who is
21 represented by his counsel.

22 - - -

23 (English to Japanese and Japanese
24 to English interpretation was made by the
25 Language Section, IMTFE.)

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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now in session.

THE PRESIDENT: Mr. Lopez.

MR. LOPEZ: If the President please, we
request that SUZUKI, Tadakatsu, be brought in and
put on the witness stand to identify IPS document
2782.

THE PRESIDENT: If he is merely to produce
a document it is not necessary to swear him.

MR. LOPEZ: It is only for that purpose.

THE PRESIDENT: For the production he need
not be sworn. All this man is to do is to produce
the document, is that so?

MR. LOPEZ: Yes, sir; and testify, your Honor.

THE PRESIDENT: That is another matter.
Swear him in.

- - - -

SUZUKI

DIRECT

1 S U Z U K I, T A D A K A T S U, called as a
2 witness on behalf of the prosecution, having
3 first been duly sworn, testified through
4 Japanese interpreters as follows:

5 MR. LOPEZ: If your Honor please.

6 DIRECT EXAMINATION

7 BY MR. LOPEZ:

8 Q Please give us your full name.

9 A SUZUKI, Tadakatsu.

10 Q I show you IPS document No. 2782 and ask
11 you to state if you are familiar with it?

12 A With regard to the contents of this
13 affidavit I should like to be permitted to mention
14 three points which I feel may be misleading. First
15 of all, I should like to make clear the name of the
16 office over which I presided. This is called the
17 "Foreign National Section" but the correct name of
18 the bureau over which I presided was the "Bureau in
19 Charge of Japanese Nationals in Enemy Countries." The
20 second point is as to how the notes of protest
21 sent by the Minister of the Swiss Government to
22 the Foreign Office were handled by us. It is said
23 that copies and translation of it were sent to the
24 War Ministry and other sections concerned. With
25 respect to the other sections concerned, in other

SUZUKI

DIRECT

1 words, "the Vice Minister of War, the Chief of
2 the Military Affairs Bureau, and the Chief of the
3 Prisoner-of-War Information Bureau," it says, "'and'
4 the Chief of the Prisoner-of-War Information Bureau,"
5 but I feel it would be more accurate to say, "'or'
6 the Chief of the Prisoner-of-War Information Bureau."
7 Third and last point, it is stated in the affidavit
8 that I examined IPS documents 10-B and on, numbering
9 twenty. As a matter of fact, nine of the documents
10 from 10-B on were handled before my office was formed.
11 It is accurate to say that outside of the replies
12 sent by the Foreign Office the nine documents were
13 received by the Foreign Office.

14 THE PRESIDENT: We would have a better
15 appreciation of what the witness is saying if we
16 knew what the affidavit contains. This explanation
17 seems to be premature. You had better take charge
18 of him, Mr. Lopez.

19 Q Aside from these corrections you have
20 stated, do you have any other corrections to make
21 on document 2782, your affidavit?
22

23 A I had intended to make one more remark
24 with respect to the third point but I feel that
25 that is now unnecessary.

MR. LOPEZ: At this juncture we offer in

SUZUKI

DIRECT

1 evidence IPS document No. 2782, identified by the
2 witness, Tadakatsu SUZUKI as his, subject to the
3 corrections just stated, your Honor.

4 THE PRESIDENT: Is that your affidavit?

5 THE WITNESS: Yes, sir.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2782 will receive exhibit No. 1489.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1489 and received in evidence.)

12 MR. LOPEZ: We read the affidavit in its
13 entirety, subject to the corrections made by the
14 witness, at this time.

15 THE PRESIDENT: Yes.

16 MR. LOPEZ: (Reading) "I, SUZUKI, Tadakatsu,
17 make oath and say as follows:

18 "Q State your name, age, and residence.

19 "A SUZUKI, Tadakatsu, 51 years of age, residing
20 at Yokohama.

21 "Q When war broke out what position did you
22 hold with the government of Japan?

23 "A I was Minister Plenipotentiary in Egypt
24 since 1940. I came home to Japan on an exchange
25 ship in August of 1942 and in December of 1942 I was

SUZUKI

DIRECT

1 made chief of the Foreign National Section of the
2 Foreign Office.

3 "Q Until what time did you hold that office?

4 "A Until July of 1945.

5 "Q During your incumbency were you familiar
6 with American notes protesting against mistreatments
7 of American prisoners-of-war and civilians in the
8 Philippines which were coursed through the Swiss
9 Legation?

10 "A Yes.

11 "Q Throughout your incumbency what was the
12 practice of your office once those protests were
13 received?

14 "A The notes were received either in French
15 or English and were translated into Japanese. A
16 copy of the note with its Japanese translation was
17 sometimes addressed to the Minister of War, the Vice
18 Minister of War, the Military Affairs Bureau, or
19 the Prisoner-of-War Information Bureau, depending on
20 the importance and also the contents of the note.
21 Nevertheless we furnished copies, together with
22 their translations, to the other sections concerned
23 of the War Ministry (the Vice Minister of War, the
24 Chief of the Military Affairs Bureau, and the Chief
25 of the Prisoner-of-War Information Bureau). In

SUZUKI

DIRECT
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1 sending those notes, together with their translation,
2 we accompanied them with a covering note which was
3 either a simple note in itself, or accompanied by
4 our own comments or recommendations.

5 "Q Please examine these U.S. State Department
6 notes marked as IPS Documents 10-B through 10-X,
7 inclusive (excepting 10-0), and tell us if they
8 have been received by the Foreign Office in Japan
9 through the intervention of the Swiss Legation.

10 "A Yes, they were received by the Foreign
11 Office in the routine procedure of forwarding them
12 to the different departments of our government."

13 That is all for the witness.

14 THE PRESIDENT: Mr. Logan.

15 MR. LOGAN: If the Tribunal please.

16 CROSS-EXAMINATION

17 BY MR. LOGAN:

18 Q Mr. SUZUKI, what was the exact date that
19 you became chief of this bureau?

20 A I think it was the first of December, 1942.

21 Q So that, Mr. SUZUKI, you do not know what
22 procedure was followed in that section with respect
23 to these protests prior to December 1, 1942, is that
24 so?

25 A Not directly as to how it was handled.

SUZUKI

CROSS

1 Q Do you know of your own personal knowledge
2 whether prosecution's exhibits 146⁸ through 1476,
3 which were the document numbers 10-B through 10-J,
4 were forwarded to any of these bureaus mentioned in
5 your affidavit?

6 A On that point, as Director of the Bureau
7 in Charge of Japanese Nationals in Enemy Countries,
8 I handled previous communications according to the
9 procedure established before my time and, therefore,
10 I am familiar with that procedure indirectly and
11 transmitted these to the War Office.

12 Q While you may know about it indirectly
13 you do not know of your own knowledge which of these
14 documents or if any of them which I have just named
15 were sent to any of these other bureaus, isn't that
16 true?

17 A In order to clarify my previous answer I
18 wish to state that I myself made certain of this
19 matter at the Foreign Office myself -- took steps
20 to make certain of this matter at the Foreign Office.

21 Q Well, in your affidavit you say that copies
22 of these notes with Japanese translations were some-
23 times addressed to these other bureaus. Now, let us
24 take the first one, exhibit 1468. That is document
25 10-B, dated December 18, 1941. Can you tell us which

SUZUKI

CROSS

1 of those bureaus mentioned in your affidavit --
2 that a copy of that document, a Japanese translation,
3 was sent to?

4 A I cannot reply concretely saying which
5 document was sent to which bureau or section.

6 Q That is with respect to all those documents
7 prior to December 1, 1942, isn't that correct?

8 A Yes, with respect to all twenty documents.

9 Q That is even including those after December
10 1, 1942?

11 A Unfortunately, I cannot state here where a
12 particular document was sent.

13 Q Do I understand, Mr. SUZUKI, that all
14 these documents after you made translations and
15 copies of them were addressed to the Prisoner-of-
16 War Information Bureau?

17 A Before replying I should like to explain
18 that in my affidavit I state that when a protest
19 was received by the Japanese Government -- by the
20 Foreign Office -- I would like to explain how these
21 notes were handled -- the procedure in which these
22 notes were handled before they were sent to various
23 other sections concerned.

24 Q All right, before we get into that, Mr.
25 SUZUKI, is it not a fact that you, of your own

SUZUKI

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1 knowledge, do not know how they were handled prior
2 to December 1, 1942?

3 A Yes.

4 Q Now, let us take from December 1 on. You
5 received in your office one of these protests, right?

6 A (No reply).

7 Q Did you say yes?

8 A Yes.

9 Q Then after receiving the protests you made
10 translations and copies, is that right?

11 A Yes.

12 Q It was part of your duties to send these
13 protests somewhere, is that correct?

14 A Yes.

15 Q Is it a fact that on each one of these,
16 from exhibit 1477 through 1487, that they were
17 addressed to the Prisoner-of-War Information Bureau?

18 A I do not think all were addressed to the
19 Chief of the Prisoner-of-War Information Bureau.

20 Q Who determined then to whom they should be
21 addressed?

22 A Generally I did.

23 Q On what did you base that determination?

24 A Generally, on the basis of the contents and
25 the nature and importance of the protest.

SUZUKI

CROSS

1 Q Well, let us take the first one after you
2 assumed office. 1477 is the prosecution's exhibit
3 number, document 10-K dated December 12, 1942.

4 THE PRESIDENT: Did you base it on the prac-
5 tice before your time?

6 WITNESS: Yes, that is a fact.

7 (Paper handed to witness.)

8 Q Will you tell us, Mr. SUZUKI, to whom you
9 addressed that document?

10 A This document I think was sent by the United
11 States Government to the United States Minister in
12 Switzerland, and was transmitted to the foreign office
13 in Tokyo by the Swiss Minister. I regret very much
14 that I do not have the document here.

15 BY THE PRESIDENT:

16 Q How did you familiarize yourself with the
17 previous practice?

18 A It is because when this office was established
19 I had in this office as my colleagues and collaborators
20 those who were familiar with the procedure before
21 within the foreign office.

22 Q Did you look up any documents yourself?

23 A What kind of documents are you referring to,
24 your Honor?

25 Q The documents which showed the previous

SUZUKI

CROSS

1 practice.

2 A Yes, I have seen such a document.

3 Q You may be able to answer these categorical
4 questions which have been drafted by a colleague--

5 MR. LOGAN: If the Tribunal please, may I
6 finish my cross-examination first?

7 THE PRESIDENT: Not necessarily. The Bench
8 frequently asks questions during a cross-examination.
9 I am not departing from any practice.

10 Q Answer these questions, Witness, if you can.
11 In 1941 when copies of documents were forwarded to
12 another department, was a note kept in the foreign
13 office recording that fact?

14 A Yes, I think so.

15 Q Have you looked up the foreign office records
16 for 1941 about this matter?

17 A Yes. At that time.

18 Q Do these records state that copies of the
19 documents were forwarded to other departments?

20 A Yes, they do.

21 THE PRESIDENT: Well, now, we ask that such
22 records be produced so far as they relate to documents
23 10-B to 10-X.

24 MR. LOPEZ: If the Tribunal please, we will
25 make the necessary effort to have them produced here.

SUZUKI

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1 THE PRESIDENT: Now, Mr. Logan, you may ask
2 any questions that are relevant.

3 CROSS-EXAMINATION (Continued)

4 BY MR. LOGAN:

5 Q Do you have such documents available, Mr.
6 SUZUKI?

7 A I think that could be done. However, I cannot
8 say so positively unless it has been confirmed once.

9 Q Now, let us take this document exhibit 1477,
10 prosecution's document 10-K, dated December 12, 1942.
11 To whom was that document addressed when you sent it
12 from your office?

13 A As I said before, I regret very much to say
14 that I cannot say accurately at this time from memory
15 as to where this particular document was sent, and I
16 cannot positively say whether this was sent to the
17 chief of the Prisoner of War Information Bureau. It
18 may have been, but I cannot say positively.

19 Q In other words, as I understand your affi-
20 davit and your testimony here, Mr. SUZUKI, you cannot
21 say definitely which of these documents, 1477 and
22 1487, were sent to which bureau of these bureaus
23 mentioned, or any of them, is that correct?

24 A Generally speaking I think it could be said
25 that these documents were sent to the chief of the

SUZUKI

CROSS

1 Prisoners of War Information Bureau. I can recall
2 definitely that document 10-N was sent to some other
3 section. As to the others it may have been to the
4 Vice-Minister of War, or the chief of the Prisoners
5 of War Information Bureau.

6 Q Now, on what did you base your determination to
7 which of these bureaus these notes should be sent?

8 A As I said before, they were based on the
9 importance as well as the nature of the contents of
10 these protests. Perhaps I might make this clear if
11 I should add the following explanation as to questions
12 of procedure: Generally with respect to the treatment
13 of prisoners of war, documents related to the matter
14 were sent to the chief of the Prisoners of War Informa-
15 tion Bureau, and a copy thereof to the chief of the
16 Military Affairs Bureau, War Office, and, generally
17 speaking, it was a matter of custom to send any docu-
18 ment relative to general policy or aims to the chief
19 of the Military Affairs Bureau of the War Office.
20 This may go a little bit into detail, but in order to
21 speed up the routine business, it was requested from
22 the War Office that the documents be sent to the
23 chiefs of the bureaus and sections and not to higher
24 levels than that. And, therefore, important documents
25 were sent to the chief of the Prisoners of War

SUZUKI

CROSS

1 Information Bureau and the chief of the Military
2 Affairs Bureau except in the case of very important
3 documents.

4 Q In other words, Mr. SUZUKI, you took the
5 protest, or the copy that you made, and you actually
6 wrote on that copy: "Prisoner of War Information
7 Bureau," is that correct?

8 A The translations and copies were made and
9 were attached to a covering note and sent.

10 Q To whom was that covering note addressed?

11 A Yes. This covering note was attached to
12 what I have just referred to as the chief of the
13 Prisoner of War Information Bureau, and/or the chief
14 of the Military Affairs Bureau.

15 Q Was there an address on this covering note
16 to each of these bureaus, or did the one address
17 appear on both of them?

18 A They were addressed separately.

19 Q What type of notes did you attach to these
20 documents?

21 THE PRESIDENT: If that extends to contents,
22 the notes should be produced.

23 MR. LOGAN: It does, your Honor.

24 THE PRESIDENT: Well, we will expect the notes
25 themselves to be produced if available.

SUZUKI

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1 Q Could you tell us generally what comments
2 you made in these notes or what recommendations?

3 A With respect to that point I cannot recall
4 each case, but I think that recommendations and com-
5 ments were made with a view to improving the treatment
6 of prisoners of war.

7 Q With respect to all of these documents, 1477,
8 after December 1st--1487, I understand your testimony
9 that you cannot tell us definitely whether all, or
10 which of these were sent first to the Minister of
11 War, second the Vice Minister of War, third the
12 Military Affairs Bureau, and fourth the Prisoner of
13 War Information Bureau. Is that understanding correct?

14 THE PRESIDENT: The absence of the notes
15 does not restrict your rights of cross-examination.
16 Nevertheless, Mr. Logan, cross-examination may be
17 more effective after we have seen the notes, and you
18 might postpone it until then.

19 MR. LOGAN: We concur, your Honor.

20 THE PRESIDENT: The witness can stand down
21 for the time being. He will be recalled for further
22 cross-examination. The witness will understand that
23 he must come back for further cross-examination when
24 notified. He is at liberty to leave the court.

25 (Whereupon, the witness was excused.)

THE PRESIDENT: Mr. Lopez.

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Mr. LOPEZ: If the Tribunal please, we decided to announce that IPS documents No. 2696, 2687 and 2687, copies of which have already been circulated to the defense, will subsequently be introduced in evidence by Mr. Justice Mansfield in view of the fact that those documents involve class B offenses in general, of which Mr. Justice Mansfield is in charge of the proving in this court.

If your Honor please, earlier in this proceedings we offered to be marked only for the purpose of identification document 2735 instead of offering it in evidence, believing at the time that Rufina Mercedes, the little Filipino girl about whom British War Correspondent, Mr. Keys, made reference in his testimony, was on her way to Tokyo, together with other Philippine witnesses who were to testify in this court. Notwithstanding the fact that about a week ago I received a cable from Legal Section, SCAP, Manila Branch, that those witnesses had already left Manila, up to the present time they have not yet arrived here. We have decided to forego the presentation of those witnesses, and we, therefore, offer in evidence IPS document No. 2735, which is already marked exhibit 1420 for identification.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 2735 which was offered for identification only
4 on 11 December 1946 and given exhibit No. 1420 is
5 now admitted according to the order of the Court.

6 (Whereupon, prosecution's exhibit No.
7 1420 was received in evidence.)

8 THE PRESIDENT: Can you offer any explanation
9 for the failure of these proposed witnesses to arrive
10 in Tokyo?

11 MR. LOPEZ: It must either be due to the fact,
12 your Honor, that they did not have any winter clothing,
13 as most Filipinos merely wear summer clothes through-
14 out the year, or it may be due to the typhoon, bad
15 weather conditions prevailing.

16 THE PRESIDENT: You should be able to tell us
17 why they are not here, and we should ask you to tell
18 us, too.

19 MR. LOPEZ: Since then, your Honor, we have
20 not received any word from Manila, notwithstanding the
21 fact that we have been wiring them.

22 THE PRESIDENT: Proceed with your affidavit.

23 MR. LOPEZ: We read from that document the
24 following: Page 1, the first question, through to
25 the end of the second paragraph of page 2:

1 "Q (By Major Kerr) Will you state your name,
2 please?

3 "A Henry Keys; K-e-y-s.

4 "Q Your age?

5 "A 35.

6 "Q What is your home address?

7 "A I haven't got a home address, but my military
8 address at present is care of AFWESPAC, Public Rela-
9 tions, APO 707.

10 "Q What is your occupation, Mr. Keys?

11 "A Correspondent.

12 "Q For what newspaper or newspapers?

13 "A London Daily Express.

14 "Q How long have you followed that occupation?

15 "A I have been about 15 years a correspondent,
16 the last four years a war correspondent.

17 "Q Did you come into Manila with the American
18 troops in February, 1945?

19 "A Yes.

20 "Q Did you enter the Intramuros area with those
21 troops?

22 "A Yes. On February 23rd in the afternoon when
23 they put up a foot bridge I walked over it.

24 "Q Please describe to the Commission what you
25 observed within the Intramuros area at the time you

entered it.

1 "A Crossing the foot bridge to the steps of
2 the mint I saw hundreds of refugees from Intramuros.
3 They were ragged. Some of them were very shell-shocked.
4 Many of them bore various wounds. Some, I don't doubt,
5 were from shells. There were many others, however,
6 who had masks over their faces, and they bore what
7 I could recognize as bayonet wounds and some were
8 saber cuts. Others were very emaciated, starved, skin
9 just hanging to their arms. There weren't enough
10 litters to go around.

11 "I met a Lieutenant who said 'Come along to the
12 St. Augustine Convent if you really want to see some-
13 thing.' So I followed him and some Chinese litter
14 bearers upon a narrow street which was heavily mined.
15 The Lieutenant stepped backward and forward care-
16 fully and we stepped through the mines and then I
17 went into the courtyard of the St. Augustine Convent.
18 There was a statue -- I forget what statue it was, but
19 there was a statue that had been battered and around
20 it built up on chairs and other pieces of furniture
21 were some crazy shelters made roughly of corrugated
22 iron. They were about waist-high. I knelt down and I
23 looked inside and the first thing I saw was a dead
24 girl. One of her feet was crushed to pulp and her
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1 mouth was broken and a lot of blood had come from it.

2 "From there I went over behind the statue into
3 the column verande of the convent, and on my right I
4 saw a body of a little boy in a kneeling, crouching
5 position with a bullet hold through the base of the
6 skull. It was quite definitely a bullet hole. Then
7 I looked to the left and it took me some time to real-
8 ize what it was, but it was a pile of bodies just
9 thrown carelessly together, more or less, I suppose,
10 to get them cut of the way and in one place. And they
11 were covered with a fine gray ash and a lot of dust."

12 Page 3, the 3rd paragraph through the remain-
13 der of the page:

14 "You see, there weren't enough medics or anybody
15 around with any experience to do anything for these
16 people, - - - other than to give them what a little
17 relief was possible with virtually nothing.

18 "Q Excuse me. Was that an American Lieutenant?

19 "A Yes. They were all Americans.

20 "Then a little bit to the right of her there was
21 another doorway and I went inside there. It seemed
22 like a room which might have been a meeting room or
23 a living room. It was in a pretty bad shape. And
24 just to the left of that there seemed to be a kitchen,
25 but in this living room section was a beautiful

1 Filipino girl lying on her back and a soldier called
2 me over and he said 'Look at this!' He said 'She
3 told us that a Jap hacked her feet off', and he lifted
4 a blanket that was lying over her feet. Her feet had
5 been cut off and the stumps tied with what I took to
6 be handkerchiefs.

7 "I didn't feel very good at that and I didn't
8 look very long. And lying almost feet to feet with,
9 her was a Japanese soldier. He was the only decent,
10 whole piece of humanity in the place; the only clean
11 piece of humanity. He was dressed in a white singlet
12 on the shirt and some pants. He was lying there like
13 an animal and I was told that he had been there some
14 weeks, having been brought in when he was ill and cared
15 for by the nuns."
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Page 4, the last two questions and answers:

"Q I believe you stated that many of the bodies which you saw bore bayonet wounds; is that correct?

"A That is correct.

"Q And were these bodies which you referred to those of civilians?

"A They were all civilians. And I might mention that I only saw one man in this particular convent courtyard. There may have been others, but I didn't expect to see others. I was surprised to see him."

Page 4, paragraph 3:

"Well, that was practically all that I recall vividly of the St. Augustine Convent except that when I went out to the gate I saw some Chinese litter bearers and I asked them to go into the convent and get this girl with her feet cut off. They did. And they passed me at the gate, and as they carried her out head first on the litter, shoulder high, she lifted her left hand with a 'V' sign -- a very effective sight!"

With this, if the Tribunal please, we close the Philippine case.

THE PRESIDENT: Mr. Higgins.

1 MR. HIGGINS: Mr. President and Members of
2 the Tribunal:

3 Mr. Justice Mansfield, associate prosecutor
4 from the Commonwealth of Australia, will now present
5 that phase of the prosecution's case which deals with
6 Class B offenses.

7 THE PRESIDENT: Mr. Logan.

8 MR. LOGAN: If the Tribunal please, before
9 Mr. Justice Mansfield reads his opening statement, the
10 defense wants to object to the first section of it,
11 which is merely a summation of what has been introduced
12 in evidence by the Philippine prosecutor; that it
13 contains conclusions and arguments and, in addition,
14 sets forth who is responsible for certain acts contained
15 in the statement. We also claim it is unfair in that
16 it brings to the Tribunal's attention a comparison
17 between American prisoners of war of the Japanese and
18 prisoners of war of Germany and Italy, where it is well
19 known conditions are entirely different and the length
20 of time that the prisoners of war were in the hands
21 of the enemy in both of these instances.

22 THE PRESIDENT: Mr. Levin.

23 MR. LEVIN: Mr. President, I wish to object
24 specially on behalf of the defendant SUZUKI, Teiichi,
25 with reference to the statement made in the last portion

1 of the second paragraph on page 10. The same is a
2 conclusion and argumentative; and while I cannot ask
3 that it be stricken, I ask that it be disregarded by
4 the Tribunal.
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1 THE PRESIDENT: Mr. Cunningham.

2 MR. CUNNINGHAM: If your Honor please,
3 before Mr. Justice Mansfield presented his two
4 witnesses in this phase of the case out of order,
5 an objection was made in general to the receipt
6 of evidence in the atrocity phase for several
7 reasons. I should like to renew those objections
8 now, with the additional objection that no evi-
9 dence be received in this phase of the case con-
10 cerning matters which were investigated and prose-
11 cuted by the War Crimes Commission of the United
12 Nations through their Far Eastern Committee in
13 Australia.

14 I presume your Honor has in mind the
15 objections which I proposed on geographical
16 location, on the latter concerning conspiracy,
17 concerning atrocities, on the matter of prior
18 conviction for offenses charged under the counts
19 53, 54 and 55. And the last one, that the defend-
20 ant OSHIMA was in the European theater at the time
21 all of the acts complained of in these counts
22 were committed.

23 THE PRESIDENT: Some of those objections
24 have been dealt with and the Court adheres to its
25 decision on them. Other objections will be dealt

1 with after we hear Mr. Justice Mansfield's
2 opening. So far we know nothing about it.

3 Mr. Justice Mansfield.

4 MR. JUSTICE MANSFIELD: If the Tribunal
5 please: This phase of the prosecution case
6 covers offences under Article 5(b) of the Charter,
7 that is violations of the laws and customs of
8 war, and comprises evidence of atrocities against
9 prisoners of war, civilian internees and inhabit-
10 ants of occupied territories, and evidence showing
11 the responsibility for such atrocities of the
12 defendants named in Counts 53, 54 and 55 of the
13 Indictment.

14 Evidence of atrocities in China and the
15 Philippine Islands has already been presented.
16 That which will now be presented will relate to
17 other areas.

18 The phase has been divided into five
19 parts, namely:

- 20 I. Evidence of Japanese assurances in
21 relation to International Conventions.
22 II. Evidence of the commission of
23 atrocities by Japanese forces.
24 III. Evidence of protests made to the
25 Japanese government and of the replies

1 thereto.

2 IV. Official reports concerning the
3 treatment of prisoners of war made
4 by the Japanese government since
5 3 September 1945.

6 V. Evidence of the acts of said defend-
7 ants and of their subordinates which
8 demonstrate their responsibility
9 for the breaches of the laws of war.

10 THE PRESIDENT: This is a convenient
11 break, Mr. Justice Mansfield. We will recess for
12 fifteen minutes.

13 (Whereupon, at 1040, a recess
14 was taken until 1100, after which the
15 proceedings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Justice Mansfield.

4 MR. JUSTICE MANSFIELD: Continuing the
5 opening address.

6 I. Evidence of Japanese assurances in
7 relation to International Conventions.

8 Geneva Red Cross Convention of 27 July 1929.

9 Japan was a party to this Convention and duly
10 ratified it. Furthermore, in a letter of 29 January
11 1942 signed by TOGO, Shigenori, as Foreign Minister
12 on behalf of Japan and addressed to the Swiss Minister
13 in Tokyo, (prosecution document No. 1469-D), Japan
14 agreed strictly to observe the Geneva Convention of
15 27 July 1929 relative to the Red Cross as a signatory
16 of that Convention.

17 Geneva Prisoner of War Convention of 27 July
18 1929.

19 Japan signed but did not ratify this Conven-
20 tion. However, in the above-mentioned communication
21 of 29 January 1942 it was also stated that, although
22 not bound by the Convention relative to the treatment
23 of prisoners of war, Japan would apply mutatis mutandis
24 the provisions of that Convention to American prisoners
25 of war.

1 In a letter of 13 February, 1942, signed by
2 TOGO as Foreign Minister and addressed to the Swiss
3 Minister in Tokyo (prosecution document No. 1469-B),
4 it was stated that the Japanese Government would apply
5 for the duration of the war, under conditions of
6 reciprocity, the provisions of the Convention relative
7 to the treatment of prisoners of war of 27 July 1929,
8 to enemy civilian internees, in so far as they were
9 applicable, and provided that they were not made to work
10 without their consent. In a letter of 20 February
11 1942, signed by the Swiss Minister on behalf of the
12 Government of the United States of America and addressed
13 to TOGO, Shigenori (prosecution document No. 1469-C),
14 it was stated that the Government of the United States
15 of America had been informed that the Japanese Govern-
16 ment had agreed, as far as the treatment to be accorded
17 to British prisoners of war, to take into consideration
18 as to food and clothing the national and racial customs
19 of the prisoners. The Government of the United States
20 of America had requested the Swiss Government to bring
21 to the notice of the Japanese Government that it would
22 be bound by the same principle for prisoners of war as
23 for Japanese civil internees in conformity with Articles
24 11 and 12 of the Geneva Convention.

25 This letter was replied to by TOGO, Shigenori,

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1 it was stated that the Imperial Government had not
2 ratified the Convention relative to the treatment of
3 prisoners of war of 27 July 1929. It was, therefore,
4 not bound by the said Convention. However, it would
5 apply mutatis mutandis the provisions of the said Con-
6 vention to English, Canadian, Australian and New Zealand
7 prisoners of war in its hands. As to the provisions
8 of food and clothing for prisoners of war, it would
9 consider on conditions of reciprocity the national and
10 racial customs of the prisoners.

11 Similar assurances were given by Japan as to
12 the treatment which would be accorded to Netherlands
13 prisoners of war and civilian internees.

14 The manner in which these assurances were
15 observed by the Japanese Government will be seen by
16 the evidence which will be produced.

17 II. Evidence of the Commission of Atrocities
18 by Japanese Forces.

19 It will be impossible in any reasonable length
20 of time to put before the Tribunal detailed evidence
21 of all the offenses committed by the Japanese against
22 the recognized laws and customs of war, and, therefore,
23 a method has been devised which will be relatively
24 short and which will not omit any important matter. In
25 order to present the evidence in a manner which may be

1 easily followed, it has been classified by areas,
2 and in each area it will be shown that the mistreatment
3 of prisoners of war, civilian internees and native
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1 inhabitants was similar. This similarity of treatment
2 throughout the territories occupied by the Japanese
3 forces will, it is submitted, lead to the conclusion
4 that such mistreatment was the result not of the
5 independent acts of the individual Japanese Commanders
6 and soldiers, but of the general policy of the
7 Japanese forces and of the Japanese Government.

8 The areas into which the subject has been
9 divided are as follows:

10 1. Singapore and Malaya; 2. Burma and Thailand;
11 3. Hong Kong; 4. Formosa; 5. Hainan; 6. Andamans and
12 Nicobars; 7. Java; 8. Borneo; 9. Sumatra and Banka
13 Island; 10. Celebes; 11. Ambon; 12. Timor; 13. New
14 Guinea; 14. New Britain; 15. Solomons, Gilberts, Neuru
15 and Ocean Islands; 16. Other Pacific Islands; 17. Indo
16 China; 18. China other than Hong Kong; 19. Sea trans-
17 portation; 20. Japan; 21. atrocities at sea.

18 The evidence will show that in every area the
19 laws of war, in so far as they relate to prisoners of
20 war, civilian internees and native inhabitants of
21 occupied countries, were entirely disregarded by the
22 Japanese forces. This was in accordance with the
23 policy which was declared on many occasions by the
24 Japanese that the Japanese Government would treat
25 prisoners of war according to their own code of "Bushido"

1 and only apply such portions of the Geneva Convention
2 as suited it to apply, and that prisoners of war had
3 no rights whatever.

4 It will be shown that not only did the
5 Japanese fail to carry out their assurance that in
6 the matter of food and clothing they would take into
7 consideration the national and racial customs of the
8 prisoners, but also that they disregarded the elementary
9 considerations of humanity.

10 It will be shown that prior to and at the
11 time of the British capitulation at Singapore, in 1942,
12 many massacres and murders in breach of the laws of
13 war took place. Medical personnel and patients in
14 hospitals were killed in cold blood; wounded men who
15 had surrendered were executed; and unarmed prisoners
16 of war were mercilessly shot, bayoneted or decapitated.
17 It cannot be contended that the Japanese forces respon-
18 sible for these outrages were out of the control of
19 their superior officers. Many of the atrocities were
20 committed either at the direction or with the knowledge
21 of the commanding officers.

22 The chronicle of murder and mistreatment in
23 every area will indicate the pattern of warfare used
24 by the Japanese Government and Army and will describe
25 inter alia the massacre of 5,000 Chinese and the brutal

1 ill-treatment of Europeans in Singapore; the
2 indiscriminate killing of the native inhabitants of
3 the occupied areas; the loss of the lives of 16,000
4 Allied prisoners of war, the deaths of over 100,000
5 coolies and the brutal ill-treatment of almost every
6 man during the construction of the Burma-Siam Railway;
7 the infamous death marches at Bataan and in Borneo;
8 the massacre of Australian nurses and other civilians
9 at Bangka Island; the Palawan massacre; the massacre
10 at Tol Plantation in New Guinea; the massacre of 200
11 prisoners of war at Laha; the massacre of Europeans
12 and natives at Long Nawa, Bandjermassin, Pontianak and
13 Tarakan; the murders at Wake Island; the killing of
14 survivors from ships which had been sunk; and the wide-
15 spread extermination of prisoners of war and civilians.

16 Food rations for prisoners of war everywhere
17 were quite inadequate to sustain the strength of any
18 man, especially those who were engaged on manual labor.
19 Diseases of all kinds resulting from malnutrition and
20 neglect were the cause of much unnecessary suffering
21 and many deaths. When prisoners became sick, the
22 already inadequate rations were reduced unless, in
23 spite of illness, they went to work.

24 Hospital accommodation was in most cases non-
25 existent and everywhere there was a lack of medical
supplies and drugs for the treatment of the various

1 diseases. That these letters were available will be
2 shown by the amount of medical stores discovered in
3 the possession of the Japanese after the Japanese
4 capitulation. Sick men were forced to work and when
5 they were unable to carry on and collapsed they were
6 beaten. Hours of work were excessive and conditions
7 of work were in almost every case extremely arduous.

8 Clothing and footwear were not supplied and
9 men were forced to work bare-footed and clothed in
10 lap-laps. This again contributed to the toll of
11 illness and death.

12 Torture, mass punishments and beatings were
13 widespread. Severe punishments were inflicted for
14 trifling offenses and even for no offense, and to attempt
15 to escape was to incur execution. Men on working
16 parties were beaten if they showed the slightest slack-
17 ness, and, in fact, they were beaten lest they should
18 show slackness.

19 In most of the areas there will be evidence
20 of the plans to kill all prisoners of war in the event
21 of there being a landing by allied troops in Japan or
22 any attempt made to recapture them. In some of the
23 areas these plans were in fact put into execution.
24 Even in the absence of any direct order, from the fact
25 that similar plans had been prepared in many areas it

1 may be deduced that such plans were part of the policy
2 of those in control of prisoners of war.

3 These are some of the matters which will be
4 proved by the evidence to be produced and for which
5 the prosecution submits the accused named in Counts
6 53, 54, and 55 of the Indictment are responsible.

7 III. Evidence of Protests made to the
8 Japanese Government and of the Replies thereto.

9 The Swiss Minister in Tokyo on behalf of Great
10 Britain and the United States and the Swedish Minister
11 on behalf of the Netherlands made frequent protests
12 in writing to the Japanese Foreign Minister through-
13 out the period of hostilities, and these protests brought
14 to the knowledge of the Japanese Government most of
15 the cases of mistreatment of prisoners of war and
16 civilian internees and other breaches of the laws of
17 war which have been referred to above. There were,
18 however, other cases which were unknown to the Allied
19 Governments until after the Japanese capitulation, and
20 which, therefore, were not contained in any protest.
21 It was in many cases only by a miracle that any infor-
22 mation was available as the Japanese endeavored to
23 eliminate the possibility of detection by attempting
24 to destroy all evidence. One of the most important
25 features of this part of the case is the fact that,

1 with a few exceptions, visits by the representatives
2 of the protecting powers and the International Red
3 Cross to prison camps were systematically refused. In
4 the few exceptional cases when visits to camps were
5 permitted the conditions therein were very much better
6 than in other camps, and in some cases the camps were
7 specially dressed up for the occasion. Furthermore,
8 the prisoners were forbidden under threats of punish-
9 ment to say anything to the visitors except what had
10 been previously approved by the camp commandant. Many
11 requests were made to visit camps in Thailand; these
12 were consistently denied. It may be deduced from the
13 fact that visits were not allowed in most of the areas
14 that the Japanese Government realized that the reports
15 of any person who saw the camp would be most unfavorable.

16 Protests complaining of murders, starvation
17 and ill-treatment were for the most part either not
18 answered at all or not replied to for a long period.
19 When any reply was made it was evasive, contained
20 allegations that the protest was based on incorrect
21 information or consisted of a simple denial. At no
22 time before the capitulation was there any acknowledg-
23 ment that bad conditions existed.

24 In view of the overwhelming evidence of wide-
25 spread atrocities and breaches of the laws of war which

1 will be presented, it is apparent that the Japanese
2 Government, the members of which were charged with
3 the responsibility of seeing that their forces complied
4 with the rules of war, either knew of many of the
5 breaches and neglected to take any steps to prevent
6 them, or failed to institute any proper inquiry to
7 ascertain whether the allegations contained in the
8 protests were founded on fact. In either case, it is
9 submitted, the responsibility is the same.

10 Numerous applications were made for lists of
11 prisoners of war and for the names of those who had
12 died. No complete list was ever provided by the
13 Japanese and it was not until the end of 1945 that the
14 names of many of those who had perished in Thailand,
15 Borneo and other areas were made known for the first
16 time.

17 It will not be practicable to put before the
18 Tribunal all the protests that were made as they are
19 so numerous, but from those which have been selected
20 it will immediately become apparent that the representa-
21 tives of the protecting powers made every effort to
22 carry out their tasks, but that they were frustrated
23 at almost every turn by the policy of silence and
24 procrastination which was adopted by the Japanese
25 Government and other officials.

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1 One fact which will assist the Tribunal in
2 determining the innocence or guilt of the accused lies
3 in a comparison between the number of persons who died
4 in captivity in Germany and Italy and the numbers who
5 were killed or died in captivity in Japan. In Germany
6 and Italy 142,319 British prisoners of war were
7 reported captured and of these 7,310 or 5.1 per cent
8 were killed or died in captivity. 50,016 British
9 prisoners of war were in the power of the Japanese and
10 of these 12,433 or 24.8 per cent were killed or died
11 in captivity.

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1 IV. Official Reports concerning the
2 treatment of Prisoners of War made by the Japanese
3 Government since 3 September 1945.

4 After the Japanese capitulation a body
5 called the Central Committee of Investigation of
6 Matters concerning Prisoners of War was set up by the
7 Japanese Government to investigate and report upon
8 the allegations of mistreatment of prisoners of war
9 contained in some of the numerous protests which had
10 been received during the war. Two of these reports
11 have already been put before the Tribunal. The
12 majority of the others refer to protests and state
13 that the subject matter is being investigated and
14 that further reports will be made at a later date.
15 Although most of the original reports were made over
16 12 months ago, no supplementary reports have since
17 been received.

18 From the fact that investigations were
19 being pursued for the first time after the conclusion
20 of hostilities it can be inferred that the Japanese
21 Government and the accused took no steps at the time
22 the protests were received to carry out any form of
23 enquiry.

24 Some of these reports contain matters
25 of considerable importance. Among these the most

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21 Government and the accused took no steps at the time
22 the protests were received to carry out any form of
23 enquiry.

24 Some of these reports contain matters
25 of considerable importance. Among these the most

1 striking, apart from the two already before the
2 Tribunal relating to the Burma-Thailand Railway and
3 the massacre of Chinese at Singapore, are those
4 relating to the treatment of Allied Air Force per-
5 sonnel in Japan. These contain direct admissions
6 that Allied aviators who had bombed the territory
7 of Japan and were later captured were executed with-
8 out any form of trial.

9 As was the case in the two reports
10 tendered during the evidence of Colonel Wild, most
11 of the other reports admit certain of the matters
12 complained of in the protests, and seek to avoid any
13 blame or responsibility by alleging that they were
14 the result of the stress of circumstances. The
15 evidence of eye-witnesses and victims will be suffi-
16 cient to rebutt the claim that the matters complained
17 of were inevitable and that they were not the result of
18 the intentional and deliberate actions of the Japanese.

19 V. Evidence of the Acts of the De-
20 fendants and of their Subordinates which demonstrate
21 their Responsibility for the Breaches of the Laws of
22 War.

23 Under the Hague Convention No. 4,
24 Prisoners of War are in the power of the hostile
25 Government, and not of the individuals or corps who

1 capture them.

2 Apart from the responsibility which
3 attaches to the various accused by virtue of the
4 respective offices held by them, proof will be offered
5 to the Tribunal that they are directly responsible
6 for acts performed by them and their immediate subordi-
7 nates contrary to the recognized rules of warfare.

8 With respect to TOJO, Hideki, there
9 is at the outset an admission by him contained in his
10 interrogation that he was personally responsible for
11 the mistreatment of prisoners of war and civilians.
12 In addition there will be proof of an announcement
13 made by him that Japan would not observe the pro-
14 visions of the Geneva Prisoner of War Convention of
15 1929. He personally gave instructions to the heads
16 of the Prisoner of War Camps which violated the
17 rules of war. As War Minister he had complete con-
18 trol of the activities of the various departments
19 of the War Office such as Military Affairs Bureau,
20 the Prisoner of War Information Bureau and the
21 Prisoner of War Management Bureau. TOJO was also
22 responsible for the policy adopted by the Japanese
23 Government towards prisoners of war and civilian
24 internees.

25

KELURU was Vice Minister of War from

1 1941 to 1944 and had control of the operations of
2 the Ministry subject only to the direction of TOJO.
3 KIMURA was responsible for the design of the Prisoner
4 of War Punishment Act, the provisions of which were
5 in direct contravention of the laws of war and the
6 provisions of the Geneva Prisoner of War Conventions
7 of 1929, and also for the law which prescribed the
8 death penalty for captured members of the Allied Air
9 Forces, under which members of that were executed
10 without trial of any kind. KIMURA was also directly
11 responsible for the public exhibition of prisoners
12 of war in Korea and for sending of prisoners to work
13 in munition factories in Manchuria and their use for
14 "work having connection with the operations of war"
15 in practically all areas.
16

17 MUTO and SATO in succession were
18 chiefs of the Military Affairs Bureau which con-
19 trolled the Prisoner of War Management Bureau and
20 the Prisoner of War Information Bureau. These two
21 bureaux administered all affairs relating to
22 prisoners of war, subject to the approval of the
23 Military Affairs Bureau.

24 Complaints of mistreatment of prison-
25 ers of war and civilian internees were forwarded by
the Swiss Legation, as Protecting Power, to the

1 Japanese Foreign Ministry, which in turn trans-
2 mitted the complaints to the War Ministry, where in
3 the usual course of procedure they passed from the
4 Secretariat of the War Ministry through the Office
5 of the Vice Minister of War to the Chief of the
6 Military Affairs Bureau and then in turn to the
7 Prisoner of War Information Bureau or the Prisoner
8 of War Management Bureau, the office of the Chief
9 of the last named bureau being held concurrently
10 by the same person. The Chief of the two last
11 named bureaux formulated a reply when considered
12 advisable, after consultation with the Chief of
13 the Military Affairs Bureau, after which the pro-
14 posed reply was forwarded by the Vice Minister of
15 War to the Foreign Ministry, and practically with-
16 out exception, the reply prepared in the Prisoner
17 of War Information Bureau or the Prisoner of War
18 Management Bureau was the reply made by the Foreign
19 Minister to the Swiss Legation.

20 The same course was followed in the
21 denials of the privilege of visiting prisoner of
22 war camps when such applications were made either
23 by the Swiss Legation as Protecting Power, or by the
24 representatives of the International Red Cross. Of
25 those indicted, the following occupied the position

1 of Foreign Minister for Japan between the years 1941
2 and 1945, inclusive: TOGO, Shigenori; TOJO, Hideki;
3 and SHIGEMITSU, Mamoru.

4 Under the regulations for the employ-
5 ment of prisoners of war by private industry, most
6 of which industries were engaged in "work having
7 connection with the operations of war," applications
8 to have such prisoners assigned went from the Pre-
9 fectural Governor to the Home Ministry and thence
10 to the War Ministry for approval, following the
11 same course within the War Ministry as complaints
12 in regard to the treatment of prisoners of war. The
13 only person indicted who occupied the position of
14 Home Minister during the war period was TOJO, Hideki,
15 which position he occupied concurrently while Premier.
16 TOJO also for a short time was concurrently Prime
17 Minister and Foreign Minister during the war period.

18 Copies of complaints lodged by the
19 Swiss Legation as Protecting Power in behalf of the
20 United States, Great Britain, Australia, Canada, and
21 New Zealand, were transmitted by the Foreign Ministry
22 not only to the War Ministry, but also copies were
23 sent, as a usual thing, to the Navy Ministry and to
24 the Home Ministry. So, again, it appears that the
25 responsibility for such treatment lies with the

1 defendants SHIMADA, who was Navy Minister under
2 TOJO, and later Chief of the Naval General Staff;
3 with OKA, who was Chief of the General and Military
4 Affairs Bureau of the Navy from October, 1940, to
5 August, 1944, and NAGANO, who was Chief of the
6 Naval General Staff from April, 1941, to February,
7 1944; and SUZUKI, Teiichi, who was Minister without
8 Portfolio as well as President of the Planning Board.
9 As such, he was a member of TOJO's Cabinet and is
10 charged with knowledge of the complaints in regard
11 to the maltreatment of prisoners of war and viola-
12 tions of treaties in connection therewith.

13 During the time that TOJO was Premier,
14 he was concurrently Minister of War, but was seldom
15 in his office in the War Ministry. KIMURA, as Vice
16 Minister of War, made many of the decisions ordi-
17 narily made by the Minister. On August 30, 1944,
18 KIMURA was assigned as Commander-in-Chief of the
19 Japanese Armed Forces in the Burma area, and as
20 such was directly responsible for the mistreatment
21 of prisoners of war in that area occurring after
22 that date.

23 The decision to employ prisoner of
24 war labour on the Burma-Thailand Railroad was made
25 in 1942 by the Imperial General Staff, which included

1 the then Chief of Staff of the Army, SUGIYAMA
2 (deceased), the Chief of the Naval General Staff,
3 then the defendant NAGANO; the Navy Minister,
4 SHIMADA, and War Minister TOJO, and the responsi-
5 bility for the violations of the treaties and
6 assurances in connection with such employment on
7 "work having connection with the operations of war"
8 and the ensuing maltreatment and resulting deaths
9 of such prisoners of war so engaged, must rest in
10 large part with those above named. For the em-
11 ployment of prisoners of war in Manchukuo on "work
12 having connection with the operations of war," in
13 violation of treaties and assurances, and the mis-
14 treatment of the prisoners in that region, the
15 responsibility must be placed in part upon the
16 defendant UMEZU, who was Commander of the Kwantung
17 Army and Ambassador to Manchukuo concurrently from
18 1939 to 1944.

19 The defendant ITAGAKI was Commander of
20 the 7th Area Army in Singapore from April, 1945, to
21 the end of the war, and upon him rests some re-
22 sponsibility for the breaches of the laws of war
23 in and about Singapore during the period he was in
24 command.

25 THE PRESIDENT: Mr. Levin.

1 MR. LEVIN: Mr. President, may I ask
2 whether or not there will be a ruling on our objec-
3 tions to the opening by Mr. Justice Mansfield?

4 THE PRESIDENT: Mr. Justice Mansfield
5 foreshadows in his opening that every statement he
6 makes is to be the subject of evidence. When he
7 mentioned the losses under the German control I
8 thought he might be talking at random, but apparently
9 he is going to make that the subject of evidence.
10 He has employed a few adjectives -- no epithets --
11 and if he proves what he claims he is going to
12 prove those adjectives will be well warranted, that
13 is to say, if he establishes a breach of the rules
14 of warfare of the kind and on the scale which he
15 says his evidence will reveal.

16 MR. LEVIN: Mr. President, right I
17 add before you conclude with reference to the
18 specific objection that I made, that is to the
19 charge as to SUZUKI, Teiichi, that that portion of
20 the statement is also a conclusion of law.

21 THE PRESIDENT: We find nothing
22 exceptional or exceptionable in the opening state-
23 ment. It appears to comply with the rules relating
24 to opening statements. The objections are overruled.
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1 MR. JUSTICE MANSFIELD: The prosecution
2 now tenders in evidence the documents referred to
3 in the statement relating to assurances by the
4 Japanese Government.

5 The prosecution tenders in evidence
6 prosecution's document No. 1469-D.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 1469-D will receive exhibit No. 1490.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1490 and received in evidence.)

13 MR. JUSTICE MANSFIELD: These letters have
14 been paraphrased in the opening statement. I do
15 not intend to read them unless the Tribunal desires
16 otherwise.

17 The prosecution tenders in evidence prose-
18 cution document No. 1469-B.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 1469-B will receive exhibit No. 1491.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1491 and received in evidence.)

25 MR. JUSTICE MANSFIELD: The prosecution

1 tenders in evidence prosecution document No. 1469-C.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's docu-
4 ment No. 1469-C will receive exhibit No. 1492.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1492 and received in evidence.

8 MR. JUSTICE MANSFIELD: The prosecution
9 tenders in evidence document No. 1469-A.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's docu-
12 ment No. 1469-A will receive exhibit No. 1493.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1493 and received in evidence.)

16 MR. JUSTICE MANSFIELD: The prosecution
17 tenders in evidence prosecution's document No. 847-D.

18 THE PRESIDENT: Admitted on the usual terms.

19 Mr Justice Mansfield, I understand one or
20 two of my colleagues would like you to specify what
21 these documents are as you tender them. You need
22 not read them.

23 MR. JUSTICE MANSFIELD: I will, yes.

24 Document 847-D, exhibit 1494 --

25 THE PRESIDENT: Go back to 1490.

1 Mr. Cunningham.

2 MR. CUNNINGHAM: If the Tribunal please,
3 I would like to inquire of the prosecution if they
4 propose to prove by these documents that Japan
5 adhered to the rules of land warfare; and, if so,
6 I object to them for the reason that the documents
7 are not in compliance with the provisions of the
8 rules of land warfare for adherence, and are, there-
9 fore, incompetent, irrelevant and immaterial.

10 THE PRESIDENT: To employ the expression
11 of another member of the Bench, the objection is
12 overruled as puerile.

13 MR. JUSTICE FAISFIELD: Exhibit 1490 is
14 the statement by the defendant TOGO that Japan would
15 strictly observe the Geneva Red Cross Convention and
16 would apply mutatis mutandis the provisions of the
17 Geneva Prisoner of War Convention of 1929.

18 Exhibit 1491 is the undertaking by the
19 Japanese Government to apply, under conditions of
20 reciprocity, the Prisoner of War Convention to enemy
21 civilian internees in so far as they were applicable
22 and provided they were not made to work without their
23 consent.

24 Exhibit 1492 is the inquiry by the Swiss
25 on behalf of the United States as to whether the

1 Japanese Government would give the same assurance
2 which had been given to the British Government that
3 they would take into consideration, as to food and
4 clothing, the national and racial customs of the
5 prisoners.

6 Exhibit 1493 is the statement by TOGO
7 as Foreign Minister that Japan intended to take into
8 consideration the national and racial customs of
9 American war prisoners and civilian internees with
10 regard to provisions and clothing.

11 Exhibit 1494 is the letter of the 3rd
12 of January, 1942, from the Argentine Minister in
13 Tokyo on behalf of Great Britain and the Dominions
14 undertaking to observe the terms of the International
15 Convention on the Treatment of Prisoners of War signed
16 at Geneva and asking if the Japanese Government would
17 make a similar declaration.

18 The prosecution tenders in evidence pros-
19 ecution document 847-E, which is a letter of the 5th
20 of January, 1942, from the Argentine Minister in
21 Tokyo to the defendant TOGO asking the Japanese --
22 informing the Japanese Government that it intended
23 to take into consideration the national and racial
24 customs of the prisoners with regard to food and
25 clothing.

1 THE PRESIDENT: Admitted on the usual terms
2 CLERK OF THE COURT: Prosecution's document
3 No. 847-E will receive exhibit No. 1495.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1495 and received in evidence.)

7 MR. JUSTICE MANSFIELD: The prosecution
8 tenders in evidence prosecution's document No. 1465-C,
9 a letter of the 29th of January, 1942, from the
10 Minister for Foreign Affairs, TOGO, to the Argentine
11 Minister undertaking to apply the Prisoner of War
12 Convention of 1929 mutatis mutandis to British,
13 Canadian, Australian and New Zealand prisoners of
14 war under Japanese control and undertaking to consider
15 the national and racial manners and customs under
16 reciprocal conditions when supplying clothing and
17 provisions to prisoners of war.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 1465-C will receive exhibit No. 1496.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1496 and received in evidence.)

24 MR. JUSTICE MANSFIELD: I call as a witness
25 Colin Fleming Brien.

BRIEN

DIRECT

1 COLIN FLEWING BRIEN, called as
2 a witness on behalf of the prosecution, being
3 first duly sworn testified as follows:

DIRECT EXAMINATION

BY MR. JUSTICE MANSFIELD:

Q What is your full name?

A My full name is Colin Fleming Brien.

Q You reside where?

A Sydney, Australia.

Q In February 1942, what was your occupation?

A I was a soldier in the Eighth Division,
A. I. F., and was serving in Malaya.Q And were you wounded in February, 1942,
14 during the fighting?

A Yes.

Q Where were you wounded?

A During the fighting in the Kranji area,
18 Singapore Island, I was wounded by shrapnel in
19 various parts of the body.Q Just describe what happened after you were
21 wounded.A I was wounded on the 9th of February; and
23 on that day lost contact with my unit.

Q After that, what happened?

A From the ninth of February until twenty-sixth

BRIEN

DIRECT

1 of February I was wandering in a semi-conscious
2 weakened condition trying to reach Singapore City.

3 Q What happened on the 26th of February?

4 A On the 26th of February I was captured
5 by the Japanese forces and taken to a divisional
6 corps headquarters which was formerly a Roman
7 Catholic convent on the outskirts of Singapore.

8 Q Well, what happened there?

9 A I was interrogated by a Japanese officer
10 and during my period there I was stationed or
11 quartered in his headquarters, and whilst there I
12 noticed several senior Japanese officers entering
13 and leaving the building; and whilst there was also
14 given food and water, but at no time was my wounds
15 treated.

16 Q Did any of the Japanese see you?

17 A Yes, quite a few Japanese officers came
18 over, looked at me, and they included senior officers.

19 Q Were you the only prisoner there?

20 A I was.

21 Q Did you offer any resistance or violence
22 to the Japanese at any time?

23 A No.

24 Q Well, what happened on the 1st of March?

25 A At eight o'clock in the morning a Japanese

BRIEF

DIRECT

1 officer approached me and beckoned me to follow
2 him. In his right hand was a pistol and in his
3 left hand was a quantity of cord.

4 Q Yes.

5 A He told me then to go along a track leading
6 into the jungle; and he was accompanied by two or
7 three Japanese soldiers.

8 Q Yes.

9 A We came into a clearing in which there was
10 a platoon of Japanese soldiers drawn up in parade
11 order, a group of twelve to fifteen Japanese officers
12 and a grave about two feet six inches in depth.

13 Q Yes.

14 A There was also a Japanese sword sticking
15 in the earth close to the grave. A Japanese officer
16 then told me that I was going to meet my God. I was
17 then searched, and after being searched, I was told
18 to sit down with my knees, legs and feet projecting
19 into the grave. My hands were tied behind my back.
20 A small towel was tied over my eyes and then --

21 Q Go ahead.

22 A My shirt was unbuttoned and pulled back over
23 my back exposing the lower part of my neck. My head
24 was bent forward, and after a few seconds I felt a
25 heavy, dull blow sensation on the back of my neck.

BRIEF

DIRECT

Q Yes.

1 A I realized that I was still alive, but
2 pretended to be dead and fell over on my right side.
3 After that, I lost consciousness. When I came to,
4 I was at the bottom of the grave with wooden pilings
5 and earthen clods over the top of the grave. I had
6 a large wound on the back of my neck, and I was
7 covered in blood. My hands were still tied behind
8 my back. The towel had fallen from my eyes; and
9 after an hour, I decided to extricate myself. With
10 my toes and feet I managed to dislodge a pile of
11 clods from the edge -- opening of the grave, and
12 through the intervening space managed to crawl. I
13 then struggled into the lilang grass and lay there
14 all day. That night I managed to untie my hands.
15 After being in that vicinity for the next three days,
16 I left it, and struggled into Singapore City where
17 I gave myself up to the Malay Civil Police. On the
18 4th of March I was handed over to the Japanese forces
19 who further interrogated me; after which I was taken
20 to Changi Prisoner of War Hospital. There I remained
21 until June of the same year.

23 Q And after that, after June, did you remain
24 at Singapore?

25 A I remained in various Singapore prisoner of

BRIEN

DIRECT

war camps until I was released in September, 1945.

1 Q Were you at any time charged with having
2 committed any offense or given any form of trial?

3 A No. At no time was I charged with any
4 offense or charged or given a trial whatsoever.

5 Q Has the wound on the back of your neck
6 since been operated on?

7 A Yes. I have had a plastic operation per-
8 formed on it.

9 Q Would you now show to the Tribunal the
10 wound on the back of your neck, please?

11 (Whereupon, the witness removed his
12 coat.)
13

14 THE PRESIDENT: One of my colleagues
15 questions whether this kind of thing is necessary.
16 Personally, I think it is; but I will take the decision
17 of all my colleagues.

18 You may show your wound to the extent
19 that you intended.

20 MR. JUSTICE HANSFIELD: Turn around and
21 show your wound to the Tribunal.

22 (Whereupon, the witness complied with
23 the counsel's request.)

24 THE PRESIDENT: We will recess now until
25 half-past one.

(Whereupon, at 1200, a recess was taken.)

BRIEN

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1 AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at 1330.4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now in session.6 COLIN FLEMING BRIEN, called as
7 a witness on behalf of the prosecution, re-
8 sumed the stand and testified as follows:

9 THE PRESIDENT: Mr. Blewett.

10 MR. BLEWETT: If it please your Honor.

11 CROSS-EXAMINATION

12 BY MR. BLEWETT:

13 Q Mr. Brien, you were wounded on February 9.
14 Did you know or not of the surrender before February
15 26?

16 A Yes, a few days before that date I found out.

17 Q Did you meet or contact any Japanese troops
18 within the 9th and 26th?

19 A No.

20 Q What were the circumstances of your capture?

21 A I had been given some food by some natives
22 which I was eating sitting in a native hut at the time
23 of my capture.

24 Q By whom were you interrogated?

25 A A Japanese officer.

BRIEN

CROSS

1 Q What was his rank, if you know?

2 A Probably a captain.

3 Q Did he speak English?

4 A Yes.

5 Q Now, was there any mention made at any time
6 during your interrogation or any actions that might
7 lead the Japanese to think you were a spy?

8 A No.

9 Q Now, was there reason given to you by anyone,
10 that, as to the reason for, as you say, going to meet
11 your God?

12 A There was no reason given whatever.

13 Q Do you know what the significance of the
14 sword might have that you described?

15 A Yes, I immediately knew that I was going to
16 be the victim of an execution party.

17 Q There was no indication of any kind given to
18 you that the Japanese might consider you as a spy; is
19 that so?

20 A No, that is true.

21 Q What was the highest ranking officer, Mr.
22 Brien, that you saw while you were at the Corps Head-
23 quarters?

24 A I would not know the exact rank, but from the
25 important way in which they were treated by their

BRIEN

CROSS

1 subordinates, and their arriving and departing in
2 luxurious staff cars, gave me the impression that they
3 were officers of senior rank.

4 THE PRESIDENT: How were you dressed when
5 you were captured?

6 THE WITNESS: I never heard, I beg your
7 pardon.

8 THE PRESIDENT: How were you dressed when
9 you were captured?

10 THE WITNESS: I was dressed in a pair of
11 army tropical shorts and a shirt and a pair of Japanese
12 boots.

13 THE PRESIDENT: Were you wearing the Australian
14 Army shorts and tunic?

15 THE WITNESS: Yes.

16 Q Do you know, Mr. Brien, whether or not there
17 was a doctor in the Corps Headquarters at the time
18 you were there?

19 A If there was, I know not.

20 MR. BLEWETT: That is all. No more questions,
21 your Honor.

22 MR. SHIMANOUCI: I am defense counsel
23 SHIMANOUCI.

24 THE PRESIDENT: Mr. SHIMANOUCI.

25

CROSS-EXAMINATION (Continued)

BRIEN

CROSS
REDIRECT

1 BY MR. SHIMANOUCHI:

2 Q What was the width and depth of the hole
3 in which you were supposed to have been -- you were
4 to be buried after your execution with a sword?5 A The depth was about 2 feet, 6 inches, the
6 width about 3 feet and the length about 6 feet.7 Q Was there much poles and other lumber and
8 dirt over your body?9 A The earth and poles were not pressing on
10 my body but was covered over the top of the grave.
11 I could move through -- around in the bottom of the
12 grave.

13 MR. SHIMANOUCHI: That is all, sir.

14 MR. JUSTICE MANSFIELD: One question in
15 re-examination. I will read it.

16 REDIRECT EXAMINATION

17 BY MR. JUSTICE MANSFIELD:

18 Q Had your captors endeavored to take you any-
19 where on the day before the attempted execution?
2021 A The day before the incident they decided
22 to send me to Changi Prisoner of War Camp. I was put
23 on a truck with several of the Japanese guards and
24 was sent off, but after driving for about an hour the
25 driver lost his way and -- the driver having lost his
way, he drove the truck back to the headquarters from

BRIEN

REDIRECT

1 which we had departed from.

2 MR. JUSTICE MANSFIELD: That is all, if
3 the Tribunal please. I ask that this witness be
4 excused.

5 THE PRESIDENT: Does he want to go back to
6 his home? Does he want to go back to Australia?

7 MR. JUSTICE MANSFIELD: Not immediately.

8 THE PRESIDENT: He is at liberty on the usual
9 terms.

10 (Whereupon, the witness was excused.)
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1 MR. JUSTICE MANSFIELD: If the Tribunal
2 please, I now read prosecution document No. 5430,
3 which is a synopsis.

4 THE PRESIDENT: Mr. Logan.

5 MR. LOGAN: If the Tribunal please, we
6 renew our objections made in Chambers and before
7 the Tribunal with respect to the prosecution
8 presenting its evidence in an evidentiary document
9 under the heading of "Synopsis of Evidence." I
10 shall not review the objections we made on both
11 of those occasions but I would like to add that we
12 further object to it on the ground that there is
13 no provision in the Charter for this method of
14 presentation of evidence.

15 THE PRESIDENT: Objection is overruled.
16 The document is admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 5430 will receive exhibit No. 1497.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1497 and received in evidence.)

22 MR. JUSTICE MANSFIELD: (Reading)

23 "SYNOPSIS OF EVIDENCE

24 "SINGAPORE

25 "A. At the Time of Capitulation.

1 "1. (a) Prosecution document numbered
2 5129, the declaration of WONG SIN JOON, is now
3 offered for identification."

4 CLERK OF THE COURT: Prosecution's document
5 No. 5129 will receive exhibit No. 1498 for identifica-
6 tion only.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1498 for identification only.)

10 MR. JUSTICE MANSFIELD: "And the marked
11 excerpt is offered in evidence."

12 THE COURT: Admitted on the usual terms.

13 CLERK OF THE COURT: The marked excerpt
14 bearing the same documentary number will receive
15 exhibit No. 1498-A.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1498-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: "This declaration
20 states that on 19 February 1942 the witness and
21 other members of the Chinese Volunteer Force, sur-
22 rendered themselves voluntarily in view of Japanese
23 assurances as to their safety. They were marched to
24 the Drill Hall and next day all seventy men were taken
25 in trucks to Changi where they were stripped of their

1 possessions and led to the beach.

2 "They were lined up in two rows of 35 men
3 each, facing bren guns, machine guns and tommy guns.
4 The Japanese opened fire and the witness fell down
5 into the sea. Minutes later when he raised his head,
6 the sea water had turned red and the bodies of his
7 companions were lying around him, riddled with bullets.
8 The witness and three other wounded men managed to
9 drag themselves away.

10 "(b) Prosecution document numbered 5374,
11 being the sworn affidavit of A. F. Ball, is offered
12 for identification."

13 CLERK OF THE COURT: Prosecution's document
14 No. 5374 will receive exhibit No. 1499 for identifica-
15 tion only.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1499 for identification only.)

19 MR. JUSTICE MANSFIELD: "And the marked
20 excerpt is offered in evidence."

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: And the marked excerpt
23 bearing the same number, to-wit, 5374, will receive
24 exhibit No. 1499-A.

25 (Whereupon, the document above

1 referred to was marked prosecution's exhibit
2 No. 1499-A and received in evidence.)

3 MR. JUSTICE MANSFIELD: "Prosecution
4 document numbered 5051, being the sworn affidavit of
5 C. W. Perry, is offered for identification."

6 CLERK OF THE COURT: Prosecution's document
7 No. 5051 will receive exhibit No. 1500 for identifica-
8 tion only.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1500 for identification only.)

12 MR. JUSTICE MANSFIELD: "And the marked
13 excerpt is offered in evidence."

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: The excerpt therefrom
16 bearing the same document No. 5051 will receive exhibit
17 No. 1500-A.

18 (Whereupon, the document above
19 referred to was marked prosecution's exhibit
20 No. 1500-A and received in evidence.)

21 MR. JUSTICE MANSFIELD: "Prosecution document
22 numbered 5047-B, being the sworn affidavit of Rev. G.
23 Polain, is offered for identification."

24 CLERK OF THE COURT: Prosecution's document
25 No. 5047-B will receive exhibit No. 1501 for

1 identification only.

2 (Whereupon, the document above
3 referred to was marked prosecution's exhibit
4 No. 1501 for identification only.)

5 MR. JUSTICE MANSFIELD: "And the marked
6 excerpt is offered in evidence."

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: And the marked excerpt
9 therefrom bearing the same documentary number will
10 receive exhibit No. 1501-A.

11 (Whereupon, the document above
12 referred to was marked prosecution's exhibit
13 No. 1501-A and received in evidence.)

14 MR. JUSTICE MANSFIELD: "These affidavits
15 state that:

16 "(i) Major Ball, on or about 22 February
17 1942, when ordered by the Japanese to bury a number
18 of bodies, found about 140 dead Chinese by the water's
19 edge. Some were boys and some old men and they had
20 been dead, on estimation, between one to four days.

21 "(ii) Pte. Perry, hearing machine gun fire
22 at Changi, went to see what was happening and was
23 ordered back by a Japanese guard. Later the witness
24 saw the dead bodies of some 40 Chinese and Malays on
25 the beach, and on examination, found they had been shot."

1 "(iii) The Rev. Polain in April 1942 saw
2 43 Chinese bodies lying dead. They had been shot.

3 "(c) Prosecution document 5047-B also
4 states that the witness Rev. Polain saw six Australians
5 lying dead near Bukit Timah. The men formed a section
6 of the witness's own battalion and had been shot some
7 time earlier. They were lying alongside an open grave,
8 their hands tied with rope and cloth, with bandaged
9 eyes.

10 "(d) Prosecution document numbered 5242,
11 being sworn affidavit of L. W. McCann, is offered for
12 identification."

13 CLERK OF THE COURT: Prosecution's document
14 No. 5242 will receive exhibit No. 1502 for identifica-
15 tion only.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1502 for identification only.)

19 MR. JUSTICE MANSFIELD: "And the marked
20 excerpt offered in evidence."

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: And the marked excerpt
23 therefrom bearing the same prosecution document number
24 will receive exhibit No. 1502-A.

25 (Whereupon, the document above

1 referred to was marked prosecution's exhibit
2 No. 1502-A and received in evidence.)

3 MR. JUSTICE MANSFIELD: "Prosecution document
4 numbered 5045 being the sworn affidavit of G. A. Croft
5 is offered for identification."

6 CLERK OF THE COURT: Prosecution's document
7 No. 5045 will be given exhibit No. 1503 for identifica-
8 tion only.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1503 for identification only.)

12 MR. JUSTICE MANSFIELD: "And the marked
13 excerpt offered in evidence."

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: The marked excerpt
16 therefrom bearing the same prosecution document number
17 will receive exhibit No. 1503-A.

18 (Whereupon, the document above
19 referred to was marked prosecution's exhibit
20 No. 1503-A and received in evidence.)

21 MR. JUSTICE MANSFIELD: "These documents
22 refer to the execution of prisoners of war by the
23 Japanese, after their capture."

24 "(i) McCann states that after his capture,
25 on 18 February 1942, he and a number of Australians were

1 marched, with tied hands, down Reformatory Road until
2 they arrived at a creek. There they were formed into
3 a single file and seven Japanese soldiers lined up
4 about 30 feet away armed with British rifles. The
5 Australians were ordered to face the creek and McCann
6 heard the sound of the rifle bolts being worked and
7 was then struck by a bullet. He fell into the creek
8 with the other men. The Japanese then fired a number
9 of bullets into the bodies lying below. McCann,
10 having waited until the Japanese were gone was able to
11 crawl away.

12 "(ii) Corporal Croft states that on 23
13 January, 1942, he was a passenger in a Red Cross
14 truck, marked in the proper way, when the vehicle was
15 machine gunned. The passengers were marched about
16 three miles and put into native huts.

17 "Later, a 'Japanese guard came in and took
18 out three men with their hands tied together. We
19 thought they were being taken out for questioning; it
20 was not long before three shots rang out and left no
21 doubt as to what had happened. They kept coming in
22 and going out, taking three each time and then there
23 would be more shots.

24 "I was in the last three to go. We were
25 taken to the front room and made to sit down and then

1 blindfolded. We were then led outside, still tied
2 together, and made to sit down not far from the house.
3 It was not long before something crashed into me and
4 I was knocked back. I was caught by the heel and
5 thrown into a drain. Later I slipped the blindfold
6 and had a look. I couldn't see anyone about and
7 so I crawled out of the drain I was wounded,
8 a bullet having entered the left side of my head about
9 the cheekbone and out on the right side at the back
10 of my neck. I was spitting blood and there was blood
11 everywhere natives I met would not have anything
12 to do with me. Then I discovered I could not speak.'

13 "(e) Prosecution document 5081, being the
14 affidavit of Lt. Col. C. P. Heath, D.S.O., formerly
15 Commanding 9 Coast Regt., R.A., is now offered for
16 identification."

17 CLERK OF THE COURT: Prosecution's document
18 No. 5081 will receive exhibit No. 1504 for identifica-
19 tion only

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 1504 for identification only.)

23 MR. JUSTICE MANSFIELD: "And the marked
24 excerpt offered in evidence."

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: The marked excerpt
2 therefrom bearing the same document number will receive
3 exhibit No. 1504-A.

4 (Whereupon, the document above
5 referred to was marked prosecution's exhibit
6 No. 1504-A and received in evidence.)

7 MR. JUSTICE MANSFIELD: "This affidavit states
8 that three men of the witness's regiment having escaped,
9 when apprehended were shot on 19 March 1942, in the
10 presence of the witness. Strong protest made by
11 General Percival to the Japanese in Changi was un-
12 availing.

13 "2. Prosecution document numbered 5044,
14 being the affidavit of L. W. Wright, is now offered
15 for identification."

16 CLERK OF THE COURT: Prosecution's document
17 No. 5044 will receive exhibit No. 1505 for identifica-
18 tion only.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1505 for identification only.)

22 MR. JUSTICE MANSFIELD: "And the marked
23 excerpt offered in evidence."

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: And the marked excerpt

1 therefrom bearing the same document number will
2 receive exhibit No. 1505-A.

3 (Whereupon, the document above
4 referred to was marked prosecution's exhibit
5 No. 1505-A and received in evidence.)

6 Mr. JUSTICE MANSFIELD: "This affidavit
7 states that the witness about 25 January 1942 saw a
8 British ambulance convoy bombed from a low height in
9 Johore, by Japanese bombers. Visibility was excellent
10 and the attack was deliberate. Four or five of the
11 vehicles which contained wounded men were hit, and
12 three of them were left burning. The vehicles were
13 plainly marked with the Red Cross on the sides and
14 roof and there was no military target nearby. In the
15 Muar River fighting a party of prisoners was roped
16 together with about ten or twelve prisoners and was
17 marched for some days. One of the party had been ill
18 and could not walk. It was officially reported to him
19 by the survivors that he was taken off the string of
20 prisoners into the jungle and shortly after that a
21 couple of shots were heard. The Japanese guard returned
22 grinning and the march was resumed. The guard later
23 told the survivors that the sick man had been shot
24 because he could not keep up with them.

25 "3. (a) Prosecution document numbered

1 5052-B is offered for identification."

2 CLERK OF THE COURT: Prosecution's document
3 No. 5052-B will receive exhibit No. 1506 for identifi-
4 cation only.

5 (Whereupon, the document above
6 referred to was marked prosecution's exhibit
7 No. 1506 for identification only.)

8 MR. JUSTICE MANSFIELD: "And the marked
9 excerpt tendered in evidence."

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: The marked excerpt,
12 therefrom bearing the same prosecution document number
13 will receive exhibit No. 1506-A.

14 (Whereupon, the document above
15 referred to was marked prosecution's exhibit
16 No. 1506-A and received in evidence.)

17 MR. JUSTICE MANSFIELD: "It is the affidavit
18 of F. C. Stuart who in January 1942 was Senior Repre-
19 sentative of the Australian Red Cross Society attached
20 to the Alexandra Hospital, Singapore. This affidavit
21 states that on Saturday, February 14, 1942, the
22 hospital was stormed by Japanese troops, who raced
23 through the building bayoneting and shooting all who
24 came in their path, leaving behind them a path of
25 death and destruction. The medical staff was wearing

1 the Red Cross brassard, beds had Red Cross counterpanes
2 and the conventional markings were on the outside and
3 inside of the building. A huge Red Cross approximately
4 forty feet square was on the ground immediately in
5 front of the building. The witness saw two British
6 soldiers of the Manchester Regiment bayoneted. After
7 the raid he saw forty-six dead bodies which had been
8 bayoneted or shot; several had been wounded. At this
9 time an operation was in progress on a British soldier
10 and he was under an anaesthetic. Two doctors and two
11 medical orderlies were in attendance. A Japanese
12 thrust his bayonet through the body of the patient.
13 Other Japanese turned upon the medical staff and
14 killed one doctor and one orderly and wounded the other
15 two. Dozens of dead bodies were picked up in the
16 hospital grounds at nightfall. Towards evening the
17 Japanese mustered 183 patients and staff. Some of the
18 patients were without footwear, some were on crutches,
19 others with limbs in plaster. They were marched away
20 and only two of the men were ever seen again. These
21 men reported the terrible screams of their companions
22 who were evidently bayoneted on Sunday, February 15th.
23 One Japanese was seen wiping the blood off his bayonet.
24 Later on, inquiries were made as to the welfare of the
25 men, but the Japanese replied that they did not have

1 any prisoners of war. A few days later a Japanese
2 officer told the C.O. that our men had been buried
3 in shell holes with Japanese dead, about half a mile
4 to the rear of the hospital. The total killed was
5 323, of whom 230 were patients. The R.A.M.C. lost
6 forty-seven percent of the medical personnel and fifty-
7 five percent of the officers on the staff."

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1 "Later a crowd of Japanese entered the hos-
2 pital and forcibly looted everything of value, such
3 as watches, fountain pens, rings, cigarette cases,
4 trinkets, money, etc. The witness was never recog-
5 nized as a representative of the Red Cross Society altho
6 application was repeatedly made.

7 "(b) Prosecution document numbered 5373,
8 being the solemn declaration of J. W. Craven, is
9 offered for identification."

10 CLERK OF THE COURT: Prosecution's document
11 No. 5373 will be given exhibit No. 1507 for identi-
12 fication only.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1507 for identification only.)

16 MR. JUSTICE MANSFIELD: "And the marked
17 excerpt offered in evidence."

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: The marked excerpt there-
20 from bearing the same document number will receive
21 exhibit No. 1507-A.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1507-A and received in evidence.)

25 MR. JUSTICE MANSFIELD: "In January 1942,

1 the deponent commanded the Alexandra Hospital,
2 Singapore, and he confirms the events related by
3 F. C. Stuart. The declaration further states:

4 "Tuesday, 17 February 1942. The Japan-
5 ese G.O.C. called at the hospital at 3 p.m.... He ex-
6 pressed regret for the hard time the hospital had had
7 and assured me that the Japanese were hard fighters
8 but kindly captors and that we had nothing to fear...
9 Before leaving he visited part of the hospital and
10 finally I was told, that I was to regard his visit as
11 being that of a direct representative of the Japanese
12 Emperor, and that no higher honour could be paid us.

13 "Evidentiary document No. 5450. Synopsis
14 of Evidence" -- this is the same synopsis.

15 "B. Prisoners of War in Internment.

16 "1. (a) Prosecution document numbered
17 5063, being affidavit of D. E. Main, is now offered
18 for identification."

19 CLERK OF THE COURT: Prosecution's docu-
20 ment No. 5063 will receive exhibit No. 1508 for identi-
21 fication only.

22 (Whereupon, the document above
23 referred to was marked prosecution's ex-
24 hibit No. 1508 for identification only.)

25 MR. JUSTICE MANSFIELD: "And the marked

1 excerpt offered in evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: The marked excerpt
4 therefrom, bearing the same document number, will
5 receive exhibit No. 1508-A.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1508-A and received in evidence.)

9 MR. JUSTICE MANSFIELD: "And prosecution
10 document numbered 5061, being the affidavit of
11 Lieutenant F. Ramsbotham, is offered for identi-
12 fication.

13 CLERK OF THE COURT: Prosecution's document
14 No. 5061 will receive exhibit No. 1509 for identi-
15 fication only.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1509 for identification only.)

19 MR. JUSTICE MANSFIELD: "And the marked
20 excerpt offered in evidence."

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: The marked excerpt
23 therefrom, bearing the same document number, will
24 receive exhibit No. 1509-A.

25 (Whereupon, the document above

1 referred to was marked prosecution's ex-
2 hibit No. 1509-A and received in evidence.)

3 MR. JUSTICE MANSFIELD: "These affidavits
4 state that in the Great World Camp and on working
5 parties, prisoners were beaten and assaulted
6 viciously and regularly. They were kicked, beaten
7 with any convenient instrument, whipped, locked
8 into unventilated and confined spaces, thrown
9 into boiling baths, and generally at the will of their
10 captors.

11 "(b) Prosecution document numbered 5080,
12 the affidavit of Lt. Col. C. P. Heath, D. S. O.,
13 is offered for identification."

14 CLERK OF THE COURT: Prosecution's docu-
15 ment No. 5080 will receive exhibit No. 1510 for
16 identification only.

17 ("hereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1510 for identification only.)

20 MR. JUSTICE MANSFIELD: "And the marked
21 excerpt offered in evidence."

22 THE PRESIDENT: Admitted on the usual
23 terms.

24 CLERK OF THE COURT: The marked exhibit
25 therefrom, bearing the same document number, will

1 receive exhibit No. 1510-A.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 1510-A and received in evidence.)

5 MR. JUSTICE MANSFIELD: "This affidavit
6 stated that in July, 1942, at Havelock Road Camp,
7 prisoners from that camp and from the adjoining
8 River Valley Camp were paraded. The 400 men
9 mostly sick and bare-footed, were then forced to
10 run round in a large circle, for thirty-five
11 minutes. The Japanese Commandant in addressing the
12 men, said: 'I have proved to you that you can
13 dance in bare feet; therefore, you can work in bare
14 feet.'

15 "This was the only action taken on repeated
16 requests for adequate footwear to be provided for
17 the prisoners.

18 "Food and medical stores were always in
19 short supply.

20 "(c) Prosecution document numbered 5130,
21 being the affidavit of Sgt. G. V. D. Picozzi, is
22 now offered for identification.

23 CLERK OF THE COURT: Prosecution's document
24 No. 5130 will receive exhibit No. 1511 for identi-
25 fication only.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1511 for identification only.)

4 MR. JUSTICE MANSFIELD: "And the marked
5 excerpt offered in evidence."

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: The marked excerpt
8 therefrom, bearing the same document number, will
9 receive exhibit No. 1511-A.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1511-A and received in evidence.)

13 MR. JUSTICE MANSFIELD: "This affidavit
14 relates to the inhuman conditions existing in the
15 Military Gaol, Pearls Hill Prison.

16 "Men were beaten and tortured to death
17 with little provocation. Chinese and Eurasians,
18 too sick to walk or crawl, were carried out on
19 stretchers to be executed.

20 " 'When Hatfield was condemned to die, he
21 was kept in an empty cell for six days prior to his
22 execution....He had a horror of beheading and the
23 guards never lost an opportunity of tormenting him
24 with reminders of what was to come. His mental
25 anguish must have been almost unbearable. From a

1 16 stone man he had become a 7 stone wreck and
2 was executed on 6 December 1943.'

3 "Men were driven mad by constant ill-
4 treatment and a Chinese killed himself by beating
5 his head against the wall of his cell.

6 "The prisoners were hopelessly under-
7 nourished and covered in scabrous sores. When
8 they were thought to be about to die, they were
9 sent to Changi POW Hospital, so that the prison
10 death rate did not appear too great.

11 "(a) Prosecution document numbered
12 5428, the affidavit of Lieut. R. G. Wills, is
13 offered for identification.

14 CLERK OF THE COURT: Prosecution's docu-
15 ment No. 5428 will receive exhibit No. 1512 for
16 identification only.

17 ("hereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1512 for identification only.)

20 MR. JUSTICE MANSFIELD: "And the marked
21 excerpt offered in evidence."

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: And the marked excerpt
24 therefrom, bearing the same document number, will
25 receive exhibit No. 1512-A.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1512-A and received in evidence.)

4 MR. JUSTICE MANSFIELD: "This document re-
5 fers to the many instances of maltreatment of
6 prisoners of war in Outram Road Gaol.

7 "(b) Prosecution document numbered 5395,
8 the affidavit of Lieut. P. V. Dean, is offered for
9 identification.

10 CLERK OF THE COURT: Prosecution's document
11 No. 5395 will receive exhibit No. 1513 for identi-
12 fication only.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1513 for identification only.)

16 MR. JUSTICE MANSFIELD: "And the marked
17 excerpt offered in evidence."

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: And the marked excerpt
20 therefrom, bearing the same document number, will
21 receive exhibit No. 1513-A.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1513-A and received in evidence.)
25

1 "I was a Lieutenant in the 2/4 Machine Gun
2 Battalion, A.I.F. and was taken prisoner on 15 February
3 1942 at Singapore.

4 "2. I was taken to Selarang Prisoner of War
5 Camp, from which I escaped on 17 March, with an Aus-
6 tralian Corporal. We crossed the Straits of Johore
7 in a small prau and as we approached a small fishing
8 village, our immediate destination, were captured by
9 Tamils and Malays, who handed us over to the Kempei-
10 Tai, on 6th April 1942. I spent 4 days with the
11 Kempei-Tai, who tortured me by burning cigarettes on
12 my chest and hands and by beating me on the head with
13 bamboos, to force a confession that I was a spy.

14 "3. I was transferred to Curran camp, which
15 was the Sikh Guard camp for Changi and held there until
16 16th April when I was sent back to the Kempei-Tai. I
17 was held there until 24th April, during which time I
18 was asked to sign a statement, which I refused. After
19 four days of beating, burning with cigarettes and elec-
20 trical shocks, which on one occasion knocked me un-
21 conscious, I was handed a statement in Japanese with
22 no English translation, which I was ordered to sign
23 under threats of further torture. I asked for a trans-
24 lation of the document, which was refused and eventually
25 I signed the Japanese document. I was then sent to

1 Outram Road gaol on 24th April.

2 "4. On 18th May 1942 I was brought for trial
3 before a Japanese Court Martial in Singapore. All the
4 proceedings were in Japanese and there was no trans-
5 lation. I eventually learned that I had received
6 two years solitary confinement. I was then removed
7 to Outram Road gaol in which gaol I remained until
8 18th May 1944.

9 "5. The cells in Outram Road were 6ft by 10 ft.,
10 normally one man per cell. Later two or three men were
11 put into each cell. In the cell were three boards to
12 serve as a bed, together with a hard wooden pillow.
13 There was a latrine bucket, which was normally cleared
14 twice a week. There was one blanket. During the two
15 years I was in the gaol, approximately 2400 military
16 and non-Japanese personnel passed through the gaol. Of
17 those 110 were military, 150 British and Eurasian. The
18 remainder were Chinese, Malays, and Tamils. Of those,
19 approximately 1,000 people died in all. During the
20 same period 3000 Japanese passed through the gaol, of
21 whom only one died. The most the gaol held at any one
22 period of time, of non-Japanese personnel, was 230.

23 "6. The conditions in Outram Road were ap-
24 palling. The ration consisted of three meals per day,
25 in all 6 ounces of rice and 1½ pints of watery soup."

1 There was no Japanese doctor in the prison camp and
2 the one English doctor, a prisoner for a short time in
3 the camp, was given no facilities with which to deal
4 with the sick. He was not even allowed to visit them.
5 The gaol was 250 yards from Alexandra Hospital, the
6 main hospital of Singapore, but no prisoner was ever
7 sent there, except for one Chinese who tried to commit
8 suicide before trial. He was taken to the Hospital
9 where his head was sewn up and brought back to the
10 gaol for trial.

11 "There were no showers, no towels, no toilet
12 articles of any nature. In order to wash ourselves
13 we were sometimes given a bucket of water to throw
14 over ourselves. For the first six weeks I never left
15 my cell and never had a wash.

16 "When I first arrived in the gaol it was like
17 bedlam. People were screaming all day from pain from
18 their wounds and their beatings. The gaol Commandant
19 used to come and watch us, make no comment and leave.
20 The guards, both Korean and Japanese, had complete
21 control over the prisoners. I saw many prisoners
22 beaten and I saw many people die. Examples are as
23 follows:

24 "On the 10th of May, 1943, four Chinese ar-
25 rived in the prison. They were handcuffed and chained

1 down in their cell. They were in good physical condi-
2 tion. They were dead in six weeks of malnutrition
3 and beatings. I saw them often beaten by sticks and
4 sword scabbards.

5 "Davies, an English man, very bigly built,
6 arrived at approximately the same time as I did in
7 April, 1942. He contracted Beri-Beri and by August his
8 testicles were two feet in diameter. His only method
9 of walking was to carry them in front of him. The
10 Japanese used to bring their friends in to watch him
11 and never did anything to help him, nor permit others
12 to help him. Davies died in October in great agony.
13 He had been beaten many times and he died covered in
14 his own excreta and urine. For five days before his
15 death he had been unable to leave his cell and we were
16 not allowed to help.

17 "C. W. Barter died on the 13th February, 1943,
18 as a result of beating. Shortly before he died he was
19 very weak, suffering from Beri-Beri and dysentery, and
20 on the 12th February the guard came into his cell and
21 forced him to his feet to carry his latrine bucket out
22 to empty it. As this time Barter was merely skin and
23 bone. He was unable to lift the bucket and tried to
24 drag it along the ground. He was unable to do this,
25 however, and fell down. The guard beat him and

1 kicked him for nearly five minutes. The next morning
2 he was dead.

3 "Allen, an Australian, died on the 10th July,
4 1943. After his death, without the knowledge of the
5 Japanese authorities, his body was weighed by our own
6 medical people in Changi. The weight was 56 pounds,
7 approximately what the bones, of themselves, would
8 weigh. For the fortnight before his death he was not
9 able to leave his cell, or even to move about. Never-
10 theless, the guards put rice in a corner of the cell,
11 which Allen was not able to reach. I asked many times
12 to be allowed to feed him, but the various guards re-
13 fused. I was ordered to dress him after his death, and
14 when I saw him he was literally bone covered in scales
15 as a result of dry Beri-Beri. He was covered in filth.

16 "Hatfield, an Australian Sergeant, was caught
17 in Singapore in May 1943. He spent three months with
18 the Kempei-Tai and was then brought into the gaol in
19 August. He was tried in November 1943, and sentenced
20 to be executed as a spy. I had some small knowledge
21 of Japanese and I was taken to Hatfield on the 4th
22 December, 1943, who asked me to arrange for him to
23 make a will and for a Priest. Both these requests were
24 refused by the gaol Commandant. Hatfield was taken
25 away from the gaol on the 6th of December, and the

1 guard who executed him told me later that he had had
2 the pleasure of executing Hatfield in a field at
3 Bukit Timah.

4 "Mrs. Nixon, the only European woman I saw
5 at Outram Road, came in January, 1944. She had been
6 an internee at Changi. She was brought in by the Kem-
7 pei-Tai and confined in the same circumstances as our-
8 selves, without any privacy. She was still there when
9 I left in May, 1944, in solitary confinement.

10 "Father Massino and another Portuguese Priest
11 were brought into the gaol in 1943 and had both been
12 tortured previously by the Kempei-Tai. They died of
13 disease in the gaol. Massino was regularly beaten by
14 the guards when they saw him on his knees praying.

15 "Hugh Fraser, the Colonial Secretary, Malaya,
16 arrived with a party at the end of 1943. He had been
17 with the Kempei-Tai some four months prior to his
18 arrival. He was beaten by the guards regularly and
19 died after I left.

20 "There was an Englishman who in May, 1943
21 developed a form of scabies as the result of which the
22 whole of the area at the back of his body from the
23 waist to knees became an open sore, which dripped
24 puss. He was quite unable to sit down or lie down
25 for three months, and was given no treatment, no

1 bandages or rags to wipe the matter coming from the
2 wound. Fortunately, eventually it dried by itself.

3 "Two Chinese women were brought into the
4 gaol on the 26th July 1943, and were held in the same
5 circumstances and conditions as the men. One woman
6 was in an advanced stage of pregnancy. She was moved
7 only a few days prior to the birth of her child.

8 "A Chinese boy, aged 12, came into the gaol
9 with his mother. She was put into one cell and he in
10 another. He died of Beri-Beri in about nine weeks.
11 I carried his body when he was dead. It was all puffed
12 out and his head was so swollen that the features were,
13 not obviously recognizable as human. !

14 "A number of people went mad under these con-
15 ditions. The Japanese method of treatment was to put
16 three or four more people into the cell to look after
17 the lunatic. In most cases the mad man died because
18 he refused to eat. On several occasions he injured his
19 co panions.

20 "Major Smith who arrived at the end of Novem-
21 ber, 1943 had had his jaw broken by the Kempei-Tai
22 during interrogation. It was exceedingly difficult
23 for him to eat. He was refused treatment in the prison,
24 the Japanese answer being if he had told the truth he
25 would not have had his jaw broken."

1 "8. At the end of 1943 the prison authori-
2 ties sent some of the worst sick away from Outram
3 Road to Changi Hospital. In almost every case the
4 men sent were about to die, and the doctors in the
5 hospital told me that these sick men were impossible
6 to save, and it appeared that the Japanese were sending
7 them so that the official death rate in Outram Road
8 would appear to be less than it was in fact.

9 "9. I had a big cyst on my right hip in
10 September, 1943, from which I suffered for nearly a
11 month. Moreover, my side was enormously swollen and
12 I asked the guard to slice the top of it off, which he
13 did with his sword and then drained the puss. This
14 I took as a kindly act. There was a dispensary in
15 the gaol and a Japanese orderly, with a large number
16 of drugs and instruments, who refused to treat me.
17 In August 1942 two Japanese escaped from their portion
18 of the gaol and as a punishment for three weeks all the
19 prisoners had to sit to attention, that is, on their
20 heels and cross-legged, from 7 in the morning till
21 9:30 at night. The daily ration was 3 ounces of rice,
22 a small bowl of water and a piece of rock salt.

23 "10. I had one pair of shorts during the
24 whole period, April 1942 to September 1943. This was
25 the case with many of us. In September 1943 we were

1 issued with one Japanese shirt and a pair of shorts,
2 which had come from diseased Japanese sick. These
3 garments were washed once a month, and owing to their
4 refusal to allow us to number or mark the garments, no
5 prisoner normally ever received his own garment back.
6 In view of the diseased nature of most of the prisoners,
7 under this system it was impossible for anyone to remain
8 healthy. In a short time everyone had scabies.

9 "11. It is difficult to describe the cells
10 in which we lived. There was blood and puss stains
11 on the wall, where people had wiped the hands they had
12 used to dry their wounds. Piles of scaly skin lay in
13 the corners. There were bed bugs in the boards of the
14 bed. We were never shaved and had to cut our nails by
15 scraping them on the concrete floors. All the guards
16 wore masks when they were on duty in our block of
17 cells. They never touched anything in our cells with
18 their hands, only with their swords or with gloves.
19 Our cells were cleaned, to my knowledge, only twice in
20 the two years. On the other hand, the block in which
21 the Japanese prisoners were housed was beautifully
22 clean.

23 "12. Every guard was a law unto himself, and
24 one evening a guard would beat us for not being asleep;
25 the next on duty would beat us for being asleep."

1 "There were working parties in the gaol which
2 began in October 1942 when some of us went out clean-
3 ing drains. By May 1943 other parties had been formed.

4 "It was impossible to keep notes or a diary
5 since cells were searched daily. Outram Road gaol
6 was the central gaol for the Japanese Southern Army,
7 so that when a cell was empty we knew either the man
8 had died, or had been executed, or was about to be
9 executed.

10 "When I first arrived in the gaol I saw in
11 the open buildings which were around six fully stocked
12 with cases of tinned milk. I estimate there were be-
13 tween 20 and 30 thousand cases. We got a little for
14 the first month; after that we had milk twice, on the
15 Emperor's birthday in 1942 and 1943. The milk was
16 used by the Japanese for themselves in the gaol and
17 as presents to visitors. It was not distributed to
18 other units. There was enough milk in the gaol to
19 supply every prisoner with milk until the end of the
20 war, with a good deal to spare, and Vitamin B was, of
21 course, our greatest need.

22 "On one occasion a member of the Royal family
23 walked through the gaol at the end of 1942. He never
24 looked into the cells; he merely walked into the
25 passage. On several occasions high-ranking officers

1 paid visits to the gaol. They must have seen some of
2 the prisoners at their work or carrying their latrine
3 buckets to be emptied. Prior to such visits, the cell
4 steps would be scrubbed with soap. Soap was never
5 issued to the prisoners for the purpose of washing their
6 bodies.

7 "On the 18th of May 1944 I left Outram Road
8 gaol and went back to Changi gaol and was put in the
9 tower. I was asked to sign a non-escape form, which
10 I did eventually under compulsion. I was then re-
11 leased and became an interpreter, going to Bukit Panjang
12 with 379 officers and men to dig Japanese fortifica-
13 tions. The Australian Camp Commandant protested to the
14 Japanese sergeant in charge of the camp, and to high
15 inspecting officers who visited, as to the nature of
16 the work, but to no avail. In June 1945 an Australian,
17 Private Wilson, was killed in a fall of earth owing to
18 insufficient precautions being taken during the tun-
19 neling of the hole.

20 "The work parties began at 8 a.m. and marched
21 four or five miles each morning. For the most part,
22 men had no boots. Some used home-made rubber shoes
23 or clogs; others had bare feet. Officers were not
24 permitted to leave the camp, nor allowed to go with
25 the working parties, which normally returned at 6:30

1 P.M. Towards June 1945 the men began to return from
2 work parties at 10 p.m. in the evening, after working
3 20 to 30 feet into the side of a hill by candlelight,
4 and not having eaten since midday. They often came
5 back wet through. No lights were allowed in the camp,
6 and the hours were so irregular that it was often very
7 difficult to provide a hot meal at night.

8 "Clothing was very short in the camp, and in
9 about July 1945 fifty pairs of Chinese women's bloomers
10 were issued, to the great amusement of the villagers
11 as some of the men walked through the streets in them.
12 We had very little medical stores in the camp, and
13 although 200 yards away was a medical stores distribu-
14 tion center, we were unable to obtain any, nevertheless.
15 A good deal of beating up by the guards took place.
16 One order that all men had to salute sentries provided
17 ample excuse for many beatings.

18 "The ration for working men was ten ounces
19 of rice daily, three ounces of vegetables, and occasion-
20 ally tinned food, which appeared to be Red Cross sup-
21 plies since I saw Red Cross parcels in the stores.
22 The ration for a sick man was about 30 percent less.
23 This affected the camp basic ration, as about 50
24 percent of the camp were sick."
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1 MR. JUSTICE MANSFIELD: "Prosecution
2 document numbered 5397, the affidavit of Lieut.
3 A.G. Weynton, is now offered for identification."

4 CLERK OF THE COURT: Prosecution's
5 document No. 5397 will receive exhibit No. 1514
6 for identification only.

7 (Whereupon, the document above
8 referred to was marked prosecution's
9 exhibit No. 1514 for identification only.)

10 MR. JUSTICE MANSFIELD: "And the marked
11 excerpt offered in evidence."

12 THE PRESIDENT: Admitted on the usual
13 terms.

14 CLERK OF THE COURT: And the marked ex-
15cerpt therefrom, bearing the same documentary
16number, will receive exhibit No. 1514-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's ex-
19hibit No. 1514-A and received in evidence.)

20 MR. JUSTICE MANSFIELD: "This affidavit
21 confirms the conditions of living in Outram Road
22 gaol and makes reference to the beatings and murder
23 of prisoners, and to the execution without trial of
24 Allied airmen and civilians.

25 "Prosecution document numbered 5077, being

1 the affidavit of Major J.W.D. Bull, is now offered
2 for identification."

3 CLERK OF THE COURT: Prosecution's docu-
4 ment No. 5077 will receive exhibit No. 1515 for
5 identification only.

6 (Whereupon, the document above
7 referred to was marked prosecution's
8 exhibit No. 1515 for identification only.)

9 MR. JUSTICE MANSFIELD: "And the marked
10 excerpt offered in evidence."

11 THE PRESIDENT: Admitted on the usual
12 terms.

13 CLERK OF THE COURT: And the marked ex-
14 cerpt therefrom bearing the same documentary
15 number, will receive exhibit No. 1515-A.

16 (Whereupon, the document above
17 referred to was marked prosecution's ex-
18 hibit No. 1515-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: "Prosecution docu-
20 ment numbered 5064-B, being the affidavit of Major
21 B.L.W. Clarke, is offered for identification only."

22 CLERK OF THE COURT: Prosecution's docu-
23 ment No. 5064-B will receive exhibit No. 1516 for
24 identification only.

25 (Whereupon, the document above

1 referred to was marked prosecution's ex-
2 hibit No. 1516 for identification only.)

3 MR. JUSTICE MANSFIELD: "And the marked
4 excerpt tendered in evidence."

5 THE PRESIDENT: Admitted on the usual
6 terms.

7 CLERK OF THE COURT: And the marked
8 excerpt therefrom, bearing the same documentary
9 number, will receive exhibit No. 1516-A.

10 (Whereupon, the document above
11 referred to was marked prosecution's ex-
12 hibit No. 1516-A and received in evidence.)

13 MR. JUSTICE MANSFIELD: "These documents
14 refer to the gross inadequacy of food supplied to
15 the prisoners in Roberts Barracks and ARANJI Camp,
16 resulting in deficiency and other diseases; no
17 attempt was made by the Japanese to control the
18 incidence of malaria. When men came to hospital
19 from work on the Burma-Siam railway, in appalling
20 physical condition, the P.O.W. doctors were given
21 no help or facilities to deal with them. There
22 was a shortage of essential drugs and stores.
23 Accommodation for the sick was greatly inadequate.

24 "After the surrender, the Japanese sent in
25 enormous quantities of food to the hospitals. Drugs,

1 instruments and other greatly needed articles were
2 sent in. These had been in Singapore since 1942,
3 yet requests for food and drugs to save life had
4 always during internment been refused.

5 "Prosecution document numbered 5058, being
6 the affidavit of Brig. F.G. Galleghan, is now
7 offered for identification."

8 CLERK OF THE COURT: Prosecution's docu-
9 ment No. 5058 will receive exhibit No. 1517 for
10 identification only.

11 (Whereupon, the document above
12 referred to was marked prosecution's ex-
13 hibig No. 1517 for identification only.)

14 MR. JUSTICE MANSFIELD: "And the marked ex-
15 cerpt offered in evidence."

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: And the marked excerpt
18 therefrom, bearing the same documentary number, will
19 receive exhibit No. 1517-A.

20 (Whereupon, the document above
21 referred to was marked prosecution's ex-
22 hibit No. 1517-A and received in evidence.)

23 MR. JUSTICE MANSFIELD: "This affidavit
24 states that:
25

(1) In September 1942, four prisoners of

1 war were executed without trial by
2 the Japanese for an attempted
3 escape three months earlier. They
4 were shot in the presence of the
5 witness. After the execution the
6 Japanese Commander gave the P.O.W.
7 spectators a homily reminding them
8 that disobedience of orders meant
9 death.

10 "(ii) Owing to the refusal to sign non-
11 escape forms voluntarily, the 16,000
12 prisoners of war under the command of
13 the witness were ordered to move into
14 the square at Selarang Barracks by
15 1800 hours, 2 September 1942. The
16 normal accommodation of the barracks
17 was for roughly 450 men. The prison-
18 ers of war remained thus until 4
19 September, when an agreement was
20 reached. During this period no
21 rations were supplied to the prisoners
22 of war, and there was a large in-
23 crease in the number of dysentery and
24 diphtheria cases. Evacuation of the
25 sick from the square into the hospital

was not permitted.

1
2 "(iii) In Changi Camp, food was always
3 inadequate. One man of 16 stone
4 weight dropped to 4½ stone and gen-
5 erally people were at least one-
6 third underweight. Deficiency and
7 skin diseases were rife. Medical
8 supplies were grossly inadequate."
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1 "(iv) Prisoners were engaged on building
2 airfields, hours were long, clothing was insufficient
3 and representations to the Commanding Japanese General
4 of no avail. Japanese aeroplanes used the airfield
5 after its construction.

6 "(v) Demands made by the Japanese for
7 working parties were impossible to fulfill using only
8 healthy men. Sick men were forced to work and repeated
9 complaints were useless.

10 "(vi) There were no visits of any Red Cross
11 Representative, despite frequent requests.

12 "(vii) There were inspections of Changi
13 Camp by high-ranking officers. Count TERAUCHI twice
14 inspected the Camp. General ITAGAKI inspected the camp
15 and walked through it. General TOJO when in Singapore
16 did not visit the Camp.

17 "4. Prosecution Document numbered 5057-B, the
18 affidavit of W.T.C. Guest is now offered for identifi-
19 cation."

20 CLERK OF THE COURT: Prosecution's document No.
21 5057-B will receive exhibit No. 1518 for identifica-
22 tion only.

23 (Whereupon, the document above referred
24 to was marked prosecution's exhibit No. 1518
25 for identification.)

1 MR. JUSTICE MANSFIELD: "And the marked excerpt
2 offered in evidence."

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: And the marked excerpt
5 therefrom, bearing the same document number, will
6 receive exhibit No. 1518-A.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1518-A, and was received in evidence.)

10 MR. JUSTICE MANSFIELD: "This affidavit states
11 that the witness, the Red Cross Representative in
12 Malaya, interned as a prisoner of war in River Valley
13 Camp, was hampered and frustrated in every effort he
14 made to use the facilities of his Society for the
15 benefit of the prisoners of war. Permission was refused
16 to enable the witness to make necessary purchases and
17 help prisoners of war in the hands of the Kempei Tai.

18 "The witness brought the Red Cross Conventions
19 and Rules to the notice of various Japanese officers in
20 a fruitless endeavour to obtain proper facilities.

21 "Red Cross parcels were misused and no super-
22 vision in their distribution was permitted.

23 "C. Internees.

24 "Prosecution Document numbered 5078 being the
25 Affidavit of J. L. Wilson, the Right Reverend Lord

1 Bishop of Singapore together with the report of the
2 Sime Road Commission in relation to 'The Double Tenth'
3 raid, is now offered for identification."

4 CLERK OF THE COURT: Prosecution's document
5 No. 5078 will receive exhibit No, 1519 for identifica-
6 tion only.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1519 for identification.)

10 MR. JUSTICE MANSFIELD: "And the marked
11 excerpts offered in evidence."

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: The marked excerpt
14 therefrom, bearing the same document number, will
15 received exhibit No. 1519-A.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1519-A, and was received in evidence.)

19 THE PRESIDENT: You will read now without
20 a break to the end of the document, apparently?

21 MR. JUSTICE MANSFIELD: Yes.

22 THE PRESIDENT: We might as well take the
23 recess at this stage. We will recess for fifteen
24 minutes.

25 (Whereupon, at 1440, a recess was

1 taken until 1455, after which the proceedings
2 were resumed as follows:)

3
4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.

6 THE PRESIDENT: Mr. Justice Mansfield.

7 MR. JUSTICE MANSFIELD: This document states
8 that:

9 "On 10 October 1943 all internees in Changi
10 Prison were paraded soon after dawn in the Main Yard
11 as if for a routine roll-call.....A number of the
12 internees were called out by name, labelled and segre-
13 gated.....The investigation finished after dusk and
14 internees were allowed to return inside the Prison.
15 Many of them had had no food since 6 p.m. on the pre-
16 vious day, and some suffering distress and even
17 collapse owing to the day-long exposure to the sun
18 without food.

19 "In consequence of this investigation, 57
20 internees were removed from Changi Prison by the
21 Military Police on or after 10 October 1943.....The
22 Japanese were trying to establish that there was a spy
23 organisation in Changi Prison which received and trans-
24 mitted by radio telephony, which had established
25 contacts in the town for the purpose of sabotage and

1 taken until 1455, after which the proceedings
2 were resumed as follows:)

3
4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.

6 THE PRESIDENT: Mr. Justice Mansfield.

7 MR. JUSTICE MANSFIELD: This document states
8 that:

9 "On 10 October 1943 all internees in Changi
10 Prison were paraded soon after dawn in the Main Yard
11 as if for a routine roll-call.....A number of the
12 internees were called out by name, labelled and segre-
13 gated.....The investigation finished after dusk and
14 internees were allowed to return inside the Prison.
15 Many of them had had no food since 6 p.m. on the pre-
16 vious day, and some suffering distress and even
17 collapse owing to the day-long exposure to the sun
18 without food.

19 "In consequence of this investigation, 57
20 internees were removed from Changi Prison by the
21 Military Police on or after 10 October 1943.....The
22 Japanese were trying to establish that there was a spy
23 organisation in Changi Prison which received and trans-
24 mitted by radio telephony, which had established
25 contacts in the town for the purpose of sabotage and

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1 stirring up of anti-Japanese feeling, and which
2 collected money from outside for this purpose. In
3 fact, there was no spy organization, no radio trans-
4 mission and no attempt to promote anti-Japanese
5 activities outside the Camp....

6 The conditions under which Internees were
7 detained by the Military Police were rigorous in the
8 extreme. They were crowded, irrespective of race, sex,
9 or state of health, in small cells or cages. They
10 were so cramped that they could not lie down in com-
11 fort. No bedding or coverings of any kind were pro-
12 vided and bright lights were kept burning overhead all
13 night. From 8 a. m. to 10 p. m. inmates had to sit
14 up straight on the bare floor with their knees up and
15 were not allowed to relax or put their hands on the
16 floor, or talk, or move, except to go to the lavatory.
17 Any infraction of the rigid discipline involved a beating
18 by the sentries. There was one pedestal water-closet
19 in each cell or cage, and the water flushing into the
20 pan provided the only water supply for all purposes,
21 including drinking. It should be recorded here that
22 nearly all of the inmates suffered from enteritis or
23 dysentery. No soap, towel, toilet articles or
24 handkerchiefs were permitted and inmates had no cloth-
25 ing other than those they were wearing.

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The food supplied.....was insufficient to

1 support life over a long period and led to serious
2 deficiency diseases in all cases of long detention.

3 "Medical facilities.....were for all practical
4 purposes non-existent.....a Japanese doctor, who was
5 called to see an Internee suffering from a fractured
6 pelvis and possibly ruptured kidney, remarked that the
7 man was not sick enough.....

8 "The buildings occupied by the Japanese
9 Military Police resounded all day and all night with
10 blows, the bellowing of the inquisitors, and the shrieks
11 of the tortured. From time to time, victims from the
12 torture chamber would stagger back or, if unconscious,
13 would be dragged back to their cells with marks of their
14 ill-treatment on their bodies. In one such case, an
15 unconscious victim so returned died during the night,
16 without receiving any medical attention, and his body
17 was not removed until the afternoon. In these con-
18 ditions, and this atmosphere of terror, these men and
19 women waited, sometimes for months, their summons to
20 interrogation which might come at any hour of the day
21 or night.

22 "Usually interrogations started quietly and
23 would so continue as long as the inquisitors got the
24 expected answers. If, for any reason, such answers
25 were not forthcoming, physical violence was immediately

1 employed. The methods used were:

2 "(1) Water Torture. There were two forms of
3 water torture. In the first, the victim was tied or
4 held down on his back and a cloth placed over his nose
5 and mouth. Water was then poured on the cloth. Inter-
6 rogation proceeded and the victim was beaten if he did
7 not reply. As he opened his mouth to breathe or to
8 answer questions, water went down his throat until
9 he could hold no more. Sometimes, he was then beaten
10 over his distended stomach, sometimes a Japanese
11 jumped on his stomach, or sometimes pressed on it with
12 his foot.

13 "In the second, the victim was tied lengthways
14 on a ladder, face upwards, with a rung of the ladder
15 across his throat and his head below the latter. In
16 this position, he was slid first into a tub of water
17 and kept there until almost drowned. After being
18 revived, interrogation proceeded and he would be re-
19 immersed.

20 "(2) Beating with iron bars, brass rods,
21 sticks, bamboos, wet knotted ropes, belts with buckles,
22 or revolver butts, all over the body. Whilst these
23 beatings were being inflicted, the victims were some-
24 times suspended by the wrists from a rope passed over
25 a beam. Sometimes their hands were tied behind their

1 backs and they were forced to kneel on sharp pieces
2 of wood or iron, while sharp-edged pieces of wood or
3 metal were placed behind their knees so as to cut into
4 the flesh as they knelt. While they were so kneeling
5 the Japanese would jump on their thighs or on the pro-
6 jecting ends of the bar or wood behind their knees;
7 sometimes to increase the pressure on the wood or bar
8 behind the knees, a Japanese would perch himself on the
9 shoulders of the victim, or the victim, with hands
10 untied, would be compelled to hold heavy weights above
11 his head. They were often forced to remain in this
12 position without intermission for 9 to 10 hours, during
13 which period interrogation would go on remorselessly,
14 punctuated by blows. At times, the victim would be tied
15 to a table and flogged until he lost consciousness. In
16 one case, the man so flogged counted over 200 blows
17 before losing consciousness. This treatment, was in
18 some cases, carried on daily for 4 to 5 days conse-
19 cutively. In one case, a European who died later, was
20 interrogated with the usual beating, for 58 hours at
21 a stretch and another European since dead, underwent
22 144 hours of beatings in all, according to the estimate
23 of his cell mates.

24
25 "(3) During interrogation the inquisitor,
in many cases, burnt the victim with cigarette and

1 cheroot ends, even on the most sensitive parts of the
2 body, e.g. arm-pits, between the toes, on the scrotum
3 and penis. Several Asiatics had petrol poured on their
4 bellies and ignited, and another Asiatic had his hands
5 tied together and immersed in a bowl of methylated
6 spirit which was ignited.

7 "(4) Electric Torture. There were two forms
8 of this. In the first, an induction coil was used, one
9 electrode being attached to the hand or foot and the
10 other bare wire was applied to various parts of the
11 body. One victim reports that he was thrown across
12 the room by the violence of the shock. The effect has
13 been described as one of physical and mental disinte-
14 gration. The second form apparently more severe, was
15 called the electric table or electric cap. There is
16 evidence that this was used by not on any of our
17 witnesses.

18 "(5) In addition to these forms of torture,
19 the inquisitor often employed other methods, such as
20 ju-jitsu, twisting of limbs, bending back of fingers,
21 twisting of sharp-edged wood between fingers, punching,
22 repeated blows on the same spot, and so on. These
23 methods in many cases resulted in dislocations and
24 permanent damage to limbs and joints. In one case,
25 the inquisitor punctuated his questions by flicking

1 off, with the frayed end of a bamboo, flesh bruised
2 in a previous beating. This left a permanent scar,
3 six inches by three inches on the victim's thigh.

4 "(6) In several cases, victims were led to
5 believe that their execution either by beheading or
6 shooting, was imminent. They were advised to write
7 a letter of farewell. Preparations for execution were
8 carried out, up the penultimate stage, with such
9 realism that, in two cases, the victims fainted.

10 "(7) Threats to families. Threats were also
11 made to take action against the family of the victim
12 (the wives of some Internees were believed to be in
13 Japanese custody in other parts of Asia). Torture was
14 carried out to the limit of human endurance. One
15 Internee attempted to commit suicide by jumping over
16 the verandah. In his fall he fractured his pelvis,
17 but, despite his condition, his interrogation under
18 torture was continued until just before he died. In
19 another case, the Internee asked his Inquisitors for
20 the means to commit suicide. A pistol was produced
21 and was snatched away only when the man was about to
22 carry out his declared intention."

23 Prosecution document No. 5131, being the
24 affidavit of C. E. Hiltermann is now produced for
25 identification.

1 CLERK OF THE COURT: Prosecution's document
2 No. 5131 will receive exhibit No. 1520 for identification
3 only.

4 (Whereupon, the document above referred
5 to was marked prosecution's exhibit No. 1520 for
6 identification.)

7 MR. JUSTICE MANSFIELD: And the marked excerpt
8 offered in evidence.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: The marked excerpt there-
11 from, bearing the same document number, will receive
12 exhibit No. 1520A.

13 (Whereupon, the document above referred
14 to was marked prosecution's exhibit No. 1520A and
15 received in evidence.)

16 MR. JUSTICE MANSFIELD: Prosecution document
17 No. 5205, being the affidavit of Dr. P. M. Johns is
18 offered for identification.

19 CLERK OF THE COURT: Prosecution's document
20 No. 5205 will receive exhibit No. 1521 for identification
21 only.

22 (Whereupon, the document above referred
23 to was marked prosecution's exhibit No. 1521 for
24 identification.)

25 MR. JUSTICE MANSFIELD: These affidavits

1 confirm the evidence of the Lord Bishop of Singapore
2 and describe the tortures they observed inflicted by
3 the Kempeitai on civilians.

4 The witness Hiltermann states that "on one
5 occasion I saw the Bishop of Singapore who had been
6 maltreated terribly. His legs from his hips to his
7 ankles had been beaten to pulp. They were literally
8 like raw meat.....He was just about able to crawl.

9 Every refinement of torture, every con-
10 ceivable humiliation, every possible degradation, was
11 inflicted upon the internees as these documents testify.

12 THE PRESIDENT: The last excerpt is admitted
13 on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 5205, the excerpt from the one for identification,
16 was given exhibit No. 1521A.

17 (Whereupon, the document above referred
18 to was marked prosecution's exhibit No. 1521A and
19 received in evidence.)

20 MR. JUSTICE MANSFIELD: Malaya. 1. Massacre
21 near Ipor.

22 Prosecution's document No. 5154, being the
23 statement of Sepoy Mul Chand is now produced for
24 identification.

25 CLERK OF THE COURT: Prosecution's document

1 No. 5154 will receive exhibit No. 1522 for identification
2 only.

3 (Whereupon, the document above referred
4 to was marked prosecution's exhibit No. 1522 for
5 identification.)

6 THE PRESIDENT: Mr. Logan.

7 MR. LOGAN: If the Tribunal please, may the
8 record show that defense makes the same objection to
9 the synopsis of document No. 5432 and any further
10 synopses introduced by the prosecution as that made
11 with respect to prosecution document No. 5430, prose-
12 cution exhibit 1497?

13 THE PRESIDENT: We take your objection to
14 apply to every synopsis and it is overruled in each
15 case.

16 MR. JUSTICE MANSFIELD: I omitted, if the
17 Tribunal please, to tender the excerpt being document
18 5432, which I now tender.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 5432 will receive exhibit No. 1523 for admission.

22 (Whereupon, the document above referred
23 to was marked prosecution's exhibit No. 1523 and
24 received in evidence.)

25 MR. JUSTICE MANSFIELD: 1. Massacre near Ipor.

1 This document has already gone in. Prosecution docu-
2 ment No. 5154, being the statement of Sepoy Mul Chand
3 is now --- and the excerpt has gone in.
4

5 "This document relates that seventy-five
6 Indian soldiers when captured, were massacred by
7 beheading and the bayonet. The witness was bayoneted
8 himself but escaped with his life by lying under some
9 dead bodies."
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1 "2. Murder of prisoners at MUAR.

2 "Prosecution document numbered 5241 being
3 the Affidavit of T. C. TREVOR, is now offered for
4 identification" --

5 CLERK OF THE COURT: Prosecution's document
6 No. 5241 will receive exhibit No. 1524 for identifi-
7 cation only.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1524 for identification.)

11 MR. JUSTICE MANSFIELD: (Continuing) "and
12 the marked excerpts produced in evidence."

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: The marked excerpt there-
15 from, bearing the same document No., will receive
16 exhibit No. 1524A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1524A and received in evidence.)

20 MR. JUSTICE MANSFIELD: (Continuing) "This
21 Affidavit states that on 3 February, 1942, six Aus-
22 tralian soldiers, including the witness, having been
23 captured by the Japanese, were at MUAR, in cold blood,
24 fired upon by a bren gun. All the men were killed or
25 died later, but the witness escaped."

1 "3. Massacre of P/W at PARIT SULONG

2 "Prosecution document numbered 5043, being
3 the Affidavit of Lt. B. C. HACKNEY, is now tendered
4 for identification" --

5 CLERK OF THE COURT: Prosecution's document
6 No. 5043 will be given exhibit No. 1525 for identifi-
7 cation only.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit No.,
10 1525 for identification.)

11 MR. JUSTICE MANSFIELD: (Continuing) "and
12 the marked excerpts offered in evidence."

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's marked
15 excerpt therefrom, bearing the same document No.,
16 will be given exhibit No. 1525A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit No.
19 1525A and received in evidence.)

20 MR. JUSTICE MANSFIELD: (Continuing) "This
21 Affidavit states that on 22nd January, 1942, the wit-
22 ness, who was wounded, and a large number of men from
23 other Units, were captured by the Japanese at Parit
24 Sulong. The witness describes their treatment as
25 follows:

1 "(1) On many occasions a Japanese indicated
2 to a wounded man to move along with the rest, although
3 he was incapable of any movement. Upon his failing
4 to move, the Japanese struck him with a rifle or
5 kicked him, or actually bayoneted him or shot him.

6 "(2) A Japanese drove his bayonet into a
7 man wounded in the chest and thigh and pushed him
8 along the road and again bayoneted him several times.
9 The witness, although wounded, was prodded with a
10 bayonet by a Japanese. The prisoners' watches, pens,
11 pencils and other property except clothing were taken
12 by the Japanese. Their clothing was removed during
13 the search. One dead soldier was propped up by the
14 Japanese and made an object of ridicule. About 150
15 nude and wounded prisoners, some with gaping, dirty
16 and blood-clotted wounds, were hit, kicked, punched
17 and prodded with bayonets, often in the open wounds,
18 by the Japanese. Many were knocked unconscious by
19 blows on the head with rifle butts.

20 "(3) Eventually the prisoners were forced
21 into a little shed or garage. The Japanese grunted
22 and prodded them with bayonets until most of the
23 prisoners had scrambled into the shed. Some were
24 knocked unconscious and others killed. The terrific
25 wails of wounded men in pain were continuous. The

1 shed soon became a hell-hole full of tortured, groan-
2 ing and delirious wounded soldiers. There was not
3 enough room in the shed to put down one's foot without
4 stepping on somebody. Water was not given to the
5 prisoners. A large number were re-wounded by the
6 Japanese. Others were bayoneted or shot. Requests
7 for medical attention and water were ignored. Water
8 was held by Japanese guards just out of reach of some
9 of the prisoners and then thrown away. A wounded
10 Indian soldier who had been knocked down by a Japan-
11 ese and rendered unconscious was, on showing signs
12 of regaining consciousness, bayoneted and heaved into
13 a stream. When his blood-stained face emerged above
14 the water, the Japanese shot him.

15 "(4) Other ranks were tied up and mal-
16 treated. Some were bayoneted. Finally, they were
17 all herded into a group and shot with rifles and ma-
18 chine guns. The Japanese removed the bodies, but not
19 the witness who feigned death. Blood was running
20 all over his face. A wound in his back left a small
21 pool of blood on the ground. Some Japanese came and
22 stood over him and one pushed him with his foot to
23 make sure he was dead. Another kicked him in several
24 places. The Japanese then brought tins of petrol and
25 poured it over the prostrate prisoners, other than

1 the witness, some of whom were still conscious. They
 2 then set fire to the petrol amidst screams and yells
 3 of pain and the prisoners were burnt to death. The
 4 witness could smell the burning flesh. He lay still
 5 until the Japanese departed. Many Japanese passed
 6 him and kicked him and some pricked him with their
 7 bayonets. One actually drove a bayonet into his side
 8 between his ribs. Another took his boots from him.
 9 Later the witness was able to free himself from his
 10 bonds and met a sergeant and another soldier who
 11 smelt strongly of petrol. They had been together
 12 when the prisoners were fired upon and they fell with
 13 the first burst of firing although neither had been
 14 hit. Petrol was thrown on them but they were not
 15 burnt. The soldier who was with the sergeant died
 16 the following day.

17 "4. P/W in MALAYA,

18 "Prosecution document numbered 5085 being the
 19 Affidavit of L. J. W. SEEKINGS is now offered for
 20 identification" --

21 CLERK OF THE COURT: Prosecution's document
 22 5085 will receive exhibit No. 1526 for identification
 23 only.

24 (Whereupon, the document above re-
 25 ferred to was marked prosecution's exhibit

when the prisoners were fired upon and they fell with
 the first burst of firing although neither had been
 hit. Petrol was thrown on them but they were not

1 No. 1526 for identification.)

2 MR. JUSTICE MANSFIELD: (Continuing) "and
3 the marked excerpts produced in evidence."

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: The marked excerpts
6 therefrom, bearing the same document No., will receive
7 exhibit No. 1526A.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit No.
10 1526A and received in evidence.)

11 MR. JUSTICE MANSFIELD: (Continuing) "This
12 Affidavit relates to the gross inadequacies of living
13 conditions, food and medical stores in the Kuala
14 Lumpur Camp during February - October, 1942. During
15 the first three months, 166 men died of battle injuries
16 and fever. No medical attention was provided by the
17 Japanese."

18 "Prosecution document numbered 5084, being
19 the Affidavit of Captain P. R. ADAMS is now offered
20 for identification" --

21 CLERK OF THE COURT: Prosecution's document
22 No. 5084 will receive exhibit No. 1527 for identifica-
23 tion only.

24 (Whereupon, the document above re-
25 ferred to was marked prosecution's exhibit

1 No. 1527 for identification.)

2 MR. JUSTICE MANSFIELD: (Continuing) "and
3 the marked excerpts produced in evidence."

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Marked excerpts there-
6 from, bearing the same document No., will receive
7 exhibit No. 1527A.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1527A and received in evidence.)

11 MR. JUSTICE MANSFIELD: (Continuing) "This
12 Affidavit refers to the conditions in Penang Gaol
13 where the witness remained for some two months, five
14 weeks of which was spent in solitary confinement in
15 the condemned cell.

16 "Men were beaten savagely for no apparent
17 reason. Sanitary arrangements were vile and sick men
18 refused admission to hospital.

19 "Prosecution document numbered 5024 B; the
20 Affidavit of Maj. R. H. STEVENS, is offered for
21 identification" --

22 CLERK OF THE COURT: Prosecution's document
23 No. 5024 B will receive exhibit No. 1528 for identifi-
24 cation only.

25 (Whereupon, the document above re-

1 ferred to was marked prosecution's exhibit
2 No. 1528 for identification.)

3 MR. JUSTICE MANSFIELD: (Continuing) "and
4 the marked excerpts produced in evidence."

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Marked excerpt there-
7 from, bearing the same document No., will receive
8 exhibit No. 1528A.

9 ("Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1528A and received in evidence.)

12 MR. JUSTICE MANSFIELD: (Continuing) "This
13 document states that in March, 1945, P/W were billeted
14 in an overcrowded camp in JOHORE and that insanitary
15 latrines caused a great deal of dysentery.

16 "The prisoners laboured at making defence
17 works for the Japanese and owing to the lack of pre-
18 cautions, several men were killed and injured by falls
19 of earth. Hours of work were long and arduous since
20 there was no proper air supply.

21 "The witness was told that owing to the
22 prisoners being engaged on security work, in the
23 event of invasion, they would be killed.

24 "Conditions for surgery were unfavourable at
25 the camp and despite the existence of a large and

1 well equipped hospital, six miles away, permission
2 to evacuate cases there, was refused.

3 "Prosecution document numbered 5375, the
4 Affidavit of B. G. MAPLEBACK is offered for identifi-
5 cation" --

6 CLERK OF THE COURT: Prosecution's document
7 No. 5375 will receive exhibit No. 1529 for identifi-
8 cation only.

9 MR. JUSTICE MANSFIELD: (Continuing) "and
10 the marked excerpts offered in evidence."

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: The marked excerpts
13 therefrom, bearing the same document No., will
14 receive exhibit No. 1529A.

15 (Whereupon, the document above re-
16 ferred to was marked prosecution's exhibit
17 No. 1529A and received in evidence.)

18 MR. JUSTICE MANSFIELD: (Continuing) "This
19 Affidavit states that the witness and three other men
20 were taken prisoners near KULAI. They were roped to-
21 gether and driven some three miles at which point,
22 two of the prisoners were ordered out of the truck
23 and taken to a creek about 20 yards away. Here they
24 were shot with a tommy gun in the presence of the
25 witness. The bodies were left where they fell and

1 . the Japanese returned to the truck.

2 "5. CIVILIANS IN MALAYA

3 "Prosecution document numbered 5139, the
4 sworn statement of CHEW SWAY LEOK is produced for
5 identification" --

6 CLERK OF THE COURT: Prosecution's document
7 No. 5139 will receive exhibit No. 1530 for identifi-
8 cation only.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1530 for identification.)

12 MR. JUSTICE MAN-FIELD: (Continuing) "and
13 the excerpts marked therein, tendered in evidence."

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: The marked excerpt
16 therefrom, bearing the same document No., will re-
17 ceive exhibit No. 1530A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit No.
20 1530A and received in evidence.)

21 MR. JUSTICE MAN-FIELD: (Continuing) "This
22 statement relates that the witness and nine other
23 Chinese were beaten with rifle butts into unconscius-
24 ness at Batu Bahat Police Station in February, 1942.
25 On 1 March over 100 Chinese and European civilians

1 were put in lorries and taken in batches of thirty
2 five into the jungle. They were machine-gunned and
3 bayoneted. The witness waited until the Japanese
4 had gone and then escaped.

5 "Prosecution document numbered 5141, the
6 sworn statement of AHMAD BIN CHETEH is now offered
7 for identification" --

8 CLERK OF THE COURT: Prosecution's document
9 No. 5141 will receive exhibit No. 1531 for identifi-
10 cation only.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1531 for identification.)

14 MR. JUSTICE MANSFIELD: (Continuing) "and
15 marked excerpts produced in evidence."

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: The marked excerpts
18 therefrom, bearing the same document No., will re-
19 ceive exhibit No. 1531A.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1531A and received in evidence.)

23 MR. JUSTICE MANSFIELD: (Continuing) "This
24 document states that towards the end of 1943, while
25 the witness was employed as a sub-warder in Penang

1 Gaol, he saw a Japanese H.P. torture a Chinese woman
2 of middle age.

3 "Wassio opened this woman's trousers and
4 burnt the hair around her pelvic parts with a lighted
5 piece of paper. Then Wassio tied a rope around her
6 waist, and, after binding it round her wrists, attached
7 the other end to a motorcycle: Then Wassio proceeded
8 to drive the motor-cycle at a quicker pace than it
9 was possible to run. The woman was pulled along the
10 ground about ten yards and then lost consciousness."

11 "The witness saw Chinese, Malay and Indian
12 prisoners tortured and stated that three Chinese died
13 after undergoing water torture.

14 "Prosecution document numbered 5142, the
15 sworn statement of Miss YONG LEN MOI, is produced
16 for identification" --

17 CLERK OF THE COURT: Prosecution's document
18 No. 5142 will receive exhibit No. 1532 for identifi-
19 cation only.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1532 for identification only.)

23 MR. JUSTICE MAN-FIELD: (Continuing) "and
24 the marked excerpts thereof, offered in evidence."
25

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: The marked excerpt
3 therefrom, bearing the same document No., will re-
4 ceive exhibit No. 1532A.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1532A and received in evidence.)

8 MR. JUSTICE MANSFIELD: (Continuing) "This
9 document refers to the torture of the witness's
10 grandmother who was suspended from the ceiling for
11 an hour while heavy weights were thrown at her legs
12 and feet. The witness further states that her grand-
13 mother was dragged along behind a motor cycle until
14 unconscious, as described in the evidence of the
15 preceding witness AHMAD.

16 "The witness herself was beaten and burned
17 in Penang Gaol where her grandmother later died as
18 a result of her maltreatment.

19 "Prosecution document numbered 5143, the
20 sworn statement of W. T. DAVIES and the statement of
21 Mrs. A. C. KATHIGASU, exhibited thereto, is now ten-
22 dered for identification" --

23 CLERK OF THE COURT: Prosecution's document
24 No. 5143 will receive exhibit No. 1533 for identifi-
25 cation only.

1 (Whereupon, the document before
2 referred to was marked prosecution's exhibit
3 No. 1533 for identification.)

4 MR. JUSTICE MANFIELD: (Continuing) "and
5 the excerpts marked offered in evidence."

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: The excerpts therefrom,
8 bearing the same document number, will receive ex-
9 hibit No. 1533A.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1533A and received in evidence.)

13 MR. JUSTICE MANFIELD: (Continuing) "This
14 document relates that the witness was taken to IPOH
15 Police Station in August, 1943, where she was tortured
16 and beaten in many ways, and accused of being a spy.

17 "At Kempitai HQ her child was suspended
18 from a tree with a fire blazing underneath her,
19 whilst the witness herself was tied to a post and
20 beaten with a stick. The child was eventually re-
21 leased.

22 "At Batu Gajah gaol the witness was impris-
23 oned for life, after having been sentenced to death.
24 Food was inadequate, the cells were verminous and
25 filthy. There were no bed coverings and no facilities

1 for bathing. The witness finally lost the use of
2 her legs but has since recovered."

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1 MR. JUSTICE MANSFIELD: We tender prose-
2 cution document No. 5441, being the synopsis "BURMA-
3 SIAM."

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5441 will receive exhibit No. 1534.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1534 and received in evidence.)

10 MR. JUSTICE MANSFIELD: (Reading): "A.
11 CIVILIANS IN BURMA.

12 a) Prosecution Document numbered 5276, the
13 affidavit of T. B. AUCHTERLONIE, is now produced
14 for identification.

15 CLERK OF THE COURT: Prosecution's document
16 No. 5276 will receive exhibit No. 1535 for identifi-
17 cation only.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1535 for identification.)

21 MR. JUSTICE MANSFIELD: And the marked
22 excerpts offered in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: And the excerpts there-
25 from bearing the same document number will receive

1 exhibit No. 1535-A.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 1535-A and received in evidence.)

5 MR. JUSTICE MANSFIELD: The document refers
6 to the torture of a Burmese at Victoria Point Camp.
7 The man was confined for two weeks in what was known
8 as the Dog Cage, a wooden structure three feet by
9 five feet and then beaten, suspended by the hands
10 from a rafter and beaten in front of some of the
11 officers of the Camp. The man's ankles were then
12 tied up behind his body with a rope around his neck
13 and a fire lit beneath his feet. Later he was cut
14 down and driven away with an armed guard and some
15 digging tools. The truck returned without the Burmese.

16 Prosecution document numbered 5260, the sworn
17 statement of W O. II A.F.H.CULLEN is now tendered
18 for identification

19 CLERK OF THE COURT. Prosecution's document
20 No. 5260 will receive exhibit No. 1536 for identifi-
21 cation only.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1536 for identification.)

25 MR. JUSTICE MANSFIELD: And the excerpts

1 marked therein for evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: And the excerpts there-
4 from, bearing the same document number, will receive
5 exhibit No. 1536-A.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1536-A and received in evidence.)

9 MR. JUSTICE HANSFIELD: This statement
10 relates to the murder of a Burmese in September, 1943.
11 Japanese guards beat the man with a six-foot bamboo
12 pole and forced a passing Burmese civilian to thrash
13 his countryman with this instrument. When the victim
14 was raw and bleeding, the guards decided to shoot him.
15 This was done and two P.O.W. belonging to the witness'
16 detachment were ordered to bury the body.

17 Prosecution document numbered 5120, the solemn
18 declaration of Mg. SAN MGWE is produced for identifi-
19 cation.

20 CLERK OF THE COURT: Prosecution's document
21 No. 5120 will receive exhibit No. 1537 for identifi-
22 cation only.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1537 for identification.)

1 MR JUSTICE MANSFIELD: And the marked
2 excerpts offered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: The marked excerpts
5 therefrom, bearing the same document number, will
6 receive exhibit No. 1537-A.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1537-A and received in evidence.)

10 MR. JUSTICE MANSFIELD: This document
11 states that in June, 1945, Kempeitai personnel arrested
12 the witness' uncle and removed money and household
13 goods from their home. The witness was told by a
14 fellow prisoner that his uncle was tortured; his
15 uncle has never returned home since the arrest.

16 Prosecution document numbered 5138, being the
17 affidavit of Lieutenant Colonel E. L. St. J. COUCH
18 exhibiting three statements of OHN MYAING, MA SAN
19 THEEN and AH YI respectively, is produced for identi-
20 fication.

21 CLERK OF THE COURT: Prosecution's document
22 No 5138 will receive exhibit No. 1538 for identifi-
23 cation only.

24 (Whereupon, the document above re-
25 ferred to was marked prosecution's exhibit

1 No. 1538 for identification.)

2 MR. JUSTICE MANSFIELD: And the marked
3 excerpts now tendered in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: The excerpts therefrom,
6 bearing the same document number, will receive
7 exhibit No. 1538-A.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 1538-A and received in evidence.)

11 MR. JUSTICE MANSFIELD: This statement
12 relates to the massacre by Japanese of women and
13 children civilian inhabitants of the village of
14 EBIANG. They were rushed into a number of houses
15 and fired on by machine guns, and the houses set on
16 fire. Two girls, although wounded, escaped. One of
17 them, OHN MYAING states:

18 "We were rushed inside and after about two hours
19 we were fired on by machine guns. The firing continued
20 until all the crying and moaning had ceased. I was
21 wounded in my right hip, under my left arm and on
22 my right hand. If anyone cried out, the firing started
23 up again. When everything had been quiet for some
24 time, smoke began filling the room and one side of the
25 house was on fire. I tore up some floor boards and

1 escaped."

2 Prosecution document numbered 5337, being
3 the statement of Captain T. C. B. BUDEKIN, is now
4 offered for identification.

5 CLERK OF THE COURT: Prosecution's document
6 5337 will receive exhibit No. 1539 for identification
7 only.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1539 for identification.)

11 MR. JUSTICE MANSFIELD: And the marked
12 excerpts produced in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: And the marked excerpts
15 therefrom, bearing the same document number, will
16 receive exhibit No. 1539-A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1539-A and received in evidence.)

20 MR. JUSTICE MANSFIELD: This document in
21 paragraph II thereof relates the information obtained
22 in an official investigation of the events known as
23 the EBIANG Massacre, confirming the evidence of the
24 document last produced, No. 5138.

25 Prosecution document numbered 5137, being the

1 affidavit of Lieutenant Colonel E. L. St. J. Couch,
2 exhibiting charge sheet and Abstract of Evidence in
3 relation to the KALAGON Massacre, is now produced
4 for identification.

5 CLERK OF THE COURT: Prosecution's document
6 No 5137 will receive exhibit No. 1540 for identi-
7 fication only.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1540 for identification.)

11 MR. JUSTICE MANSFIELD: And the marked
12 excerpts offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: And the marked excerpts
15 therefrom, bearing the same document number, will
16 receive exhibit No. 1540-A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1540-A and received in evidence.

20 MR. JUSTICE MANSFIELD: Prosecution docu-
21 ment numbered 5336, being the report of Lieutenant
22 Colonel A. M. Sturrock, President No 4 War Crimes
23 Court, Rangoon, in reference, inter alia, to the
24 KALAGON Massacre, is now offered for identification.

25 CLERK OF THE COURT: Prosecution's document

1 No. 5336 will receive exhibit No. 1541 for identi-
2 fication only.

3 (Whereupon, the document above re-
4 ferred to was marked prosecution's exhibit
5 No. 1541 for identification.)

6 MR. JUSTICE MANSFIELD: And the marked
7 excerpts produced in evidence.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: And the marked excerpts
10 therefrom, bearing the same document number, will
11 receive exhibit No. 1541-A.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 1541-A and received in evidence.)

15 MR. JUSTICE MANSFIELD: These documents
16 describe the proceedings before the Court and summarize
17 the evidence given. The villagers of KALAGON were
18 interrogated by the Kempeitai, beaten and tortured.
19 The massacre was carried out by taking the villagers
20 in groups of about twenty-five to the nearby wells
21 where they were bayoneted and thrown down the wells.

22 Witness for the Defence: Colonel TSUKUDA stated
23 that there was no trial and that since they were satis-
24 fied that the villagers had been acting in a manner
25 hostile to the Occupying Power, the Japanese were

1 justified in the circumstances, in carrying out a
2 mass execution.

3 The first Accused, the Commanding Officer of
4 the Unit carrying out the massacre, stated that he
5 thought the women and children were acting against
6 the Japanese Army. When asked how he justified the
7 killing of infant children, he said there was no other
8 alternative. He further said:

9 "Within the Orders I received, the killing of
10 the children was also included. If I spared the
11 children, they would be orphans and as such they
12 could not have a living. In order to save time and
13 carry out my duties, I could not help killing them."

14 The evidence of the Headman of the village who
15 escaped was that of the 195 women, 175 men and 260
16 children collected by the Japanese, only a very few
17 escaped death.

18 Prosecution document numbered 5337, already in
19 evidence, in paragraph III thereof makes reference
20 to this massacre.

21 Prosecution document numbered 5336, of Lieutenant
22 Colonel A. M. STUR OCK, already in evidence, also
23 contains summaries of the proceedings of five other
24 trials of Japanese for alleged war crimes. In four
25 of these cases convictions were registered.

1 Prosecution document numbered 5344, the signed
2 statement of MAUNG BU GYI, is now offered for
3 identification.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5344 will receive exhibit No. 1542 for identi-
6 fication only.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1542 for identification.

10 MR. JUSTICE MANSFIELD: And the marked
11 excerpts tendered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: The marked excerpts
14 therefrom, bearing the same document number, will
15 receive exhibit No. 1542-A.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1542-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: This document describes
20 the beating of a woman with a rifle by Japanese,
21 at KYONLANA Village. She was stripped naked, as was
22 her nephew, and both were tied to a railway carriage
23 in the sun. Next day the witness saw bloodstains by
24 the river bank and, on enquiry, was told by an Indian,
25 also arrested with the woman, that she and the boy

1 had been decapitated. The bodies were thrown into
2 the river by the Indian.

3 Prosecution document numbered 5346, the signed
4 statement of MAUNG TUN SHWE, is now produced for
5 identification.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5346 will receive exhibit No. 1543 for identi-
8 fication only.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1543 for identification.)

12 MR. JUSTICE MANSFIELD: And the excerpts
13 marked therein offered in evidence.

14 THE PRESIDANT: Admitted on the usual terms.

15 CLERK OF THE COURT: The excerpts therefrom,
16 bearing the same document number, will receive
17 exhibit No. 1543-A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1543-A and received in evidence.)

21 MR. JUSTICE MANSFIELD: This document states
22 that the witness, a Police Constable, accompanied a
23 Kempeitai Officer to a village where an old man and
24 another native were arrested on suspicion of being
25 concerned in the death of a Japanese soldier. These

1 men were tortured with water and then their feet
2 were burned. Several houses were burned down. They
3 were then taken to Inbin where they were decapitated.
4 Their bodies, when they had fallen into the trench,
5 were bayoneted by Japanese soldiers.

6 At Myanaung two other men were decapitated.

7 Prosecution document numbered 5347, the signed
8 statement of MAUNG KIN Mg. is now produced for
9 identification.

10 CLERK OF THE COURT: Prosecution's document
11 No. 5347 will receive exhibit No. 1544 for identifi-
12 cation only.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1544 for identification.)

16 MR. JUSTICE MANSFIELD: And the marked excerpts
17 offered in evidence.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: The marked excerpts
20 therefrom, bearing the same document number, will
21 receive exhibit No. 1544-A.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1544-A and received in evidence.)

25 MR. JUSTICE MANSFIELD: This document states

1 that the witness acted as an Interpreter for a
2 Japanese officer in May, 1945, at Ongun, when seven
3 Burmans were being questioned. They were taken to
4 Ongun cemetery and there beheaded. The witness
5 states:

6 "Although I had my hands over my ears, I could
7 hear the blows of the sword and the Japs saying, 'Oh,
8 that one isn't dead yet, bayonet him!' I heard cries
9 of 'Oh God!' coming from the trench."

10 On the next day, two white men, apparently
11 Airmen, who had witnessed the execution of the
12 Burmans, were themselves murdered in the same way.

13 The witness states:

14 "I have heard from coolies working for the Japan-
15 ese, of other executions. Sometimes there were execu-
16 tions of batches of six people, sometimes of batches
17 of up to 30 people."

18 Prosecutor document numbered 5342, the signed
19 statement of Mg. PAN is produced for identification.

20 CLERK OF THE COURT: Prosecution's document
21 No. 5342 will receive exhibit No. 1545 for identi-
22 fication only.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1545 for identification.)

1 MR. JUSTICE MANSFIELD: And the marked
2 excerpts therein offered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: And the marked excerpts
5 therefrom bearing the same document number will
6 receive exhibit No. 1545-A.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No 1545-A and received in evidence.)

10 MR. JUSTICE MANSFIELD: This document relates
11 the torture of Burmese nationals by the Kempeitai at
12 Sharywa, the witness having been forcibly removed
13 there, after torture, in order to identify suspected
14 men. The witness saw his father, brother and other
15 men shot by the Japanese. The Headman's house was
16 set on fire.

17 Prosecution document numbered 5340, the
18 signed statement of SAW BO GYI GYAW is offered for
19 identification.

20 CLERK OF THE COURT: Prosecution's document
21 No 5340 will receive exhibit No 1546 for identifi-
22 cation only.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1546 for identification)

1 MR. JUSTICE MANSFIELD: And the marked
2 excerpts therein tendered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: And the marked excerpts
5 therefrom, bearing the same document number, will
6 receive exhibit No. 1546-A.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1546-A and received in evidence.)

10 MR. JUSTICE MANSFIELD: This document states
11 that seven persons were executed in Thawaddy by
12 the Kerpeitai. The execution was observed by the
13 witness from a window overlooking the compound within
14 which the people were shot.

15 Prosecution document numbered 5339, the sworn
16 statement of R. A. NICOL, is now tendered for identi-
17 fication.

18 CLERK OF THE COURT: Prosecution's document
19 No 5339 will receive exhibit No. 1547 for identi-
20 fication only.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1547 for identification.)

24 MR. JUSTICE MANSFIELD: And the excerpts
25 marked are offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: And the marked excerpts
3 therefrom, bearing the same document number, will
4 receive exhibit No. 1547-A.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1547-A and received in evidence.)

8 MR. JUSTICE MANSFIELD: This statement
9 describes how the witness was taken to Moksokwin
10 forest in early 1945 as an interpreter. He saw
11 four Allied airmen guarded by a party of Japanese
12 soldiers. After interrogation, the men were taken
13 into the forest and half an hour later, the Japanese
14 returned without the men, but carrying their clothes,
15 four pairs of shoes, a pick-axe and a shovel.

16 Prosecution document numbered 5348-A, being
17 the sworn statement of Mg. THAN Mg. is now produced
18 for identification.

19 CLERK OF THE COURT: Prosecution's document
20 numbered 5348-A will receive exhibit No. 1548 for
21 identification only.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1548 for identification.)

25 MR. JUSTICE MANSFIELD: And the marked

1 excerpts therein offered in evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: And the marked excerpts
4 therefrom, bearing the same document number, will
5 receive exhibit No. 1548-A.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1548-A and received in evidence.)

9 MR. JUSTICE MANSFIELD: The document states
10 that in August, 1944, at Sinikan the witness saw a
11 Burmese tied to a tree, ordered to say his prayers
12 and murdered by a Japanese, who hacked him all over
13 the body with a sword. This was the punishment
14 for refusing to disclose any knowledge of British
15 troops.

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1 Prosecution document No. 5348B, being the
2 sworn statement of Mg. THAN MAUNG, is now offered for
3 identification and the marked excerpts therefrom are
4 produced in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document
7 No. 5348B will receive exhibit No. 1549 for identifi-
8 cation only and the marked excerpts therefrom bearing
9 the same document number will receive prosecution's
10 exhibit No. 1549-A.

11 (Whereupon, prosecution document
12 No. 5348B was marked prosecution's exhibit
13 No. 1549 and the excerpts therefrom were marked
14 prosecution's exhibit No. 1549-A).
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1 MR. JUSTICE MANSFIELD: Prosecution document
2 No. 5354, being the unsworn statement of Sergeant Major
3 YOSHIKAWA, Sadaichiro, is now offered for identification.

4 CLERK OF THE COURT: Prosecution document
5 No. 5354 will be given exhibit No. 1550, for identi-
6 fication only.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1550 for identification.)

10 MR. JUSTICE MANSFIELD: And the marked excerpts
11 are offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: And the marked excerpts
14 therefrom bearing the same document number will re-
15 ceived exhibit No. 1550-A.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution exhibit
18 No. 1550-A and received in evidence.

19 MR. JUSTICE MANSFIELD: These documents relate
20 to the murder of six Kachins near BUNRAI in June 1944
21 because they were suspected of helping Allied troops
22 in the neighborhood. The six men were bayoneted to
23 death by the Japanese after being interrogated. The
24 latter document of Sergeant Major YOSHIKAWA is an ad-
25 mission of this incident.

1 Prosecution document No. 5359, the sworn state
2 ment of ROLAND JOSEPH, is now tendered for identifica-
3 tion.

4 CLERK OF THE COURT: Prosecution document
5 No. 5359 will receive exhibit No. 1551 for identifi-
6 cation only.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1551 for identification.

10 MR. JUSTICE MANSFIELD: And the marked ex-
11 cerpts are produced in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: And the marked excerpts
14 therefrom bearing the same document number will re-
15 ceive exhibit No. 1551-A.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1551-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: This document states
20 that the witness saw Kameitai personnel set fire to
21 the foot of an Indian, the foot having had kerosene oil
22 poured over it. The witness further states that he saw
23 a woman tied to a post and beaten, her longyi removed
24 and beaten again. She was dragged along the road by
25 a rope from her neck until unconscious.

1 A Japanese poured a pitcher full of boiling
2 water into an Indian's mouth. The man was pushed into
3 a water-filled trench and submerged several times until
4 unconscious. He was then removed and put into wooden
5 fetters.

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1 MR. JUSTICE MANSFIELD: Prosecution document
2 numbered 5356, the solemn declaration of HARRY
3 JOSEPH, is produced for identification.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5356 will receive exhibit No. 1552 for identi-
6 fication only.

7 (Whereupon, the document above re-
8 ferred to was marked prosecutor's exhibit
9 No. 1552 for identification.)

10 MR. JUSTICE MANSFIELD: And the excerpts
11 marked therein offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: The marked excerpts
14 therefrom, bearing the same document number, will
15 receive exhibit No. 1552-A.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1552-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: This document states
20 that in April, 1945, the Kempeitai detachment at
21 Kyaikto stayed in the witness' house until June.
22 During this time, the witness observed the following
23 tortures carried out on their prisoners:
24

25 "(1) Beat the prisoners with big solid bamboo
sticks (approximate length 4'5" -- diameter 3")

1 "Beat the prisoners until they confessed (i.e.
2 forced confession).

3 "(2) During beating and interrogation, prisoners
4 were made to squat with hands and feet tied with
5 ropes.

6 "(3) The hands of the prisoners were tied with
7 ropes. Prisoners were then strung up to the roof of
8 the house by their hands so that their feet did not
9 touch the ground. Prisoners were left like this
10 for some time.

11 "(4) During interrogation, the prisoner's hands
12 and legs were splashed with large quantity of boiling
13 water.

14 "(5) The prisoner was blindfolded, then a large
15 quantity of water slowly poured into his mouth and
16 nostrils, so that the prisoner suffocated."
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1 MR. JUSTICE MANSFIELD: Prosecution document
2 No. 5361, the sworn statement of SIMA BAH'DUR, is now
3 tendered for identification.

4 CLERK OF THE COURT: Prosecution document
5 No. 5361 will receive exhibit No. 1553 for identifi-
6 cation only.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1553 for identification.)

10 MR. JUSTICE MANSFIELD: And the excerpt therein
11 is offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: And the marked excerpts
14 therein bearing the same document number will receive
15 exhibit No. 1553-A.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1553-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: The document states
20 that in January 1945 the witness and nearly a thousand
21 Indians were arrested. They were detained in a church
22 for a day without food and drink and then taken to
23 Haipaw where six hundred and twenty one men were packed
24 into a room about 25 feet square. There was no room
25 to lie down and the men were forced to sit with their

1 knees tucked under them, shoulder to shoulder. The
2 witness says, "I was detained in this room for thirty
3 eight days, never being allowed to go out. Our food
4 consisted of a small ball of rice and a pinch of salt
5 daily, with a very small quantity of water. We were
6 not allowed to leave the room to perform our natural
7 functions, this being done in the room through a small
8 hole that had been made in the floor. After a few days
9 the conditions in this room became practically un-
10 bearable, the filth and stench becoming undecribable.

11 "During my stay in this 'HELL HOLE', approxi-
12 mately two hundred men died from various diseases, and
13 it was a common practice to leave the dead in the room
14 for a few hours, after which they would be taken out
15 by the Japanese and thrown into a trench or bomb-
16 crater, where they were left exposed to the air."

17 The witness and five other Gurkhas were then
18 taken to Monghai and into the jungle and "we were
19 forced to kneel down, after our hands had been tied be-
20 hind our backs. One of the Japanese, which one I do
21 not know, pulled my coat clear of my neck and I saw
22 that the other five were being dealt with in the same
23 manner. At this time, standing near us was one officer
24 and three soldiers, whilst at a distance I could see
25 about twenty five others. The officer took out his

1 sword and I saw him hand it to one of the soldiers and
2 point to me. The Japanese soldiers approached me from
3 behind and suddenly I felt a sharp pain in my neck, also
4 I felt the blood running over my face. After that I
5 lost consciousness and I cannot say what happened. The
6 following morning, just as the sun was rising I came
7 to my senses and found that I was soaked in blood. I
8 looked around and found that my five comrades were all
9 dead with their heads partly severed from their bodies."

10 A Doctor's certificate attached to the docu-
11 ment confirms the nature of the wound and describes
12 the man's consequent disability.

13 Prosecution document numbered 5364, the sworn
14 statement of BEL BAHADUR RAI, is now produced for
15 identification and the marked excerpts therein offered
16 in evidence.

17 CLERK OF THE COURT: "Prosecution document
18 No. 5364 will be given exhibit No. 1554 for identifi-
19 cation only.

20 ("Whereupon, the document above re-
21 ferred to was given exhibit No. 1544 for identi-
22 fication.)

23 MR. JUSTICE MANSFIELD: And the marked excerpts
24 therein are offered in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: And the excerpts there-
2 from bearing the same document number will receive
3 exhibit No. 1554-A.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1544-A and received in evidence.)

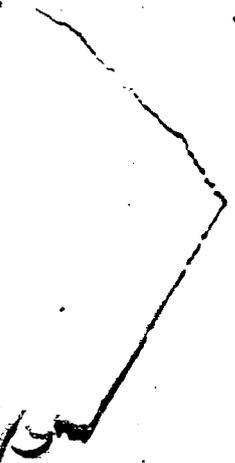
7 LR. JUSTICE MANSFIELD: This document states
8 that in June 1944 the witness, who was acting as an
9 interpreter for the Kempeitai in Hopin, saw a Corporal
10 and two soldiers of the British Army who had been cap-
11 tured. The Corporal was wounded in his throat so
12 that he was unable to eat or drink. He was given no
13 medical aid and died in two days. The remaining sol-
14 diers and another who had just been captured were tied
15 together and taken to a nearby bomb crater where they
16 were shot by a Japanese Sergeant Major.

17 THE PRESIDENT: We will adjourn now until
18 half past nine to-morrow morning.

19 (Whereupon, at 1600, an adjournment
20 was taken until Tuesday, December 17, 1946,
21 at 0930.)
22
23 - - - -
24
25

17 DEC

see photo 16/17



17 DECEMBER 1946

I N D E X
Of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
Williams, John Munslow, Lieutenant Colonel, A. I. F.	12996
Direct by Mr. Justice Mansfield	12996
(Witness excused)	13012
Lloyd, John Kevin, Major, A. I. F.	13013
Direct by Mr. Justice Mansfield	13013
Cross by Mr. Levin	13041
" " Mr. Howard	13047
(Witness excused)	13049

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5365	1555		Statement of R. B. Wilson	12991	
5365	1555-A		Excerpt therefrom		12991

I N D E X
Of
EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5367	1556		Statement of Tan Hain Eng	12992	
5367	1556-A		Excerpt therefrom		12992
5368	1557		Statement of J. H. Williams	12993	
5368	1557-A		Excerpt therefrom		12993
5369	1558		Statement of Mrs. M. H. Williams	12994	
5369	1558-A		Excerpt therefrom		12994
5443	1559		Synopsis of Burma and Siam - P/W sent to Burma Sector of Burma/Siam Railway		13050
5206A	1560		Affidavit of Chaplain F. H. Bashford	13050	
5206A	1560-A		Excerpt therefrom		13051
5034	1561		Affidavit of Lieutenant Colonel C. M. Black	13054	
5034	1561-A		Excerpt therefrom		13054

I N D E X

of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5041	1562		Affidavit of Dr. C.R.B. Richards	13057	
5041	1562-A		Excerpt therefrom		13057
5038A	1563		Affidavit of Lieutenant Colonel G.E. Ramsey	13058	
5038A	1563-A		Excerpt therefrom		13059
5444	1564		Synopsis of Evidence Burma and Siam - P/W sent to Siam Sector of Burma/Siam Railway		13060
5059A	1565		Affidavit of Lieutenant Colonel C.H. Kappe	13060	
5059A	1565-A		Excerpt therefrom		13060
5064A	1566		Affidavit of Major B.L.W. Clarke	13070	
5064A	1566-A		Excerpt therefrom		13070
5013	1567		Affidavit of R.G. Williams	13071	
5013	1567-A		Excerpt therefrom		13071
5067	1568		Affidavit of Lieutenant Colonel E.J. Barrett, R.A.M.C.	13072	
5067	1568-A		Excerpt therefrom		13072

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5072	1569		Affidavit of Sergeant C. Berny	13074	
5072	1569-A		Excerpt therefrom		13074
5031A	1570		Affidavit of Major R.J. Campbell	13078	
5031A	1570-A		Excerpt therefrom		13078
5074	1571		Affidavit of C.M.S.C. Knowles	13080	
5074	1571-A		Excerpt therefrom		13080
5075	1572		Affidavit of Sub-Lieutenant J.O. Caun	13081	
5075	1572-A		Excerpt therefrom		13081
5450	1573		Synopsis of Evidence		13083
5128	1574		Affidavit of Major R. Crawford	13083	
5128	1574-A		Excerpt therefrom		13083
5136	1575		Affidavit of Captain F.H. Wallace, I.M.S.	13087	
5136	1575-A		Excerpt therefrom		13087
5256	1576		Affidavit of R.E. Peterson	13088	
5256	1576-A		Excerpt therefrom		13088

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5370	1577		Solemn Affirmation of Thakin Sa	13090	
5370	1577-A		Excerpt therefrom		13090
5371	1578		Statement of Maung Aye Ko	13094	
5371	1578-A		Excerpt therefrom		13094

1 Tuesday, 17 December, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with
14 the exception of: HONORABLE JUSTICE D. JARANILLA,
15 Member from the Republic of the Philippines, not
16 sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 The Accused:

20 All present except OKAWA, Shumei, who is
21 represented by his counsel.

22 - - -

23 (English to Japanese and Japanese
24 to English interpretation was made by the
25 Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Moore.

4 LANGUAGE ARBITER (Major Moore): Mr. Presi-
5 dent, with the Tribunal's permission, we present the
6 following language corrections:

7 Exhibit 1075, record page 9,918, line 20,
8 delete the sentence beginning "Although" and sub-
9 stitute "With your intention in mind, I have meant
10 to proceed without interference in this matter.
11 However, I cannot help but be deeply concerned when
12 I consider the development of this matter and its
13 effect upon the future of Japan as well as the
14 Tripartite Pact."

15 Page 9,919, line 3, after "now" insert
16 "in addition."

17 Line 6, delete "Italian" and read "ambassadors
18 in Germany and Italy."

19 Line 14, read "belong to you." (period).

20 Page 9,920, line 5, after "telegram" insert
21 "from Ott on that day."

22 Line 7, delete "Italian."

23 Line 8, read "Ambassador in Italy."

24 Page 9,921, line 3, for "and" substitute
25 "but."

1 Line 4, delete from "is supposed" to line 6,
2 "considerable extent" and read "it could be considered
3 that Japan has already held extensive discussions with
4 America on this matter."

5 Line 8, after "sources" insert "to date."

6 Line 19, delete "you" to the end of the
7 sentence, and read "he has changed his opinion."

8 Line 23, delete "you" to "obliged" and
9 read "If, persuaded by such a person, it should become
10 necessary to conclude."

11 Page 9,922, line 1, delete from "meaningless"
12 to the end of the sentence and substitute "ineffective
13 even though any kind of pretext may be found from the
14 legal standpoint."

15 Line 12, delete quotation marks.

16 Line 21, delete "to Germany."

17 Page 9,923, line 12, delete "repeated the
18 same thing in" and substitute "cited the content of."

19 Page 9,924, line 10, delete from "wished" to
20 the end of the sentence and substitute "would draft
21 a telegraphic instruction to Ott and would consult
22 Italy accordingly."

23 Page 9,926, line 12, after "him" insert
24 "repeatedly."

25 Page 9,929, line 23, before "in a few" insert

1 "And at this time when."

2 Line 24, delete "and if" to "Japan should"
3 and substitute "it is a question whether it is really
4 reasonable for Japan to."

5 Page 9,930, line 1, delete "it is" to the
6 end of the sentence.

7 Line 2, delete from "Needless to "astranging"
8 and substitute "Particularly so when it is not clear
9 whether or not the American proposal is merely a
10 temporary scheme to estrange."

11 Line 10, delete "leave" to "should Japan"
12 and substitute "thus leave a root of evil in the
13 future should she."

14 Line 13, for "random" substitute "will."

15 Line 14, delete "those."

16 Line 17, after "arec" insert "and by
17 avoiding nominal participation in the war."

18 Line 19, delete "although" to the end of the
19 sentence."

20 Line 23, after "regions" insert "which
21 would be included in the Greater East Asia."

22 Page 9,931, line 11, for "embody" substitute
23 "at least materialize."

24 THE PRESIDENT: Thank you, Major.

25 Mr. Justice Mansfield. I would like for you

1 to read a little slower, Mr. Justice Mansfield.

2 MR. JUSTICE MANSFIELD: Yes, sir.

3 Prosecution document numbered 5365, the
4 sworn statement of R. B. Wilson, is now offered for
5 identification.

6 CLERK OF THE COURT: Prosecution document
7 No. 5365 will be given exhibit No. 1555 for identi-
8 fication only.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1555 for identification only.)

12 MR. JUSTICE MANSFIELD: And the excerpts
13 marked, tendered in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: And the excerpt there-
16 from, bearing the same document number, will receive
17 exhibit No. 1555-A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1555-A and received in evidence.)

21 MR. JUSTICE MANSFIELD: This document relates
22 the maltreatment of prisoners of war and internees at
23 Rangoon Central Gaol. Men were beaten savagely and
24 others were frequent deaths from malnutrition and
25 lack of medical facilities.

1 At Tavoy Internment Camp men and women were
2 beaten, tortured, put in solitary confinement and
3 starved, and the internees were forced to eat dogs,
4 rats and snakes to keep alive.

5 Prosecution document numbered 5367, the
6 sworn statement of Tan Hain Eng, being produced for
7 identification, --

8 CLERK OF THE COURT: Prosecution's document
9 No. 5367 will be given exhibit No. 1556 for identi-
10 fication only.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1556 for identification only.)

14 MR. JUSTICE MANSFIELD: -- and the marked
15 excerpts offered in evidence, --

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: And the marked excerpts
18 therefrom, bearing the same document number, will re-
19 ceive exhibit No. 1556-A.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1556-A and received in evidence.)

23 MR. JUSTICE MANSFIELD: -- describes the
24 execution of five Chinese near Prome.

25 The witness went to the place of execution

1 as an interpreter and saw a number of Japanese offi-
2 cers there present. There was a table covered with
3 a white cloth, on which were flowers, one or two
4 bottles of sake and some glasses.

5 The five prisoners were made to sit with
6 their legs in the graves which were already dug.
7 They were then shot by Japanese soldiers.

8 Prosecution document numbered 5368, the
9 sworn statement of J. H. Williams, produced for
10 identification, --

11 CLERK OF THE COURT: Prosecution's document
12 No. 5368 will be given exhibit No. 1557 for identi-
13 fication only.

14 (Whereupon, the document above re-
15 ferred to was marked prosecution's exhibit
16 No. 1557 for identification only.)

17 MR. JUSTICE MANSFIELD: -- and the excerpts
18 marked therein are now offered in evidence.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: And the marked excerpts
21 therefrom, bearing the same document number, will
22 receive exhibit No. 1557-A.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1557-A and received in evidence.)

1 MR. JUSTICE MANSFIELD: This document
2 describes the beating of Prisoners of War at Maymyo
3 and the inhumanity of a Japanese medical officer who
4 kicked a man to death who, suffering from a stomach
5 complaint, was unable to control his motion.

6 Prosecution document numbered 5369, the sworn
7 statement of Mrs. M. M. Williams, is now offered for
8 identification.

9 CLERK OF THE COURT: Prosecution's document
10 No. 5369 will receive exhibit No. 1558 for identifica-
11 tion only.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 1558 for identification only.)

15 MR. JUSTICE MANSFIELD: And the marked
16 excerpts produced in evidence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: And the marked excerpts
19 therefrom, bearing the same document number, will
20 receive exhibit No. 1558-A.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1558-A and received in evidence.)

24 MR. JUSTICE MANSFIELD: The document confirms
25 the conditions in Maymyo as set out in the proceeding

1 statement numbered 5368.

2 In Tavoy women were ordered to stand in the
3 sun for seven, eight and ten hours. In April, 1945,
4 a lady internee returned to the house in which she
5 lived at 0330 hours with her clothes in shreds and
6 said that a Japanese had attempted to rape her.

7 Another woman informed the witness that on several
8 occasions the same Japanese had raped her.

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WILLIAMS

DIRECT

1 JOHN MUNSLOW WILLIAMS, called as a
2 witness on behalf of the prosecution, having been
3 duly sworn, testified as follows;

DIRECT EXAMINATION

BY MR. JUSTICE MANSFIELD:

Q What is your full name?

A John Munslow Williams.

Q And your rank?

A I am a lieutenant colonel.

Q And on the 9th of March 1942 where were you?

A I was in Java.

Q And what position did you hold there?

A I was commanding the 2/2 Australian Pioneer
14 Battalion.

Q On that date were you captured by the Japanese?

A Yes.

Q And in what camp were you confined there?

A In Bicycle Camp.

Q Between what dates?

A Between April and October, 1942.

Q Would you describe the conditions at this
22 camp while you were there.A The conditions were reasonable. The huts
24 were good but overcrowded. The food was not very good;
25 it was not sufficient for working men. The Japanese

WILLIAMS

DIRECT

1 were very cruel in that particular camp and used every
2 chance they could to beat us with all sorts of imple-
3 ments. We had to salute every Japanese guard irres-
4 pective of rank, and at one period I witnessed Lieuten-
5 ant Colonel Black being beaten up because he did not
6 salute a Japanese promptly.

7 THE PRESIDENT: What did the beating consist of?

8 THE WITNESS: Sometimes with rifle butts; some-
9 times with bamboo rods, or with anything that was handy
10 at the time.

11 THE PRESIDENT: What was done to Black?

12 THE WITNESS: He was sitting on his bed at
13 the time the Japanese came around the corner, and be-
14 cause he did not stand up quickly he was beaten with
15 fists and rifle butts and kicked.

16 Q On the 25th of May 1942 what happened to you?

17 A I was taken away from Bicycle Camp to a jail
18 in Batavia where I was kept for about thirty days.
19 During that time I was taken to a Kempeitai headquarters
20 where I was questioned. They questioned and tortured
21 me for about thirty days. The first five days they
22 did not give me any food but placed food in front of
23 me while they were questioning me, and said if I spoke
24 they would give me that food. They tied me to a chair
25 and threw the chair around the room. They beat me daily.

WILLIAMS

DIRECT

1 with their hands and with bamboo rods.

2 Q What other tortures did they inflict upon you?

3 A They burned my feet with cigarette butts, and
4 at the end of the period took me outside, blindfolded
5 me, and said if I did not speak they would shoot me.

6 Q What was the size of the cell in which you
7 were confined?

8 A The cell in which I spent the nights while
9 kept there was 12 feet by 5, with a concrete slab,
10 and seven natives and myself lived in there most of
11 the period.

12 Q Did you see any other officer being tortured
13 there?

14 A Captain Hendasyde of my own battalion was
15 badly knocked about. He had his fingers burned to the
16 bone by having a pencil placed between each finger
17 and moved up and down until the friction burned through
18 to the bone. His lungs were also filled with water.

19 Q Well, in October 1942 did you leave Java?

20 A Yes. With 1500 prisoners we were taken from
21 Batavia to Singapore by a ship of about four thousand
22 tons.

23 Q How long did that voyage last?

24 A About five days.

25 Q What were the conditions of the accommodation

WILLIAMS

DIRECT

1 on that ship?

2 A We were placed in the hold of the ship, and
3 in our own hold about four tanks were in the same hold.
4 We could not lie down together in the hold, and we were
5 only allowed up a few minutes each day. We were given
6 three small bowls of rice a day, and no water whatever.
7 The hygiene was very bad as most of our men were suf-
8 fering from dysentery, and only a few small latrines
9 were provided on the decks. One man died on the voy-
10 age.

11 Q Were the sick given any medical attention on
12 that voyage?

13 A None whatever.

14 Q Well from Singapore where did you go?

15 A From Singapore we boarded a smaller ship still
16 and were taken to Rangoon.

17 Q What were the conditions of that voyage?

18 A The conditions were even worse than the
19 previous ship. The space allotted was smaller and the
20 food worse. We were ten days on the ship altogether,
21 and the biggest majority of the men suffered from
22 dysentery before we landed.

23 Q What about food? Were you able to supplement
24 your rations on that ship?

25 A Yes. We received some Red Cross issues from

WILLIAMS

DIRECT

1 Singapore, and that supplemented our rations consid-
2 erably.

3 Q From Rangoon where did you go?

4 A From Rangoon we took a smaller ship still to
5 Moulmein, and from there to Thanbuzat, a base camp
6 on the Burma-Thailand Railway Line. From the base
7 camp we moved in thirty-five kilometers into the jungle,
8 and that became our working camp.

9 Q Were you the senior officer at that working
10 camp?

11 A I was the senior officer, and it was known
12 from then on as "Williams' Force."

13 Q How many men were in that force when it
14 started?

15 A Eight hundred and eighty-four.

16 Q From October 1942 onward where were you mostly
17 located?

18 A From October 1942 until April 1943 we were
19 in the same camp, thirty-five kilometer camp. From
20 April 1943 we became the mobile camp and worked laying
21 the lines right through to the border.
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WILLIAMS

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1 Q And were you at many working camps on the
2 railway during that period?

3 A Yes. As we laid the line so we moved from
4 camp to camp throughout Burma.

5 Q Would you describe, generally, the conditions
6 of the working camps during that period?

7 A For the first five months we worked on the
8 embankment of the line, and for this period the
9 work was reasonable and the food not very good. As
10 we went on, the meals became worse and the conditions
11 worse. The food consisted mostly of rice, supplemented
12 with a little meat at times, and mostly jungle
13 leaves and any green grass we could cut. I have seen
14 men eating dogs, cats and rats and even the entrails
15 of pigs thrown out by the Japanese.

16 Q Was the food at any time adequate?

17 A No.

18 Q Were any beasts killed and distributed?

19 A Sometimes we had to eat diseased cows and
20 when a good cow came to the camp we usually halved it,
21 the Japanese taking the rear half, we taking the front
22 half. Our strength was 884; theirs were approximately
23 thirty.

24 Q Did you observe at any time the food that
25 the Japanese were able to supply for themselves?

WILLIAMS

DIRECT

1 A Yes. The food came to the camp in boxes.
2 They took what they wanted and we got what was left.

3 Q What have you to say about the accommodation
4 during that period?

5 A In moving from camp to camp, our camps were
6 constructed for us, previously occupied usually by
7 natives; sometimes by errant people. The huts were
8 made of bamboo and atap, and the camps normally cons-
9 tructed in low-lying areas. During the wet season it
10 was normally to have over six inches of mud over the
11 whole camp, inside and outside the huts. In one camp
12 we spent five months in a very crowded area.
13 Twenty-five officers and twenty-three other rank
14 occupied an area approximately 13 by 9. For the first
15 three weeks there was no roof to the building at all.
16 I complained to the Japanese commander about the
17 accommodation, and he said they were crowded at the
18 same time. They had three Japanese soldiers to the same
19 area.

20 Q What was the hygiene in most of the camps?

21 A The hygiene was very bad. The areas were
22 roped in. We could only dig latrines inside the camp
23 area. As the camp were covered with water normally,
24 it was very hard to dig latrines.

25 Q What were the conditions like between May and

WILLIAMS

DIRECT

1 October 1943?

2 A From May to October we went through our worst
3 period. It was raining most of the time and we were
4 moving from camp to camp at frequent intervals.

5 Q Were the men able to keep dry?

6 A The men had very little clothing and were
7 continually wet. The working hours were very long,
8 the men leaving sometimes five and six in the morning,
9 returning approximately midnight or later. In many
10 cases the men were kept out for thirty-six hours
11 without a break or rest.

12 Q And how many meals would be served during
13 that thirty-six hours?

14 A We could normally only get them three meals out.

15 Q What was the condition of the men during this
16 time?

17 A From May till October they had to work the
18 whole period without a rest day. Due to several
19 numerous diseases, their condition became such that
20 they could hardly work even in the periods allotted
21 to them. I have seen some men taken out to work in
22 stretchers, and quite a number assisted to work.

23 Q Were the deaths frequent during that time?

24 A In that period, April till October, 200 men
25 in my own force died.

WILLIAMS

DIRECT

1 Q Do you know of any cases where men -- where
2 the deaths were caused by exhaustion as well as disease?

3 A Yes. On many an occasion the men were too
4 tired to work. Each morning would find several men,
5 sometimes five men, dead in their huts.

6 Q What was the method of speeding up the work
7 used by the Japanese?

8 A They taught us to lay the lines and the
9 sleepers with iron rods and bamboos on our backs.
10 They belted the men hourly with bamboos, rifle butts,
11 or kicked them. I have seen them use five-pound hammer
12 and anything they could pick up. One man had his jaw
13 broken with a rifle butt because he bent a spike whilst
14 driving it in the rail.

15 Q Well, did you ever have any issue of blankets?

16 A Yes, we had one issue of blankets, approxi-
17 mately 260 odd, to our force. The majority of the men
18 were without blankets. And at one occasion we were
19 issued with rice sacks to keep the men warm. The issue
20 was only temporary. They wanted the rice sacks later
21 on to hold rice.
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WILLIAMS

DIRECT

1 Q In May 1943 where were you sent?

2 A In May 1943 we were sent to a camp called
3 (0 Kilometer camp. In this particular camp I,
4 with several others, reached the camp a little
5 earlier than the remainder, and I noticed a number
6 of natives being carried away from the camp. We
7 discovered later that they had died from cholera,
8 but we did not know at the time. It had previously
9 been a native camp and was covered in filth. The
10 whole of the area were covered with rice -- all
11 rice and food thrown over the ground. The camp
12 was that dirty that I ordered the men to burn the
13 bamboo sleeping slats, to tear down the sides of
14 the huts and burn those, and also to cut about half
15 an inch of soil off the top of the camp.

17 Q Did you make any protest about being put in
18 this camp?

19 A Yes, I protested as soon as I seen the camp
20 and protested again when the main force marched
21 into the camp.

22 Q To whom did you protest?

23 A To the camp commander at the time, Sergeant
24 SHIMOJO.

25 Q What happened later on, in May, after the
force got into this camp?

WILLIAM'S

DIRECT

1 A We found, in the first instance, one man
2 came from work about twelve o'clock and were dead
3 in the afternoon. Several other men died just as
4 quickly and our doctors came to the conclusion that
5 it was cholera that was killing the men.

6 Q About how many had died by December '43?

7 A From cholera and other diseases about -- over
8 two hundred.

9 Q Did you at any time have any medical sup-
10 plies?

11 A Each month we would indent for medical sup-
12 plies and normally some medical supplies would
13 arrive each month. They would consist of a few
14 bandages and a few tablets, sometimes marked with
15 Japanese that we did not know what the tablets were
16 for.

17 Our method of dressing an ulcer would be
18 to scrape the wound around with the sharp edge of
19 a spoon, or put blowflies in to eat away the dead
20 flesh. As each man had his ulcer dressed he had to
21 be held down on the bed by four or five other men.

22 Q Was there at any time a sufficient amount
23 of drugs and medicine for the prisoners?

24 A No.

25 Q What happened to most of the drugs that

WILLIAMS

DIRECT

1 came to the camp?

2 A The Japanese would normally fill up their
3 own supply of drugs, replenish their supply, and we
4 got what was left.

5 Q What was the health of your men when they
6 were first captured?

7 A I commanded a pioneer battalion and in
8 Syria our work was to construct roads mostly on
9 frozen ground, very hard work. They were in good
10 physical condition and that was their normal work.
11 They were especially selected for hard manual work.

12 Q And to what do you attribute the losses of
13 your force?

14 THE PRESIDENT: Mr. Levin.

15 MR. LEVIN: We object to that as asking
16 for a conclusion of the witness. He has already
17 described what has occurred.

18 MR. JUSTICE MANSFIELD: I won't press the
19 question.

20 Q Now, at 80 Kilometer camp, would you just
21 describe shortly what you saw there?

22 A We reached the 80 Kilo camp in the course
23 of our job in constructing the line and heard that
24 there were prisoners in another portion of the
25 camp. We visited this camp and found it to be a

WILLIAMS

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1 makeshift hospital from Number Five Group Prisoner
2 of War Thailand Administration.

3 The men were left in this hospital because
4 they were sick and could not work for the Japanese.
5 They were told that as they were sick and could
6 not help the Japanese they would not be given food.
7 When we arrived there they only had sufficient for
8 one meal of rice. Up till then they had been living
9 on approximately one small meal a day. They had
10 one doctor, no orderlies and no fit men to administer
11 the camp. When we arrived there about five men were
12 dying each day.

13 Q How many were in this camp, approximately?

14 A Approximately two hundred.

15 Q Well, did the party of prisoners do any-
16 thing to alleviate the food position there?

17 A Yes, during the night we carried down
18 some of our rice and gave it to them. Some of our
19 men at night time killed one or two cows belonging
20 to the Japanese local staff, and whilst it was
21 still dark that meat and food was distributed to
22 the men and cooked in their own kitchen.

23 Q Were you at any time inspected by any
24 senior Japanese officers?

25 A Senior Japanese officers came to the camp,

WILLIAMS

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1 but on no occasion did I see one go through the
2 huts or question any of the prisoners.

3 Q Do you know the names of any of these senior
4 Japanese officers?

5 A No.
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1 Q Do you know their ranks?

2 A I think one was a full colonel and, if I
3 remember correctly, two generals. It was very dif-
4 ficult to see them and each time we questioned as to
5 who a man was the Japanese camp commander said he was
6 a very high official.

7 Q At what camps did you see these high Jap-
8 anese officers?

9 A Once at 35 kilo camp, once at 40 kilo camp
10 and once at 135 kilo camp.

11 Q Did you at any time make any protests to the
12 Japanese officers about the conditions under which
13 your men were working?

14 A Yes. I complained at very regular intervals
15 about the conditions, but they said they had their
16 orders to build the railway line and couldn't assist
17 us in any way.

18 Q To whom did you make your protests?

19 A To the camp commanders and on some occasions
20 to the commander of the No. 3 group, Thai Prisoner of
21 War Camp.

22 Q Who was the commander of No. 3 group?

23 A Lieutenant Colonel Y. NAGATOMO.

24 Q When did you leave the area where the railway
25 was being built?

WILLIAMS

DIRECT

1 A Will you repeat that, please?

2 Q When did you leave the area where the
3 railway was being built?

4 A My force left -- the bulk of my force left in
5 the end of January. At least, the end of December
6 and early January.

7 Q '43 or '44?

8 A 1943. I returned with thirty-four left of
9 my own force to 105 kilo camp to work on the main-
10 tenance of the line until May, '44.

11 Q Were the conditions during that time any
12 improvement on the previous conditions?

13 A No. The food in that particular camp was
14 worse. It was just plain rice and paddy melons.

15 Q And was the railway line at that time being
16 used by the Japanese?

17 A Yes. In that camp we were cutting wood to
18 fuel the engines to bring the troops up past our camp.

19 Q When did you finally leave the railway area?

20 A In May, 1944, we left the jungle area to a
21 place called Kamburi in Thailand.

22 Q And after Kamburi where did you go after
23 that?

24 A We remained in Kamburi until early August,

25 ~~'45 and then we were being transferred from the~~

WILLIAMS

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1 Kamburi Camp to a main camp about three hundred
2 miles away in Thailand.

3 MR. LEVIN: There will be no cross-
4 examination, Mr. President.

5 MR. JUSTICE MANSFIELD: May the witness
6 be excused, if the Tribunal please?

7 THE PRESIDENT: Yes. You are at liberty
8 on the usual terms.

9 (Whereupon, the witness was
10 excused.)

11 MR. JUSTICE MANSFIELD: We call, if the
12 Tribunal please, Major John Kevin Lloyd.
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1 JOHN KEVIN LLOYD, Major, A.I.F.,
2 called as a witness on behalf of the pro-
3 secution, being first duly sworn, testified
4 as follows:

DIRECT EXAMINATION

BY MR. JUSTICE MANSFIELD:

Q What is your full name and rank?

A My full name is John Kevin Lloyd, a major
in the Australian military forces.

Q Your residence?

A I live in Melbourne, Australia.

Q When were you captured by the Japanese?

A I was captured at the fall of Singapore in
February, 1942.

Q What was your rank at that time?

A I was a major then.

Q In May, 1942, were you sent anywhere?

A In May, 1942, I went with a party of three
thousand Australians by ship to Burma. I traveled on
a ship with a thousand other Australians under ap-
palling conditions.

Q What was the name of the ship?

A The Celebes Maru.

Q And how were you accommodated in that ship?

A In the rear hold where I was there were six

LLOYL

DIRECT

1 hundred and forty of us. We had no ventilation ex-
2 cepting the opening in the deck high up above us.
3 The men were not allowed up on the deck excepting
4 for short intervals, and as a result the heat down
5 below for the ten days we were on the ship was ter-
6 rific. The men could hardly move and the floors were
7 wet for hours every day with the sweat that fell off
8 the bodies of every man in the hold.

9 Q Food -- what about food?

10 A A small quantity of food was given to us
11 three times a day.

12 Q Was there any sickness during that voyage?

13 A Towards the end of the voyage the skin
14 diseases began to spread and dysentery also.

15 Q Were you allowed on deck?

16 A No. The only time the men were allowed on
17 deck was to go to the latrine and to wash their
18 dixies after a meal.

19 Q And you arrived in Mergui when?

20 A The 24th of May, 1942, fifteen hundred of
21 us disembarked at Mergui.

22 Q And for how long did you remain there?

23 A Three months.

24 Q Under what conditions?

25 A For the first month a hundred and fifty of

LLOYL

DIRECT

1 us were housed in a school which had been built for
2 six or seven hundred school children. Each man was
3 allowed a maximum of about four and a half square
4 feet in which to sleep and to keep all his baggage.

5 THE PRESIDENT: We will recess now for
6 fifteen minutes.

7 (whereupon, at 1045, a recess
8 was taken until 1100, after which the pro-
9 ceedings were resumed as follows):

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Goldberg & Barton

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT Mr. Justice Mansfield.

4 BY MR. JUSTICE MANSFIELD (Continued):

5 Q Will you describe the food at Mergui Camp?

6 A The food consisted of about four hundred
7 grams of rice per man per day with a very small
8 quantity of vegetable. After a while, a little
9 meat was brought into the camp. It would usually
10 consist of about fifteen pounds of meat and bone
11 brought in for one day for fifteen hundred men.
12 The men were always very hungry. They worked on
13 a military aerodrome amongst a lot of Asiatic laborers.
14 The natives had been forbidden to sell or give us
15 food of any description; and I was often called upon
16 to intervene on behalf of hungry prisoners who had
17 accepted food from natives alongside of whom they were
18 working.

19 Q What were the methods used to urge the men
20 on to work?

21 A The usual methods which we came to know so
22 well: beatings, corporal punishment of all descriptions.

23 Q Was there sickness in that camp?

24 A Yes. Our worse sickness was dysentery which
25 spread very rapidly. We were given several wooden

LLOYD

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1 bamboo huts within which to house our sick alongside
2 the Civil Hospital. The huts were just empty huts
3 and men lay on the bare boards, or on rice bags, or
4 on ground sheets if they happened to possess one.
5 Most men had one -- only one set of clothing, and
6 as that became soiled, so they would have to lie
7 naked on the bed or mat. We had no medicines what-
8 soever to treat dysentery and very few medicines to
9 treat any other form of sickness. As a result, within
10 two months or so there were dozens of men who were
11 just living skeletons and about twenty died.

12 Q Were there any executions there?

13 A Yes. A few days after we arrived, two of
14 my men attempted to escape: Privates Bell and Daveys.
15 They were caught, tried and executed a few days later.
16 Another man, Private Shuberth, was found outside the
17 token fence and he was executed without notification
18 to us in any way of any trial.

19 Q On the twelfth of August did you leave Mergui?

20 A We went from Mergui on the twelfth of August
21 further north up the coast in a small ship known as
22 the Tatu Maru, six hundred in my party. This was
23 even more crowded than before. Only a few men could
24 sit down at a time; but, fortunately, it took only
25 two days.

LLOYD

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1/ Q Was the heat bad?

2 A Yes. The heat in the bottom of the hold of
3 the ship, where there was no ventilation, in the
4 tropics, I estimate the heat in the vicinity of
5 one hundred and twenty, one hundred and thirty degrees
6 for about seven hours a day.

7 Q When you reached Tavoy, would you describe
8 the conditions there?

9 A The men were put to work on a military
10 aerodrome working six days a week for about ten
11 hours each day whether it rained or not. On one
12 occasion I remember the men worked for eleven days,
13 eleven consecutive days in the rain with no more
14 than one hour's break in the weather. The officers
15 and men were often beaten by Japanese to be made to
16 work harder or for some imagined or minor offense.
17 It was not uncommon for a man to be knocked over and
18 kicked or to be hit with a shovel or pick handle.

19 Q Were any of your men tortured at any time?

20 A Yes. Several men were taken away by the
21 Kempeitai over a period of three or four days and
22 tortured in various ways in the belief that these
23 men had stolen coffee and soap from a store. The
24 most painful method used was to make a man kneel and
25 put a piece of wood in behind his knees; and then he

LLOYD

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1 was hit by the interrogator with a stick or pushed
2 back on his haunches. At the same time some hundreds
3 of us were made to stand for hours in the sun in an
4 attempt to make us confess to the thefts.

5 Q With what were these men beaten at the time
6 they were being tortured?

7 A Barboo sticks mostly.

8 Q Well, then, in December 1942, did you move
9 from Tavoy?

10 A Yes, I left Tavoy in December; but before
11 leaving I was told by Brigadier Varley of the execution
12 of eight Australians at Tavoy. Before I arrived
13 there, these eight men had attempted to escape, were
14 caught and shot dead in the presence of Brigadier
15 Varley and a chaplain. Brigadier Varley, the senior
16 prisoner of war officer there who is now dead, he
17 described the thing in detail to me and showed me
18 their graves. We moved overland from Tavoy to
19 Thanbuyzayat, the base camp of the railway line, and
20 en route for two days all men had to carry their
21 baggage along a railway line about fifty kilometers.
22 By then a lot of men had malaria and few men had any
23 footwear left. As a result, sick men and men with
24 blistered and sore feet straggling along at the rear
25 of the column were urged on by blows from -- fist blows --

LLOYD

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1 and striking with rifle butts to encourage them to
2 keep up with the rest. We arrived at Thanbuzayat
3 towards the end of December 1942.

4 Q From then on where were you?

5 A From then until January 1942 I worked in
6 the 26, 75 and 105-kilo camps with a short break
7 back at the base camp at Thanbuzayat.

8 Q Did you go out with the working parties at
9 any time?

10 A Yes. I went out frequently with working
11 parties throughout the year.

12 Q And what was the condition of the work and
13 the living?

14 A The main work done were the making of the
15 excavations of the cuttings and the building of em-
16 bankments. The tools provided were picks and shovels,
17 small baskets and a few wheelbarrows; and with these,
18 enormous cuttings and -- or deep cuttings and enormous
19 embankments were built by prisoners of war and Asiatic
20 laborers. At first each man was expected to excavate
21 one cubic meter of earth per day. This was gradually
22 increased to 2.4 cubic meters, and sometimes for a
23 few weeks on end, there was no limit to the amount
24 of soil which the men were expected to excavate. One
25 period I remember of about three weeks the men worked

LLOYD

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1 from daylight to midnight or afterwards aided by
2 the light of bamboo fires; and would have to go out
3 to work again in daylight next morning.

4 Another type of work was the manning of
5 ropes for the pulling of rife drivers. This would
6 often necessitate fifty or sixty men standing in
7 very awkward positions such as on steep slopes or
8 in water, in and out all day, water up to their knees.
9 At other times men broke stones with sledge hammers.
10 This was dangerous work, made so by flying pieces of
11 rock which often cut men about the legs or body and
12 nearly always resulting in the commencement of the
13 terrible jungle ulcers. At other times, with few
14 blunt tools, men had to fell large trees, or smaller
15 type of tree, for the corduroying of the road which
16 ran alongside the railway line. Carrying these light
17 trees for long distances through the jungle and
18 placing them into position on the road often led to
19 accidents from slipping and from standing on sharp
20 pieces of rock or bamboo stakes. The safety of the
21 prisoners was rarely considered.

22 I have seen several men buried or injured
23 by falling earth when making -- when working in the
24 cuttings. On another occasion in the wet season,
25 and for a period of about two weeks, parties of five

LLOYD

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1 or six hundred men would have to carry food from an
2 adjacent dump. This meant a walk of ten kilometers
3 and carrying back a load of about thirty rounds
4 of rice on the return journey without footwear,
5 without clothing, and in the rain.

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1 Q Did you go on any of those parties yourself?

2 A Yes, I went out in command of the food carry-
3 ing parties for the first week each day and I was
4 completely exhausted at the end of that first week.

5 Q What was the physical condition of these
6 men who were required to do all this work you have
7 described?

8 A Every man was suffering from malnutrition
9 diseases in some shape or form, pellagra, beri-beri,
10 general debility, blindness. I myself had a sore
11 mouth and tongue for a whole year and found it --
12 About 98 percent of the men had malaria. About 40
13 percent in the camp I am describing suffered from these
14 terrible jungle ulcers. There were dozens of our
15 men in the camp at the one time with their legs --
16 the flesh of the legs -- eaten away from the knee
17 down to the foot by these ulcers.

18 Q Were the very sick men ever forced to work?

19 A From the beginning of the year the Japanese
20 brought pressure to bear to send out sick men to work.
21 In March 1943, they began to parade all sick men
22 in the camps in the morning. A batch of guards would
23 move along the lines of sick men and select those
24 whom they thought should go out to work. As a result
25 men whose complaints were not very noticeable on the

LLOYD

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1 surface, such as malaria, dysentery, blindness -- they
2 were frequently sent to work.

3 Q What was the fate of these men when they went
4 to work?

5 A Well, they moved out in the early morning
6 and returned about darkness at nighttime, sometimes
7 later. If they became ill on the job very often
8 they were not allowed to return to the camp until
9 they were helped back that night by their friends.
10 Corporal punishments by both the railway engineers
11 and the guards were very frequent and again we had the
12 usual lashings with pick-handles, shovels, kickings and
13 so on.

14 Q What was the general condition with regard
15 to food supplies?

16 A The rice ration generally was about 5 to 6
17 hundred grams per man per day for those who did rail-
18 way work. Sick men were given just half of that.
19 Towards the end of the year when the heavy work on
20 the railway was finished the ration was considerably
21 reduced because they said we no longer required so much
22 food. In addition to the rice we had small quantities
23 of vegetables at times. There were months on end
24 in our worst camp when we had with the rice chili or
25 pepper water with, perhaps, some boiled radish roots

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1 or some boiled watermelon. At times some cattle
2 were brought into the camps and killed for meat,
3 but sometimes we would go for a week or more without
4 any meat at all.

5 Q How did the Japanese guards fare in the
6 general camps?

7 A The Japanese invariably picked over the best
8 of the rations for themselves. They always had more
9 than they could eat and usually quite a good variety
10 of food. If one beast was killed, for instance,
11 they, for their fifty guards, would take half and
12 we, the prisoners numbering 2500, would take the other
13 half. I never saw any Japanese guards suffering from any
14 malnutrition diseases. Rather was it noticeable that
15 they seemed to thrive on their diet as we starved.

16 Q The accommodation in these camps, what did
17 that consist of?

18 A Accommodation always greatly overcrowded. In
19 the same space as they themselves would put three of
20 their men we would have 12 or even 16. The huts
21 invariably leaked and it was impossible to find dry
22 spaces for many of the men. The overcrowding was so
23 great in some places that I have seen at nighttime the
24 men commence to fall over. The hut would have to be
25 vacated instantly and propped up with tree trunks.

LLOYD

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1 Q Were there any epidemics caused by being
2 housed in filthy huts?

3 A Several times we were forced to take over
4 huts which had been occupied by Asiatic laborers. At
5 other times we lived alongside them in adjacent huts
6 and many of them did not seem to understand elementary
7 principles of hygiene. I think the consequent myriads
8 of flies that carried diseases such as dysentery and
9 cholera were --

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1 Q Now, in April, 1943, did the camp commandant
2 parade the men at the camp?

3 A Yes, the Japanese made it quite clear to
4 us that we were of no consequence, that the railway
5 line had to be built irrespective of any suffering
6 or deaths. I remember the camp commander calling us
7 together in April and later and telling us so through
8 an interpreter.

9 Q Were any protests made about the conditions
10 under which the prisoners were working?

11 A Protests were frequently made almost daily
12 both to our own camp commander and to Colonel
13 NAGATOMO, the Chief of the Prisoner of War Bureau
14 in Burma. It was exceptional, indeed, to get our
15 complaints rectified in any shape or form.

16 Q .Were requests at any time made to provide
17 ambulances?

18 A At first our sick men were sent to the
19 Thanbuyzayat base camp and ambulances were asked for
20 to carry them there. No truck fitted up as an am-
21 bulance was ever provided and as a result men,
22 dying men traveling on the floor of a motor truck,
23 would often die en route or soon after reaching the
24 base camp. In June, 1943, another hospital --
25 so-called hospital camp -- was established at the

LLOYD

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1 55 kilo peg. We were allowed to evacuate 800 of
2 our heaviest sick men to that camp, a distance of
3 fifty kilos. More than fifty percent of the men
4 would be on stretchers or walking with the aid of
5 crutches. These men would spend -- these men took
6 two days to reach the camp traveling sixteen or
7 twenty in the back of a motor truck. The members
8 of F Force who were working a little further into
9 the jungle than we were also sent their men on
10 trucks and they were in an even worse condition
11 than our men. It was not uncommon to see a few naked
12 bodies bouncing around in trucks as they went by
13 our camp.

14 Q In December did some prisoners arrive at
15 your camp by train?

16 A I remember in December a party of a little
17 over 200 very sick men arrived by train and were
18 taken into our camp. These men had come to us
19 from the hospital camp of another branch and were
20 in an even worse condition than our own men. Most
21 of them were on stretchers and about thirty died,
22 thirty of them died within five days of their
23 arrival.

24 Q From what diseases were they suffering?

25 A The usual diseases of malaria, ulcers,

LLOYD

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1 dysentery, malnutrition.

2 Q In December, 1943, were any of your sick
3 evacuated to Siam?

4 A At the end of 1943 and in early January,
5 1944, most of the camp was evacuated to Siam. I was
6 adjutant of our camp at the time and evacuated 300
7 men each day for six days.

8 Q How did you evacuate them?

9 A They went by train, twelve trucks being
10 allotted each day for all prisoners and for the
11 guards and their baggage.

12 Q What was the size of these trucks?

13 A .I remember measuring the trucks so that
14 we could fit our stretcher cases into them. They
15 were sixteen feet, three, by six feet, to the best
16 of my recollection. It must be remembered that
17 all these men were sick and many of them could only
18 walk by the aid of crutches.

19 Q On the first of January, what happened?

20 A The trip on the first of January was the
21 worst because only seven trucks turned up on the
22 train that day. The Japanese took one truck for
23 themselves and their baggage and left us with the
24 other six. Despite my protests the men were pushed
25 into the six remaining trucks, averaging about fifty

LLOYD

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1 men to a truck. The men could scarcely fit in and
2 they had the prospect of a trip of thirty hours in
3 the heat of the tropics under these conditions.

4 Q Do you know how many of those men reached
5 their destination alive?

6 A To the best of my knowledge all of those
7 men reached the camp at the other end but the next
8 day two men whom we were forced to put on against --
9 the Japanese forced us to put them on against the
10 advice of our doctor -- they died, one en route and
11 the other just after arriving there.

12 THE PRESIDENT: Are you about to break new
13 ground, Mr. Justice Mansfield?

14 MR. JUSTICE MANSFIELD: Yes.

15 THE PRESIDENT: We will adjourn until half-
16 past one.

17 (Whereupon, at 1200, a recess
18 was taken.)
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AFTERNOON SESS I O N .

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3 The Tribunal met, pursuant to recess, at
4 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. Justice Mansfield.

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9 J O H N K E V I N L L O Y D, Major, A.I.F., called
10 as a witness on behalf of the prosecution, resumed
11 the stand and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. JUSTICE MANSFIELD (Continued):

14 Q Will you tell the Tribunal of the treatment
15 that the men received at camp as opposed to on work-
16 ing parties?

17 A When the men returned to camp at nighttime,
18 weary and sick, they were not allowed to rest as they
19 should have been. Every Japanese soldier had to be
20 saluted at all times whenever he was seen. This
21 meant standing up and bowing a dozen, two dozen times
22 every night. Failure to do this resulted in frequent
23 punishments, both individually and en masse. Night
24 watchmen had to be provided -- As a result of their
25 failure to salute correctly, men were frequently

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1 punished individually or en masse. Every night
2 two or three hundred men had to be pulled out and
3 stand at attention for an hour or two just for the
4 whim of the guard. Night watchmen had to be provided
5 at every entrance to every hut, and as a result
6 dozens of men had broken sleep each night. There
7 was never any attempt to consider the feelings of
8 the prisoners if they ran counter to the incon-
9 venience of even one Japanese. For instance, because
10 one Japanese did not like the appearance and smell
11 of one of the hospital huts close to his guard-
12 house he ordered that hut to be evacuated immediately
13 of all sick personnel to some other part of the camp.
14 For some two to three weeks a party of fifty sick
15 men were forced to clear away the jungle from the
16 front of the commander's house so that he could have
17 a better view of the valley. On another occasion
18 sick men were made to clear back stones out of the
19 river which flowed through our camp to improve its
20 appearance for an inspection by some senior officer.

21 Q How much inspection by senior officers did
22 you have while you were at Changi Camp?

23 A In the railway camps I recollect three or
24 possibly four inspections by senior officers, two
25 of whom I remember were generals. They walked

LLOYD

DIRECT

1 quickly through the camps without making any in-
2 spection, and never to my knowledge did they speak
3 to one prisoner of war to ask the conditions under
4 which we lived.

5 Q At about what time were those inspections
6 held?

7 A At regular intervals throughout 1943.

8 Q Were there any executions of prisoners
9 during the time that you were in Burma and Siam?

10 A There were many executions of prisoners
11 at the Burma end of the Burma-Siam Railway in
12 1942 and 1943. When I first arrived at the base
13 camp of the railway I again met Brigadier Varley
14 and his staff, and they told me of the execution
15 of two parties of Netherlands East Indies officers.
16 These two parties had attempted to escape, were
17 caught, and were shot in the small cemetery of the
18 prisoner of war camp. A few months later three
19 Australians made an attempt to escape, an officer
20 and two sergeants. By arrangement among themselves,
21 one of the sergeants returned to the camp a few days
22 later, heavy with malaria; he couldn't go on. He was
23 executed about a week later. The other two were
24 surprised in a rice field by some Burmese police.
25 In the fight the officer was killed, and the sergeant

LLOYD

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1 wounded. The wounded sergeant was returned to our
2 base camp and a few days later executed. There
3 was one other Australian execution, a driver by
4 the name of Whitfield.

5 Q Do you know whether these men had any
6 formal trial before execution?

7 A I couldn't answer that question.
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1 Q Now, you have not mentioned what medical
2 supplies were furnished to you by the Japanese while
3 you were in these jungle camps.

4 A Medical supplies received were almost negli-
5 gible excepting for, perhaps, quinine. We nearly
6 always had some quinine; never enough. Sometimes for
7 weeks on end none at all. Nothing was provided to
8 combat dysentery. No vitamin tablets were available
9 to combat malnutrition diseases. For jungle ulcers
10 all we had was hot water, old rags that we used for
11 month after month, and the patient was held down by
12 some medical orderlies whilst the doctor cut out the
13 rotting flesh with a knife. The supplies received
14 for one month would not be sufficient for our require-
15 ments for a quarter of a day.

16 Q Do you know if the Japanese themselves had
17 sufficient quantities of drugs?

18 A I have no knowledge of what they had in that
19 direction.

20 Q After you left Burma, to what camp did you go?

21 A I moved down into Siam to a camp at a place
22 known as Tamaken where I stayed for about twelve months.

23 Q In that camp were you at any time exposed to
24 bombing by Allied planes?

25 A Yes, frequently towards the end of the year.

LLOYD

DIRECT

1 Our camp was surrounded on two sides by a railway
2 line, important railway bridges, anti-aircraft guns,
3 and small river walls. The camp was not marked as a
4 prisoner of war camp despite our repeated requests
5 to have some marking placed out there. The two bridges
6 were frequently bombed; sometimes two or three times
7 in a day, and we nearly always had men killed or
8 wounded in the process. On the 29th of November, for
9 instance, several bombs fell in the camp and killed
10 14 men and injured 38. After that bombing we were
11 visited by the Japanese chief of the prisoners of war
12 in Siam, Colonel SUGASAWA. He was asked by our senior
13 representative to move us, and his reply was that he
14 was doing everything he could for us: Hadn't he already
15 placed several anti-aircraft guns around our camp to
16 protect us from the bombers? At a camp a little bit
17 farther down from us, in one bombing raid 96 men were
18 killed and over 230 injured in a few moments.

19 Q Did you have any form of air raid shelter?

20 A Yes. We had drains and slit trenches. But a
21 lot of these were within the danger zone of the bridge
22 and were, therefore, dangerous in themselves. That is
23 where some of our men were killed. Sometimes we were
24 allowed to disburse from camp, but that was later
25 stopped, and slit trenches were dug at the further

LLOYD

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1 end of the camp.

2 Q Were the sick ever forced to work in this
3 camp?

4 A For two or three months they were not forced
5 to do so. Then all the fittest men were taken away
6 from our camp and sent enroute to Japan. After that
7 parties had frequently to be found to go back to the
8 railway camps in the jungle for maintenance work and
9 for improvements of the railway line. Others went
10 off for the making of roadways, and quite a lot were
11 employed locally, especially in the anti-aircraft
12 gun position. To get men to do this, the Japanese
13 frequently insisted on sick men being made to work.
14 At times there would not be more than a hundred fit
15 men in the camp, and to obtain the labor, the Japanese
16 would insist that several hundred men be marked up
17 on the books from heavy sick to light sick so that they
18 could be made to work. Frequently there would be no
19 inspection; sometimes a very cursory glance by a
20 Japanese medical officer at the hundred or thousand
21 sick men who were presented to him.

22 Q Did you receive any Red Cross supplies at any
23 time while you were in Burma or Thailand?

24 A During the whole of my imprisonment I shared
25 one Red Cross parcel with six other men.

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1 There were a few distributions of foodstuffs obtained
2 from some local Red Cross society operating from
3 Bangkok. This would consist of tins of salted pork,
4 a few peanuts, a few beans. But the quantities re-
5 ceived would be sufficient to flavor the meals for one
6 day for the whole camp.

7 Q Were any brutalities inflicted upon the
8 prisoners while you were at Tamakan?

9 A Yes. There were the constant beatings in
10 the camp and in working parties, particularly so in
11 the party that had to go every day to the anti-
12 aircraft gun position. Men were very reluctant to go on
13 that particular working party because of the frequent
14 punishments meted out by Japanese soldiers at the gun
15 positions. Complaints were made to their officers, but
16 the position became worse instead of better.

17 Q On the 9th of February 1945, did you move
18 to another camp?

19 A On the 9th of February I left Tamakan and
20 went into an officers' camp at Kanburi, a few kilometers
21 farther away.

22 Q How many officers were in that camp?

23 A Just under 3,000 officers of several different
24 nationalities.

25 Q Were any restrictions, undue restrictions,

LLOYD

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1 imposed upon you in that camp?

2 A Yes, we were inflicted with every possible
3 restriction, so much so that we thought we were being
4 treated as criminals of the worst class. Before six
5 in the evening excepting for one hour at luncheon time,
6 we were not allowed to lie down or recline. We were
7 not allowed to read. We were not allowed to have pencil
8 or paper. No sport was permitted, No singing or
9 music of any description. No gatherings. We were
10 not allowed to bathe before a certain hour. We were
11 not allowed to keep water in our huts. Our mail was
12 kept for months, sometimes several months, before
13 being handed to us. We were not allowed to smoke
14 outside the huts. Lights in huts a hundred meters
15 long were restricted to three candles or slush lamps.
16 On one occasion we were all kept in our huts for
17 fourteen days. And there were dozens of other
18 restrictions which I could recount if required.

19 Q Were many punishments inflicted upon the
20 inmates of that camp?

21 A Yes, the punishments of officers were quite
22 frequent. The usual form would be standing outside
23 the guardhouse all day in the sun and at attention.
24 But sometimes these punishments would be far more
25 severe. One English officer was very badly beaten up

LLOYD

DIRECT

1 in May of last year. He was kept in solitary confine-
2 ment, most of the time underground, and was only
3 released by the end of the war. He suffered from
4 malaria, he was starved, he went off his mind, and he
5 was unrecognizable by his friends when he was eventually
6 recovered.

7 We were forbidden to pick up the pamphlets
8 which were dropped throughout the area by our own
9 aircraft. A Dutch officer picked one up one day. He
10 was badly beaten, his arm was broken, he was stood up
11 outside the guardhouse for twenty-four hours. He was
12 then put into a cell for eight days, and only when he
13 was released was he able to get any attention for his
14 broken arm.

15 On another occasion an Australian officer was
16 ordered to stand for four days outside the guardhouse
17 without food or water. He collapsed after two days
18 and was released. As he was a barrister in civil
19 life he became known, after that, as the judge of
20 long standing.

21 Q Were any of these men given any form of trial
22 before being punished?

23 A No form of trial was ever given to them.

24 Q You were finally released when the war ended,
25 is that so?

LLOYD

CROSS

1 A Yes.

2 THE PRESIDENT: Mr. Levin.

3 MR. LEVIN: Mr. President.

4 CROSS-EXAMINATION

5 BY MR. LEVIN:

6 Q Major, when you were captured, the conditions
7 at Singapore were very chaotic, were they not?

8 A Yes, up to the time we surrendered it, and
9 about that time, conditions were chaotic.

10 Q After you were captured, where were you
11 confined in Singapore until you left?

12 A With all the other Australians at Changi on
13 Singapore Island.

14 Q And what was the character of your treatment
15 there?

16 A The worst features were hunger and overcrowding.
17 The ration of rice was twelve ounces per man per day.

18 Q Do you know of your own knowledge whether there
19 was additional food available?

20 A I personally saw quite a lot of our own food
21 dumps that would no doubt have fallen into the hands
22 of the Japanese at or before the surrender.

23 Q Now, at the first camp that you were confined
24 at, who was the highest-ranking officer in charge -- who
25 was the highest-ranking Japanese officer in charge?

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A Do you mean in Singapore, or in--

Q Yes, in Singapore.

A I do not know his name; never saw him.

Q Did you know his rank? Did you know the
rank of the officer?

A No.

LLOYD

CROSS

1 Q Now when you boarded the ship which you
2 described were there other ships available for the
3 prisoners?

4 A There were a thousand on the Celebes Maru,
5 two thousand on the other ship, and other ships
6 laden with prisoners of war met us en route and we
7 all proceeded to Burma together; four ships in all.

8 Q And how many prisoners of war were on the
9 ship on which you were?

10 A One thousand.

11 Q Now did the fact that the men were not
12 allowed to go on deck -- was that because of any
13 security measure?

14 A I should think not, because many of the --
15 there was space up on the deck for quite a number
16 of the men and that would have relieved the heat
17 and conditions down below in the hold. The Japanese
18 had machine guns on higher decks and could have
19 adequately covered us from there, irrespective of
20 the number of men on the lower decks -- on the
21 lower deck.

22 Q Now, after you got to your destination at --
23 what was that? Merguri?

24 A Mergui.

25 Q Mergui -- and you were housed in the school

LLOYD

CROSS

1 house, did they subsequently provide additional
2 space for you for housing?

3 A Yes, after one month we were moved to a
4 newly constructed camp and remained there for two
5 months. The accommodation there was not so bad and
6 was far better than anything ever we experienced in
7 later years.

8 Q You testified as to one of the prisoners
9 who was -- ran away and was caught and executed and
10 was tried.

11 A The first two who ran away together were
12 given a trial by a Japanese court martial.

13 Q And as a result of that trial the verdict
14 was execution, I presume?

15 A Yes.

16 Q Now was Shuberth caught by the same group
17 of Japanese officers?

18 A Yes, we were still under the same adminis-
19 tration and the same officers.

20 Q Can you explain why the same group had
21 tried the first two and not tried Shuberth?

22 A At the first trial an Australian colonel
23 was allowed to attend. We have no knowledge of any
24 trial at which Shuberth may have been tried.

25 Q Then, as I understand it, you don't know

LLOYD

CROSS

1 whether or not Shuberth was tried?

2 A All I know is that after he was taken away
3 from us I, myself, found his grave accidentally
4 several days later, and we asked the Japanese and
5 they admitted that they had shot him.

6 Q Did you ask them whether he had been tried?

7 A No.

8 Q Now you mentioned an incident of the torture
9 of a number of men at Tavoy. That fact you don't
10 know of your own knowledge, do you?

11 A Some of them were men of my own unit. They
12 were taken away and when they returned they showed
13 me the marks of their torture and described the
14 various tortures to me. They also described the
15 screams of the others who were being interrogated by
16 the Japanese, which they could hear from the place
17 of confinement.

18 Q In one place you speak of the epidemics
19 caused by the housing, which were -- the housing in
20 filthy huts. Were the epidemics indigenous to this
21 territory?
22

23 A The worst epidemics were dysentery and
24 cholera, and without having a proper knowledge of
25 these things, I think they are both indigenous to
those parts.

LLOYD

CROSS

1 Q As compared to your protests, how often
2 were the complaints acted upon?

3 A I can't understand that question.

4 Q Well, you would protest rather frequently,
5 would you not?

6 A At first, yes, but as time went on we pro-
7 tested less and less, because we discovered that
8 our protests were wasted.

9 Q You protested, but it was rare to have the
10 complaints acted upon? By that I mean that the
11 complaints were infrequently successfully acted
12 upon?

13 A I mean to say that very, very rarely were
14 any of the things which we complained about
15 rectified subsequently.

16 Q When you requested that they carry the men
17 in ambulances -- did they have sufficient ambu-
18 lances for the use of the men?

19 A They had no ambulance. The suggestion was
20 that some truck or trucks be fitted up as an
21 ambulance for our benefit.

22 Q And did they grant your request in any
23 instance?

24 A No.
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1 Q Now, you speak of the conditions at Camp
2 Tamakan, is that correct?

3 A Tamakan.

4 Q Were the Japanese also exposed to the bomb-
5 ing?

6 A Yes, with this difference, that they could
7 disperse and they had many, many deep dugouts built
8 by the prisoners for them.

9 Q With the exception of the two generals whose
10 names you don't know and Colonel SUGASAWA, were those
11 the highest ranking Japanese officers that you came
12 in contact with at any of the camps where you were a
13 prisoner of war?

14 A Yes.

15 MR. LEVIN: Thank you.

16 THE PRESIDENT: Mr. Howard.

17 CROSS-EXAMINATION (Continued)

18 BY MR. HOWARD:

19 Q Major, did the Japanese -- I mean, did the
20 Burmese police cooperate with the Japanese Army?

21 A I wasn't in a position to know. All control
22 of us was by Japanese.

23 Q Maybe I misunderstood you, but I thought that
24 you testified that one of the Australians who escaped
25 was returned by Burmese policemen.

LLOYD

CROSS

1 A No. I said they were surprised in a rice
2 field by Burmese police. One was shot.

3 Q Well, you don't know then whether the Burmese
4 police were friendly toward the Japanese or toward
5 the Australian escaped prisoners either. Is that
6 correct?

7 A The only knowledge I have of the Burmese police
8 in relations to prisoners of war is the incident I have
9 just recounted.

10 Q Do you know whether or not the Burmese police
11 recognized the Australians as Australians?

12 A To my knowledge on the railway line I don't
13 think any Australian ever saw a Burmese policeman.

14 THE PRESIDENT: They had to escape before
15 they met them.

16 THE WITNESS: The whole area was controlled by
17 Japanese and Japanese alone to the best of my knowledge.

18 THE PRESIDENT: What point are you making,
19 Mr. Howard?

20 MR. HOWARD: Well, I am trying to bring out
21 that the Burmese police assisted in returning escaped
22 prisoners to the Japanese instead of assisting them
23 to escape to their homeland.

24 THE PRESIDENT: Well, we are not trying the
25 Burmese police. The Burmese police didn't execute

LLOYD

CROSS

1 these people or starve them, or kick them about, or
2 maltreat them.

3 MR. HOWARD: If the Court doesn't care to
4 hear how the Burmese people and police felt about
5 the Japanese Army, I have no further questions. Thank
6 you.

7 MR. LEVIE: Mr. President, there will be no
8 further cross-examination of Major Lloyd.

9 MR. JUSTICE MANSFIELD: I ask that the witness
10 be excused, if the Tribunal please.

11 THE PRESIDENT: The witness may go on the
12 usual terms.

13 (Whereupon, the witness was excused.)
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1 MR. JUSTICE MANSFIELD: If the Tribunal
2 please, I will now proceed to tender some further
3 documents.

4 Burma and Siam prisoners of war sent to the
5 Burma Sector of the Burma-Siam railway.

6 Prosecution document numbered 5206A, the
7 affidavit of Chaplain F. H. Bashford, is offered for
8 identification, and the marked excerpts produced in
9 evidence.

10 CLERK OF THE COURT: Prosecution's document
11 No. 5206A will receive exhibit No. --

12 MR. JUSTICE MANSFIELD: I meant to intro-
13 duce the synopsis, if the Tribunal please. I tender
14 that next exhibit, which is 5443.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 5443 will receive exhibit No. 1559.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1559 and received in evidence.)

21 MR. JUSTICE MANSFIELD: I now tender pro-
22 secution document No. 5206A for identification.

23 CLERK OF THE COURT: Prosecution's docu-
24 ment No. 5206A will receive exhibit No. 1560 for
25 identification only.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1560 for identification.)

4 L.H. JUSTICE MANSFIELD: And the marked
5 exhibit produced in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: The marked excerpt
8 therefrom, bearing the same document number will re-
9 ceive exhibit No. 1560-A.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit No.
12 1560-A and received in evidence.)

13 MR. JUSTICE MANSFIELD: Quotation (reading)

14 "On 15.3.43 at Thambyuzayat Camp, I interviewed
15 POW No. 2867, Pte. Bell, A.J., AIF. At that time he
16 was confined after being recaptured following his
17 escape on 12.2.43. At that time he had no knowledge
18 that he was under sentence of death, nor did I have
19 any such knowledge. He was, in fact, executed at
20 0815 hours on 16.3.43 - the day after I interviewed
21 him. So far as I am aware he was given no trial.

22 "About 14 days prior to 13.12.43, the under-
23 mentioned Dutch personnel escaped from Japanese
24 captivity from Wegalie Camp (approximately 8 kms.
25 from Thambyuzayat): Capt. J.H.W. De Kochemont;

1 Capt. F. A. M. Harterink; Lieut. G. A. Hermans.

2 "These officers were subsequently captured;
3 the officers were executed by a firing party under
4 Lieut. NAITO about 0815 hours on 13.12.42.

5 "On 27.12.42, the undermentioned Dutch per-
6 sonnel were executed for escaping from Wegalie Camp:
7 Sgt. Th. H. Van Hensen; Pte. A. N. J. Vredvevoogd;
8 Pte. H. L. Neillessen.

9 "On 13.12.42 NX 69005 Pte. Whitfield G.H.A.F.,
10 arrived at Thambyuzayat Camp. He had escaped some
11 weeks before from Mandaw Camp, roughly 4½ kilo-
12 meters from Thambyuzayat. Our medical officers were
13 of opinion that Whitfield was not mentally sound.
14 Brigadier Varley interviewed NAITO for the purpose
15 of discovering what would be the punishment of a
16 man who escaped and gave himself up, but not being
17 mentally sound. NAITO informed the Brigadier that
18 such a man would not be shot. Whitfield was not
19 confined but allowed to remain in the hospital hut.

20 "Shortly before 1100 hours on 14.12.42, a party
21 of Japanese arrived at this hut, asked which was
22 Whitfield, and upon being told that Whitfield was
23 'outside boiling a billy,' the man who was boiling
24 the billy and who was, in fact, Whitfield, was
25 seized and his hands tied behind his back, and his

1 eyes blindfolded and the man immediately taken to
2 the place of execution - a cemetery nearby - and
3 executed a few minutes later. There was no sem-
4 blance of a trial. I conducted the burial service
5 over his remains on that day."
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1 Prosecution document numbered 5034, the
2 affidavit of Lieutenant Colonel C. M. Black is now
3 produced for identification.

4 CLERK OF THE COURT: Prosecution document
5 No. 5034 will receive exhibit No. 1561 for identifica-
6 tion only.

7 (Whereupon, the document above referred
8 to was marked prosecution's exhibit No. 1561 for
9 identification.)

10 MR. JUSTICE MANSFIELD: The marked excerpts
11 being offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: The marked excerpt there-
14 from, bearing the same document number, will receive
15 exhibit No. 1561A.

16 (Whereupon, the document above referred
17 to was marked prosecution's exhibit No. 1561A
18 and received in evidence.)

19 MR. JUSTICE MANSFIELD: This document states
20 that the witness commanded a force of prisoners of
21 war which at the end of 1942 went to a camp 40 kilos
22 from Thambazyet.

23 "Conditions at this camp were shocking. There
24 was an insufficiency of water and food was very short.
25 The hospital was in a gully, and the camp had been

1 occupied previously by Burmese and was generally in very
2 bad condition. The sick rate rapidly increased and I
3 think at one stage there were about 130 men in hospital
4 and about 90 to 100 had very bad diarrhoea out of a
5 total strength of 675. Two men died from dysentery,
6 but despite my representations to the Japanese lance-
7 corporal, who was in charge of the camp, and to
8 Brigadier Verley we were unable to get anything with
9 which to treat the sick at all. Later, we were forced
10 to abandon the camp on account of its bad condition
11 and lack of water."

12 The conditions described were common to all
13 the camps the witness lived in, except that hours of
14 work were normally long and incredibly arduous.

15 Later at Thambazyat nearly 30 men were killed
16 and the witness was wounded by Allied air attack.
17 There was no distinctive signs on the camp to indicate
18 it contained prisoners of war.

19 At Retpusick men were forced to work. The
20 Japanese Camp Commandant on one occasion ordered two
21 of his subordinates to kill a prisoner of war. They
22 refused, whereupon the Commandant himself shot the
23 prisoner of war who, fortunately, was only injured.

24 THE PRESIDENT: We will recess for fifteen
25 minutes.

1 (Whereupon, at 1445, a recess was
2 taken until 1500, after which the proceed-
3 ings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Justice Mansfield.

4 MR. JUSTICE MANSFIELD: Prosecution document
5 numbered 5041, the affidavit of Dr. C. R. B. Richards
6 is offered for identification.

7 CLERK OF THE COURT: Prosecution document
8 No. 5041 will receive exhibit No. 1562 for identifi-
9 cation only.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1562 for identification.)

13 MR. JUSTICE MANSFIELD: The marked excerpts
14 thereof are produced in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: The marked excerpts
17 therefrom, bearing the same document number, will
18 receive exhibit No. 1562-A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1562-A and received in evidence.)

22 MR. JUSTICE MANSFIELD: This document states
23 that in August 1943 the witness was in 80-kilo Camp
24 at Aperong. There were two hundred Allied prisoners
25 of war in a filthy hospital camp. The rain continually

1 drenched the men. There were no fit men in this
2 camp to look after the sick. The average deaths
3 were between two and six daily and sick men had to
4 carr their comrades to the grave. The Japanese
5 refused to allow the witness to look after the sick.
6 Food given to them was a tiny amount of rice. Medical
7 supplies were only obtained by barter, such as a
8 watch for a bottle of Iodoform. "The policy of the
9 Japanese commander in that area was that whilst
10 men were working, they would receive food, but as
11 soon as they became ill, they were written off and
12 were sent down to this particular hospital to live
13 there to die. I can imagine nothing more appalling
14 than conditions under which these men lived and
15 died. It was in effect a living morgue."

16 Prosecution document numbered 5038-A, the
17 affidavit of Lieutenant Colonel G. E. Ramsay is
18 offered for identification.

19 CLERK OF THE COURT: Prosecution's document
20 No. 5038-A will receive exhibit No. 1563 for identi-
21 fication only.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1563 for identification.)

25 MR. JUSTICE MANSFIELD: And the marked

1 excerpts thereof produced in evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: The marked excerpts
4 therefrom will receive exhibit No. 1563-A.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1563-A and received in evidence.)

8 MR. JUSTICE MANSFIELD: This affidavit states
9 that at 26 and 75-kilo camps on the railway, Korean
10 camp guards indiscriminately beat up prisoners.
11 Working hours were long, and in the rainy season
12 men often worked in mud up to their knees. They had
13 no change of clothing. At 105-kilo camp men suffered
14 greatly from dysentery, malaria and ulcers. Guards
15 found a favorite method of punishment in kicking an
16 ulcer. There were one hundred and fifty-eight deaths
17 in seven months at this camp out of a force of less
18 than one thousand men. At Tamarkan Camp during
19 1944 dysentery, fever and malnutrition caused many
20 deaths.

21
22 The prosecution tenders prosecution document
23 numbered 5444, being a synopsis of evidence.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document
No. 5444 will receive exhibit No. 1564.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1564 and received in evidence.)

4 MR. JUSTICE MANSFIELD: (Reading): "Prisoners
5 of War sent to Siam Sector of Burma-Siam Railway.

6 Prosecution document numbered 5059-A, the
7 affidavit of Lieutenant Colonel C. H. Kappe, is now
8 offered for identification.

9 CLERK OF THE COURT: Prosecution's document
10 No. 5059-A will receive exhibit No. 1565 for identi-
11 fication only.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 1565 for identification.)

15 MR. JUSTICE MANSFIELD: And the marked excerpt
16 produced in evidence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: And the marked excerpt
19 therefrom, bearing the same document number, will
20 receive exhibit No. 1565-A.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1565-A and received in evidence.)

24 THE PRESIDENT: Mr. Justice Mansfield, there
25 are no markings on the copies of exhibit No 1565-A

1 handed to the judges. The original may be marked.

2 MR. JUSTICE MANSFIELD: The whole affidavit
3 is in evidence, if the Court please.

4 THE PRESIDENT: Well, if the whole affidavit
5 is in evidence, it cannot be marked; but, then, it
6 is not a synopsis.

7 MR. JUSTICE MANSFIELD: Well, the whole
8 affidavit is not being read.

9 (Reading): "This document states that in
10 April, 1943, 7,000 prisoners of war were moved from
11 Singapore to Siam. The trains were overcrowded, food
12 was irregularly supplied, water was inadequate and
13 sanitary conditions either non-existent or revolting.

14 "From Bampong the force was marched about
15 125 miles by night. There was no transport to carry
16 heavy equipment. The men were beaten on the march
17 by the guards and the sick compelled to go on. The
18 staging camps en route were filthy. In May 1943
19 the men commenced work on the railway.

20 "In all the working camps on the railway
21 into which our party moved, the accommodation had not
22 been completed and the buildings had no roofs. The
23 Monsoon rains were then falling. The food in these
24 camps was just rice and onion water or rice and bean
25 water.

1 "All the time our boots were falling to
2 pieces, and there was no replacement of clothing
3 or footwear. The work on the line was very hard
4 on boots as we were in mud and water all day long.
5 Later on we had to ballast the line with stones and
6 the men had to walk across these stones and work
7 in quarries without boots.

8 "The hours of work varied from twelve to
9 twenty per day. Twelve hours and fourteen hours
10 per day were the most common. Normally the men
11 would be out at 8 a.m. and back at 10 p.m. We had
12 no days off. The first day off we had was when the
13 Railway was through, and the line was joined near our
14 camp about 19th or 20th September. We had started
15 about 14th or 15th May, and we worked night after
16 right right through to September, without a break.
17 For months and months the men did not see their camp
18 in daylight. Day after day and many times a day, I
19 made protests in an endeavour to get the numbers of
20 men working reduced. Nothing would stop the Japanese.
21 They said they would drive the men to work and if
22 they wanted a thousand men for work, they would get
23 a thousand men, irrespective of their physical con-
24 dition.

25 "Rice with a few piece of fish in it, was

1 the food ration. In the early stages rice was
2 fairly plentiful; but as soon as a man went sick,
3 the ration was cut down to one-third of the amount
4 given to a working man. Sick were then starved,
5 and it was impossible to build them up again.....

6 "During the course of the building of
7 the line I was told by the Japanese that it was
8 a Military Railway, and as soon as the line was
9 through, I saw the trains loaded with horses, guns,
10 trucks, ammunition, etc.

11 "The Force I was with was called "F"
12 Force..... Until July I was with Pond's Battalion...
13 and then with a special party.....at a general camp
14 just south of NIEKE.

15 "In June Pond's Battallion arrived at
16 LONCOITA where the party halted for two days. The
17 troops were billeted in huts which had been evacuated
18 the previous day on account of cholera deaths. The
19 huts were indescribably filthy and protests which
20 were made to the Japanese only caused the force to
21 realize that they were officially placed on the same
22 level as Burmese Coolies. An application for tools
23 with which to clean up the filth brought the reply
24 that none was available, despite the fact that hundreds
25 of shovels and chunkels had been brought from UPPER

1 KONCOITA. Coolies walked through the huts, spat,
2 defecated and vomited everywhere. Yak carts and
3 yelling droves congregated at the entrance. Yaks
4 were taken through the huts and they dropped their
5 excreta where rice bags had to be stored.....

6 "At UPPER SOIKURAI Camp in August the
7 latrines were flooded by incessant rain. One of
8 them had broken its banks and a filthy stream oozed
9 through the camp area and passed under the floors of
10 the huts occurred by the hospital. Outside and
11 ever inside the huts was a quagmire. There was no
12 reason for the hospital to be in the position in
13 which it was as there was high ground where it could
14 have been placed.

15 "No provision for hospitalization of the
16 force had been made except a small hospital camp at
17 LOWER NIEKE, which was soon abandoned. Requests
18 to allow fit men to remain in camp to improve the
19 situation were refused and all fit men were made to
20 work on railway construction. Any attempts to get
21 tools with which officers could do this work met
22 with very little success. We even found it difficult
23 to obtain a pick or shovel to dig graves for the dead.

24 "In the same camp on the 10th August cholera
25 broke out. The area selected by the Japanese for the

1 isolation hospital was a small cleared space of
2 low-lying ground on the river bank, where the mud
3 was ankle deep and the only fixed accommodation was
4 a small hut capable of holding no more than thirty
5 patients. The remainder of the personnel placed
6 in isolation had to be quartered in tents and under
7 tent flys which invariably leaked. No fit men were
8 freed from engineer work to assist the sick in pro-
9 viding stagings to keep them from muddy ground,
10 and all duties except nursing had to be performed
11 by the personnel in isolation. Requests for more
12 serviceable tents and the release of men from work
13 to improve the area and even for a few additional
14 tools all met with the same result. The Japanese
15 did not occupy this hospital,

16 "The instances I have given above indi-
17 cate generally the type of accommodation in these
18 camps, except that I have not stressed the terrific
19 overcrowding which existed everywhere.

20 "The men had nothing to wear except the
21 clothing in which they were captured, and most of
22 that had rotted or perished during the months of
23 the monsoon. Many of the men were going to work with
24 only a scanty piece of cloth around their loins.

25 "Force Headquarters were constantly asking

1 for medical supplies to be brought forward, but
2 the answer always given was that the road to the
3 south was impassable. However, war equipment and
4 merchandise for the NIEKE shonkeepers were being
5 brought forward in quantities by river boats. The
6 result was that medical supplies were practically
7 non-existent.

8 "I have seen all the bones of a man's
9 feet exposed by an ulcer of the foot. I have seen
10 the bones of a man's leg exposed from the knee to
11 the ankle and I have seen a man's ribs exposed by
12 an ulcer under his arm. The only treatment which
13 could be given was scraping with sharp instruments...

14 "On the 7th July a protest against the
15 maltreatment of the men was forwarded to GENERAL BANNO.
16 This pointed out that on the 3rd July, the men marched
17 out of camp at 0900 hours and after ploughing through
18 mud for five kilometres they commenced work at 1030
19 hours. The task for the day for 135 men was 160 metres
20 of corduroying. This involved the removal of the mud
21 for a width of 6', laying the logs, and draining and
22 reinforcing the track with earth and stones. Parties
23 of ten to twelve men were forced to carry in the day
24 seven logs 15 foot long and 10 to 12 inches in diameter
25 a distance of one kilometre through the mud and slush.

1 Four men collapsed. In one instance only six men
2 were detailed to a log, these were driven along
3 by an engineer who struck the men every ten yards
4 or so with a bamboo stick. After a break of thirty
5 minutes for lunch they had to work on until 2100
6 hours with one rest of fifteen minutes, returning
7 to camp at 2230 hours. The working hours the next
8 day were the same, except that there was no break
9 during the afternoon. Instead of ten to twelve
10 men being allotted to each log carrying party,
11 there were only seven.

12 "The majority of men who went to work
13 would normally have been in hospital or on light
14 duties.

15 "On one occasion we were able after some
16 difficulty to raise the required number of men for
17 work for the engineers when the Japanese demanded
18 another fifty for work inside the camp.... I refused
19 on the ground that I had no more men who were capable
20 of standing on their feet.....one of them.....entered
21 one of the hospital wards and commenced slashing at
22 the men with a stick with the object of driving them
23 out to work... After the Japanese had stated that,
24 if the men were not forthcoming the whole camp ration
25 would be cut in half, we decided that it would be in

1 the interest of the men if we selected fifty, rather
2 than have the camp literally starved. At this stage
3 conditions in No. 3 camp were well nigh desperate.
4 The number of sick was above one thousand, out of
5 a strength of 1680....'

6 "In July 1943, when the witness had sent
7 out less than the required number of men owing to
8 sickness, one of the Japanese officers summoned him
9 and stated that:

10 "The construction of the railway had to
11 go on without delay as it was required for oper-
12 ational purposes, and had to be finished within a
13 certain time at all costs, irrespective of the
14 loss of lives of British and Australian prisoners.
15 He said it was no use our quoting the articles
16 of the Geneva Convention, as our own people had
17 offended against it by the sinking of hospital ships
18 and by running down civilian internees with steam
19 rollers. If necessary, he stated, the men would be
20 required to work three to four days on end without
21 rest.....

22 "I gained the impression that everything
23 was to be subordinated to the completion of the line
24 by the end of August, and when this was not fulfilled
25 (The Japanese) became insane with rage. In the

1 last days of its construction our men had to work
2 from 0530 hours until 0200 hours the following day.

3 "On the 13th September I was informed by
4 Lieutenant FUKUDA that the men must be prepared to
5 work all through the night as the railway was only
6 a few kilometres to the north, and it was necessary
7 that the line should reach SOKURAI, three kilometres
8 to the south by the 16th. Owing to the heavy rain,
9 however, the work ceased at 2230 hours, the men having
10 been out since 0530 hours that morning. On the 14th
11 September reveille was at 0530 hours and despite
12 heavy rain all day and throughout the evening the
13 men were forced to remain out until 0230 hours on
14 the 15th. Again they were roused at 0530 hours and
15 were worked until midnight of the 15-16th September.
16 On the 16th reveille was at 0530 hours and work
17 finished at 2200 hours. By this time the men were
18 completely exhausted. Conditions were approximately
19 the same on the 17th. All the foregoing facts are
20 set out in my diary which I kept at the time....

21 "Of the original 3,662 men who left SINGAPORE
22 as members of 'F' Force, 1060 failed to return, repre-
23 senting approximately 29% of the A.I.F. component.
24 The losses in the whole Force was 44%. The British
25 lost 50%.....'

1 Prosecution document numbered 5064A, the
2 affidavit of Major B.L.W. CLARKE, a doctor, is now
3 produced for identification.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5064-A will receive exhibit No. 1566 for identi-
6 fication only.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1566 for identification.)

10 MR. JUSTICE MANSFIELD: And the marked
11 excerpts therein offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: And the marked excerpts
14 therefrom, bearing the same document number, will
15 receive exhibit No. 1566-A.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1566-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: This document described
20 the condition of some of the men of F Force who returned
21 from the railway camps in December, 1943:

22 "These men were in a shocking condition,
23 suffering from gross attacks of beri-beri, and its
24 various types, malaria, tropical ulcers and gross
25 debility. The loss of weight was simply appalling.

1 The average loss of weight would appear to be in
2 the neighbourhood of 70-80 lbs. per individual.
3 Approximately 80 per cent of these men had to
4 be admitted immediately to hospital."

5 Prosecution document numbered 5013, the
6 a fidavit of R. G. WILLIAMS, is offered for identi-
7 fication.

8 CLERK OF THE COURT: Prosecution document
9 No. 5013 will receive exhibit No 1567 for identi-
10 fication only.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1567 for identification.)

14 MR. JUSTICE MANSFIELD: And the excerpts
15 marked therein now produced in evidence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: The marked excerpts
18 therefrom, bearing the same document number, will
19 receive exhibit No. 1567-A.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1567-A and received in evidence.)

23 MR. JUSTICE MANSFIELD: This document describes
24 the nightmare journey of prisoners of war by cattle
25 truck from Singapore to Siam. Men were overworked,

1 underfed, lived in appalling filth, were beaten and
2 forced to work when sick at camps in and near
3 KINSIOK. Dysentery, malaria and cholera took their
4 toll. Clothing hardly existed and after a day's work,
5 some men actually were only able to crawl back to
6 camp. Towards the end of the construction of the
7 railway, men were forced to work impossible hours,
8 and the Japanese recklessly disregarded the danger
9 of landslides so that on one occasion six men were
10 needlessly killed.

11 Prosecution document numbered 5067, the
12 affidavit of Lieutenant Colonel E. J. BARRETT,
13 R.A.M.C., is tendered for identification.

14 CLERK OF THE COURT: Prosecution's document
15 No. 5067 will receive exhibit No. 1568 for identi-
16 fication only.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1568 for identification.)

20 MR. JUSTICE MANSFIELD: And the marked
21 excerpts offered in evidence.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: And the marked excerpts
24 therefrom, bearing the same document number, will
25 receive exhibit No. 1568-A.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1568-A and received in evidence.)

4 MR. JUSTICE HANSFIELD: This document treats
5 of the conditions in CHUNGKAI Sick Camp between May
6 1943 and January 1944. The average number of prisoners
7 of war in the camp was 8,000. They consisted of
8 men sent from the railway camps suffering from various
9 injuries and diseases. In seven months 1400 prisoners
10 died, many from tropical ulcers which had been caused
11 by injury at work or from the guards, and from
12 deficiency diseases.

13
14 There were no anaesthetics, no instruments
15 and a meagre supply of drugs. The witness states:

16 "One day 5 Japanese doctors came to see
17 the camp. I asked them to watch an amputation which
18 was being carried out on a tropical ulcer case.
19 During the course of the operation one of the Japanese
20 doctors fainted and another was sick. Thinking this
21 was a good opportunity to request proper instruments
22 and supplies of drugs, I made a request to them and
23 their answer was that I must realize that these were
24 prisoners of war and no supply could be made."
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1 Prosecution document numbered 5072, the
2 affidavit of Sgt. C. Berry, is now offered for identifi-
3 cation.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5072 will receive exhibit No. 1569 for identification
6 only.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1569 for identification.)

10 MR. JUSTICE MANSFIELD: And the marked
11 excerpts are offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: The marked excerpts
14 therefrom, bearing the same document number, will
15 receive exhibit No. 1569-A.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1569-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: This document states
20 that the witness was at Sungkrai from May, 1943 until
21 September, 1943:

22 "When at Sungkrai I was at No. 2 Camp (Death
23 Valley) and was forced to work on the road during my
24 first nine days. At Sungkrai there were bamboo buildings
25 without roofs or sides. There was mud on the floors

1 which had no foundations whatever. Above the floor
2 there was bamboo matting. The first night 1680
3 prisoners of war were put into two huts about 200
4 metres long and about 24 feet broad. It was raining
5 when we arrived and it continued all night. There
6 was no cover whatsoever and the monsoon rain came
7 down and no one had groundsheets or other protection.
8 It soon became absolutely impossible to lie there.
9 The only alternative was to light fires and keep warm
10 by standing around them. We stayed there all night
11 until 0500 hours the following morning when everybody
12 paraded prior to going on to the railroad the first
13 day. We were given no opportunity of cleaning up or
14 making the camp inhabitable. We were divided into
15 groups of fifty and positions were allotted four miles
16 on each side of the camp. My particular party was
17 marched about three miles from the camp. It was rain-
18 ing very hard and we were very cold, only getting
19 half a pint of rice for breakfast, which was served
20 at 0530 hours. Each man was issued with a spade, a
21 basket and a pick. We started work immediately digging
22 the road and we stopped for ten minutes every five
23 hours. Half a pint of rice was issued at a quarter to
24 one and then we continued. We marched back to the camp
25 at 1830 hours. This was the daily routine.

1 "After two days of rain the camp was nothing
2 but a sea. No protection was afforded against the
3 rain. Every man in the camp had to line up in the
4 dark for a further quarter of a pint of rice and
5 vegetable stew at about 1915 hours. During the day's
6 work nobody was permitted by the Japanese to leave
7 the party if they were ill or hurt in any way. After
8 eight days, during which period it rained steadily,
9 palm branches were placed on the roof as a protection
10 and also on the sides of the huts. Nothing was done
11 about the floor and below the bamboo mats the water
12 rushed through. The men had to lie down on the bamboo,
13 in the damp.

14 "On my second day there, cholera broke out.
15 No preparation had been made for an isolation hospital
16 and the cases could not be segregated. After approxi-
17 mately a week from the time of my arrival, the Japanese
18 provided a hut for cholera cases and the following
19 day I was sent as a medical orderly for duty at the
20 hut. This hut was only partly roofed against the rain
21 and the centre of the hut coincided with the course
22 of the water escaping down the hillside. There were
23 bamboo mats on the sides of the wall of the hut but
24 there was nothing in the centre where the major part
25 of the water came through. There were so many casualties

1 that there was insufficient room by the walls and some
2 had to lie in the water. The holes in the roof were
3 so large that the rain came through on to the men who
4 were lying beneath. We had no water other than water
5 from the roof, which we had to boil. There was no
6 accommodation for the orderlies, who had to sleep
7 among the patients. No cholera inoculation was possible.

8 "The casualties were carried to the hospital
9 by the fit prisoners of war on groundsheets. Cholera
10 being highly contagious, these men were frequently
11 infected and died. There was no lighting whatever
12 and when I was on night duty it was impossible to
13 remove the dead, who in consequence had to remain
14 among the living until daybreak. On the first day
15 thirty-eight men died and were left outside the hut,
16 no provision being made for them to be removed. There
17 was a cremation party of prisoners of war but these
18 could do nothing because the Japanese refused to
19 give them shovels or other implements with which to
20 bury the bodies. There were any number of tools be-
21 cause they had to be used for digging the road. These
22 thirty-eight men were left outside the hut for two
23 days, only some of them being covered. Eventually
24 after two days the Japanese gave facilities for burying
25 them.

1 "Another hut was made available for dysentery
2 cases. The Japanese used to test all prisoners of
3 war for dysentery by putting either a piece of bamboo
4 or a piece of wire or a glass tube up the rectum.
5 This was a painful operation for those who were fit.
6 They would take out persons who were extremely ill
7 or dying of dysentery and would carry out this test,
8 and this in bad cases definitely precipitated death
9 by reason of the pain and the fact of their being
10 moved. Convalescents were forced to carry bamboos
11 long distances in the rain with bare feet, with the
12 result that their feet were torn and resulting in
13 ulcers, for which there were no facilities for treat-
14 ment, and many of them died....."

15 Prosecution document numbered 5031-A, the
16 affidavit of Major R.J. Campbell, is offered for
17 identification.
18

19 CLERK OF THE COURT: Prosecution's document
20 No. 5031-A will receive exhibit No. 1570 for identifi-
21 cation only.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1570 for identification.)

25 H.R. JUSTICE MANSFIELD: And the marked
excerpts thereof produced in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: The marked excerpts
3 therefrom, bearing the same document number, will
4 receive exhibit No. 1570-A.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1570-A and received in evidence.)

8 MR. JUSTICE MANSFIELD: This affidavit states
9 that the camp at Tamarkan was close to bridges which
10 spanned a river and these were repeatedly bombed.
11 Permission to mark the camp as containing P/W was
12 refused, and in one raid 18 men were killed and huts
13 set on fire.

14 At Kanburi Camp in June, 1945, a British
15 officer, the Camp interpreter, was beaten into
16 insensibility by Japanese officers. He was then put
17 into a covered slit trench, 5 ft. by 2 ft. 6 ins.
18 by 4 ft., which had six inches of water and mud in it
19 and was infested with mosquitoes. The officer had
20 only a pair of shorts. He was given water and one
21 ball of rice per day. Later he was taken back to the
22 guard room where he was threatened with torture as a
23 result of which he endeavoured to commit suicide.

24 Two months later he was recovered by P/W
25 doctors who said he would have been dead in a few more

1 days. He was insane, suffered from blackwater fever
2 and was terribly emaciated. He had not washed or
3 shaved during the period and had not defecated for
4 two months during the eighty days he spent in the
5 trench.

6 Prosecution document numbered 5074, the
7 affidavit of C.M.S. G. Knowles, is now offered for
8 identification.

9 CLERK OF THE COURT: Prosecution's document
10 No. 5074 will receive exhibit No. 1571 for identifi-
11 cation only.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 1571 for identification.)

15 MR. JUSTICE MANSFIELD: And the marked
16 exhibits therein produced in evidence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: The marked excerpts
19 therefrom, bearing the same document number, will
20 receive exhibit No. 1571-A.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1571-A and received in evidence.)

24 MR. JUSTICE MANSFIELD: This affidavit relates
25 to the savage beating of prisoners of war at Kanburi.

1 Men were beaten with teak poles on all parts of the
2 body until in some cases the men were broken and
3 unrecognizable and two officers were murdered.

4 Prosecution document numbered 5075, the
5 affidavit of Sub-Lieutenant J.O. Caun, is tendered
6 for identification.

7 CLERK OF THE COURT: Prosecution's document
8 No. 5075 will receive exhibit No. 1572 for identifica-
9 tion only.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1572 for identification.)

13 MR. JUSTICE MANSFIELD: And the marked
14 excerpts thereof now offered in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: And the excerpts there-
17 from, bearing the same document number, will receive
18 exhibit No. 1572-A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1572-A and received in evidence.)

22 MR. JUSTICE MANSFIELD: This affidavit states
23 that in July 1943, at Kanburi the witness on being
24 told that some sick men had arrived there found them
25 crawling about the 3 kilometre stretch separating the

1 railway station from the camp. One orderly had been
2 sent with 170 men suffering from beri beri, dysentery,
3 tropical ulcers and cholera to this camp. It took
4 five hours to find all these men.

5 The Japanese adjutant of the camp said he
6 would open a new hospital for them. He ordered some
7 P/W to break down the fence which separated the camp
8 from that of a Japanese cavalry regiment which had
9 left the day before. There were 20 empty huts in
10 most of which there was animal dung and filth. The
11 adjutant ordered the sick men to be moved here within
12 an hour.

13 It was two weeks before medical staff was
14 gathered to look after the hospital. By this time
15 there were over 1,500 patients and the daily death
16 rate was between seven and twelve.

17 A month later, despite all efforts, dysentery
18 patients were still lying on the ground in a hut with-
19 out platforms.

20 The hospital came under the direct control
21 of Japanese H.Q. An officer of the Japanese General
22 Staff, P/W Command visited the hospital three days
23 after its grisly opening, and saw the disgraceful
24 conditions in which the sick were living.

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The prosecution now tenders document No. 5450, being a synopsis of evidence.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 5450 will receive exhibit No. 1573.

(Whereupon, the document above referred to was marked prosecution's exhibit No. 1573 and received in evidence.)

MR. JUSTICE MANSFIELD: Prosecution document numbered 5128, the affidavit of Major R. Crawford, is now offered for identification.

CLERK OF THE COURT: Prosecution's document No. 5128 will receive exhibit No. 1574 for identification only.

(Whereupon, the document above referred to was marked prosecution's exhibit No. 1574 for identification only.)

MR. JUSTICE MANSFIELD: The marked excerpts thereof being produced in evidence.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: The marked excerpts therefrom bearing the same document number will receive exhibit No. 1574-A.

(Whereupon, the document above referred to was marked prosecution's exhibit

No. 1574-A and received in evidence.)

1
2 MR. JUSTICE MANSFIELD: This document
3 states that in June 1943, the witness was appointed
4 officer commanding "K" Force, a unit of 230
5 prisoner of war medical personnel designed to
6 give medical assistance to coolies and prisoners
7 of war employed on the construction of the Burma-
8 Siam Railway.

9 The witness states that the journey to
10 the working sites involved for many gangs of
11 coolies, marches of indescribable hardship. Con-
12 ditions in coolie working and hospital camps were
13 disgraceful and a grave danger to the lives of
14 those living therein.

15 The witness further states that:

16 "In these camps, at some periods, there
17 were no or quite inadequate sanitary arrangements,
18 the entire camp area being, consequently, heavily
19 contaminated with feces. In practically no camp
20 was a satisfactory water supply provided, the gen-
21 eral source being raw river water even with cholera
22 prevalent. Sleeping accommodation was in many
23 cases quite inadequate or of the most primitive kind.
24 Tents were generally and huts frequently not weather
25 proof; coolies often had to sleep on the ground.

1 Blankets were not provided, an occasional sack
2 being issued as a substitute, and the clothing
3 issue for coolies was at most a flimsy sarong.
4 The food supplies to laborers was frequently 'poor'
5 or 'bad' and quite below the level necessary for
6 the maintenance of good health in individuals doing
7 heavy manual labor.

8 "The unsatisfactory conditions here de-
9 scribed were conducive to widespread disease of
10 many kinds, the principal of which were dysentery,
11 cholera, pneumonia, ulcers and deficiency diseases.
12 Conditions hereinbefore described apply not only
13 to male coolies but also to women and children
14 who were brought by the Japanese to work on the
15 railway.

16 "Arising from these gravely unsatisfactory
17 living, feeding and working conditions sickness
18 among laborers was over considerable periods enormous,
19 and the indifference of the Japanese, their failure
20 to take steps to combat sickness, their failure to
21 supply suitable and adequate medical supplies con-
22 stitute criminal neglect. The Japanese were in the
23 vast majority of cases entirely insensible to sick-
24 ness and hardships suffered by the laborers and their
25 attitude indicated only a determination to complete

1 the railway at all costs with complete indifference
2 to the number of deaths that might and were caused
3 thereby.

4 "Any efforts that 'K' Medical Force might
5 have made to help the laborers were virtually
6 nullified in advance by the conditions under which
7 they had to work and for which the Japanese medical
8 administration at all levels is directly responsible.

9 "(a) The medical officer and his staff
10 worked under the orders of an ignorant and ill-
11 trained Japanese medical NCO or private.

12 "(b) The medical staff of 'K' Force
13 were, at the whim of the Japanese medical orderly,
14 so restricted in their access to sick coolies that
15 coordinated policy and continuous treatment were
16 impossible. The medical force (including medical
17 officers) was largely employed on manual labor,
18 and medical officers were generally submitted to
19 degrading and insulting treatment such as the per-
20 formance of manual labor, working in Japanese
21 kitchens and as servants to Japanese.

22 "(c) There was extreme inadequacy of
23 medical equipment and supplies."

24 Examples of the incredible conditions in
25 individual camps are given indicating the similarity

1 in the neglect of the basic humanities and in the
2 evil treatment accorded to the men in all the
3 camps mentioned.

4 Prosecution document numbered 5136, the
5 affidavit of Captain F. H. Wallace, I.M.S., is
6 offered for identification.

7 CLERK OF THE COURT: Prosecution's document
8 No. 5136 will receive exhibit No. 1575 for identifi-
9 cation only.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 1575 for identification only.)

13 MR. JUSTICE MANSFIELD: The marked excerpts
14 thereof being produced in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: The marked excerpts
17 therefrom bearing the same document number will
18 receive exhibit No. 1575-A.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1575-A and received in evidence.)

22 MR. JUSTICE MANSFIELD: This affidavit
23 confirms the conditions of coolie camps and the
24 treatment of coolies set out in the preceding docu-
25 ment No. 5128. The present witness states that when

1 coolies suffering from cholera at Kinsayok were
2 thought by the Japanese medical NCO to be too ill
3 to recover, they were pushed into a small lean-to
4 shelter of attap and left to die. They were given
5 no food or water.

6 Coolies who were suffering seriously from
7 cholera were often forced into common pit graves
8 and buried alive. Protest from the coolies meant
9 they were beaten down by Japanese orderlies.

10 In July, 1943, while giving anti-cholera
11 inoculations to coolies, the witness saw them beaten
12 and humiliated. Women were insulted, disinfectant
13 was deliberately sprayed into the eyes of some
14 coolies and the Japanese doctor himself beat them
15 as they were being examined. The doctor explained
16 to the witness that coolies were sub-human and not
17 worthy of consideration.

18 Prosecution document numbered 5256, being
19 the affidavit of R. E. Peterson, is tendered for
20 identification.

21 CLERK OF THE COURT: Prosecution's document
22 No. 5256 will receive exhibit No. 1576 for identi-
23 fication only.

24 (Whereupon, the document above
25 referred to was marked prosecution's exhibit

No. 1576 for identification only.)

1
2 MR. JUSTICE MANSFIELD: And the marked
3 excerpts therein offered in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: The marked excerpts
6 therefrom bearing the same document number will
7 receive exhibit No. 1576-A.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 1576-A and received in evidence.)

11 MR. JUSTICE MANSFIELD: This document
12 states that:

13 "In February 1944 I was in a coolie camp
14 known as Chaymonga. On the 14th February 1944, I
15 contacted a Japanese known to me as Arai (Storm
16 Trooper) Hayashi KARNEATSU. We were in a coolie
17 camp which was also a hospital.

18 "KARNEATSU proceeded to a coolie camp to
19 interview coolies in the hospital. He had a hypo-
20 dermic syringe filled with a red unknown fluid. He
21 ordered the coolies down from their beds and asked
22 them if there were any who could not walk, he told
23 them they were going to be moved to a base hospital
24 and those who could not walk would be carried.

25 "Several staggered forward and were given

1 an injection of the fluid in the big vein in the
2 elbow, All who were inoculated died within a few
3 minutes. When the remainder saw what was happening
4 they said they could walk. When he had finished he
5 proceeded to the dysentery hut.

6 "He looked through this hut and walked
7 away. Later he returned with a large tin of brown
8 sugar in which was mixed a deadly poison... He gave
9 the coolies this to eat, telling them it was good
10 for them.

11 "All who ate this poison died during the
12 day."

13 Prosecution document numbered 5370, the
14 solemn affirmation of THAKIN SA, is now offered
15 for identification.

16 CLERK OF THE COURT: Prosecution's document
17 No. 5370 will receive exhibit No. 1577 for identifi-
18 cation only.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1577 for identification only.)

22 MR. JUSTICE MANSFIELD: And the excerpts
23 marked therein, offered in evidence.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: The marked excerpts

1 therefrom bearing the same document number will
2 receive exhibit No. 1577-A.

3 (Whereupon, the document above
4 referred to was marked prosecution's exhibit
5 No. 1577-A and received in evidence.)

6 MR. JUSTICE MANSFIELD: The document
7 states that in order to enable the Japanese author-
8 ities in Burma to obtain sufficient labor for the
9 construction of the Burma-Siam Railway, they re-
10 cruited coolies.

11 When the promises made by the Japanese
12 to the laborers failed to materialize, they press-
13 ganged every available person into the labor force,
14 since willing recruits were no longer to be found.

15 The witness was appointed a superintendent
16 of labor at Thanbyuzayat in December, 1942, to look
17 after the interests of the coolies as far as pos-
18 sible. He found that men were only released from
19 the force when they were used up physically and no
20 longer employable.

21 "Living accommodation provided for
22 laborers at the camps was insufficient and insanitary.
23 The area where the work had to be done was very
24 damp and laborers had to live in barracks which
25 could not keep out the wet. Barracks intended for

1 150 persons had to house as many as 300. Clothing
2 shortage was acute; when the clothes which the
3 laborers brought from home began to fall into rags,
4 gunny bags were supplied to them to do duty both
5 as wearing apparel and as blankets. No change of
6 clothing was available to most of the laborers and
7 none was provided by the Army. The result was
8 that the clothing of almost all laborers was
9 crawling with vermin and most of them were suffering
10 from a virulent type of skin disease. Food supply
11 was not sufficient; and the rice supplied was
12 weevilly.

13 "Water supply in this area was a carrier
14 of malaria; but steps were not taken to sterilize
15 the water supply, except for a pretence at boiling
16 the water for potable purposes. Medical supply
17 consisted only of quinine and even this was not in
18 sufficient quantities. Cholera broke out soon in
19 the camps and the Japanese sought to combat the
20 spread of this epidemic by cremating the dead and
21 very often persons whom they considered incurable.
22 There were many authentic cases of live cremations.

23 "Laborers were treated as slaves; whips
24 and sticks were freely used on the laborers; and
25 sickness ordinarily was no excuse.

1 "There was a total lack of system in
2 allotment of laborers to the various camps. As
3 the laborers arrived at Thanbyuzayat, they were
4 either driven up in lorries or taken marching
5 through the camp. Officers in charge of the camps
6 would pick out persons they wanted; families became
7 separated, the husband being retained in one camp
8 and the wife sent to another camp, the parents
9 going to one camp and the children to other camps...
10 This lack of system and the haphazard manner in
11 which the laborers were taken into different camps
12 made it impossible to trace the laborers later.
13 Many cases had been known of families then separated
14 never coming together again..."

15 In March, 1943, the Moulmein Civil Admin-
16 istration was ordered to supply 7,000 laborers
17 within five days. Intensive press gang methods
18 followed this order. Between April and July, 1943,
19 about 30,000 laborers were sent from Rangoon to
20 Thanbyuzayat to join "The Sweat Army."

21 The Japanese prevented the Burmese labor
22 officers from taking any active steps to help the
23 coolies and were not even allowed to maintain inde-
24 pendent records.
25

Prosecution document numbered 5371, the

1 statement of Maung Aye Ko is tendered for identi-
2 fication.

3 CLERK OF THE COURT: Prosecution's document
4 No. 5371 will receive exhibit No. 1578 for identi-
5 fication only.

6 (Whereupon, the document above
7 referred to was marked prosecution's exhibit
8 No. 1578 for identification only.)

9 MR. JUSTICE MANSFIELD: And the excerpts
10 therein offered in evidence.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: The excerpt there-
13 from bearing the same document number will receive
14 exhibit No. 1578-A.

15 (Whereupon, the document above
16 referred to was marked prosecution's exhibit
17 No. 1578-A and received in evidence.)

18 MR. JUSTICE MANSFIELD: This document confirms
19 the evidence of the last witness in prosecution
20 document No. 5370. The present witness became a
21 labor officer in 1943. He found the ill-clad
22 laborers, fevered and hungry, living in disgusting
23 conditions. A large number of men were malarial;
24 many suffered from jungle sores exposing the bones
25 and the vermin infesting them. Deaths at Kyontaw

1 Camp averaged about ten a day.

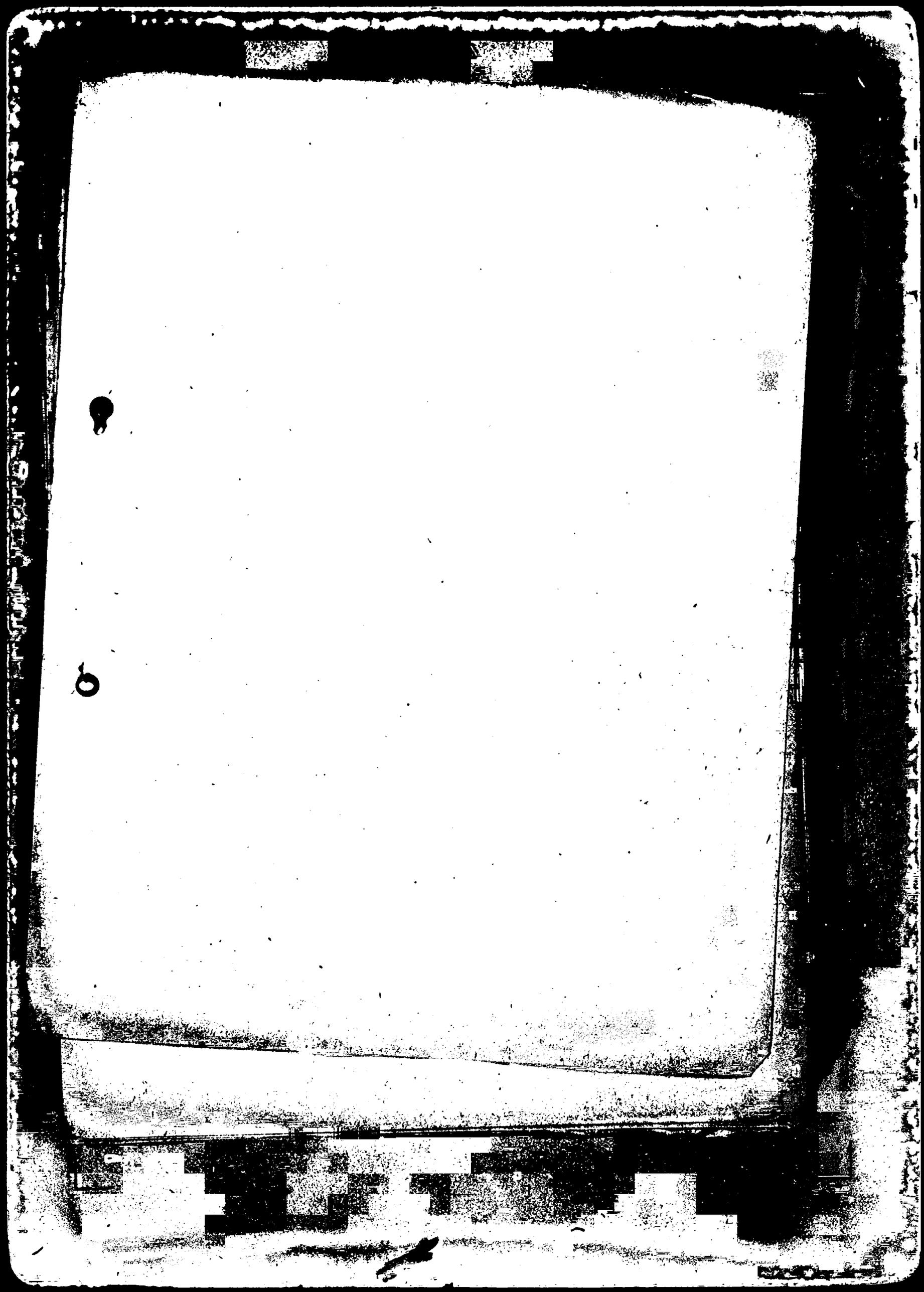
2 Cholera was rife at Kyonkaya. The dead
3 and dying were piled together and, soaked in petrol,
4 burned. Men were beaten savagely and on one occa-
5 sion the witness found the decomposing bodies of
6 two men who had been left to rot as a warning to
7 prisoners of war and laborers.

8 In or about October, 1943, six prisoners
9 of war escaped from Kilo 126 Camp. On recapture
10 they were beheaded.

11 The witness states that he saw so many
12 floggings, beatings and deaths, that it finally
13 left no impression on him.

14 THE PRESIDENT: We will adjourn now until
15 half-past nine tomorrow morning.

16 (Whereupon at 1600, an adjournment
17 was taken until Wednesday, December 18, 1946,
18 at 0930.)
19
20
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25



18 Dec



18 DECEMBER 1946

I N D E X
Of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
Barnett, James, Chaplain, Canadian Army Active Force	13112
Direct by Brigadier Nolan	13112
Cross by Mr. Logan	13147
" " Mr. Blewett	13158
(Witness excused)	13161

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5453	1579		Synopsis of Evidence - P/W Camps in Burma not connected with the Burma/Siar Railway		13097
5275	1580		Affidavit of Major C.E. Green	13098	
5275	1580-A		Excerpt therefrom		13098
5206B	1581		Affidavit of Chaplain F.H. Bashford	13099	
5206B	1581-A		Excerpt therefrom		13099

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5038B	1582		Affidavit of Lieutenant Colonel G.E. Ramsey	13100	
5038B	1582-A		Excerpt therefrom		13100
5274	1583		Affidavit of Wing Commander of L.V. Hudson	13101	
5274	1583-A		Excerpt therefrom		13102
5454	1584		Synopsis of Evidence - Mergui-Kirihkan Road		13104
5125	1585		Affidavit of Major V. Bennett	13104	
5125	1585-A		Excerpt therefrom		13105
5455	1586		Synopsis of Evidence - Civilians in Siam		13107
5156	1587		Affidavit of Miss H.J.M. Magness	13107	
5156	1587-A		Excerpt therefrom		13107
5394	1588		Affirmation of Kalu Ram	13108	
5394	1588-A		Excerpt therefrom		13109

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Eviden.</u>
2753	1589		Synopsis of the Hong Kong Affidavits		13162
5089B	1590		Statement of Mrs. X	13162	
5089B	1590-A		Excerpt therefrom		13163
5089H	1591		Statement of Sister X, Territorial Army Nursing Service	13163	
5089H	1591-A		Excerpt therefrom		13164
5089E	1592		Statement of Sergeant H. Peasegood, R.A.M.C.	13164	
5089E	1592-A		Excerpt therefrom		13165
5089F	1593		Statement of Sergeant J.H. Anderson, R.A.M.C.	13165	
5089F	1593-A		Excerpt therefrom		13166
5100	1594		Affidavit of Captain S.M. Banfill, R.A.M.C.	13166	
5100	1594-A		Excerpt therefrom		13167

I N D E X

O F

E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5286A	1595		Affidavit of Captain Osler Thomas, Hong Kong Volunteer Defense Corps	13168	
5286A	1595-A		Excerpt therefrom		13168
5089D	1596		Statement of Corporal N. J. Leath, R.A.M.C.	13169	
5089D	1596-A		Excerpt therefrom		13169
5089C	1597		Statement of Sergeant T. R. Cunningham, R. A. M. C.	13170	
5089C	1597-A		Excerpt therefrom		13171
5287A	1598		Affidavit of Martin Tso Him Chi, 5th Anti Aircraft Battery, Hong Kong Volunteer Defense Corps	13172	
5287A	1598-A		Excerpt therefrom		13172
5289A	1599		Affidavit of Brother Michael Hogan	13173	
5289A	1599-A		Excerpt therefrom		13173
5101	1600		Affidavit of Lance Sergeant W. A. Hall	13174	
5101	1600-A		Excerpt therefrom		13174

I N D E X

O F

E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5288A	1601		Affidavit of Colonel L. T. Ride	13175	
5288A	1601-A		Excerpt therefrom		13175
5284A	1602		Statement of 1st Lieutenant TANAKA, Hitoshi	13176	
5284A	1602-A		Excerpt therefrom		13176
5099	1603		Affidavit of Major R. D. Buck, R. A. P. C.	13177	
5099	1603-A		Excerpt therefrom		13177
5093	1604		Affidavit of Lieutenant Colonel George Trist	13178	
5093	1604-A		Excerpt therefrom		13179
5090	1605		Affidavit of Q. M. S. (WO II) V. J. Myatt, C. M. S. C.	13180	
5090	1605-A		Excerpt therefrom		13180
5095	1606		Affidavit of Lieutenant Colonel F. D. Field, Royal Artillery	13181	
5095	1606-A		Excerpt therefrom		13181
5096	1607		Affidavit of Reverend E. J. Green, M. M., (R. C.)	13182	
5096	1607-A		Excerpt therefrom		13182

I N D E X .

O F

E X H I B I T S

(cont'd)

Doc. No.	Pros. No.	Def. No.	Description	For Ident.	In Evidence
5089A	1608		Affidavit of Lieutenant Colonel C. O. Shackleton, R. A. M. C.	13183	
5089A	1608-1		Excerpt therefrom		13184
5456	1609		Synopsis re the Andaman Islands		13185
5113	1610		Affirmation of Abdul Reza	13185	
5113	1610-1		Excerpt therefrom		13186
5115	1611		Affirmation of Pyeray Hohen	13186	
5115	1611-1		Excerpt therefrom		13186
5114	1612		Affirmation of Habib- Urrahman	13187	
5114	1612-1		Excerpt therefrom		13187
5116	1613		Affirmation of Zaitoon Bibi	13188	
5116	1613-1		Excerpt therefrom		13188
5117	1614		Affirmation of Mohamed Hussain	13189	
5117	1614-1		Excerpt therefrom		13190
5317	1615		Affirmation of Imdad Ali	13190	
5317	1615-1		Excerpt therefrom		13191

I N D E X
 of
 EXHIBITS
 (cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5318	1616		Affirmation of Murad Ali	13192	
5318	1616-A		Excerpt therefrom		13192
5319	1617		Statement of Bumi Nadan	13193	
5319	1617-A		Excerpt therefrom		13194
5321	1618		Affirmation of Mohammad (Coolie)	13194	
5321	1618-A		Excerpt therefrom		13195
5322	1619		Statement of Nihei Yamane	13195	
5322	1619-A		Excerpt therefrom		13196
5112	1620		Statement of Leslie, a Nicobarese	13196	
5112	1620-A		Excerpt therefrom		13197
5111	1621		Statement of Mrs. I. Jones	13198	
5111	1621-A		Excerpt therefrom		13198
5110	1622		Statement of Reverend John Richardson	13199	
5110	1622-A		Excerpt therefrom		13200
5457	1623		Synopsis of Evidence - Hainan Island		13201

I N D E X

O f

E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5335	1624		Affidavit of Dr. W. Aitkin	13201	
5335	1624-A		Excerpt therefrom		13202
5264A	1625		Affidavit of Major I. F. Macrae	13203	
5264A	1625-A		Excerpt therefrom		13203
5250	1626		Affidavit of A.F. Winsor	13204	
5250	1626-A		Excerpt therefrom		13205
5251	1627		Affidavit of Major R.G. Turner	13205	
5251	1627-A		Excerpt therefrom		13206
5251	1627-B		Photographs (submitted with prosecution's document 5251 for identification only)		13207
5458	1628		Synopsis of Evidence - Formosa		13208
5182	1629		Affidavit of Colonel C.R. Stringer, R.A.M.C.	13208	
5182	1629-A		Excerpt therefrom		13208
5172	1630		Affidavit of James Cross, Lieutenant, Royal Artillery		13210

1 Wednesday, 18 December, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with
14 the exception of: HONORABLE JUSTICE D. JARANILIA,
15 Member from the Republic of the Philippines, not
16 sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 The Accused:

20 All present except OKAWA, Shumei, who is
21 represented by his counsel.

22 - - -

23 (English to Japanese and Japanese
24 to English interpretation was made by the
25 Language Section, IMTFE.)

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Moore.

4 LANGUAGE ARBITER (Major Moore): Mr. Presi-
5 dent, with the Tribunal's permission we present the
6 following language corrections. These corrections
7 have been agreed upon by both prosecution and defense.

8 Exhibit 507, record page 6,129, line 10,
9 delete from "appreciates" to the end of the paragraph
10 and read "appreciated the idea of an understanding
11 with Russia and that there was certainly a prospect of
12 these ideas soon finding acceptance in Japanese foreign
13 policy. SHIRATORI, who would soon return to Tokyo
14 from his post of Ambassador in Rome, would also work
15 along these lines."

16 THE PRESIDENT: Mr. Justice Mansfield.

17 MR. JUSTICE MANSFIELD: If the Tribunal please,
18 I tender prosecution document No. 5453, a further
19 synopsis.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 5453 will receive exhibit No. 1579 for identification.

23 (Whereupon, the document above
24 referred to was marked prosecution's exhibit
25 No. 1579, and was received in evidence.)

1 MR. JUSTICE MANSFIELD: Prisoner of war camps
2 in Burma not connected with the Burma-Siam Railway.

3 Prosecution document numbered 5275, the
4 affidavit of Major C. E. Green, is now introduced for
5 identification.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5275 will receive exhibit No. 1580 for identifica-
8 tion only.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1580 for identification.)

12 MR. JUSTICE MANSFIELD: And the marked
13 excerpts therein being offered in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: And the marked excerpt
16 therefrom, bearing the same document number, will
17 receive exhibit No. 1580-A.

18 (Whereupon, the document above
19 referred to was marked prosecution's exhibit
20 No. 1580-A, and was received in evidence.)

21 MR. JUSTICE MANSFIELD: This document states
22 that at Aerodrome Camp, Victoria Point, in June 1942,
23 a prisoner of war having escaped, a number of other
24 prisoners of war and officers were imprisoned until
25 the man's recapture. When the man was found, the

1 Japanese senior officer said that there was an order
2 that anyone attempting to escape was to be shot and
3 that this man, therefore, had to be shot. The witness,
4 as the camp commandant, made every attempt to prevent
5 the execution, which was nevertheless carried out
6 in front of the witness. There had been no trial.

7 Prosecution document numbered 5206-B, the
8 affidavit of Chaplain F. H. Bashford, is tendered for
9 identification.

10 CLERK OF THE COURT: Prosecution's document
11 No. 5206-B will receive exhibit No. 1581.

12 (Whereupon, the document above
13 referred to was marked prosecution's exhibit
14 No. 1581 for identification.)

15 MR. JUSTICE MANSFIELD: And the marked excerpts
16 thereof introduced in evidence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: The marked excerpt
19 therefrom, bearing the same document number, will
20 receive exhibit No. 1581-A.

21 (Whereupon, the document above
22 referred to was marked prosecution's exhibit
23 No. 1581-A, and was received in evidence.)

24 MR. JUSTICE MANSFIELD: This document states
25 that in June 1942 eight prisoners of war escaped from

1 Tavoy Aerodrome Camp. On recapture, they were executed,
2 the witness being present. Letters of protest against
3 the execution by the senior British officer were of no
4 avail.

5 Prosecution document numbered 5038-B, the
6 affidavit of Lieutenant Colonel G. E. Ramsey, is now
7 offered for identification.

8 CLERK OF THE COURT: Prosecution's document
9 No. 5038-B will receive exhibit No. 1582 for identi-
10 fication only.

11 (Whereupon, the document above
12 referred to was marked prosecution's exhibit
13 No. 1582 for identification.)

14 MR. JUSTICE MANSFIELD: The marked excerpts
15 thereof being produced in evidence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: The marked excerpt
18 therefrom, bearing the same document number, will
19 receive exhibit No. 1582-A.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 1582-A, and was received in evidence.)

23 MR. JUSTICE MANSFIELD: This document states
24 that in May 1942, the witness was commanding a
25 prisoner of war camp at Mergui. The camp was

1 overcrowded, many of the men had dysentery, and hos-
2 pital facilities did not exist.

3 Three men were shot for allegedly trying to
4 escape. The witness made representations to the
5 Japanese commander, to no avail.

6 At Tavoy in September 1942, prisoners of war
7 were employed on enlarging a military aerodrome.
8 Three men accused of stealing stores were taken to the
9 gaol and there tortured savagely by the Kempeitai.

10 THE PRESIDENT: Mr. Justice Mansfield, the
11 three Australians shot at Mergui were Daveys, Bell and
12 Shuberth. We had evidence about them before.

13 MR. JUSTICE MANSFIELD: That is correct.

14 THE PRESIDENT: In the future we would like
15 you to indicate when an execution like this has been
16 previously testified to or any other atrocity of any
17 importance.

18 MR. JUSTICE MANSFIELD: Yes, I will do that.

19 Prosecution document numbered 5274, the affi-
20 davit of Wing Commander L. V. Hudson, is tendered for
21 identification.

22 CLERK OF THE COURT: Prosecution's document
23 No. 5274 will receive exhibit No. 1583 for identifica-
24 tion only.

25 (Whereupon, the document above

1 referred to was marked prosecution's exhibit
2 No. 1583 for identification.)

3 MR. JUSTICE MANSFIELD: And the excerpts
4 marked therein produced in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: And the excerpt there-
7 from, bearing the same document number, will receive
8 exhibit No. 1583-A.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1583-A, and was received in evidence.)

12 MR. JUSTICE MANSFIELD: This document states
13 that in March 1945, at Rangoon Prison, two men who
14 were seriously ill were refused medical aid by the
15 Japanese doctor, who said they were dying anyway. In
16 fact, the men did die within a week.

17 On numerous occasions the doctor and his
18 orderly were asked for treatment to which the answer
19 was, as before, that since the men were dying, to give
20 drugs to them would be a waste.

21 The commandant of the prison inspected the
22 pitiful bareness of the cell which served as a hospital
23 and saw the condition of the sick without comment.

24 The witness was beaten up by the doctor and
25 his medical orderly for writing a complaint to the

1 commandant on the conditions in which the sick were
2 living.

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1 I produce prosecution document No. 5454.

2 THE PRESIDENT: Admitted on the usual
3 terms.

4 CLERK OF THE COURT: Prosecution's docu-
5 ment No. 5454 will receive exhibit No. 1584.

6 (Whereupon, the document above
7 referred to was marked prosecution's ex-
8 hibit No. 1584 and received in evidence.)

9 MR. JUSTICE MANSFIELD: Mergui -- Kirihkan
10 Road. Prosecution document numbered 5125, the
11 affidavit of Major V. Bennett, is now introduced
12 for identification.

13 CLERK OF THE COURT: Prosecution's docu-
14 ment No. 5125 will receive exhibit No. 1585 for
15 identification only.

16 THE PRESIDENT: Admitted on the usual
17 terms.

18 (Whereupon, the document above
19 referred to was marked prosecution's ex-
20 hibit No. 1585 for identification only.)

21 MR. JUSTICE MANSFIELD: The excerpts
22 marked wherein are now offered in evidence.

23 THE PRESIDENT: Admitted on the usual
24 terms.

25 CLERK OF THE COURT: And the marked ex-

1 When this was the case there was no opportunity for
2 prisoners to have meals in camp, and buckets of
3 rice and vegetable stew had to be sent out to the
4 working site.

5 "The sick rate which had been about 30 to
6 40 men per day rose after about three weeks to 60 to
7 70 men per day, the most usual complaints being
8 deficiency diseases and malaria. In view of the
9 high sick rate as aforesaid, I had to ask for some
10 of the worst cases to be evacuated. This was
11 always refused...."

12 Medical supplies were meagre. Although
13 no deaths occurred among prisoners of war at this
14 camp, of the total of about 1,000 men who set out
15 from Nakompaton to build the road, about 250 died
16 in four months owing to the lack of medical sup-
17 plies, overwork, inadequate food and the dis-
18 graceful living conditions.

19 I tender prosecution document No. 5455,
20 which is a further synopsis.

21 THE PRESIDENT: Admitted on the usual
22 terms.

23 CLERK OF THE COURT: Prosecution's docu-
24 ment No. 5455 will receive exhibit number 1586.

25 (Whereupon, the document above

1 cerpts therefrom, bearing the same document
2 number, will receive exhibit No. 1585-A.

3 (Whereupon, the document above
4 referred to was marked prosecution's ex-
5 hibit No. 1585-A and received in evidence.)

6 MR. JUSTICE MANSFIELD: This document
7 states that in April, 1945, the witness arrived at
8 Top Camp, which was to be used to accommodate
9 prisoners building the road from Nergui to Yirikhan.

10 "...The Top Camp had been used for the
11 accommodation of coolies who had left before we
12 arrived. There were three very broken down huts,
13 one without a roof. This was the season when it
14 rained almost continuously and in view of the fact
15 that the huts were situated in a ravine surrounded
16 by high trees, we never had the chance to dry our
17 kit and clothing.

18 "The food consisted of rice and dry
19 vegetables and was so short in quantity that after
20 about three weeks most of the prisoners were suf-
21 fering from beriberi and other deficiency diseases.
22 Added to the shortage of food, prisoners were sub-
23 jected to excessive work, and I remember a period
24 when work went on from about 0830 in the morning
25 until two or three o'clock the following morning.

1 When this was the case there was no opportunity for
2 prisoners to have meals in camp, and buckets of
3 rice and vegetable stew had to be sent out to the
4 working site.

5 "The sick rate which had been about 30 to
6 40 men per day rose after about three weeks to 60 to
7 70 men per day, the most usual complaints being
8 deficiency diseases and malaria. In view of the
9 high sick rate as aforesaid, I had to ask for some
10 of the worst cases to be evacuated. This was
11 always refused...."

12 Medical supplies were meagre. Although
13 no deaths occurred among prisoners of war at this
14 camp, of the total of about 1,000 men who set out
15 from Nakompaton to build the road, about 250 died
16 in four months owing to the lack of medical sup-
17 plies, overwork, inadequate food and the dis-
18 graceful living conditions.

19 I tender prosecution document No. 5455,
20 which is a further synopsis.

21 THE PRESIDENT: Admitted on the usual
22 terms.

23 CLERK OF THE COURT: Prosecution's docu-
24 ment No. 5455 will receive exhibit number 1586.

25 (Whereupon, the document above

1 referred to was marked prosecution's ex-
2 hibit No. 1586 and received in evidence.)

3 MR. JUSTICE MANSFIELD: Civilians in Siam.
4 Prosecution document numbered 5156, the affidavit of
5 Miss M.J.M. Magness, is offered for identification.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5156 will receive exhibit No. 1587 for identifi-
8 cation only.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1587 for identification only.)

12 MR. JUSTICE MANSFIELD: And the marked
13 excerpts therein now produced in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: The excerpts therefrom,
16 bearing the same document number, will receive ex-
17 hibit No. 1587-A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1587-A and received in evidence.)

21 MR. JUSTICE MANSFIELD: This document states
22 that the witness was with twenty-one other
23 Europeans interned at Jampang Tob. On 13 December,
24 1941, eight Indian soldiers were pushed into the
25 room where the internees were living. Shortly after
a Japanese soldier threw a hand grenade into the

1 room. The witness was unable to move, as her hip
2 was injured. Two Japanese soldiers entered the
3 room, one firing an automatic gun, the other bayonet-
4 ing people lying on the floor. The witness was
5 lying underneath some people and was thus saved
6 from further injury.

7 A number of people were killed and many
8 others injured. The Japanese then made off in a
9 lorry.

10 Prosecution document numbered 5394, the
11 affirmation of Kalu Ram, is now introduced for
12 identification.

13 CLERK OF THE COURT: Prosecution's docu-
14 ment No. 5394 will receive exhibit No. 1588 for
15 identification only.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1588 for identification only.)

19 MR. JUSTICE MANSFIELD: And the excerpts
20 marked therein produced in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: And the excerpts
23 therefrom, bearing the same document number, will
24 receive exhibit No. 1588-A.

25 (Whereupon, the document above

referred to was marked prosecution's exhibit No. 1588-A and received in evidence.)

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MR. JUSTICE MANSFIELD: This document states that the witness was arrested by the Kampeitai at Ranaung. When Siamese policemen tried to procure the witness' release, they too were arrested.

Ram was taken to Chumporn:

"...For the next ten days I was beaten with a big stick, while my hands and feet were tied, and told to speak the truth. I do not know what they wanted me to speak the truth about, as they asked me no questions. During this time I was given a small ball of rice and a stick of raw cucumber daily for food.

"On the eleventh day, water was forced into my stomach, and when my stomach was full, the Japs jumped on it and I became unconscious. I was brought round by two Jap soldiers who threw cold water over me.

"For the next two days I was suspended from a beam by the wrists, with my toes barely touching the ground. There was a wire tied to my wrists and a clamp fastened to my waist. Electricity was passed through these wires and my arms and body were burned. The pain made me cry out continually,

1 and there seemed to be hooks plucking at my whole
2 body. After two days of almost continual current
3 being passed through me, during which time I was
4 only given small quantities of water to drink, I
5 became unconscious.

6 "Before this, the Japs accused me of
7 being a British spy, and of photographing aero-
8 planes, and sending messages to London.

9 "As I cannot even write my name, I tried
10 to point out that this charge was ridiculous. They
11 did not stop the current....

12 "During this time I saw Musa Nemon, who
13 was arrested the day before me, being given the
14 water torture by the same M.P.'s who tortured me.

15 "The M.P.'s were still trying to make me
16 confess that I was a British spy.

17 "After I arrived at Kawachi from Chumporn,
18 my wrists and legs were charred to the bone from
19 the results of the electric tortures and just as they
20 were healing, the M.P.'s used to stick burning
21 cigarettes into the sores.

22 "In the end they tied some thin fishing
23 line on to my testicles, with such a knot that the
24 blood was cut off from those organs. The other
25 end of the fishing line was tied to the wall. I

1 was made to lie down, and the line was tightened.
2 Then a rope was put around my neck and it was
3 pulled tight to the opposite wall. I was in con-
4 siderable pain. Then the M.P. loaded a rifle
5 and threatened to shoot me if I did not tell them
6 where the wireless set was hidden. I implored them
7 to kill me, as I knew nothing and would only have
8 to be subjected to more torture if I lived. I was
9 then released and brought towards the gaol. I
10 asked to be allowed to go to the M.C. and was led
11 towards that place, through the bathroom. On the
12 floor of the bathroom I saw the body of Musa. He
13 was definitely dead, and his body was naked and
14 covered with lime....

15 "...the Japanese continued to beat me. I
16 was there for about seven months. Once, a tall
17 M.P. with a lot of gold teeth put a red-hot wire
18 up the centre of my penis. I was beaten almost
19 daily, and in the end could not even walk."

20 The case for the prosecution will now be
21 continued by Brigadier Nolan, if the Court please.
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BARNETT

DIRECT

1 THE PRESIDENT: Brigadier Nolan.

2 BRIGADIER NOLAN: If it please the Tribunal,
3 I call as a witness Captain James Barnett, of the
4 Canadian Army.

5 J A M E S B A R N E T T, called as a witness
6 on behalf of the prosecution, being first
7 duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY BRIGADIER NOLAN:

10 Q What is your full name, please?

11 A James Barnett.

12 Q And where do you live?

13 A Quebec City.

14 Q What is your present occupation?

15 A I am a chaplain in the Canadian Army Active
16 Force.

17 Q When did you become a member of the Canadian
18 Army?

19 A I became a member of the Canadian Army in
20 August 1940.

21 Q Where were you stationed in 1941?

22 A I was stationed in Hong Kong at the end of
23 1941.

24 Q When did you arrive in Hong Kong?

25 A 16th of November, 1941.

BARNETT

DIRECT

1 Q In what regiment were you serving at that
2 time?

3 A The Royal Rifles of Canada, from Quebec City.

4 Q How was the garrison at Hong Kong made up?

5 A The Hong Kong garrison was made up of the
6 two Indian regiments, the Rajputs and the Punjabis;
7 two British regiments, the Middlesex and the Royal
8 Scots, together with a regiment of artillery; two
9 Canadian regiments, the Royal Rifles of Canada from
10 Quebec City and the Winnipeg Grenadiers, Winnipeg.

11 Q And you were serving with the Royal Rifles
12 of Canada as a chaplain to that regiment?

13 A I was.
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1 Q Where were you on the 25th of December, 1945?

2 A I was in St. Stephens College Hospital at
3 Stanley on the Island of Hong Kong.

4 Q And what was St. Stephens College Hospital?

5 A Prior to the war it was a school for boys
6 but was commandeered at the beginning of the war as
7 one of the hospitals to which wounded men were taken.8 Q Will you describe what happened on Christmas
9 Day, the 25th of December, 1941, at this hospital?10 A At 6 o'clock, about 6 o'clock in the morning
11 of Christmas Day, 1941, the Japanese troops entered
12 St. Stephens College Hospital. I saw five Japanese
13 soldiers bayonet fifteen to twenty wounded men while
14 they were still in bed.15 Q How many patients and nurses were there in
16 the hospital at that time?

17 A About 160 to 175 patients and seven nurses.

18 Q Then what happened?

19 A After that the Japanese herded all those
20 who could walk, patients and staff, and put them into
21 a storeroom. After we had been there for about an
22 hour the Japanese moved us to a smaller room. Up
23 till this time the nurses had been with me, but as we
24 were being moved from the storeroom to the small room
25 the nurses were separated from me. I saw one of the

BARNETT

DIRECT

1 nurses beaten over the head with a steel helmet,
2 kicked and slapped in the face, by a Japanese soldier.
3 In the small room in which I was placed, 90 men were
4 placed there with me -- some of the hospital staff
5 and some of the wounded men. The room was so small
6 that we couldn't all sit down together and it was
7 necessary for the very sick or wounded men to lie
8 down as best they could and when they could. After
9 we had been in the room a little while an unknown
10 Japanese soldier came to the door, made us put up our
11 arms, and took away my watch, my ring, and some money
12 which I had in my pocket. Later on another Japanese
13 soldier came with a sack of ammunition and threw
14 bullets into our faces. Later on another Japanese
15 soldier came and took a rifleman out of the room and
16 as soon as he got into the corridor we heard screams
17 which I believe came from the rifleman. A little while
18 later another Japanese soldier came and took another
19 rifleman out of the room. When they got out of the
20 room we heard more screams which I also believe came
21 from the rifleman taken out.

22 Q How long were you in this particular room,
23 Captain Barnett?

24 A We were in this room from approximately
25 7 o'clock in the morning until 4 o'clock in the

BARNETT

DIRECT

1 afternoon.

2 Q What happened at 4 o'clock in the afternoon?

3 A At 4 o'clock in the afternoon a Japanese
4 soldier came and by sign language told us that Hong
5 Kong had surrendered.

6 Q The next day, the 26th of December, you made
7 a tour of the hospital?

8 A Yes.

9 Q What did you see?

10 A The hospital was in a dreadful state. I
11 found the two men who had been taken out of our room,
12 their bodies badly mutilated, their ears, tongues,
13 noses and eyes cut away from their faces; about 70
14 men, wounded men, killed by bayonet in their beds;
15 many more men more seriously wounded than they were.

16 Q Were these patients of whom you have just been
17 speaking armed?

18 A None of the patients were armed nor, yet,
19 was the hospital staff, nor were there any armed troops
20 in the hospital or around the grounds.

21 Q Where was the commanding officer of the
22 hospital?

23 A I found the commanding officer of the hospital,
24 together with his adjutant, down on the ground floor,
25 their bodies very badly mutilated. They were dead.

BARNETT

DIRECT

1 Q Did you see any of the nurses?

2 A I was anxious about the nurses and for some
3 time did not see them, but during the morning I saw
4 four of them coming towards me. They were in a
5 dreadful state and they had had a very bad time all
6 through the night. They had been assaulted by Japanese
7 soldiers and one of them told me she was forced to
8 lie on two dead bodies and used by the Japanese as
9 they chose.

10 Q When you say they had been assaulted, what
11 do you mean by the word "assault"?

12 A They had been raped by the Japanese.

13 Q You spoke of four nurses. Where were the
14 other three?

15 A At first we couldn't find them. We didn't
16 know where they were. Sometime in the morning one of
17 the nurses came to me and said that a Japanese soldier
18 wanted her to go out of the hospital into the grounds
19 with him. She asked me to go with her and I asked a
20 RAMC sergeant to accompany us. The Japanese soldier
21 took us to a clump of bushes about a hundred feet away
22 from the hospital building. Under the bushes, covered
23 with blankets, we found the bodies of the three dead
24 nurses. One of the nurses had her head practically
25 severed from her body.

BARNETT

DIRECT

1 Q What was the name of the non-commissioned
2 officer from the Royal Army Medical Corps who was
3 with you?

4 A Sergeant Peasegood.

5 Q Were burial parties organized?

6 A I started to organize burial parties but the
7 Japanese soldiers forced us to build a fire and
8 cremate all the bodies that were around the hospital.

9 Q How many were cremated?

10 A I cremated about one hundred and seventy or
11 eighty bodies. A number of these bodies came from the
12 hospital and some from battle fields lying around
13 away from the hospital.

14 Q What happened to the food and medical
15 supplies in the hospital?

16 A On the 26th of December, 1941, I saw the
17 Japanese looting all the food in the hospital, and large
18 quantities of medical supplies and equipment, and took
19 them away on trucks.

20 Q Did you, yourself, have any food?

21 A I had no food from the 24th of December until
22 the night of the 27th of December.

23 Q Where did this food come from?

24 A This was food that had been missed by the
25 Japanese soldiers.

BARNETT

DIRECT

1 Q What was done with the wounded?

2 A Between December the 27th and the 29th we
3 managed to move all our wounded patients either to
4 Bowen Road Military Hospital or to Stanley Barracks
5 Military Hospital.

6 Q What was done with the hospital staff?

7 A The hospital staff was moved to Stanley
8 Barracks and at Stanley Barracks I rejoined my
9 regiment.

10 Q Were there any signs on this hospital?

11 A We were flying the Red Cross Hospital sign
12 but it was shot down at least twice.

13 Q Will you describe for me the circumstances
14 under which you left Stanley Barracks in December,
15 1941?

16 A On December the 30th all troops at Stanley
17 Barracks were ordered, forced, to march to a camp at
18 North Point. The march wasn't a very hard one because
19 we were given frequent rests, and we were able to have
20 some food on the way which we had collected at Stanley
21 Barracks.

22 Q How many men were in this party?

23 A About 2,500 men and officers.

24 Q Will you describe for me very briefly what
25 prisoner of war camps there were in the Hong Kong area?

1 A There were three prisoner of war camps in
2 the Hong Kong area besides hospitals. There was
3 North Point Camp, Shamshuipo Camp, Argyle Street
4 Camp, and Bowen Road Military Hospital.

5 Q You have been speaking about North Point
6 Camp. Was that on the island or on the mainland?

7 A That was on the Island of Hong Kong.

8 Q Am I right in saying that only Shamshuipo
9 Camp was on the mainland?

10 A No. Shamshuipo Camp and Argyle Street Camps
11 were on the mainland.

12 Q What did you do when you arrived at North
13 Point Camp?

14 A When I arrived at North Point Camp I had
15 two very sick men to look after, one suffering from
16 malaria and one that had been wounded that we had
17 picked up on the road. When we got to North Point Camp
18 I asked Erigadier Wallace to grant me grant me his
19 permission to take them to the hospital, and also
20 went to see Lieut. HONDA, the camp commandant, to ask
21 his permission to leave the camp. Lieut. HONDA gave
22 me permission to leave the camp, the use of his car
23 and a pass to take these men to the hospital. I took
24 the men to the hospital and when I came back from the
25 hospital to North Point Camp I brought Captain Robinson

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1 with me, of the hoyal Army Medical Corps, and also
2 a few drugs.
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1 Q The next day you had a conversation with
2 Lieutenant HONDA?

3 A As I was walking around the prison compound,
4 Lieutenant HONDA came to me and asked me if I would
5 like to go for a drive downtown.

6 THE MONITOR: Mr. Witness, is he a first
7 or second lieutenant, do you know?

8 Q Is he a first or second lieutenant?

9 A That I could not say. Lieutenant HONDA asked
10 me to get a driver, and I did; and I got some money,
11 and we went downtown. As we were driving downtown
12 Lieutenant asked me my name. I told him Barnett,
13 and he said, "Not Banfill," and I replied, "No,
14 although I know Captain Banfill as he is our medical
15 officer." I told Lieutenant HONDA that we believed
16 that Captain Banfill had been killed; and he replied,
17 "Oh, no. I took him prisoner." Lieutenant HONDA
18 told me that his orders were all prisoners must die,
19 but he liked Captain Banfill and asked his company
20 commander if his life might be spared, and his life
21 was spared. As far as I can ascertain, Captain
22 Banfill and Corporal Leith of the Royal Army Medical
23 Corps are the only two survivors from the field
24 dressing station at which Captain Banfill was command-
25 ing.

BAI NETT

DIRECT

1 Q Will you please describe the conditions
2 at North Point Camp when you arrived?

3 A The conditions were filthy and appalling.
4 Practically all the windows in the huts had been
5 broken. At one end of the camp was being used as
6 a reclamation place, and city refuse had been dumped
7 there and covered with a thin layer of earth. The
8 camp had been used as horse lines by the Japanese
9 cavalry. There were a number of dead Chinese bodies
10 lying at the other end of the camp. It was a perfect
11 breeding place for disease. There were flies by the
12 thousands and bedbugs by the hundreds.

13 Q Was the accommodation adequate?

14 A The accommodation was most inadequate. This
15 camp had been built as a Chinese refugee camp to
16 house between six and seven hundred persons. Into
17 this camp was placed the whole force which marched
18 from Stanley Barracks, about two thousand, five hundred
19 officers and men. About a hundred and fifty men or
20 more were placed in each hut, a hut built for about
21 sixty or seventy persons. Some had beds, wooden
22 beds; some had none at all; some had one blanket;
23 others had none. There was no water in the camp, nor
24 yet were there any cook houses. There were no latrine
25 facilities because of the water being cut off; and

BARNETT

DIRECT

1 the men were used -- forced to use the sea wall, a
2 very dangerous practise, and a practise which would
3 help to spread disease.

4 Q Will you please describe the hospital
5 arrangements and the medical supplies?

6 A The first supplies, medical supplies, that
7 came into the camp I brought from Bowen Road Hospital
8 with me on the 30th of December. The Japanese after
9 that brought in small quantities, and I know that one
10 man, when he went on sick parade with a very bad cold,
11 could not even get an aspirin tablet or a dose of salts.
12 At first we had no hospital in North Point Camp; but
13 after being there for a while, they gave us a tent.
14 This tent was most inadequate because the middle of
15 January I had to go to the hospital with dysentery
16 and I was placed in this tent on a stretcher on the
17 ground fully clothed, and for ten days I could
18 neither shave nor wash because of the scarcity of
19 water. Our medical officer asked the Japanese to send
20 me to Bowen Road Hospital, but they would not allow
21 him to have me transferred. Later we were given a
22 little go-down or garage adjoining the camp as an
23 extra hospital. It was inadequately lit, and when
24 it rained, the place was full of pools of water.

25 Q Was this camp an officers' camp or an other

BASNETT

DIRECT

1 ranks' camp?

2 A At the beginning it was an officers' and
3 other ranks' camp. Later the officers, the British
4 officers, were moved out to Argyle Street and the
5 troops to Shamshupo Camp. In the camp were Canadian
6 officers and men and naval officers and other ranks.
7 In April, 1942, it became purely a Canadian camp
8 in which Canadian officers and men were housed.

9 Q Were eating utensils supplied?

10 A When we first arrived at North Point Camp,
11 the men had practically no eating utensils. They
12 used jam tins for cups, the hubs of trucks or motor
13 wheels for plates, and sometimes lampshades for
14 plates.

15 THE PRESIDENT: We will recess for fifteen
16 minutes, Brigadier.

17 (Whereupon, at 1045, a recess was
18 taken until 1100, after which the proceedings
19 were resumed as follows:)
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BARNETT

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1 ranks' camp?

2 A At the beginning it was an officers' and
3 other ranks' camp. Later the officers, the British
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19 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Brigadier Nolan.

4 DIRECT EXAMINATION

5 BY BRIGADIER NOLAN (Continued)

6 Q Captain Barnett, will you describe the
7 food in this camp?

8 A When we first got to North Point Camp
9 after being there for a day we were allowed to go
10 out to army food dumps and procure army rations.
11 The first month or so in North Point Camp the food
12 was quite good as we used these rations. At the
13 end of the first month or so the Japanese came in
14 and took out the army rations which they had allowed
15 us to collect. With care these rations would have
16 lasted at least three months. When the Japanese
17 had taken out our rations we went onto a diet of
18 rice. The rice was a very inferior quality and
19 full of worms. I should say that from the beginning
20 our rice ration was about a pound of rice per man
21 per day, about half a pound of very inferior quality
22 vegetables, sometimes these vegetables consisted of
23 garden flowers and weeds. We were also given a little
24 bread each day, a little fish once or twice a week,
25 sometimes meat, say, from the beginning of February

BARNETT

DIRECT

1 until about the beginning of July.

2 Q Was there fuel in this camp?

3 A At the beginning the fuel question was
4 all right but at times, as camp life went on, fuel
5 became very scarce. I have known times when I have
6 helped the men to collect any scraps of wood around
7 the camp so that we might cook our food.

8 Q Did you yourself live with the officers
9 or with the men?

10 A In North Point we had one hut set aside
11 for the officers and I lived in that hut.

12 Q Are the conditions which you are describing
13 equally applicable to officers and men?

14 A They are.

15 Q Do you remember an incident which arose
16 out of the signing of an affidavit?

17 A I do.

18 Q Tell me about it.

19 A In May, 1942, Colonel TOKUNAGA came down
20 to North Point Camp and called for a special muster
21 parade.

22 THE MONITOR: Witness, is he a full colonel
23 or lieutenant colonel; can you tell us? It makes a
24 difference in the translation.

25 Q Is he a full colonel or lieutenant colonel

BARNETT

DIRECT

1 or do you know?

2 A I think that he was a full colonel.
3 Colonel TOKUNAGA was in command of all prisoner
4 of war camps in Hong Kong. At the muster parade
5 he indicated to us that he had received orders
6 that all prisoners must sign an affidavit saying
7 that they would not attempt to escape. He told us
8 that he was going to give us an order to sign this
9 affidavit. If anyone refused to sign it he would
10 be charged with mutiny and immediately arrested
11 and severely punished. One man in North Point Camp
12 refused to sign the affidavit. He was taken out of
13 camp. He did not return to camp until the beginning
14 of June. When he returned to camp as chaplain I went
15 to see him. I asked him what happened and he told
16 me the following story. He said, "I was taken out
17 of North Point Camp up to Lieutenant WADA's quarters
18 where they tried again to persuade me to sign the
19 affidavit. I still refused and was put in the camp
20 guardhouse. I spent the night in the camp guardhouse
21 and was taken to a court in Victoria City on the
22 Hong Kong Island the next morning. In the court I
23 met some men from Shamshuipo Camp who had also refused
24 to sign the affidavit. We were questioned by a
25 Japanese officer. I together with the other men

BARNETT

DIRECT

1 was next sent to Stanley jail. While in Stanley
2 jail I was forced to kneel on a low bed with my
3 face facing the wall all day and night. If I
4 moved without permission I was beaten with a rubber
5 hose. We were given two small meals a day. There
6 was a latrine bucket in our room. We were not pro-
7 vided with any facilities. At the end of May all
8 food was cut out. I together with the other men
9 decided to sign the affidavit, owing to my condition
10 and the condition of the others who had contracted
11 dysentery." The man was brought back to North Point
12 Camp in a very weakened condition and hospitalized
13 for a considerable period.

14 Q Did any of the prisoners escape from North
15 Point Camp?

16 A In July four Canadians escaped from North
17 Point Camp.

18 Q Of what year?

19 A 1942.

20 Q Were there any changes in the food allow-
21 ances after this escape?

22 A After the escape the canteen was not allowed
23 to come in, thus depriving us of getting extra food
24 for our rations and the rations were cut to two-thirds
25 of the usual quantity; but I cannot definitely say

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BARNETT

DIRECT

1 that they were cut due to the escape.
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1 Q Do you know what happened to these four
2 soldiers?

3 A The only story that I have been able to find
4 out about those four soldiers came to us after the
5 war was over. The Japanese told us that they had
6 captured them and that they had been killed on the
7 following day of their escape from our camp.

8 Q On one occasion later it was suspected
9 that a soldier had escaped?

10 A On the night of August 29, 1942 the guards
11 thought that some one had escaped from North Point
12 camp. This was reported to Lieutenant WADA, the
13 camp commandant and also to Colonel TOKUNAGA. Colonel
14 TOKUNAGA came to camp and ordered a muster parade at
15 11 o'clock at night. The muster parade lasted from
16 11 o'clock at night until 5 o'clock in the morning.
17 All the sick men in the hospital and who were sick
18 in quarters were forced to come out on this parade and
19 many men had to be brought out on stretchers. It
20 rained practically the whole time we were out on muster
21 parade and the sick men were forced, as were we all,
22 to remain out in the rain. We were not allowed to wear
23 raincoats and even those men who had gone out on muster
24 parade with a raincoat were forced to take them off
25 by the Japanese. Very soon after the muster parade

BARNETT

DIRECT

1 was dismissed Lieutenant WADA sent word that muster --
2 morning muster parade -- instead of being at half-past
3 eight in the morning would be at half-past nine.

4 Q Were there any working parties in this camp?

5 A I can't remember the exact day, but working
6 parties did start in North Point camp. The men were
7 sent out on work parties to Kai Tak Airport. The
8 men were in fair condition at this time and so we
9 rather enjoyed going out of the camp confines out
10 into the open spaces.

11 Q Do you know what work was being done by
12 these parties?

13 A I went out one day with the men on a working
14 party and they were working on the runways and cutting
15 grass around the airfield.

16 Q Were the prisoners paid for their work?

17 A Yes, warrant officers were paid 25 sen per
18 day, non-commissioned officers 15 sen per day, privates
19 10 sen per day. This money was paid for a day's work
20 irrespective of the number of hours that the men had
21 to work, and the purchasing value of the money the
22 men received was negligible.

23 Q Did you see any mistreatment of Chinese
24 civilians?

25 A While I was at North Point camp I saw a Chinese

BARNETT

DIRECT

1 civilian picked up on the street. He was jujitsued
2 by the Japanese guards, bayoneted and then thrown
3 into the sea. I have seen Japanese women and children
4 tied to lamp posts for periods varying from 3 to 4
5 hours to 24 hours.

6 THE PRESIDENT: He said, "Japanese," Brigadier.

7 BRIGADIER NOLAN: You said, "Japanese."

8 THE WITNESS: Chinese women and children.

9 Q Who was the commanding officer of the
10 Royal Rifles of Canada?

11 A At this time Lieutenant Colonel J.H. Price.

12 Q And of the Winnipeg Grenadiers?

13 A When we went to North Point camp, Lieutenant
14 Colonel J. Sutcliffe was commanding the Winnipeg
15 Grenadiers.

16 Q Tell me about Colonel Sutcliffe.

17 A Lieutenant Colonel Sutcliffe was really the
18 first of our prisoner of war deaths. He died in
19 Bowen Road Military Hospital from malnutrition and
20 the failure to get drugs while he was still sick in
21 North Point camp. The Canadian chaplain together
22 with other Canadian officers were allowed to go to
23 Bowen Road Military Hospital to perform the last rites
24 for Lieutenant Colonel Sutcliffe. The Japanese author-
25 ities permitted us to buy floral tributes for Colonel

BARNETT

DIRECT

1 Fatcliffe. Colonel TOKUNAGA and his staff also
2 attended the funeral service and brought floral
3 tributes.

4 Q Did you conduct religious services in this
5 camp?

6 A We were allowed to conduct religious services
7 but as the camp was so small we had no hut or place
8 allotted where we could conduct them and so had all
9 our services outdoors.

10 Q In September of 1942 you went as a patient
11 to the Bowen Road Military Hospital. Will you describe
12 briefly the conditions at that hospital?

13 A The accommodation at the hospital for patients
14 and staff was quite good. We had beds with bed linen.
15 The hospital was run and conducted by our own doctors
16 and orderlies. The food at Bowen Road Military
17 Hospital was like in any other camp, consisting chiefly
18 of poor quality rice, poor quality fish, and poor
19 quality vegetables, with a little bread each day.
20 The medical supplies -- at the beginning of the war
21 they had plenty of medical supplies but owing to
22 heavy drain on it of many, many patients coming into
23 the hospital and the Japanese taking a certain amount
24 of supplies as they required them, the drugs became
25 very very scarce at Bowen Road Military Hospital. The
Japanese took away most of our x-ray equipment out

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BARNETT

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1 Q Did you receive any Red Cross parcels?

2 A On the 30th day of November I received a
3 Red Cross parcel, which was a British Red Cross
4 parcel. This parcel was supposed to contain six-
5 teen articles of food. It only contained nine
6 articles. The parcel had been looted. I believe
7 it had been looted by the Japanese.

8 Q Why do you think so?

9 A Because the box was partly broken. Besides
10 receiving the small individual parcels we received
11 a quantity of canned meat and vegetables and bully
12 beef. The Japanese guard, which had a house just
13 overlooking the hospital, sent on certain days for
14 special work parties to work around their quarters.
15 While they were working around the Japanese quarters
16 they saw cases half empty of bully beef and meat and
17 vegetables, and in the garbage heap were empty tins
18 which contained bully beef or meat and vegetable stew.

19 Q Were any of the patients beaten in this
20 hospital?

21 A Yes. At the beginning of November a special
22 muster parade was called for all patients and hos-
23 pital staff -- all patients who could walk and
24 hospital staff. Dr. SAITO, the Japanese head of
25 medical affairs in Hong Kong, called this muster

BARNETT

DIRECT

1 parade because he accused some patients of the
2 hospital of cheering when the first American air
3 raid took place on the 25th of October in Hong
4 Kong. He called Colonel Bowie out and Major Boxer.
5 Colonel Bowie was the commanding officer of the
6 hospital, and Major Boxer was a patient. Colonel
7 Bowie was beaten about the head and face, as was
8 Major Boxer. Then Dr. SAITO left us standing on
9 the parade square and went into the hospital and
10 beat all the patients in the face in Ward No. 5.

11 Q You were released from this hospital in
12 January of 1943?

13 A Yes.

14 Q Will you tell me where you went and de-
15 scribe the condition of that camp?

16 A I went to Shamshuipo Camp, which is
17 situated on the Kowloon Peninsula.

18 Q Who were in that camp?

19 A I was placed with the Canadian officers
20 group, which was still there at that time.

21 Q Where were the Canadian other ranks?

22 A They were in the same camp.

23 Q Will you describe the conditions, please?

24 A The huts in Shamshuipo Camp had been
25 stripped of windows and doors. The men had had to

BARNETT

DIRECT

1 use bricks of plaster board from the ceilings or
2 any old bits of sacking and tin they could find to
3 prevent the cold coming in in the winter and the
4 rains in the summer. The men had to sleep on
5 boards, which were built about two feet off the
6 ground and placed on one side of the hut. There
7 were about 60 to 75 men in one of these huts. The
8 buildings were full of bedbugs. It became impossible
9 for me to sleep on the boards on account of the bed-
10 bugs getting into the wood. We obtained permission
11 from the Japanese to take out the boards, and the
12 men then slept for a long time on the concrete
13 floor. Later on they were given iron beds. The
14 huts were wired for electricity, allowing three
15 globes to a hut, but on no occasion did we have the
16 full quantity of globes. In September, 1944,
17 electricity was cut off, and from then until the
18 end of the war we had no artificial light at all.
19 The latrine facilities in Shamshuipo were never
20 adequate. We were granted about five or six
21 buckets per latrine, and we had great difficulty
22 at first in the disposal of the night soil. At
23 first the night soil was collected in the mornings
24 and dumped in one central place, to be sold to a
25 Chinese contractor. Sometimes the Chinese

BARNETT

DIRECT

1 contractor would not come, and the night soil was
2 left for a considerable time, and thus a great
3 breeding ground for disease and sickness. For the
4 last year or two we used the night soil in our
5 camp garden.

6 Q Were there any hospital facilities?

7 A A certain number of huts were set aside
8 as a hospital. When I went to this camp, Shamshuipo,
9 there were no beds in these hospital huts, no
10 windows or no doors. The huts were in a very bad
11 state of repair, and during very rainy weather the
12 hospital ward was full of water. I cannot remember
13 which year it was, whether it was 1943 or 1944, the
14 Red Cross supplied the money to build, to put in
15 windows and doors in the hospital, and the Japanese
16 allowed Chinese contractors to come in and put those
17 windows and doors in the hospital.

18 Q Will you describe, Captain Barnett, the
19 food in this camp?

20 A The food in Shamshuipo Camp was very bad
21 when I went there, but it went from bad to worse.
22 When I first went there the daily ration was about
23 a pound of rice, a little fish, about half a pound
24 of vegetables, and a piece of bread a day. The
25 last year or so of the war our daily ration was a

BARNETT

DIRECT

1 pound of rice, half a pound of vegetables per day,
2 a little bit of sugar and a little bit of peanut
3 oil per month. In July, 1945, the Japanese started
4 to bring in buffalo meat once a week.

5 Q What about work parties in this camp?

6 A Work parties from Shamshuipo Camp were very
7 difficult. They called for large numbers of work
8 parties. I know at one time they called for over
9 400 Canadians. The health of the men due to mal-
10 nutrition, dysentery, and other diseases had de-
11 teriorated considerably, and because of being so,
12 in such bad health we had to send men at times out
13 on stretchers to work parties. Even though they
14 could not work, the numbers had to be made up. The
15 men would be called at four o'clock in the morning,
16 and although work did not start actually until
17 nine o'clock in the morning, the intervening hours
18 were spent in counting out the men and getting them
19 sorted out and transported to the place of work.
20 The men returned to camp about seven o'clock at
21 night, and some men who were out on work parties
22 from ten to twelve days in a row spent very little
23 daylight hours in prison camp.

24 Q What was the nature of the work being done?

25 A When I first went back to Shamshuipo Camp

BARNETT

DIRECT

1 the work being done was at the airport. The men
2 were leveling the ground and making room for the
3 airport to be enlarged. They spent a lot of time
4 making runways for the airport. When this work
5 was finished the work parties ceased for a short
6 time. Later on they were sent out into smaller
7 groups to work on making gardens at the race
8 track and unloading ammunition off ships and load-
9 ing ammunition onto trains.

10 Q Did you receive Red Cross parcels at
11 Shamshuipo?

12 A I received Red Cross parcels in Shamshuipo
13 as follows: In February, 1943, I received one
14 British Red Cross parcel; in April, 1943, I received
15 another. We did not receive any more Red Cross
16 parcels until August, 1944, when I received three
17 and two-thirds Canadian Red Cross parcels. At the
18 end of February or the beginning of March, 1945, I
19 received one and one-half British Red Cross parcels.

20 Q Why are there fractions?

21 A There wasn't enough Red Cross parcels to
22 give each one a full amount, and those that remained
23 over we divided up amongst the members of the camp.

24 Q Had any of these parcels been tampered with?

25 A The parcels that I received were intact,

BARNETT

DIRECT

1 but many of the parcels received by the men in camp
2 had been pilfered before they came into camp. As
3 at Bowen Road, so at Shamshuipo, the men were sent
4 out to work in Japanese quarters, training and doing
5 various odd jobs around, and when they came back to
6 camp they told us that at the Japanese quarters they
7 saw large supplies of Red Cross supplies and parcels
8 which were being used by the Japanese.

9 Q Will you tell me what happened to the
10 Roman Catholic padre, Captain Green?

11 A When I went back to Shamshuipo camp I
12 used to visit Captain Green in the hospital quite
13 often. He had been very sick for a considerable
14 time. I asked him what was wrong with him, and
15 he said that he believed his sickness was due to
16 a severe thrashing he got from a Japanese officer.
17 He received this beating because he asked about
18 the funds which had been sent by the Vatican for
19 the welfare of prisoners of war.

20 Q Did a Red Cross representative visit this
21 camp?

22 A Mr. Zindel, the Red Cross representative,
23 visited the camp, I remember, in August, 1944.
24 At this time Shamshuipo had been divided into two
25

BARNETT

DIRECT

1 sections: one to be used as an officers' camp, and
2 the other, as a men's camp. Those of us who were
3 in the men's camp were forced to go out into the
4 parade ground and indulge in sports while Mr. Zindel
5 made a visit in our camp. When Mr. Zindel's visit
6 was over and we were allowed to wander back around
7 the camp, I saw Lieutenant Barnett being taken
8 from the officers' camp by the Japanese. We dis-
9 covered that Lieutenant Barnett was being taken
10 out because he had spoken to Mr. Zindel, asking
11 him to get us more food as we were starving.
12 Lieutenant Barnett was severely beaten before he
13 was taken back into the officers' camp.
14

15 THE PRESIDENT: We will adjourn now,
16 Brigadier, until half past one.

17 (A creupon, at 1200, a recess
18 was taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Brigadier Nolan.

JAMES BARNETT, a witness called on behalf of the prosecution, resumed the stand and testified as follows:

DIRECT EXAMINATION (Continued)

BY BRIGADIER NOLAN (Continuing):

Q This morning, Captain Barnett, you told me that you had been required to sign an affidavit swearing that you would not attempt to escape. Was that affidavit in Japanese or in English?

A It was in English.

Q Do you remember if it showed, on its face, where it had come from?

A It seemed to me that it had the word "Tokyo" written on the top of it, as emanating from Tokyo.

THE PRESIDENT: Why does it merely seem? He shouldn't use that expression if he is at all sure.

Q Was it a printed form or not?

of the epidemic as exactly

BARNETT

DIRECT

1 A It was.

2 Q And do you remember what it had at the head
3 of the document?

4 A I cannot remember word for word.

5 Q Well, tell me what you do remember about the
6 heading.

7 A "Prisoner of war affidavit not to escape."

8 Q Anything else?

9 A Then a sign, printed out, was the words that
10 we would not -- "I will not escape or attempt to
11 escape from this prison camp."

12 Q Did the word "Tokyo" appear on the document?

13 A The word "Tokyo" did appear on the document,
14 but its context I do not remember.

15 Q Do you remember upon what part of the document
16 it appeared?

17 A Near the top.

18 Q Captain Barnett, were there any epidemics
19 in Shanshuipo Camp? Were there any epidemics in
20 Shanshuipo Camp?

21 A Yes.

22 Q Tell me about them.

23 A From October 1942 until February 1943, we had
24 a very serious epidemic of diphtheria. At the height
25 of the epidemic as many as three or four men died in a

BARNETT

L IRECT

1 day. Dr. SAITO said that there was no serum to be
2 produced. As the epidemic went along, a Japanese,
3 an interpreter, brought some serum into camp for us
4 and thereby saved the lives of many of our men. He
5 was removed, the Japanese interpreter was removed
6 from our camp as he was considered to be treating the
7 prisoners too humanely. Later on when patients came
8 from Bowen Road Hospital they said this same inter-
9 preter was then acting as interpreter at Bowen Road
10 Hospital and was doing as much as he could to help
11 the very sick persons by having special food parcels
12 sent in to them. For his humane treatment of us he
13 was sent to prison, but released when the war was
14 over and the British forces came in to relieve us.

15 Q Towards the end of the war, who was the camp
16 commandant?

17 A Towards the end of the war, our camp com-
18 mandant was Sergeant Major HONDA. Sergeant Major
19 HONDA treated us very humanely. When it was raining,
20 instead of having a muster parade, he would come
21 around to each hut and count us in the hut. If we had
22 a parade in the rain he made it as short as possible
23 and as each group was counted he dismissed us. The
24 last Christmas we were there he arranged a special
25 canteen for us to buy eggs and cakes and sweets.

BARNETT

CROSS

1 Q When were you liberated, Captain Barnett?

2 A I was liberated on the 15th of August, 1945.

3 Q By whom?

4 A By a fleet of the Royal Navy.

5 BRIGADIER NOLAN: That is all I have, your
6 Honor.

7 THE PRESIDENT: Mr. Logan.

8 MR. LOGAN: If the Tribunal please.

9 CROSS-EXAMINATION

10 BY MR. LOGAN:

11 Q Captain, what was the highest rank of the
12 highest Japanese officer that you saw at St. Stephens
13 College Hospital at the time of the surrender?

14 THE PRESIDENT: At the time of the alleged
15 massacre?

16 Q At the time of the surrender of Hong Kong.

17 A I was not familiar with the Japanese rank
18 badges at that time, so I cannot say.

19 Q Was there a great deal of disorder and con-
20 fusion at the time of the surrender of Hong Kong?

21 A I was in the hospital and I only know what
22 took place in the hospital.

23 Q How many Japanese soldiers came into that
24 hospital at that time?

25 A I saw five come in at a time, and I saw

BARNETT

CROSS

1 others, but they kept coming in from every side.
2 I do not know how many soldiers there were there.

3 Q Of those 170 or 180 which you helped to
4 create, how many of them came from battlefields?

5 A I should say about 90.

6 Q Can you tell us the exact date when you
7 arrived at Camp North Point?

8 A The 30th day of December 1941.

9 Q You testified you were permitted to take two
10 soldiers to the hospital, one suffering from malaria
11 and one was wounded. Did they return all right,
12 Captain?

13 A They both returned to Canada.

14 Q They received proper treatment at the hospital?

15 A They received treatment from the British
16 medical officers.

17 Q Was that hospital under Japanese control at
18 that time?

19 A The hospital was under Japanese control but
20 was run and conducted by British medical officers and
21 orderlies.

22 Q Who built Camp North Point?

23 A I cannot answer that question, as I wasn't in
24 Hong Kong long enough to find out.

25 Q In any event, it was there before Hong Kong

BARNETT

CROSS

surrendered, was it not?

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A Yes.

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Q So that at the time when it was built it had no cook houses, isn't that so?

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A I do not know. Some of the huts had been destroyed.

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Q Did it have any hospital before Hong Kong surrendered?

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A It was a hut used as a medical inspection room.

9

Q Was that hut there when you arrived?

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A It was there when I arrived, but had we not used those huts set for medical inspection, we would have had men sleeping out on the grounds of the camp.

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Q You also testified that this camp had no latrines. I assume they had no latrines before the surrender of Hong Kong; is that true?

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A It had latrines, but they weren't able to use them.

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Q What is that?

19

A They had latrines, but they were so badly damaged that until they were repaired we could not use them.

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Q How long did it take you to repair them?

23

A It took us considerable time because we often asked for equipment and material to repair them

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BARNETT

CROSS

1 surrendered, was it not?

2 A Yes.

3 Q So that at the time when it was built it
4 had no cook houses, isn't that so?

5 A I do not know. Some of the huts had been
6 destroyed.

7 Q Did it have any hospital before Hong Kong
8 surrendered?

9 A It was a hut used as a medical inspection room.

10 Q Was that hut there when you arrived?

11 A It was there when I arrived, but had we not
12 used those huts set for medical inspection, we would
13 have had men sleeping out on the grounds of the camp.

14 Q You also testified that this camp had no
15 latrines. I assume they had no latrines before the
16 surrender of Hong Kong; is that true?

17 A It had latrines, but they weren't able to
18 use them.

19 Q What is that?

20 A They had latrines, but they were so badly
21 damaged that until they were repaired we could not
22 use them.

23 Q How long did it take you to repair them?

24 A It took us considerable time because we
25 often asked for equipment and material to repair them

BARNETT

CROSS

1 with, but the Japanese would not bring any and so we
2 had to scrounge around the camp and find odd bits of
3 stuff to repair them with.

4 Q You also testified when you arrived at this
5 camp that there was no water. How long did that
6 condition exist?

7 A After a day or so we had been there, they
8 allowed us to bring water in by truck. But I cannot
9 say how long a period it took to repair the plumbing
10 system in camp so that we had regular running water.

11 Q Did I understand you, Captain, to say that
12 some Japanese brought some medical supplies to that camp
13 shortly after you arrived there?

14 A Yes.

15 Q You testified about Lieutenant HONDA. Could
16 you give me his full name?

17 A All that I know is that it was just Lieutenant
18 HONDA. I don't know any of his Christian names.

19 Q Do you know what regiment he was in?

20 A No.

21 Q You can't -- you have no means of identifying
22 him further, have you, Captain?

23 A No.

24 Q He is the one that told you the story about
25 Captain Bramfield being alive. I'd like to know how

BARNETT

CROSS

1 many were in this field dressing station Captain Bram-
2 field was with.

3 A It is not Captain Bramfield. It is Captain
4 Bonfill, B-a-n-f-i-l-l.

5 Q I am sorry.

6 A I do not know the exact number of the men
7 in his field dressing station. I know that there were
8 two Canadians, two other Canadians with him.

9 Q Did Lieutenant HONDA tell you how they died?

10 A No.

11 Q Captain, because of the nature of your
12 calling, did you have more freedom than the other men
13 in this camp?

14 A No.

15 Q Weren't you permitted to leave the camp and
16 go to the hospital once in a while?

17 A The first day we arrived in North Point Camp;
18 that was the only time that I was allowed out.

19 Q How many huts were there in this camp,
20 altogether?

21 A I do not know the number of huts in the camp.

22 Q You testified there were 2500 men there
23 at about the day you arrived, or they came with you.
24 Did they stay there during the entire period of time
25 you were there?

BARNETT

CROSS

1 A No. First of all, the Indians were moved
2 out of that camp. Then the British were moved out
3 of the camp. Then the Winnipeg Grenadiers rejoined
4 us and they brought the Royal Navy with them.

5 Q What was the highest number of men you had
6 at the camp at any one time?

7 A About 2500.

8 Q And for what period of time did you have
9 as many as 2500 in that camp?

10 A About four months.

11 Q And what was the least number you had at any
12 one time?

13 A Between sixteen and seventeen hundred.

14 Q What was the situation with respect to the
15 clothes of the men in this camp? Were they permitted
16 to keep their own clothes?

17 A We were permitted to keep our own clothes.

18 Q How long were you without eating utensils?

19 A The Japanese brought only into North Point
20 about enough to give about a hundred men eating
21 utensils and they throughout the whole time never
22 brought in any more eating utensils.

23 Q Do you know if there were any other eating
24 utensils available that they could have brought in?

25 A All that I know is they had complete access

BARNETT

GROSS

1 to our quartermaster stores.

2 Q Captain, about this affidavit that you
3 were asked to sign, you stated this morning that
4 Colonel TOKUEAGA indicated he had received orders
5 to have the prisoners of war sign the affidavit not
6 to escape. Just what do you mean by "he indicated"?

7 A He said that he had received orders that
8 we must sign this affidavit and was giving us an order
9 to sign them.

10 Q You have given us, in answer to questions
11 a few minutes ago, the substance of that affidavit.
12 Was there anything else contained in it besides what
13 you have testified?

14 A Not that I can remember.
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BARNETT

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1 Q I believe you testified this morning you
2 saw the men working in this airport?

3 A Yes.

4 Q How far from the camp was that?

5 A I should say about two miles across the bay.

6 Q Was that light work?

7 A The first part was light work, cutting grass
8 and digging.

9 Q Were they voluntary working parties?

10 A Will you please repeat? I didn't catch the
11 first part of the question.

12 Q Maybe I interrupted. Did you finish your
13 answer to the previous question? I asked if they
14 were voluntary working parties.

15 A No.

16 Q The men were asked to go?

17 A They were told to go.

18 Q How old was Lieut. Col. Sutcliffe at the
19 time he died?

20 A I don't know his age and I would be just
21 making a guess if I gave any age for Colonel Sutcliffe.

22 Q Let's have your best estimate.

23 A I should say about forty.

24 Q He died from malnutrition?

25 A Malnutrition and through malaria and

BAINETT

CROSS

1 dysentery, for which we had had no drugs in North
2 Point Camp.

3 Q Do you know if there were any other drugs
4 available in Hong Kong at that time?

5 A When I left St. Stephens Hospital it was
6 well equipped with drugs of every description. I
7 don't know what happened to those drugs.

8 Q Do you know if St. Stephens Hospital had a
9 large supply of drugs at the time you left?

10 A There was a considerable quantity there and
11 the Japanese had already taken a considerable quan-
12 tity when I left.

13 Q I believe you testified this morning that
14 at the end of 1942 when you went to Bowen Road Hos-
15 pital you were treated very well, is that correct?

16 A I said that the quarters were quite good,
17 but the food was very bad indeed.

18 Q Did you get medical treatment there?

19 A I received medical treatment from my own
20 doctor.

21 Q Was the hospital under the control of the
22 Japanese at that time?

23 A It was still under the control of the Jap-
24 anese but run by British officers and British medical
25 orderlies.

BARNETT

CROSS

1 Q How many patients were there at that hos-
2 pital when you were there in September?

3 A I should say about 240.

4 Q How were they being treated?

5 A They were receiving medical care at the
6 hands of the British doctors and orderlies.

7 Q They had no drugs to take care of them at
8 that time?

9 A Not nearly enough because men were dying
10 from diphtheria and dysentery.

11 Q Do you know if there was enough serum
12 available in Hong Kong at that time?

13 A I don't know.

14 Q When you arrived at Camp Shamshuipo, you
15 testified that the men were sleeping on boards. Had
16 that camp been built before the surrender of Hong Kong?

17 A Yes.

18 Q Do you know for what it had been used prior
19 to the surrender of Hong Kong?

20 A Yes.

21 Q What had it been used for?

22 A As a military camp.

23 Q By whom?

24 A By the British.

25 Q Just prior to the re-entry of the British

BARNETT

CROSS

1 in 1945 were there any machine guns set up around
2 your camp?

3 A In 1945 there were machine guns placed in
4 camp from time to time.

5 Q Did you ever hear any report, Captain, that
6 if the Allied forces set foot on Japanese soil that
7 all the prisoners in that camp would be killed?

8 A He had heard rumors that that would happen
9 to the prisoners.

10 Q Do you know where that rumor emanated from?

11 A I don't know.

12 Q Captain, is it a fact that as time went on
13 shipping lanes were disrupted and there was an in-
14 ability to bring food and hospital supplies and drugs
15 to Hong Kong?

16 THE PRESIDENT: He isn't in a position to
17 advise us on that, Mr. Logan.

18 Q Do you know, Captain, if it is a fact that
19 less and less ships came to Hong Kong as time went on?

20 A I don't know, but I know that each month I
21 did help to carry in large supplies of rice into the
22 Japanese compound. Not only rice, but soya sauce,
23 sugar and various other commodities.

24 Q Did that come from ships?

25 A Where it came from I could not say.

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BALNETT

CROSS

1 A Around the 8th of December, 1941.

2 Q Now, was the hospital in the path of the
3 fighting up until between the 8th, as you say, and
4 the 26th and 25th of December?

5 THE MONITOR: Mr. Blewett, will you kindly
6 repeat that question again, please?

7 Q Was the hospital in the path of the
8 fighting between December 8th or 10th and the 25th?

9 A The hospital was in the path of the fighting
10 on the 25th of December, 1941.

11 Q Had you seen any Japanese troops around
12 that vicinity before the 25th, Captain?

13 A I didn't see any Japanese troops until they
14 entered the hospital.

15 Q What was that last word, please?

16 THE PRESIDENT: He didn't see any Japanese
17 troops before he entered -- before they entered the
18 hospital.

19 Q On what date were the Red Cross flags shot
20 down?

21 A Between the 22nd and the 24th.

22 Q Now, did these shots come from land troops
23 or air?

24 A That I could not say, because we were being
25 shot around from the air and from the land troops as

BARNETT

CROSS

well.

1 THE PRESIDENT: To those entering the
2 hospital it was obvious that it was a hospital?

3 THE WITNESS: Yes.

4 Q Captain, were the Japanese who entered the
5 hospital under any kind of military order, or were
6 they roving bands of soldiers?

7 A I couldn't say whether -- they weren't
8 bands of roving soldiers; they came in into an attack.

9 Q I referred, Captain, to the soldiers that
10 actually entered the hospital.

11 A They were in attack and continued their
12 attack in the hospital, firing machine guns from the
13 hospital windows and rifle fire.

14 Q These three soldiers I believe you stated
15 entered the hospital; were they under any military
16 discipline, or did they have any leader?

17 A I don't know whether their leader was with
18 them, or whether one of them was a leader or not.

19 Q Was there soon after this occurrence, or
20 at any time, any explanation made by the Japanese
21 for the acts of these troops?

22 A None to my knowledge.

23 Mr. BLEWETT: Thank you, sir.

24 I believe that is all the cross-examination,
25

1 your Honor.

2 BRIGADIER NOLAN: I ask, Mr. President,
3 that the witness be released to permit him to return
4 to his own country, on the usual terms.

5 THE PRESIDENT: He may return to Canada,
6 on the usual terms. It isn't likely that he will
7 be required to come back.

8 (Whereupon, the witness was excused.)
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1 THE PRESIDENT: Brigadier Nolan.

2 BRIGADIER NOLAN: I offer now IPS document
3 2753, being the synopsis of the Hong Kong affidavits,
4 and request that it be given an exhibit number.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document No.
7 2753 will be given exhibit No. 1589.

8 (Whereupon, the document above referred
9 to was marked prosecution's exhibit No. 1589 and
10 received in evidence.)

11 BRIGADIER NOLAN: I offer prosecution docu-
12 ment No. 5089 B, being the statement of Mrs. X -- I
13 purposely omit the name -- a V.A.D. at St. Stephens
14 Hospital, for identification.

15 CLERK OF THE COURT: Prosecution document
16 No. 5089 B will receive exhibit No. 1590 for identi-
17 fication only.

18 (Whereupon, the document above referred
19 to was marked prosecution's exhibit No. 1590 for
20 identification.)

21 BRIGADIER NOLAN: The marked excerpts are
22 offered in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: And the marked excerpt
25 therefrom, bearing the same document number, will

1 receive exhibit No. 1590A.

2 (Whereupon, the document above referred
3 to was marked prosecution's exhibit No. 1590A
4 and received in evidence.)

5 BRIGADIER NOLAN: The statement sets out that
6 during the night of 25 December 1941 a V.A.D. was raped
7 by Japanese soldiers and two Sisters of the Territorial
8 Army Nursing Service were raped on three occasions
9 during the same night. These are the same nurses who
10 were referred to by Captain Barnett in his evidence.

11 I offer prosecution document No. 5089 H, being
12 the statement of Sister X, Territorial Army Nursing
13 Service on the staff of St. Stephens College Hospital,
14 for identification.

15 CLERK OF THE COURT: Prosecution document
16 No. 5089 H will receive exhibit No. 1591 for identi-
17 fication only.

18 (Whereupon, the document above referred
19 to was marked prosecution's exhibit No. 1591 for
20 identification.)

21 BRIGADIER NOLAN: The marked excerpts are
22 offered in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: The marked excerpts there-
25 from, bearing the same document number, will receive

1 exhibit No. 1591A.

2 (Whereupon, the document above referred
3 to was marked prosecution's exhibit No. 1591A
4 and received in evidence.)

5 BRIGADIER NOLAN: The statement describes how
6 Sister X was raped by three Japanese soldiers one
7 after the other on two occasions during the night
8 of 25th December 1941 and that another nursing sister
9 underwent a similar experience. This is also one of
10 the nurses referred to by Captain Barnett.

11 Prosecution document No. 5089 F, the state-
12 ment of Sergeant H. Peasegood, Royal Army Medical
13 Corps, a member of the staff of St. Stephens College
14 Hospital, is now offered for identification.

15 CLERK OF THE COURT: Prosecution document
16 No. 5098 E will receive exhibit No. 1592 for identi-
17 fication only.

18 (Whereupon, the document above referred
19 to was marked prosecution's exhibit No. 1592 for
20 identification only.)

21 BRIGADIER NOLAN: The marked excerpts are
22 offered in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: The marked excerpts,
25 bearing the same document number, will receive

1 exhibit No. 1592A.

2 (Whereupon, the document above referred
3 to was marked prosecution's exhibit No. 1592A. and
4 received in evidence.)

5 BRIGADIER NOLAN: This statement sets out that
6 the bodies of three VAD's of the Hospital staff were
7 found by him in the grounds of the hospital and he
8 identifies them.

9 I offer prosecution document No. 5089 F,
10 being the statement of Sergeant J. H. Anderson, Royal
11 Army Medical Corps, a member of the staff of St.
12 Stephens College Hospital, for identification.

13 CLERK OF THE COURT: Prosecution's document
14 No. 5089 F will receive exhibit No. 1593 for identi-
15 fication only.

16 (Whereupon, the document above referred
17 to was marked prosecution's exhibit No. 1593 for
18 identification.)

19 BRIGADIER NOLAN: The marked excerpts are
20 offered in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: And the marked excerpts
23 therefrom, bearing the same document number, will
24 receive exhibit No. 1593A.

25 (Whereupon, the document above referred

1 to was marked prosecution's exhibit No. 1593A
2 and received in evidence.)

3 BRIGADIER NOLAN: The statement sets out that
4 St. John's ambulance men were murdered and that the
5 bodies of Lieutenant Colonel Black and Captain Witney,
6 Royal Army Medical Corps, were found in the hospital
7 bayoneted or cut with swords. The bodies of the
8 three missing women were found cut to pieces. The
9 head of one was almost severed from the body. Altogether
10 about 60 to 70 bodies of patients and 25 bodies of
11 staff were collected and burned upon orders of the
12 Japanese.

13 Prosecution document No. 5100, being the
14 affidavit of Captain S. M. Banfill, Royal Canadian
15 Army Medical Corps, is offered for identification.

16 CLERK OF THE COURT: Prosecution document
17 No. 5100 will receive exhibit No. 1594 for identifica-
18 tion only.

19 (Whereupon, the document above referred
20 to was marked prosecution's exhibit No. 1594 for
21 identification.)

22 BRIGADIER NOLAN: The marked excerpts are
23 offered in evidence.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: The marked excerpts,

1 bearing the same document number, will receive exhibit
2 No. 1594A.

3 ("hereupon, the document above referred
4 to was marked prosecution's exhibit No. 1594A
5 and received in evidence.)

6 BRIGADIER NOLAN: The affidavit states that
7 the deponent had established a First Aid Post at the
8 Salesian Mission and describes how Royal Army Medical
9 Corps personnel from the First Aid Post were lined up
10 and shot. When Captain Benfill protested about the
11 shooting, and English speaking Japanese told him they
12 had an order to kill all captives. There were two
13 survivors, Second Lieutenant Osler Thomas, Hong Kong
14 Volunteer Defense Corps, and Corporal Leath, Royal
15 Army Medical Corps. The deponent saw the Japanese
16 bayonet wounded officers and men and then shoot them
17 to make sure that they were dead.

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1 Prosecution document No. 5286A, being the
2 affidavit of Captain Osler Thomas, Hongkong
3 Volunteer Defense Corps, is offered for identifi-
4 cation.

5 CLERK OF THE COURT: Prosecution's
6 document No. 5286A will receive exhibit No. 1595
7 for identification only.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1595 for identification.)

11 BRIGADIER NOLAN: The marked excerpts
12 are offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: And the marked excerpts
15 therefrom, bearing the same document number, will re-
16 ceive exhibit No. 1595-A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1595-A and received in evidence.)

20 BRIGADIER NOLAN: The affidavit states that
21 the deponent was serving as a medical officer under
22 Captain Banfill at the Salesian Mission Advanced
23 Dressing Station. On 19 December the station sur-
24 rendered and the male personnel were led on to the
25 main road and lined up on the edge of a Nullah.

1 Suddenly Japanese soldiers started to bayonet the
2 unsuspecting men from the rear amidst cheers from
3 the enemy onlookers. Some who attempted to escape
4 were shot. The deponent fell into a nullah as
5 though shot and the bodies of two victims fell on
6 him and he survived.

7 I offer in evidence Prosecution's document
8 No. 5089D, being the statement of Corporal N. J.
9 Leath, Royal Army Medical Corps attached to the
10 Advanced Dressing Station for identification.

11 CLERK OF THE COURT: Prosecution's document
12 No. 5089D will receive exhibit No. 1596 for identi-
13 fication only.

14 (Whereupon, the document above
15 referred to was marked prosecution's exhibit
16 No. 1596 for identification.)

17 BRIGADIER NOLAN: The marked excerpts are
18 offered in evidence.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: And the excerpts there-
21 from bearing the same document number will receive
22 exhibit No. 1596-A.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1596-A and received in evidence.)

1 BRIGADIER NOLAN: The statement describes
2 how Medical corps personnel surrendered, were
3 searched and their valuables taken away from them.
4 They were marched off into a little valley when they
5 were halted on the edge of a nullah. The party was
6 lined up and shot or bayoneted in the back. Corporal
7 Leath was struck from behind on the back of the neck
8 and blood poured into his eyes, ears and mouth. The
9 wounded were shot as they lay on the ground but
10 Corporal Leath lay still among the dead bodies and
11 survived.

12 Prosecution document No.. 5089C, being the
13 statement of Sergeant T. R. Cunningham, Royal Army
14 Medical Corps attached to the Advanced Dressing
15 Station is now offered for identification.

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17 CLERK OF THE COURT: Prosecution's document
18 No. 5089C will receive exhibit No. 1597 for identi-
19 fication only.

20 ("hereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1597 for identification.)

23 BRIGADIER NOLAN: The marked excerpts are
24 offered in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: And the excerpts there-

1 from, bearing the same document number, will receive
2 exhibit No. 1597-A.

3 (Whereupon, the document above re-
4 ferred to was marked prosecution's exhibit
5 No. 1597-A and received in evidence.)

6 BRIGADIER NOLAN: The statement sets out
7 on 19th December St. John's ambulance bearers sur-
8 rendered and although they were fully dressed and
9 wore Red Cross brassards were killed by the Japanese.
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1 BRIGADIER NOLAN: Prosecution document
2 No. 5287-A, being the affidavit of Martin Tso Him
3 Chi, Fifth Anti-Aircraft Battery, Hong Kong Volunteer
4 Defense Corps, is offered for identification.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5287-A will receive exhibit No. 1598 for identi-
7 fication only.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1598 for identification.)

11 BRIGADIER NOLAN: The marked excerpts are
12 offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: The marked excerpts
15 therefrom, bearing the same document number, will
16 receive exhibit No. 1598-A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1598-A and received in evidence.)

20 BRIGADIER NOLAN: The affidavit states that
21 after surrendering twenty-five men were ordered to
22 leave the magazine and as each man passed the entrance
23 he was bayoneted. The deponent, who was bayoneted
24 through the body, feigned death and survived.

25 Prosecution document No. 5289-A, being the

1 affidavit of Brother Michael Hogan of Maryknoll
2 Mission, Stanley, Hong Kong, is offered for identi-
3 fication.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5289-A will receive exhibit No. 1599 for identi-
6 fication only.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1599 for identification.)

10 BRIGADIER NOLAN: The marked excerpts are
11 offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: The marked excerpts
14 therefrom, bearing the same document number, will
15 receive exhibit No. 1599-A.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1599-A and received in evidence.)

19 BRIGADIER NOLAN: The affidavit states that
20 on 25 December 1941 six British officers, who had
21 been captured, were bayoneted by Japanese soldiers.

22 Prosecution document No. 5101, being the
23 affidavit of Lance Sergeant W. A. Hall of the Winnipeg
24 Grenadiers, is now offered for identification.

25 CLERK OF THE COURT: Prosecution's document

1 No. 5101 will receive exhibit No. 1600 for identi-
2 fication only.

3 (Whereupon, the document above re-
4 ferred to was marked prosecution's exhibit
5 No. 1600 for identification.)

6 BRIGADIER NOLAN: The marked excerpts are
7 offered in evidence.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: The marked excerpts
10 therefrom, bearing the same document number, will
11 receive exhibit No. 1600-A.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 1600-A and received in evidence.)

15 BRIGADIER NOLAN: The affidavit states
16 he was captured on the 19 December 1941. After
17 surrender, while being marched down the road, three
18 grenadiers were taken out of the ranks by Japanese
19 soldiers, one Private Whalen was shot and Lance Corporal
20 Land and Private Osadchuk were bayoneted and appeared
21 to die almost instantly.

22 Prosecution document No. 5288-A, being the
23 affidavit of Colonel L. T. Ride, officer commanding
24 Hong Kong Field Ambulance, is offered for identifi-
25 cation.

1 CLERK OF THE COURT: Prosecution's document
2 No. 5288-A will receive exhibit No. 1601 for identi-
3 fication only.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1601 for identification.)

7 BRIGADIER NOLAN: The marked excerpts are
8 offered in evidence.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: The marked excerpts
11 therefrom, bearing the same document number, will
12 receive exhibit No. 1601-A.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1601-A and received in evidence.)

16 BRIGADIER NOLAN: The affidavit states that
17 after the surrender the deponent was searching for
18 wounded and found over fifty bodies, many of them
19 with hands and feet tied. Many had bayonet stabs
20 and sword wounds, mostly in their backs.

21 Prosecution document No. 5284-A, being the
22 statement of First Lieutenant TANAKA, Hitoshi is
23 offered for identification.

24 CLERK OF THE COURT: Prosecution's document
25 No. 5284-A will receive exhibit No. 1602 for

1 identification only.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 1602 for identification.)

5 BRIGADIER NOLAN: The marked excerpts are
6 offered in evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: The marked excerpts
9 therefrom, bearing the same document number, will
10 receive exhibit No. 1602-A.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1602-A and received in evidence.)

14 BRIGADIER NOLAN: The statement sets out
15 that Sergeant Paine and the three other Canadians who
16 escaped from North Point Camp in 1942 were recaptured
17 when, in attempting to cross to the Kowloon side,
18 their boat capsized. They were taken to the Kai Tak
19 Aerodrome, cut down with swords, stabbed with bayonets
20 and shot.

21 Prosecution document No. 5099, being the
22 affidavit of Major R. D. Buck, Royal Army Pay Corps,
23 is now offered for identification.

24 CLERK OF THE COURT: Prosecution's document
25 No. 5099 will receive exhibit No. 1603 for

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3 identification only.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1603 for identification.)

7 BRIGADIER NOLAN: The marked excerpts are
8 offered in evidence.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: The marked excerpts
11 therefrom, bearing the same document number, will
12 receive exhibit No. 1603-A.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No 1603-A and received in evidence.)

16 BRIGADIER NOLAN: If I may be permitted to
17 refer to the affidavit of First Lieutenant TANAKA,
18 I have been requested by my learned friend to read
19 an additional sentence which is contained in paragraph
20 two thereof. The sentence reads as follows, and I
21 quote: "Tokyo was informed that they had been shot
22 whilst escaping from a POW camp."
23

24 Reverting to the synopses, in respect of
25 exhibit 1603, the affidavit states in July 1942
at Shamshuipo Camp an escape tunnel was discovered
by the Japanese. Eight British other ranks were
arrested and four were not returned to the camp.

1 In August 1945 the deponent saw a list prepared by
2 the Japanese in which these four British soldiers
3 were named as having been killed by shooting.
4 Prisoners of war were employed in repairing guns
5 and in the enlargement of Kai Tak Aerodrome. An
6 English artillery officer who protested was severely
7 beaten. He saw the Roman Catholic padre, Captain
8 Green, after he had been beaten and he was very
9 severely knocked about.

10 Prosecution document No. 5093, being the
11 affidavit of Lieutenant Colonel George Trist, Winni-
12 peg Grenadiers, is offered for identification.

13 CLERK OF THE COURT: Prosecution's document
14 No. 5093 will receive exhibit No. 1604 for identi-
15 fication only.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1604 for identification.)

19 BRIGADIER NOLAN: The marked excerpts are
20 offered in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: The marked excerpts
23 therefrom, bearing the same document number, will
24 receive exhibit No. 1604-A.

25 (Whereupon, the document above

1 referred to was marked prosecution's exhibit
2 No. 1604-A and received in evidence.)

3 BRIGADIER NOLAN: The affidavit describes
4 the inadequacy of the accommodations both at Sham
5 Shui Po and North Point Camps. When asked to sign
6 an affidavit that prisoners would not attempt to
7 escape, it was pointed out to the Japanese commandant
8 that it was a military duty to attempt to escape;
9 whereupon, the Commandant replied that the prisoners
10 were no longer officers but were merely prisoners
11 of war and that refusal to obey an order of the
12 Japanese Army would have serious consequences. The
13 affidavit describes the beating of officers including
14 one who had complained to the visiting Representative
15 of the Red Cross that the prisoners were being
16 starved to death. The affidavit also states that
17 Sergeant Paine and three other Canadians escaped from
18 the camp on 20 August 1942.

19 THE PRESIDENT: We will recess for fifteen
20 minutes.

21 (Whereupon, at 1445, a recess was
22 taken until 1500, after which the proceedings
23 were resumed as follows:)
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1 THE PRESIDENT: Brigadier Nolan.

2 BRIGADIER NOLAN: Prosecution document No.
3 5090, being the affidavit of Q.M.S. (WO II) V.J.
4 Matt, C.M.S.C., is offered for identification.

5 CLERK OF THE COURT: Prosecution's docu-
6 ment No. 5090 will receive exhibit No. 1605 for
7 identification only.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1605 for identification.)

11 BRIGADIER NOLAN: The marked excerpts
12 are offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: And the marked excerpts
15 therefrom, bearing the same document number, will
16 receive exhibit No. 1605-A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1605-A and received in evidence.)

20 BRIGADIER NOLAN: The affidavit states that
21 sick men were forced to go on working parties at Kai
22 Tek airport and that a number of extremely sick men
23 were actually carried to the work on stretchers in
24 order to meet the exact number demanded.

25 Prosecution document No. 5095, being the

1 affidavit of Lieutenant Colonel F.D. Field, Royal
2 Artillery, is now offered for identification.

3 CLERK OF THE COURT: Prosecution's docu-
4 ment No. 5095 will receive exhibit No. 1606 for ident-
5 ification only.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1606 for identification.)

9 BRIGADIER NCLAN: The marked excerpts are
10 offered in evidence.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: The marked excerpts
13 therefrom, bearing the same document number, will
14 receive exhibit No. 1606-A.

15 (Whereupon, the document above re-
16 ferred to was marked prosecution's exhibit
17 No. 1606-A and received in evidence.)

18 BRIGADIER NOLAN: The affidavit states that
19 at Shamshupo Camp, which was chiefly for other ranks,
20 there was a lack of medical facilities and a shortage
21 of food. Many of the men were forced when very ill
22 to go on working parties. In the autumn of 1942
23 diphtheria and dysentery broke out. The Japanese
24 refused the sick men any medical attention with the
25 result that about 200 died. In June or July 1943

1 Captain Douglas Ford, Royal Scots, and Flying Officer
2 C.G. Grey, R.A.F., were tortured, tried, and shot for
3 attempting to escape. The prisoners were warned not
4 to speak to the Red Cross representative who visited
5 the camp in August 1944, and Lieutenant Barnett was
6 beaten for calling out to the representative that
7 the prisoners were starving.

8 Prosecution document No. 5096, being the
9 affidavit of Captain the Rev. E.J. Green, H.M. (R.C.),
10 is now offered for identification.

11 CLERK OF THE COURT: Prosecution's docu-
12 ment No. 5096 will receive exhibit No. 1607 for
13 identification only.

14 (Whereupon, the document above re-
15 ferred to was marked prosecution's exhibit
16 No. 1607 for identification.)

17 BRIGADIER NOLAN: The marked excerpts are
18 offered in evidence.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: The marked excerpts
21 therefrom, bearing the same document number, will
22 receive exhibit No. 1607-A.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1607-A and received in evidence.)

1 The affidavit states that in the autumn
2 of 1942 a severe epidemic of diphtheria broke out in
3 Shamshuipo Camp. The Japanese authority provided no
4 medical attention or drugs, and although beds were
5 available in many cases the sick were left on the
6 concrete floor and died. The deponent describes how
7 he was severely beaten because he complained at the
8 delay in the distribution of moneys made available
9 by the Vatican for the benefit of the prisoners.

10 Prosecution document No. 5089A, being the
11 affidavit of Lieutenant Colonel C.O. Shackleton,
12 R.A.M.C., is now offered for identification.

13 CLERK OF THE COURT: Prosecution's document
14 No. 5089A will receive exhibit No. 1608 for identifi-
15 cation only.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1608 for identification.)

19 BRIGADIER NOLAN: The marked excerpts are
20 offered in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: The marked excerpts
23 therefrom, bearing the same document number, will
24 receive exhibit No. 1608-A.

25 (Whereupon, the document above referred

1 to was marked prosecution's exhibit
2 No. 1608-A and received in evidence.)

3 BRIGADIER NOLAN: This affidavit states that
4 the deponent was Senior British Medical Officer at
5 Hong Kong and commanded Bowen Road Hospital. He
6 describes the medicines provided as grossly inadequate
7 to cope with the diseases caused by malnutrition and
8 such diseases as beri beri, pellagra, and failing
9 vision. The food supplied was on a starvation diet
10 and Red Cross parcels were freely taken by the
11 Japanese and consumed by them.

12 Mr. Justice Mansfield will now continue with
13 the presentation of this phase.

14 THE PRESIDENT: Mr. Justice Mansfield.
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1 MR. JUSTICE MANSFIELD: If the Tribunal
2 please, the prosecution offers in evidence document
3 No. 5456, being a synopsis relating to the Andaman
4 Islands.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5456 will receive exhibit No. 1609.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 1609 and received in evidence.)

11 MR. JUSTICE MANSFIELD: Prosecution document
12 numbered 5113, the affirmation of Abdul Rauf, is
13 now introduced for identification.

14 CLERK OF THE COURT: Prosecution's document
15 No. 5113 will receive exhibit No. 1610 for identifi-
16 cation only.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 1610 for identification only.)

20 MR. JUSTICE MANSFIELD: And the marked
21 excerpts thereof offered in evidence.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: The marked excerpts
24 therefrom bearing the same document number will
25 receive exhibit No. 1610-A.

1 (Whereupon, the document above
2 referred to was marked prosecution's exhibit
3 No. 1610-A and received in evidence.)

4 MR. JUSTICE MANSFIELD: Prosecution
5 document numbered 5115, the affirmation of Pyaray
6 Mohan, is also introduced for identification.

7 CLERK OF THE COURT: Prosecution's document
8 No. 5115 will receive exhibit No. 1611 for identifi-
9 cation only.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 1611 for identification only.)

13 MR. JUSTICE MANSFIELD: The marked excerpts
14 thereof being introduced in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: The marked excerpts
17 therefrom bearing the same document number will
18 receive exhibit No. 1611-A.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1611-A and received in evidence.)

22 MR. JUSTICE MANSFIELD: These documents
23 describe the torture of the witnesses by the
24 Japanese AZUMA, who beat and kicked them and ordered
25 them to be tortured by the water method.

1 Prosecution document numbered 5114, the
2 affirmation of Habib-Urrahman, is now produced for
3 identification.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5114 will receive exhibit No. 1612 for identifi-
6 cation only.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1612 for identification only.)

10 MR. JUSTICE MANSFIELD: And the excerpts
11 marked therein offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: The excerpts therefrom
14 bearing the same document number will receive exhibit
15 No. 1612-A.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1612-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: This document
20 states that the Japanese AZUMA and his assistant
21 beat a woman with heavy pieces of wood and burned her
22 naked body. AZUMA attempted to force Khaliq's wife
23 to admit her husband was a spy and on her refusal
24 said: "Your husband shall never return home."
25 Khaliq was shot.

1 Prosecution document numbered 5116, the
2 affirmation of Zaitoon Bibi, is offered for identi-
3 fication.

4 CLERK OF THE COURT: . Prosecution's document
5 No. 5116 will receive exhibit No. 1613 for identifi-
6 cation only.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1613 for identification only.)

10 MR. JUSTICE MANSFIELD: The marked excerpts
11 thereof being introduced in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: The marked excerpts
14 therefrom bearing the same document number will
15 receive exhibit No. 1613-A.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1613-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: This document
20 states that in January, 1943, the witness' husband
21 was arrested. She was herself taken to the gaol
22 where she met her husband who was being beaten with
23 a piece of wood until he became unconscious. Blood
24 was pouring from wounds on his body.

25 The Japanese beating him threw hot and

1 cold water over him to revive him.

2 The witness was then beaten in front of
3 her husband after which she was taken to another
4 room where she was forced to remove her clothes.
5 She was tied up, hands raised above her head and
6 legs apart, and a lighted candle was placed on a
7 stool between her legs, so that her private parts
8 were burned.

9 Her husband was later shot.

10 Prosecution document numbered 5117, the
11 affirmation of Mohamed Hussain, is now introduced
12 for identification.

13 CLERK OF THE COURT: Prosecution's document
14 No. 5117 will receive exhibit No. 1614 for identifi-
15 cation only.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1614 for identification only.)

19 MR. JUSTICE MANSFIELD: The marked excerpts
20 thereof being offered in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: The marked excerpts
23 therefrom bearing the same document number will
24 receive exhibit No. 1614-A.

25 (Whereupon, the document above

1 referred to was marked prosecution's exhibit
2 No. 1614-A and received in evidence.)

3 MR. JUSTICE MANSFIELD: This document
4 states that on 2 August 1945 the witness was
5 arrested and taken to Aberdeen Jetty with about 700
6 other people. He was put into a boat with the
7 others and sailed in the evening. About 2 a.m. the
8 next day, at a point 400 yards from the shore, all
9 the people in the boats were forced into the sea
10 by the Japanese using sticks and bayonets. The
11 witness swam for the shore and about 200 men and
12 two or three children reached there safely.

13 There was no food and shelter to be found
14 and one by one the survivors died. Some six weeks
15 later, the Japanese returned and the witness was the
16 only one still living. He was taken to a place
17 where there were ten other men and they were put
18 into a water-logged and freezing tunnel. After
19 four days one of the men died.

20 Prosecution document numbered 5317, the
21 affirmation of Imdad Ali, is now offered for identi-
22 fication.

23 CLERK OF THE COURT: Prosecution's document
24 No. 5317 will receive exhibit No. 1615 for identifica-
25 tion only.

1 referred to was marked prosecution's exhibit
2 No. 1614-A and received in evidence.)

3 MR. JUSTICE MANSFIELD: This document
4 states that on 2 August 1945 the witness was
5 arrested and taken to Aberdeen Jetty with about 700
6 other people. He was put into a boat with the
7 others and sailed in the evening. About 2 a.m. the
8 next day, at a point 400 yards from the shore, all
9 the people in the boats were forced into the sea
10 by the Japanese using sticks and bayonets. The
11 witness swam for the shore and about 200 men and
12 two or three children reached there safely.

13 There was no food and shelter to be found
14 and one by one the survivors died. Some six weeks
15 later, the Japanese returned and the witness was the
16 only one still living. He was taken to a place
17 where there were ten other men and they were put
18 into a water-logged and freezing tunnel. After
19 four days one of the men died.

20 Prosecution document numbered 5317, the
21 affirmation of Imdad Ali, is now offered for identi-
22 fication.

23 CLERK OF THE COURT: Prosecution's document
24 No. 5317 will receive exhibit No. 1615 for identifica-
25 tion only.

1 (Whereupon, the document above
2 referred to was marked prosecution's exhibit
3 No. 1615 for identification only.)

4 MR. JUSTICE MANSFIELD: And the excerpts
5 marked therein, produced in evidence.

6 THE PRESIDENT: Admitted on the usual
7 terms.

8 CLERK OF THE COURT: And the marked
9 excerpts therefrom bearing the same document
10 number will receive exhibit No. 1615-A.

11 (Whereupon, the document above
12 referred to was marked prosecution's exhibit
13 No. 1615-A and received in evidence.)

14 MR. JUSTICE MANSFIELD: The document states
15 that the witness was arrested in October, 1944,
16 and taken to the Cellular Gaol. For the first
17 twelve days no charge was made against him and on
18 all these days except one, he was tortured twice
19 a day by being made to kneel on a sharp piece of
20 wood with a pole between his knees, hands above his
21 head with heavy books on them.

22 Then he was tortured by having heated
23 pins thrust under the nails of his hands. He was
24 tied to a grid and burned with a candle on his
25 thighs and private parts and tortured in other ways

1 until his release one month after his arrest.

2 Prosecution document numbered 5318, being
3 the affirmation of Murad Ali, is now introduced
4 for identification.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5318 will receive exhibit No. 1616 for identifica-
7 tion only.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 1616 for identification only.)

11 MR. JUSTICE MANSFIELD: And the marked
12 excerpts thereof offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: The marked excerpts
15 therefrom bearing the same document number will
16 receive exhibit No. 1616-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 1616-A and received in evidence.)

20 MR. JUSTICE MANSFIELD: This document
21 states that a number of Indians were tried as spies,
22 the witness being present during most of the hearing.
23 Each accused was tortured until he made a false
24 confession, implicating others. Some Japanese in-
25 cluding one of the judges took part in a torture

1 whereby the accused was tied to a grill, legs apart,
2 the lower part of the body naked. A stool was placed
3 between the legs with a lighted candle on it, so
4 that the man's private parts were burned.

5 From time to time the judge and other
6 Japanese would light a piece of paper and pass the
7 flame over the thighs and private parts of the
8 accused, men and women both being treated in this
9 fashion.

10 Steel pins, heated in a fire, were thrust
11 beneath the fingernails of the accused. The water
12 torture was also carried out and the accused were
13 brutally beaten.

14 Eventually 43 accused were executed, 12
15 died in gaol from torture and disease and one com-
16 mitted suicide.

17 Prosecution document numbered 5319, the
18 sworn statement of Bumi Madan, is tendered for iden-
19 tification.

20 CLERK OF THE COURT: Prosecution's document
21 No. 5319 will receive exhibit No. 1617 for identifi-
22 cation only.

23 (Whereupon, the document above
24 referred to was marked prosecution's exhibit
25 No. 1617 for identification only.)

1 MR. JUSTICE MANSFIELD: And the excerpts
2 marked therein offered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: The marked excerpts
5 therefrom bearing the same document number will
6 receive exhibit No. 1617-A.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1617-A and received in evidence.)

10 MR. JUSTICE MANSFIELD: The document
11 describes the beating of a native by a Japanese
12 using a stick. The native died a week later as a
13 result of the beating.

14 Prosecution document numbered 5321, the
15 affirmation of Mohammad, is now produced for iden-
16 tification.

17 CLERK OF THE COURT: Prosecution's document
18 No. 5321 will receive exhibit No. 1618 for identifi-
19 cation only.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 1618 for identification only.)

23 MR. JUSTICE MANSFIELD: The marked excerpts
24 therein being tendered in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: The marked excerpts
2 therefrom bearing the same document number will
3 receive exhibit No. 1618-A.

4 (Whereupon, the document above
5 referred to was marked prosecution's exhibit
6 No. 1618-A and received in evidence.)

7 MR. JUSTICE MANSFIELD: This document
8 describes the murder of three coolies by Japanese.
9 They were beaten savagely and died as the result
10 of their injuries. One man was tied to a tree and
11 given neither food nor drink for three days. He
12 died on the fourth day, having been beaten daily.

13 Prosecution document numbered 5322, the
14 sworn statement of Nihei Yamane, is offered for
15 identification.

16 CLERK OF THE COURT: Prosecution's document
17 No. 5322 will receive exhibit No. 1619 for identi-
18 fication only.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1619 for identification only.)

22 MR. JUSTICE MANSFIELD: The marked excerpts
23 therein are produced in evidence.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: The marked excerpts

1 therefrom bearing the same document number will
2 receive exhibit No. 1619-A.

3 (Whereupon, the document above
4 referred to was marked prosecution's exhibit
5 No. 1619-A and received in evidence.)

6 MR. JUSTICE MANSFIELD: This document
7 relates that in May or June 1945, orders came from
8 the Japanese Civil Administration that all persons
9 caught stealing military or civil stores or food
10 supplies would be killed on the spot. The witness
11 who was attached to the administration states that
12 he received these orders, but only beat people for
13 theft and did not carry out the orders.

14 Prosecution document numbered 5112, the
15 sworn statement of Leslie, a Micobarese, is now
16 offered for identification.

17 CLERK OF THE COURT: Prosecution's document
18 No. 5112 will receive exhibit No. 1620 for identifi-
19 cation only.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 1620 for identification only.)

23 MR. JUSTICE MANSFIELD: The marked excerpts
24 therein being offered in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: The marked excerpts
2 therefrom bearing the same documentary number will
3 receive exhibit No. 1620-A.

4 (Whereupon, the document above
5 referred to was marked prosecution's exhibit
6 No. 1620-A and received in evidence.)

7 MR. JUSTICE MANSFIELD: This document states
8 that two Indians were beaten with rods, kicked
9 with boots and burned with cigarettes by a Japanese.
10 One of the Indians was beaten to death.

11 The witness saw Dr. Jones with wounds all
12 over his body. Natives and Indians were beaten
13 and, with one exception, no medical treatment was
14 ever given. They were blindfolded and driven away
15 while their personal belongings were given to the
16 witness who has never seen the men since.
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1 Prosecution document numbered 5111, the
2 sworn statement of Mrs. I. Jones, is offered for
3 identification.

4 CLERK OF THE COURT: Prosecution's docu-
5 ment No. 5111 will receive exhibit No. 1621 for
6 identification only.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1621 for identification.)

10 MR. JUSTICE MANSFIELD: The marked excerpts
11 therein being produced in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: The marked excerpts
14 therefrom, bearing the same document number, will
15 receive exhibit No. 1621-A.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1621-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: The affidavit states
20 that on 10th July, 1945, Dr. Jones, husband of the
21 witness, was arrested by the Japanese.

22 Two weeks later the witness was herself
23 arrested on suspicion of helping her husband who was
24 charged with being a spy. She was released next day
25 and re-arrested shortly afterwards. The witness saw

1 11 Nicobarese and Indians tied to posts with rope,
2 gasping for breath. There was large raw patches on
3 their knees and elbows. She saw another man bleeding
4 from the head who appeared to have been terribly
5 beaten. He died shortly after.

6 The witness overheard two Japanese talking,
7 one saying that Indians were not very strong and
8 died from mere beating so that it was better to beat
9 them only on the elbows and knees which caused pain
10 and thus forced the truth.

11 Prosecution document numbered 5110, the
12 sworn statement of the Rev. John Richardson, is now
13 introduced for identification.

14 CLERK OF THE COURT: Prosecution's document
15 No. 5110 will receive exhibit No. 1622 for identifi-
16 cation only.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1622 for identification.)

20 MR. JUSTICE MANSFIELD: And the marked excerpts
21 offered in evidence.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: And the marked excerpts
24 therefrom, bearing the same document number, will
25 receive exhibit No. 1622-A.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1622-A and received in evidence.)

4 MR. JUSTICE MANSFIELD: This document states
5 that in July, 1945, sick Nicobarese and Indians were
6 chosen, allegedly to be sent to hospital, and taken
7 away by the Japanese. They were never seen again.
8 Dr. Jones who was taken away has never returned.

9 Other victims were daily taken away, hand-
10 cuffed, under armed guard, and never seen again. One
11 Indian thus removed was later found in the river,
12 unconscious.
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1 I tender evidentiary document No. 5457,
2 being a synopsis relating to Hainan Island.

3 THE PRESIDENT: Admitted on the usual
4 terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5457 will receive exhibit No. 1623.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1623 and received in evidence.)

10 MR. JUSTICE MANSFIELD: Prosecution docu-
11 ment numbered 5335, the affidavit of Dr. W. Aitken,
12 is now offered for identification.

13 CLERK OF THE COURT: Prosecution's document
14 No. 5335 will receive exhibit No. 1624 for identifi-
15 cation only.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1624 for identification.)

19 MR. JUSTICE MANSFIELD: And the marked
20 excerpts produced in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: And the marked excerpts
23 therefrom, bearing the same document No., will re-
24 ceive exhibit No. 1624A.
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1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1624A and received in evidence.)

4 MR. JUSTICE MANSFIELD: This affidavit
5 states that in November, 1942, 263 officers and men
6 P/W arrived in Hainan. The accommodation for the
7 draft which consisted of sick, weak and aged men,
8 was appalling. Huts were infested with vermin.
9 Sanitary arrangements were primitive and since the
10 camp was situated near a drainage swamp, mosqui-
11 toes were ubiquitous. Food was generally in-
12 adequate and sometimes grossly insufficient.

13 Between November, 1942 and August, 1945,
14 there were 2,430 admissions to hospital. There
15 were sixty deaths due to disease.

16 Sick men were forced to go on working
17 parties, where the work was heavy. Men were frequent-
18 ly beaten.

19 A complaint to the Camp Commandant regard-
20 ing the reduction of food resulted in the witness
21 and another officer being beaten. Requests to the
22 Japanese M.O. to supply drugs and for improved diet
23 were ignored. Deaths were sometimes shown on death
24 certificates as due to starvation. The M.O.'s reply
25 was that if the witness continued to show death as

1 due to starvation, he would show the prisoners
2 what death from starvation really meant.

3 Prosecution document numbered 5264A, the
4 affidavit of Major I. F. Macrae, is produced for
5 identification.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5264A will receive exhibit No. 1625 for identi-
8 fication only.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1625 for identification.)

12 MR. JUSTICE MANSFIELD: And the marked
13 excerpts therein now offered in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: The marked excerpts
16 therefrom, bearing the same documentary number, will
17 receive exhibit No. 1625A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1625A and received in evidence.)

21 MR. JUSTICE MANSFIELD: The document states
22 that in November, 1942, the witness arrived in Hainan
23 with a draft of men. He confirms the conditions de-
24 scribed in the preceding document, No. 5335. The
25 men were engaged on building works for the use of

1 the Japanese Army, and were beaten and kicked while
2 so doing.

3 Many men went to work barefoot owing to
4 lack of footwear.

5 In Haisho there were many coolies working.
6 They were starved and emaciated in appearance. The
7 witness saw the dead bodies of coolies dragged out
8 of the hospital, when he passed by, sometimes as
9 many as ten to twelve.

10 For breaches of discipline, coolies were
11 brought to the P/W Camp where they were flogged and
12 given the water torture.

13 In July, 1943, about 120 Chinese were
14 bayoneted to death outside the Camp.

15 Prosecution document numbered 5250, the
16 affidavit of A. F. Winsor, is now introduced for
17 identification.

18 CLERK OF THE COURT: Prosecution's document
19 No. 5250 will receive exhibit No. 1626 for identifi-
20 cation only.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1626 for identification.)

24 MR. JUSTICE MANSFIELD: And the marked
25 excerpts thereof being offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: And the marked excerpts
3 therefrom, having the same document No., will re-
4 ceive exhibit No. 1626A.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1626A and received in evidence.)

8 MR. JUSTICE MANSFIELD: The document states
9 that about 120 Chinese were bayoneted to death in
10 1943, because narcotics had been illegally brought
11 into a coolie camp and these men chosen an random
12 were executed as a warning for the future.

13 Prosecution document numbered 5251, the
14 affidavit of Major R. G. Turner, is produced for
15 identification.

16 CLERK OF THE COURT: Prosecution's document
17 No. 5251 will receive exhibit No. 1627 for identifi-
18 cation only.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1627 for identification.)

22 MR. JUSTICE MANSFIELD: The marked excerpts
23 thereof being introduced in evidence.

24 THE PRESIDENT: Admitted on the usual
25 terms.

1 CLERK OF THE COURT: And the marked ex-
2 cerpts therefrom, bearing the same document No.,
3 will receive exhibit No. 1627A.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1627A and received in evidence.)

7 MR. JUSTICE MANSFIELD: This affidavit
8 exhibits twenty-nine official photographs taken by
9 an Allied officer of prisoners of war recovered at
10 Hainan Island in August, 1945. These exhibits are
11 now tendered in evidence.

12 THE PRESIDENT: Mr. Blewett.

13 MR. BLEWETT: If the Court please, sir,
14 I believe these documents that the prosecution is
15 now introducing into evidence were delivered to
16 defense counsel some time during the day. But, in
17 order to proceed, I should like to ask permission of
18 the Court to enter objections later on if we find
19 it expedient to do so.

20 THE PRESIDENT: You had better object, I
21 think, Mr. Blewett. Are you objecting? If not, I
22 must admit them.

23 MR. BLEWETT: No. I am only reserving
24 the right to because the documents have just been
25 delivered to us, and we have not seen them before.

1 THE PRESIDENT: Your attitude is noted.
2 The photographs are admitted on the usual terms.

3 CLERK OF THE COURT: The photographs, sub-
4 mitted with prosecution's document 5251 for identi-
5 fication only, will be given exhibit No. 1627B.

6 (Whereupon, the photographs above
7 ferred to were marked prosecution's exhibit
8 No. 1627B and received in evidence.)

9 MR. JUSTICE MANSFIELD: I desire to draw
10 the attention of the Tribunal not only to the photo-
11 graphs of the men in -- the subject of the pictures,
12 but also to the surrounding conditions as shown in
13 the photographs. I would point out that in exhibit
14 A, there is a patient suffering from a deficiency di-
15 sease, and the photograph also shows part of the
16 premises in which he was confined. There is no
17 necessity for me to comment on the photographs. They
18 speak for themselves, I submit.

19 THE PRESIDENT: I think I can safely see
20 we all agree with that.

21 MR. JUSTICE MANSFIELD: I tender prosecution
22 document No. 5458, being a synopsis of Formosa evi-
23 dence.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

1 No. 5458 will receive exhibit No. 1628.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 1628 and received in evidence.)

5 MR. JUSTICE MANSFIELD: Prosecution document
6 No. 5182, the affidavit of Colonel C. R. Stringer,
7 Royal Army Medical Corps, is offered for identifi-
8 cation, and the excerpts marked therein produced in
9 evidence.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution document
12 No. 5182 will receive exhibit No. 1629 for identifi-
13 cation only; and the excerpts therefrom, bearing the
14 same number, will receive exhibit No. 1629A.

15 (Whereupon, document No. 5182 was
16 marked prosecution's exhibit No. 1629 for
17 identification, and the excerpts therefrom
18 were marked prosecution's exhibit No. 1629A
19 and received in evidence.)

20 MR. JUSTICE MANSFIELD: This document de-
21 scribes the conditions in and the disgraceful treat-
22 ment of Allied Senior Officers in KARENKO Camp. Food
23 was grossly inadequate and the officers were sub-
24 jected to every humiliation that could be devised.
25 They were beaten without reason and forced to do

1 heavy manual work. One room was allotted by the
2 Japanese to serve as a hospital ward; there was no
3 equipment and drugs were mainly those smuggled by
4 the prisoners of war. Requests for medicines were
5 largely ignored.

6 There were periods when beatings were worse
7 than at any other times, suggesting that the "hate"
8 periods were ordered by the camp officers who,
9 themselves, took part in assaulting the prisoners.

10 This particular affidavit deals with the
11 same subject matter as the evidence of Brigadier
12 Blackburn.

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2 Japanese to serve as a hospital ward; there was no
3 equipment and drugs were mainly those smuggled by
4 the prisoners of war. Requests for medicines were
5 largely ignored.

6 There were periods when beatings were worse
7 than at any other times, suggesting that the "hate"
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10 This particular affidavit deals with the
11 same subject matter as the evidence of Brigadier
12 Blackburn.

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1 Prosecution tenders at this stage an
2 affidavit which does not appear in the synopsis.
3 It is prosecution's document No. 5172, being the
4 affidavit of James Cross, Lieutenant, Royal
5 Artillery.

6 THE PRESIDENT: Admitted on the usual
7 terms.

8 CLERK OF THE COURT: Prosecution's docu-
9 ment No. 5172 will receive exhibit No. 1630.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1630 and received in evidence.)

13 MR. JUSTICE MANSFIELD: Certain of the
14 excerpts I desire to read, the first one being
15 on the first page, marked with a figure "2" and
16 headed "General."

17 "Out of about 1,000 officers and men who
18 were landed from the Japanese steamer 'England Maru'
19 at Keelung, the northern port of Formosa, on 14th
20 November, 1942, one party consisting of 523 (34
21 officers, 489 other ranks) were numbered off and
22 made to stand for two and a half hours in the
23 street. It was bitterly cold and pouring with rain;
24 we were wearing only tropical clothing. After
25 this we were taken by train to Seiho station and

1 then ordered to march six or seven miles into
2 the mountains. During this march, many of the
3 weaker fell by the wayside but no one was allowed
4 to attend to them and they were beaten and kicked
5 by the Japanese guards until they got up and
6 staggered on their way. No transport was provided
7 for kits and most men threw theirs away after one
8 or two miles' marching. Luckily, it was collected
9 later by the local passenger bus."

10 I then go to the next paragraph.

11 "We were then addressed by a very pompous
12 Japanese officer through an interpreter. This
13 officer stated that he was the Camp Commander, and
14 we subsequently learnt that his name was Lieutenant
15 "AKIYAMA. He continued for over an hour to reel
16 off the Japanese successes in the war, saying that
17 we should receive plenty of bread and meat as soon
18 as they had captured Australia, 'which would be
19 very soon now.' Following that, he read out the
20 rules of the camp and made a special point that if
21 any prisoner laughed at the Japanese or Japanese
22 habits, they would be severely punished. After
23 this we left the school and about half an hour's
24 march brought us to the camp. Here we had to pile
25 all our kit in one room and were then taken four at

1 a time in front of the 'Kempei' (Security Police),
2 completely stripped and searched; approximately
3 one man in four was knocked down for the amusement
4 of the 'Kempei.' We were left with either a shirt
5 or a pair of pants only and given wooden clogs in
6 place of boots or shoes. After this we were taken
7 outside and continued to stand in the rain and
8 cold, dressed only in these clothes, for a further
9 three hours. Eventually, about 2 a. m., we were
10 taken to huts, given one loaf of bread, and told
11 that a vigiland guard of two men must be on duty
12 between Lights out and Reveille."

13 I then go to the next paragraph.

14 "It will be seen from the above story
15 that all men had been on the move from 6 a. m. on
16 the 14th November until 2 a. m. on the 15th
17 November. We had been imprisoned on the ship for
18 three weeks, landed in Formosa straight from the
19 tropical climate of Singapore into a cold and wet
20 climate. All this, coupled with the treatment as
21 described above, resulted in the deaths of at
22 least ten men." They are named.

23 I now proceed to page 3, the section
24 numbered "3," headed "'ork."

25 "'ork was commenced in the Kankaseki

1 Copper Mines in December 1942. From the Camp to
2 the minehead (which was close to the sea) the men
3 had to descend 1,186 steps each morning, and from
4 the minehead to the working levels there were
5 2,000 more steps. It can be imagined how difficult
6 this climb was after a hard day's work.

7 "The work at the beginning consisted of
8 filling small baskets with copper ore by means of
9 Chungkel (pointed hoe).

10 "The working conditions were atrocious.
11 In some holes there was an incessant flow of acid
12 water from the roof, in others it was not possible
13 to stand up; elsewhere there would be constant
14 falling of the roof and, worst of all, in some
15 places the heat was so terrific that it was only
16 possible to lift the Chungkel about three times
17 before getting a blackout and becoming unconscious.
18 It was learned later that these holes had been
19 closed for so many years as the native labour,
20 Chinese, etc., refused to work in them.

21 "The prisoners were organized into work-
22 ing squads, with civilian foremen known as 'Hanchoes'
23 in charge. These hanchos had white bars painted on
24 their mining hats, starting with one bar for the
25 juniors and up to four bars for the seniors. The

1 one bar hanchos were Formosans and the two bars
2 and upwards were Japanese. Japanese sentries from
3 the Camp did not enter the mine but stayed in a
4 guard room at the mine entrance.

5 "Working hours were: leave camp, 0730
6 hours; lunch break, one hour; return, 1800 hours.

7 "Lunch, consisting of cold rice and
8 vegetables, was carried individually in wooden
9 boxes."

10 I skip one paragraph.

11 "For the first six weeks the work was very
12 light and little or no trouble was experienced. The
13 men made certain contacts with some of the Chinese
14 workers who later kept us fairly well supplied with
15 news. The whole of the labour in this mine was
16 forced labour and ranged from children of seven or
17 eight years old up to Chinese political prisoners
18 who had been transported from such places as Hong
19 Kong and Shanghai. At about the end of January,
20 1943, three men reported to the P. A. that the two-
21 bar Hanchos had beaten them up with the long shaft
22 of a hammer. Upon inspection they were found to
23 be black and blue all over. The P. A. asked the
24 Jap officer in charge of work to come and see these
25 men, which he did, and thought it was very amusing.

1 From this time onwards the savage and brutal con-
2 duct of the mine hanchos would have to be seen to
3 be believed, and instead of using the shafts of
4 their hammers, they used the metal end, i. e. the
5 hammer itself on the heads and bodies of the men.

6 "Every evening when the men finished work,
7 they were lined up by the hanchos in the tunnels of
8 the mine and those who, in their opinion, had not
9 done enough work were beaten with hammers until
10 they were unconscious and had to be carried back
11 into the camp by their comrades. It can be imagined
12 the effect of this on all the men; the mine had
13 become a veritable 'hell spot' and the men dreaded
14 the coming of each dawn when they would have to go
15 into the mine again. It was learned later that
16 the threat of being sent to the copper mines was
17 used constantly in the other POW camps on the Island
18 as an intimidation.

19 "Repeated attempts were made by us with
20 the Japs to improve working conditions, but it is
21 certain that this treatment was in full accordance
22 with the policy of the Camp Commander (Lieutenant
23 WAKIYAMA) who refused to interfere in any way."

24 I now pass to the next page, the first
25 complete paragraph on page 5 of the copy, starting

1 "as a result."

2 "As a result of this treatment, by 10th
3 May 1943 less than fifty per cent of the men were
4 fit to walk to the mine. The Camp Commander said
5 this was due to Red Cross food. During the next
6 three months, men were constantly beaten, particu-
7 larly by the hanchos in the mine, without provo-
8 cation. On one occasion ninety per cent of the
9 sick were forced to work because of an inspection
10 by the Commander in Chief."

11 I now pass to the first paragraph at the
12 bottom of page 5, the section numbered "4," marked
13 "Medical."

14 "On our arrival at Kinkaseki Camp in
15 November 1942 the Japanese medical staff consisted
16 of one Sergeant TASHIRO (a brutal and ruthless
17 beast) and two privates. The day after we arrived,
18 Gunner Griffiths was taken seriously ill and the
19 Japs asked if there was a doctor in the camp.
20 Captain Seed thereupon moved to the hospital,
21 examined this man and diagnosed diptheria. At
22 this the Jap medical staff ran away and would not
23 come near. Captain Seed did what he could with
24 the drugs which he had carried from Singapore, but
25 Gunner Griffiths died within 24 hours.

1 "The Medical Officer was assisted by
2 three orderlies (one R. A. M. C. and two regimental
3 orderlies, and Captain Badgett, A. D. Corps). Each
4 morning the Jap medical sergeant would appear and
5 start the day's work by adversely beating up the
6 doctor and his orderlies. Sick parade was held by
7 the Jap sergeant and the cure in nearly all cases
8 was to be knocked to the ground with a big stick;
9 as a consequence, men who were really sick did not
10 report so the doctor managed to slip round the
11 huts at the risk of a good beating and attend to
12 the more seriously ill. During December 1942 ten
13 men died; four in January 1943, and ten in February."

14 I now pass to page 6, the second complete
15 paragraph of page 6.

16 "Immediately before the work parade each
17 morning there was an emergency sick parade held in
18 the camp office and taken by the Jap medical sergeant.
19 Again treatment was brutal and the only people who
20 were excused from work were men with cuts sustained
21 in the mine. Men with temperatures of 102 and 103
22 were always ordered to work. Almost every morning
23 the P. A. or his assistant would appeal to the Jap
24 officer when the men were actually on parade and
25 sometimes succeeded in getting these men off work at

1 the last minute; often at the expense of a beating
2 by the medical sergeant. In the hospital almost
3 every day the medical sergeant would beat up a few
4 patients; many of them died within a few hours.

5 "Sick men's rations were cut in half by
6 the Japs and a great number ordered no food at all,
7 the Japanese system being: 'No work - no food.'
8 We had our own methods of dealing with this matter,
9 and sick men in most cases received as much as
10 they could eat."

11 Missing two paragraphs:

12 "It is interesting to note that all the
13 articles of first aid had been confiscated from us
14 and locked up by the Japs. This request for first
15 aid equipment in the mine was repeated verbally by
16 the P. A. on 1st, 5th and 16th February 1943, and
17 afterwards at regular intervals. It was, however,
18 not until February 1944 that two medical orderlies
19 were permitted to accompany the working party.
20

21 "Very few, if any, drugs were provided by
22 the Japs, and we had to manage with the few which
23 we had been able to carry with us from Singapore.
24 Later, officers were allowed to buy drugs for the
25 Camp. On 15th June 1943 Sergeant Davies had acute
appendicitis; the Japs told the doctor to remove

1 it but offered no help. After a long argument he
2 was eventually taken to the mining company hospital,
3 and a successful operation was performed by the Jap
4 civilian doctor.

5 "The death rate was now declining but
6 so was the health of the men, especially those
7 working in the mine, and there were innumerable
8 mine accidents."

9 Then passing to page 7, the section marked
10 "5, Food":

11 "Upon our arrival in Kinkaseki Camp the
12 food consisted of about 400 gms per day of rice and
13 a little vegetable."
14

15 Then, the next page, No. 8, the second
16 paragraph on that page:

17 "In January 1943 the Commander instituted
18 a most elaborate scheme whereby these men who kept
19 good attendance in the mine (i. e. were not sick)
20 received up to seven extra riceballs per day. Again
21 at the expense of the remainder. This was a most
22 cunning scheme on their part but a most pernicious
23 one as far as we were concerned, and we had great
24 difficulty in persuading men who were really sick
25 not to go to work in order to get the extra food,
but it was a great temptation in those days of /

1 starvation."

2 I turn now to page 11, which contains
3 extracts from the diary of the deponent, and I
4 read the excerpts dated the 23rd of January and
5 28th of January, 1943.

6 "23rd January 1943: Men who had not
7 worked well in the mine were made to run up and
8 down a hill and beaten as they ran. During the
9 evening in the pouring rain, 15 men all sick and
10 mostly from hospital, were lined up and ordered
11 to take off their shirts, made to do P. T. and were
12 beaten. The reason for this was that they had
13 failed to have their identification photographs
14 taken. Gr. Black and L/Cpl. Paterson, A. D. C.,
15 never recovered from this and died in the camp
16 later.

17 "28th January 1943: Seven men of the
18 dysentery ward caught by Camp Commander playing
19 cards. They were sentenced to be handcuffed
20 together (two couples and three) for three days.
21 One of the men, Gunner Pestell who was seriously
22 ill at the time, died three weeks later."

23 THE PRESIDENT: You have quite a few
24 excerpts to read from this affidavit?
25

MR. JUSTICE MANSFIELD: Yes.

1 THE PRESIDENT: We will adjourn now until
2 half-past nine tomorrow morning.

3 (Whereupon, at 1600, an adjourn-
4 ment was taken until Thursday, 19 December
5 1946, at 0930.)
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19 DECEMBER 1946

I N D E X
Of
WITNESSES

Prosecution's Witnesses

	<u>Page</u>
Sticpewich, William Hector, Warrant Officer First, attached to 31st War Graves Unit	13344
Direct by Lieutenant Colonel Mornane	13344

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5170B	1631		Affidavit of W.O.I., J. O. Edwards	13224	
5170B	1631-A		Excerpt therefrom		13224
5187	1632		Affidavit of Sergeant J.L. Massimino	13226	
5187	1632-A		Excerpt therefrom		13226
5448	1633		Synopsis of Evidence - Sea Transportation		13228

I N D E X
Of
EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Eviden</u>
5232	1634		Joint Affidavit of Sergeant Raymond C. Richardson and Technical Sergeant John G. Murdoch	13229	
5232	1634-A		Excerpts therefrom		13229
5234	1635		Affidavit of Captain Edward R. Nell	13231	
5234	1635-A		Excerpt therefrom		13231
5307	1636		Affidavit of Technical Sergeant Clyde P. Sullivan of the U. S. Army	13234	
5307	1636-A		Excerpt therefrom		13234
5194	1637		Affidavit of Master Sergeant Arthur M. Baclawski	13236	
5194	1637-A		Excerpt therefrom		13237
5193	1638		Sworn Record of Interrogation of First Lieutenant Harold Whitcomb of the U. S. Army	13243	
5193	1638-A		Excerpt therefrom		13243
5216	1639		Sworn Interrogation of Corporal S.L. Baker of the U. S. Marine Corps	13248	
5216	1639-A		Excerpt therefrom		13249
5215	1640		Sworn Interrogation of Mr. J.F. McDonald, an American citizen	13253	
5215	1640-A		Excerpt therefrom		13253

I N D E X

of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5149	1641		Affidavit of Thomas William Adamson, R.A.F.	13255	
5149	1641-A		Excerpt therefrom		13255
5151	1642		Affidavit of Flight Lieutenant William M. Blackwood, R.A.F.	13256	
5151	1642-A		Excerpt therefrom		13256
5190	1643		Affidavit of Colonel Charles Hubert Stringer, R.A.F.	13267	
5190	1643-A		Excerpt therefrom		13267
5377	1644		Affidavit of Captain J.L. Hands of Australian Imperial Forces	13272	
5377	1644-A		Excerpt therefrom		13272
5158	1645		Affidavit of Captain James Forbes	13279	
5158	1645-A		Excerpt therefrom		13280
5146	1646		Affidavit of Captain Saxon Geoffrey	13284	
5146	1646-A		Excerpt therefrom		13284
5207	1647		Affidavit of former Lieutenant Colonel Eric Kenneth Scott of the British Army	13286	
5207	1647-A		Excerpt therefrom		13286

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5144	1648		Affidavit of Warrant Officer Alfred Pritchard	13287	
5144	1648-A		Excerpt therefrom		13288
5323	1649		Sworn Interrogation of Homeguard Sergeant A. Van Blommestein of the Netherlands East Indies Army	13291	
5323	1649-A		Excerpt therefrom		13291
5324	1650		Statutory Declaration by Lieutenant John B. Bengé of the Royal New Zealand Airforce	13293	
5324	1650-A		Excerpt therefrom		13293
5376	1651		Affidavit of Sister Nesta Gwyneth James of the Australian Army Nursing Service	13296	
5376	1651-A		Excerpt therefrom		13296
5293	1652		Affidavit of a Dutch civilian, Isaac Samuel Dixon	13298	
5293	1652-A		Excerpt therefrom		13298
5191	1653		Affidavit of Lieutenant Geoffrey Cadzo Hamilton of the Royal Scots	13303	
5191	1653-A		Excerpt therefrom		13304

I N D E X

O f

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5449	1654		Synopsis of Evidence - Treatment of Prisoners of War and Civilians in British North Borneo and Sarawak		13311
5004	1655		Affidavit of Naik Chandgi Ram of the Punjab Regiment	13312	
5044	1655-A		Excerpt therefrom		13312
5005	1656		Affidavit of Mahomed of the 2/15 Punjab Regiment	13313	
5005	1656-A		Excerpt therefrom		13313
5003	1657		Affidavit of Naik Partap Singh	13314	
5003	1657-A		Excerpt therefrom		13315
5218A	1658		Two Statements made by Japanese Sergeant Major SUGINO, Tswino, formerly of Borneo P. W. Internment Unit but since executed		13316
5218A	1658-A		Excerpts therefrom		13316
5334	1659		Report made by Captain M.J. Dickson of the British Army	13322	
5334	1659-A		Excerpt therefrom		13322
5209	1660		Affidavit of Bachee O.K.K. Hassan of Inanam	13332	
5209	1660-A		Excerpt therefrom		13332
5214	1661		Affidavit of Tong Ah Seong	13335	

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5214	1661-A		Excerpt therefrom		13335
5212	1662		Affidavit of Bagi bin Lindeman of Piasan	13338	
5212	1662-A		Excerpt therefrom		13338
5211	1663		Affidavit of Sujiang, a Suluk woman of Dinawan Island	13340	
5211	1663-A		Excerpt therefrom		13340
5208	1664		Statement of Lieutenant NAKATA, Shinichi of Kempei Tai	13341	
5208	1664-A		Excerpt therefrom		13341
5213	1665		Affidavit of Lajun of Inanam Island	13342	
5213	1665-A		Excerpt therefrom		13342

1 Thursday, 19 December, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with
14 the exception of: HONORABLE JUSTICE D. JARANILLA,
15 Member from the Republic of the Philippines, not
16 sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 The Accused:

20 All present except OKAWA, Shumei, who is
21 represented by his counsel.

22 - - -

23 (English to Japanese and Japanese
24 to English interpretation was made by the
25 Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Justice Mansfield.

4 MR. JUSTICE MANSFIELD: If the Tribunal
5 please, continuing with the reading of exhibit No.
6 1630 at page 12, the excerpt dated the 8th of
7 February, 1943:

8 "The most brutal and severe beating up
9 as yet. Eight Taiwan soldiers entered the Officers'
10 Billet and made straight for Captain A. Sewell,
11 M.C.R.A. They proceeded, each in turn, to beat him
12 for an hour in all, and finished up with a sentry
13 with a rifle using the butt end and hitting him on
14 the head with the bayonet. The Officer concerned
15 was in a very bad way when this beating was finished."

16 Then proceeding to the excerpt, the 18th
17 of February, 1943:

18 "Inspection of commodities in the camp.
19 All Taiwan soldiers appeared with sticks and beat
20 up all the sick men in camp. In the afternoon a
21 party which was going outside to work was passing
22 through the camp gates when Gnr. Bilham fell out
23 to fasten his shoelace. By the time he had finished
24 this the party had gone and the gates were closed.
25 10 minutes later the party returned, and the Jap

1 Officer, in a terrible rage, sent for Gnr. Bilham,
2 who was immediately knocked senseless by Taiwan
3 guards. The Personnel Administrator went out to
4 argue with the Jap Officer re this and pointed out
5 that no matter what the man had done, there was no
6 excuse for such brutal and inhuman treatment.
7 Eventually, the Personnel Administrator was allowed
8 to take Gnr. Bilham back into the Office and that
9 evening the Jap Officer made a half-hearted apology."

10 Then turning to the next page, the excerpt
11 for the 5th of March, 1943:

12 "General from Prisoners of War Information
13 Bureau came to the camp. No Prisoner was allowed
14 to speak to him."

15 Prosecution document numbered 5170B, the
16 affidavit of W.O.I. J.O. EDWARDS, is offered for
17 identification.

18 CLERK OF THE COURT: Prosecution's document
19 No. 5170-B will receive exhibit No. 1631 for
20 identification only.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1631 for identification.)

24 MR. JUSTICE MANSFIELD: The marked excerpts
25 are produced in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: The marked excerpts
3 therefrom, bearing the same document number, will
4 receive exhibit No. 1631-A.

5 (Whereupon the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1631-A and received in evidence.)

8 MR. JUSTICE MANSFIELD: This document states
9 that the witness arrived at KINKASEKI Camp, where
10 1,200 men commenced work in the copper mines. The
11 workings were unbearably hot, and dangerously without
12 safeguards. Every man who worked in the mines has
13 scars as a result of the conditions and accidents.
14 Hot acid water dripped from low roofs, holes in
15 the grounds were unguarded.

16 Men who failed to complete the day's task
17 were beaten with the shaft of hammers, three feet
18 long and 1½ inches thick. Men were beaten into
19 insensibility and kicked.

20 Food was inadequate as were medicines and
21 drugs. Eighty-seven men died at KINKASEKI.

22 In May, 1945, the camp moved to KOKOTSU.
23 Conditions here were dreadful, food reached starvation
24 level, the camp had to be built by the men themselves
25 and food and materials brought up daily by men worn

1 and exhausted from long travail, over eight miles
2 of rough jungle track.

3 After the war was over on August 27, the
4 camp moved to TAIHOKU. No provision was made for
5 the sick. Weakened men had to carry the sick them-
6 selves on bamboo stretchers under a blazing sun.
7 Two men died on the journey.

8 Prosecution document numbered 5187, the
9 sworn testimony of Sergeant J. L. MASSIMINO, is
10 produced for identification.

11 CLERK OF THE COURT: Prosecution's document
12 5187 will receive exhibit No. 1632 for identification
13 only.

14 (Whereupon, the document above re-
15 ferred to was marked prosecution's exhibit
16 No. 1632 for identification.)

17 MR. JUSTICE MANSFIELD: The marked excerpts
18 therein being offered in evidence.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: The marked excerpts
21 therefrom, bearing the same document number, will
22 receive exhibit No. 1632-A.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1632-A and received in evidence.)

1 MR. JUSTICE MANSFIELD: This document
2 states that the witness went to HAITO Camp in
3 December, 1944, remaining there for two months.

4 Men were thrown into a water trough and
5 their heads held under water, under the direction
6 of the Camp Commandant. They were then stripped
7 and beaten. A number of the men died of brain fever
8 in the camp. The Commandant assembled all the
9 prisoners of war one day and asked how many men
10 had the violent headaches which was the symptom of
11 the brain fever. Fifty or sixty men raised their
12 hands, whereupon the Japanese remarked that he had
13 a big cemetery and he would try very hard to fill it.
14 The prisoners of war were then dismissed.

15 That completes, if the Tribunal please,
16 the evidence with regard to Formosa.

17 I present to the Tribunal at this stage
18 Lieutenant Colonel Mornane of Australia who will
19 continue to conduct the prosecution's case.

20 THE PRESIDENT: Colonel Mornane.

21 LIEUT. COLONEL MORNANE: If the Tribunal
22 pleases, I tender prosecution document 5448, which
23 is a synopsis of sea transportation evidence.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

1 No. 5448 will receive exhibit No. 1633.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 1633 and received in evidence.)

5 LIEUT. COLONEL MORNANE: I now propose to
6 introduce evidence in support of the seventh section
7 of this phase. This section relates to treatment
8 of prisoners of war and civilian internees by the
9 Japanese in the course of transportation by sea.
10 This evidence consists of twenty affidavits. I
11 also refer the Tribunal to evidence already given
12 by various witnesses, and the evidence that will be
13 given by subsequent witnesses in other sections of
14 this phase insofar as it relates to such treatment.

15 I tender for identification I.P.S. document
16 No. 5232. This is an affidavit made jointly by
17 Sergeant Raymond C. Richardson and Technical Sergeant
18 John G. Murdach both of the United States Army Air
19 Corps.
20

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: That is presented for
23 identification?

24 LIEUT. COLONEL MORNANE: Yes.

25 CLERK OF THE COURT: Prosecution's document
No. 5232 will receive exhibit No. 1634 for .

1 identification only.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 1634 for identification.)

5 THE PRESIDENT: The excerpt is admitted.

6 LIEUT. COLONEL MORNANE: I offer in evi-
7 dence those parts of the affidavit which have been
8 translated. They are indicated on the left-hand
9 margin of the document.

10 CLERK OF THE COURT: The excerpts there-
11 from, bearing the same document number, will receive
12 exhibit No. 1634-A.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1634-A and received in evidence.)

16 LIEUT. COLONEL MORNANE: The affidavit
17 shows that on 2nd of October, 1942, about nineteen
18 hundred American prisoners of war were forced into
19 two large holds and one small hold of the Tottori
20 Maru at Manila. They were so tightly packed that
21 only three-quarters of the prisoners could lie
22 down at once. The ventilation was absolutely in-
23 adequate. Six latrines only were allotted for the
24 use of nineteen hundred men most of whom were suffer-
25 ing from dysentery. The daily ration was six soda

1 crackers and a canteer of water. After eight days
2 the ship reached Fromosa where a number of Japanese
3 troops disembarked. As a result the prisoners had
4 more room but were still overcrowded; and three more
5 latrines were made available. The ration was in-
6 creased by a dish of rice per man per day. No
7 medical supplies or facilities were made available
8 throughout the journey which ended at Osaka on
9 11 November 1942. Fifteen prisoners of war died
10 as a result of the conditions on the ship and the
11 lack of medical supplies.
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1 I now offer IPS document No. 5234 for
2 identification and excerpts marked therein in evi-
3 dence. This is an affidavit made by Captain Edward
4 L. Nell, an American medical officer.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5234 will receive exhibit No. 1635 for identifi-
8 cation only, and the marked excerpt therefrom bearing
9 the same document number will receive exhibit No. 1635-A.

10 (Whereupon, prosecution's document
11 No. 5234 was marked prosecution's exhibit No.
12 1635 for identification, the excerpts therefrom
13 being marked prosecution's exhibit No. 1635-A
14 and received in evidence.)

15 LIEUT. COLONEL MORGANE: I propose to read
16 this document from the foot of the first page:

17 "On 7 Nov. 1942 I sailed from Pier 7, Manila,
18 with 1650 POW and 1500 to 2000 Japanese soldiers.
19 We were on Nagato Maru, a Japanese freighter of
20 approximately 4 or 5000 tons. The POW were on the
21 bottom deck of each of the 3 holds. We were extremely
22 crowded, most had standing room only. The Jap sol-
23 diers occupied the upper decks in each hold. The
24 Americans were not allowed on deck for two days after
25 we sailed. The air was foul, many lost consciousness.

1 We had one canteen cup of water per day per man.
2 The morning meal was about 200 grams of rice and a
3 soup of fermented bean paste. The evening meal was
4 about the same amount of rice and a small quantity of
5 fish, about 20 grams. We received no medicine for
6 the sick at all. Most men who were ill were suf-
7 fering from illness caused by deficient diet, dia-
8 rrhea, beri-beri, protein edema and malaria. Be-
9 ginning about 9 Nov. approximately 40 men from each
10 hold were allowed on deck for periods of an hour.
11 There were latrines on deck but the men with bowel
12 disorder often were unable to get to the deck. For
13 3 days there was no sanitary facilities below decks
14 but then we stole some buckets which we were able to
15 empty. There was some mistreatment of POW in the after
16 hold as kicking and beating men when the Japs were
17 going after supplies that were stored there.

19 "Beginning Nov. 9 they allowed me to bring the
20 severely sick on deck to an improvised sick bay. I
21 repeatedly requested medicine from Lt. MURATA and
22 Sgt. HOSHINO. Both Jap Army medical men. I don't
23 know their first names. They never supplied any
24 medicine. These two Japs had no outstanding
25 characteristics. I'm not sure I could identify them
now. On about 12 Nov. the convoy we were in was fired

1 on by a submarine. Our ship was not hit. There were
2 no distinguishing markings on our ship.

3 "The extreme physical discomfort of the men
4 caused a complete breakdown of morale, they snarled
5 at each other, quarreled and insulted officers for
6 no reason. Hunger was so extreme that they asked
7 for the left overs of the Japanese meals. We arrived
8 at Moji 25 Nov. 1942.

9 "The following men died at sea as a result of
10 the combination of factors prevalent on the ship.
11 All were able bodied men when we got on the ship.

12 "Wood, William K., 1st Lt. 24th FA. Died
13 11/7/42. Born 6/3/15. Cause of death beri-beri
14 myocarditis. Lanca, Richard R., 2nd Lt. 192nd Tank
15 Battalion. He was born 10/23/16. Cause of death
16 starvation and generalized sepsis --

17 THE PRESIDENT: It isn't necessary to
18 read those names.

19 LIEUT. COLONEL MORNANE: Altogether, eight
20 men died, two from starvation and generalized sepsis;
21 two from chronic diarrhea; two from chronic diarrhea
22 and pellegra; one from beri-beri myocarditis, and one
23 from chronic starvation and chronic diarrhea. (Reading):
24
25

1 "When we arrived at Koji the temperature was
2 about 45 degrees F with a high wind. We were made to
3 line up naked on deck before all the people on the
4 dock while the Japanese took a specimen from each
5 rectum. This exposure to public gazes was unwarranted.

6 "I am a medical officer and the diagnosis of the
7 illness and causes of death are correct to the best
8 of my knowledge without benefit of clinical or
9 laboratory assistance."

10 I now offer IPS document No. 5307 for
11 identification and tender the marked excerpts thereof
12 in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 5307 will be exhibit No. 1636. The marked excerpt
16 bearing the same document number will receive exhibit
17 No. 1636-A.

18 (Whereupon, prosecution's document
19 No. 5307 was marked prosecution's exhibit No.
20 1636 for identification, the excerpt therefrom
21 being marked prosecution's exhibit No. 1636-A
22 and received in evidence.)

23 LIEUT. COLONEL MORNANE: This is an af-
24 fidavit made by Technical Sergeant Clyde P. Sullivan
25 of the U.S. Army. I will now read marked excerpts of

1 this document:

2 "I am T/Sgt. My permanent home address is
3 5403 Florida Avenue, Tampa, Florida. I was captured
4 by Japanese infantry on Mindanao Island, P.I., in a
5 general surrender on 10 May 1942. After being con-
6 fined in the Philippine Islands until July 1944,
7 when I was transferred by ship to Japan in a trip
8 which lasted until 3 September 1944.

9 "The prisoners of war were not provided with
10 proper medical care, food or quarters in this ship
11 during the trip.

12 "Approximately 1200 prisoners, divided into 600
13 men for each hold, were crowded into the ship so
14 closely that 400 would have to stand in shifts so
15 that the other 200 could sleep. This condition
16 lasted for over 20 days until we reached Cebu. The
17 sanitary facilities were insufficient and consisted
18 only of a bucket holding 5 gallons for 600 men. The
19 only medical supplies available were those which one
20 of our own doctors brought with him, and these were
21 meager and insufficient, because the men were suf-
22 fering from sores, beri-beri, malaria, malnutrition
23 ulcers, diarrhea, and many other diseases. The food
24 available consisted only of 400 grams of rice per
25 day per man, which was about one pint, after it had

1 been cooked. All the men lost from 20 to 40 pounds.
2 during the trip. We were weighed at the beginning
3 and end of the trip and I, myself, lost 33 pounds.
4 The air was foul and the heat while confined in the
5 hold was so intense that men were overcome. Three
6 men died from the existing conditions during the
7 trip. We received one pint of water per day, which
8 was insufficient because of the heat and close con-
9 finement. Protests made by the ranking officer,
10 Colonel Stubbs, were ignored."

11 THE PRESIDENT: Well, you are no longer
12 reading a synopsis. You are reading excerpts from
13 the affidavit. Synopsis is a misnomer in the case
14 of exhibit No. 1633.

15 LIEUT. COLONEL MORNANE: My next document,
16 an affidavit made by Master Sergeant Arthur M.
17 Baclawski of the U.S. Army, is IPS document No. 5194.
18 I tender this document for identification, and tender
19 the marked excerpts of the document in evidence.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 5194 will receive exhibit No. 1637 for identifi-
23 cation only, and the marked excerpt therefrom bearing
24 the same document number will receive exhibit No.
25 1637-A.

23 8 April, 1942, while serving in the
24 of Headquarters Battery, 200th Coast Artillery. My
25 duties included surveying and drafting. I was held

1 been cooked. All the men lost from 20 to 40 pounds
2 during the trip. We were weighed at the beginning
3 and end of the trip and I, myself, lost 33 pounds.
4 The air was foul and the heat while confined in the
5 hold was so intense that men were overcome. Three
6 men died from the existing conditions during the
7 trip. We received one pint of water per day, which
8 was insufficient because of the heat and close con-
9 finement. Protests made by the ranking officer,
10 Colonel Stubbs, were ignored."

11 THE PRESIDENT: Well, you are no longer
12 reading a synopsis. You are reading excerpts from
13 the affidavit. Synopsis is a misnomer in the case
14 of exhibit No. 1633.

15 LIEUT. COLONEL MOHNANE: My next document,
16 an affidavit made by Master Sergeant Arthur M.
17 Baclawski of the U.S. Army, is IPS document No. 5194.
18 I tender this document for identification, and tender
19 the marked excerpts of the document in evidence.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 5194 will receive exhibit No. 1637 for identifi-
23 cation only, and the marked excerpt therefrom bearing
24 the same document number will receive exhibit No.
25 1637-A.

1 (Whereupon, prosecution's document
2 No. 5194 was marked prosecution's exhibit No.
3 1637 for identification, the excerpt therefrom
4 being marked prosecution's exhibit No. 1637-A
5 and received in evidence.)

6 THE PRESIDENT: There is no reason that we
7 can see for departing from the practice of yesterday
8 and the preceding days. This material is no more
9 important than the material that was made the subject
10 of a genuine synopsis or synopses. The new method
11 involves a great expenditure in time.

12 LIEUT. COLONEL LORMANE: Mr. President, I
13 may say that there are only twenty affidavits and
14 the material in most of them is so well expressed
15 that it would be very hard to shorten it and to
16 place before --

17 THE PRESIDENT: That is not a satisfactory
18 explanation, because you are going into a lot of
19 details we don't want to hear. However, go ahead
20 until you finish the twenty affidavits.

21 LIEUT. COLONEL MOHANE: (Reading):
22

23 "I was captured on Bataan, Philippine Islands,
24 8 April, 1942, while serving in the Weather Section
25 of Headquarters Battery, 200th Coast Artillery. My
duties included surveying and drafting. I was held

(Whereupon, prosecution's document No. 5194 was marked prosecution's exhibit 1637 for identification, the excerpt there being marked prosecution's exhibit No. 1637 and received in evidence.)

THE PRESIDENT: There is no reason that we can see for departing from the practice of yesterday and the preceding days. This material is no more important than the material that was made the subject of a genuine synopsis or synopses. The new method involves a great expenditure in time.

LIEUT. COLONEL MORRANE: Mr. President, I may say that there are only twenty affidavits and the material in most of them is so well expressed that it would be very hard to shorten it and to place before --

THE PRESIDENT: That is not a satisfactory explanation, because you are going into a lot of details we don't want to hear. However, go ahead until you finish the twenty affidavits.

LIEUT. COLONEL MORRANE: (Reading):

"I was captured on Bataan, Philippine Islands, 8 April, 1942, while serving in the Weather Section of Headquarters Battery, 200th Coast Artillery. My duties included surveying and drafting. I was held

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"It is ...
our trip from Philippine
traveled in a hold aboard a small
very old and had been reconditioned. Seven hundred
American prisoners, including myself, were loaded

1 (Whereupon, prosecution's document
2 No. 5194 was marked prosecution's exhibit No.
3 1637 for identification, the excerpt therefrom
4 being marked prosecution's exhibit No. 1637-A
5 and received in evidence.)

6 THE PRESIDENT: There is no reason that we
7 can see for departing from the practice of yesterday
8 and the preceding days. This material is no more
9 important than the material that was made the subject
10 of a genuine synopsis or synopses. The new method
11 involves a great expenditure in time.

12 LIEUT. COLONEL MORHANE: Mr. President, I
13 may say that there are only twenty affidavits and
14 the material in most of them is so well expressed
15 that it would be very hard to shorten it and to
16 place before --

17 THE PRESIDENT: That is not a satisfactory
18 explanation, because you are going into a lot of
19 details we don't want to hear. However, go ahead
20 until you finish the twenty affidavits.

21 LIEUT. COLONEL MORHANE: (Reading):
22

23 "I was captured on Bataan, Philippine Islands,
24 8 April, 1942, while serving in the Weather Section
25 of Headquarters Battery, 200th Coast Artillery. My
duties included surveying and drafting. I was held

1 in custody as a prisoner of war by the Imperial
2 Japanese Government from 8 April, 1942, to 11 Sept-
3 ember, 1945, at the following places: Camp O'Donnell,
4 Philippine Islands from 2 June, 1942, to 21 Sept-
5 ember, 1943; Los Penos, Philippine Islands, 21
6 September, 1943, to 30 September, 1944. From 1
7 October, 1944, to 8 November, 1944, I was enroute
8 by boat from Manila, Philippine Islands, to Camp
9 Engin (phonetic) to Taiwan (Formosa). I left Taiwan
10 on 12 January, 1945, aboard the Melbourne Maru and
11 arrived at Kozaka in the Sendai area, Japan, on 27
12 January, 1945. I was held in Kozaka until my libera-
13 tion 11 September, 1945. I was appointed squad
14 leader by the Japanese at Kozaka and held this
15 position for five months.

16 "The only two Japanese in my places of im-
17 prisonment whose names I can now recall were Supply
18 Sergeant OSANI (phonetic) who was nicknamed the
19 'Skull' and Corporal KUHADA, a Japanese medical
20 corpsman. Both of these men were stationed at Kozaka.

21 "It is difficult to describe the conditions on
22 our trip from Philippine Islands to Taiwan. We
23 traveled in a hold aboard a small collier which was
24 very old and had been reconditioned. Seven hundred
25 American prisoners, including myself, were loaded

1 into the hold of the ship which was approximately
2 40 or 45 feet long, 30 to 35 feet wide and ap-
3 proximately 30 feet deep. Coal to a depth of 10
4 feet covered the entire floor of the hold. About 400
5 other American prisoners were loaded in the aft hold
6 of the ship which was located immediately behind the
7 ship's engine room. The heat in the hold was almost
8 unbearable and I was told that the aft hold was even
9 hotter. There was not room enough in our hold to
10 lie down. The hold probably should have accommodate
11 about 250 men. Thirty-two American prisoners in our
12 hold died from suffocation and heat exhaustion during
13 the thirty day trip. Many of the men were out of
14 their heads due to the intense heat. The hold was
15 covered with wooden planking with about two inches
16 spacing between the planks, and, during air raids,
17 canvas covers were pulled across these planks com-
18 pletely shutting out the air. After about six days,
19 the Japanese laced cables into and around the planking
20 covering the hold which would have made escape im-
21 possible in the event the ship was sunk. There were no
22 lights of any kind in the hold. We were told by the
23 Japanese at the start of the trip that we would re-
24 ceive one U.S. Army canteen cup of water per man per day.
25 However, we only received this amount on four or five

13,240

1 occasions when we touched that many ports.
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1 "I received about two-thirds of a cup per
2 day. However, on some days we were completely without
3 water. We received two meals per day normally. How-
4 ever, between the weather and air raids, they often
5 cut this to one meal. The Japanese tried to make up
6 for this cut in our ration on the following days but
7 this was never completely accomplished. According to
8 the notes of the trip which I kept, on 13 October, 1944,
9 we received 3/4 of a cup of cooked rice in the morning
10 and 3/4 of a cup of cooked rice mixed with seaweed
11 for our second meal on that day. On 20 October 1944,
12 when our boat was in the port of Hong Kong, I received
13 1/3 canteen cup of stewed greens and one canteen cup
14 of steamed rice in the morning and in the afternoon
15 I received about 2/3 of a cup of steamed rice. On some
16 days we received less than these amounts. The food
17 was prepared by the American prisoners and lowered to
18 the hold in wooden buckets attached to ropes.

19 "There were no latrine facilities in the
20 hold and buckets and cans were lowered on ropes for the
21 men to relieve themselves and then pulled back to the
22 deck and disposed of. It was necessary for many of the
23 men to dig holes in the coal to use as toilets. As a
24 result of this, the floor was continually filthy and
25 dirty. All of the men had severe cases of diarrhea at

1 sometime during the trip. I was allowed on deck
2 three or four times for fifteen minute periods during
3 the entire trip. I believe that all the Americans
4 managed to get on deck about that number of times.

5 "There were some American Red Cross medical
6 supplies on board the ship. However the supplies were
7 soon exhausted. At the start of the trip, our officers
8 secured vitamin tablets from the Red Cross parcels
9 and passed these out at the rate of two tablets per
10 man per day and the supply was exhausted by the end
11 of fifteen days. Medical Facilities on the boat were
12 practically nil and included small amounts of sulfa
13 thiazole. The physical conditions of the Americans
14 at the beginning of the trip were reasonably good but
15 at the end of the trip all prisoners were in poor shape.
16 The Japanese commander at our destination remarked that
17 ours was the worst group of prisoners physically that
18 he had ever handled. I lost approximately twenty
19 pounds during the trip."

20 Prosecution document 5193 is the sworn record
21 of the interrogation of First Lieutenant Harold Whitcomb
22 of the United States Army. I tender the document for
23 identification.

24 CLERK OF THE COURT: Prosecution's document
25 No. 5193 will receive exhibit No. 1638 for

1 identification only.

2 (Whereupon, the document above referred
3 to was marked prosecution's exhibit No. 1638 for
4 identification.)

5 LIEUT. COLONEL MORNANE: And the marked
6 excerpts in evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: The marked excerpts there-
9 from, bearing the same document number, will receive
10 exhibit No. 1638A.

11 (Whereupon, the document above referred
12 to was marked prosecution's exhibit No. 1638A
13 and received in evidence.)

14 LIEUT. COLONEL MORNANE: The affiant was
15 captured by the Japanese at Bataan in April, 1942.
16 I now propose to read from the excerpts, beginning
17 at the second question on page 2 of the English
18 version. I will omit some of the questions:

19 "1687 men, all Americans who had been gathered
20 at Bilibid Prison Hospital at Manila, boarded the
21 Japanese transport, Irioko Maru, at Manila, Pier 7,
22 on 12 December 1944. We were piled into two holds
23 and we were so crowded that we were not all able to
24 lie down at the same time. If one sat down, another
25 had to stand up. The Japanese sent us a teabucket

1 of water for 700 men. There were only two buckets and
2 three days and each bucket contained only about six
3 gallons of water. There were no sanitation facilities,
4 not even buckets, and we were not permitted to go on
5 deck even for sanitation purposes. The only ones who
6 were permitted to go on deck were those who went for
7 food. The air was particularly foul and between
8 December 12th and December 14th, several hundred men
9 died of suffocation or lack of water. We kept yelling
10 for water and air. There was a Japanese guard at the
11 top of the ladder and he would not even listen to us.
12 There is no accurate account of how many died because
13 we were bombed 14th December and on the morning of the
14 15th, and abandoned the boat that day.

15
16 "We were bombed on the 14th and the boat went
17 aground. We were bombed again on the 15th. The
18 Japanese took off then and later we took off. Approx-
19 imately 1200 of the original group were able to get
20 ashore.

21 "We were on the Island of Luzon at Alongono.
22 We 1200 were kept in an enclosed tennis court. There
23 were no latrine facilities. We were fed four times
24 during the seven days. Each time we received only one
25 and one-half spoonfuls of uncooked rice and we had no
facilities with which to cook it. We were given some

1 clothing. We had to remain at the macadem tennis court
2 all day and all night, stark naked. Many of us suffer-
3 ed from cold. During this seven-day period, 100
4 American military personnel died from exposure,
5 dysentery and starvation. The Japanese gathered their
6 bodies once a day."

7 There is a paragraph referring to the names
8 of Japanese personnel which I do not propose to read.

9 "We were then taken to San Fernando,
10 Philippine Islands, where we were kept in an old aban-
11 doned theater for three days. We were then loaded on
12 a railroad car. One hundred of us were crowded into a
13 box car. These cars were the small European size.
14 The Japanese placed some of our personnel on top of
15 the cars so the bombers wouldn't hit them. These men
16 were given pillow cases and white flags for signaling.

17 "We were taken off the train at Linguien on the
18 Island of Luzon. We spent part of the day in the
19 school yard where we were given no sanitation facil-
20 ities. We were then marched to the beach where we
21 remained two days and one night. We were on the sand;
22 had no shade; almost no water and that which we did
23 have was measured by the spoonful. Two officers, in-
24 cluding one colonel, and also one enlisted man died
25 from exposure. Incidentally, we were in fear of our

1 lives because under the sand of the beach had been
2 buried gasoline and ammunition.

3 "We were put on a horse transport. There were
4 two holds and I was in the second one. I was grounded
5 among horse remains, flies and corruption. Again,
6 water was measured by the spoonful. We were supposed
7 to have been fed two times a day but often we were only
8 fed once a day. Our food generally consisted of three
9 tablespoofuls of hot water soup and the same amount
10 of cooked rice, two times a day. Many of the men died
11 either from accumulated weaknesses from former exper-
12 iences, dysentery or malaria. The dead would average
13 25 a day mainly from starvation, dysentery or infec-
14 tion. We were so starved that we ate flies and some
15 men even picked grain that was on the floor with the
16 horse remains. We were crazed with hunger. On the
17 2nd or 3rd of January, we were torpedoed twice. The
18 rudder and propeller of the boat were damaged but
19 there were no casualties. We were on this horse trans-
20 port about thirteen days all told and on January 9th
21 in Tacaw Harbor, Formosa, we were hit by a Navy Bomb
22 Diver.

23 "Lt. Col. Olsen made many efforts at the
24 risk of his own personal safety to improve our lot.
25 Lt. Murata and Mr. Wade would not do anything and

1 would not listen.

2 "Q What happened on January 9th?

3 "A We were hit by several bombs along the water
4 line and three of the bombs exploded in the forward
5 hold where 600 to 700 men were lined up in squads wait-
6 ing for breakfast. At that time, we had one G.I. cup
7 of tea for 24 men. These three bombs killed about
8 500 of the 700 men quartered there and about 200 in
9 the afterhold were wounded. We had all been in a weak-
10 ened condition because we were ravaged by starvation,
11 exposure and zero weather. The holds were uncovered
12 and we had no blankets. Most of us had no clothing.
13 We had absolutely no medical attention and as we
14 neared Formosa, we had food but once a day, no water
15 and we scraped the floor covered with horse remains
16 for snow that filtered down through the hold. At the
17 time we were bombed, approximately 40 men a day were
18 dying from starvation and privation.

19 "Those of us who survived were transferred
20 to a small inter-island steamer and moved to Japan.
21 The death rate was high but I am unable to estimate
22 it. We arrived at Moji on the island of Kyushu ap-
23 proximately January 28th or 29th. Many of the men
24 were beaten by guards when they attempted to scrape
25 snow off the canvas to get needed liquids. Conditions

1 again were poor. Approximately 225 of the original
2 1687 disembarked at Moji and 105 of that group were
3 sick and wounded and were taken to a hospital. At this
4 time Lt. MURATA and Mr. WADA left the group.

5 "This hospital was a bare shed. There were
6 no doctors and we had to lay on the floor. We did
7 not have any medical aid for several days and we re-
8 ceived only a small quantity of food. We were fed
9 twice a day but that was mainly thin rice gruel. We
10 remained here until February 20th. The death rate
11 at this time was very high and we had about 10 to 17
12 dead a day and on February 20th all that remained of
13 the 105 were 27 men."

14 THE PRESIDENT: You are well warranted in
15 reading extensively from that affidavit.

16 LIEUT. COLONEL MORNANE: IPS document No.
17 5216 is the sworn interrogation of Corporal S. L.
18 Baker of the United States Marine Corps. I tender the
19 original for identification and the marked excerpts
20 thereof in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 5216 will receive exhibit No. 1639 for identifi-
24 cation only, and the marked excerpts therefrom, bear-
25 ing the same document number, will receive exhibit

1 No. 1639A.

2 (Whereupon, prosecution's document
3 No. 5216 was marked prosecution's exhibit No.
4 1639 for identification, the excerpts therefrom
5 being marked prosecution's exhibit No. 1639A
6 and received in evidence.)

7 LIEUT. COLONEL MORNANE: Corporal Baker was
8 captured by the Japanese on Wake Island on the 23rd
9 of December, 1941. I will now read from the last
10 answer on page 2 of the English version to the end of
11 that answer:

12 "About 6 January 1942, the Japanese loaded
13 approximately 1300 prisoners of war aboard the Nitta
14 Maru at Wake Island. There were approximately three
15 hundred service men and about one thousand civilians
16 in this group. As we boarded the ship each prisoner
17 was forced to run a gauntlet in which he was beaten
18 and kicked by the ship's crew. The prisoners were
19 placed in three separate holds, which were spaced one
20 above the other, and I was placed in the first hold
21 nearest the deck. To my knowledge no one was killed
22 during the period we boarded this ship and were put in
23 the hold, but there were a few who were very weakened
24 as a result of running the gauntlet when boarding the
25 ship. The hold was very crowded and there was not

1 sufficient room for each man to stretch out without
2 partly lying on top of another prisoner. We remained
3 in these holds for the entire trip which lasted approx-
4 imately seventeen days. Ten prisoners were allowed
5 on deck when this ship reached Yokohama and I was
6 told that their picture was taken for propaganda pur-
7 poses at this time. There were no latrines for the
8 prisoners and the only means of relieving ourselves
9 was by using a bucket lowered from the deck. The
10 hold was dirty and we were not furnished anything with
11 which to clean it. A number of the prisoners were ill
12 and suffering from dysentery and diarrhea and because
13 of their condition and the lack of latrine facilities
14 such as described above, this caused very unsanitary
15 conditions in the hold. The buckets which the pris-
16 oners used in place of latrines were not emptied prompt-
17 ly and as the need called for it, and this further ag-
18 gravated the situation, as did the careless manner in
19 which these buckets were hauled to the top deck for
20 emptying, at which time part of the contents of the
21 bucket would be spilled in the hold. We lost track
22 of night and day during this trip and it seemed that
23 our food came at irregular intervals, though I believe
24 we were fed two or three times per day. The only
25 water we received was one small teacup of water per

1 meal and occasionally we would receive one cup between
2 meals. Until we reached Japan the hold was stifling
3 and hot and all of us were thirsty constantly. Each
4 meal was the same and consisted of barley gruel and
5 water -- about a three ounce portion. There were two
6 exceptions to this diet -- on one occasion we received
7 in addition to the gruel, a small piece of smoked fish
8 and on the second occasion we received a small portion
9 of canned salmon, of which a great deal was contam-
10 inated. The portion of this salmon which I ate was
11 evidently contaminated because immediately after eating
12 it I became violently ill and during all the march from
13 the dock to the camp at Woosung, some of my fellow
14 prisoners had to carry me at intervals as I would be-
15 come blind and become unconscious at times. To my
16 knowledge there were no deaths aboard the ship during
17 this trip, but there were innumerable beatings ad-
18 ministered to the prisoners by the ship's crew. There
19 were Japanese sailors and Japanese marines aboard this
20 ship and from observation it would seem that the
21 Japanese marines were detailed to handle the prisoners
22 aboard ship. On numerous occasions the prisoners
23 were searched and all their possessions such as pens,
24 jewelry and watches were taken from them and irrespec-
25 tive of whether the search proved profitable or not,

13,252

1 the prisoners would still be beaten as a lesson to
2 all of us not to hold out on them."
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1 LIEUT. COLONEL MORNANE: Prosecution docu-
2 ment No. 5215 is the sworn interrogation of Mr. J. F.
3 McDonald, an American citizen. I tender the original
4 for identification, and the excerpts in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5215 will receive exhibit No. 1640 for identifica-
8 tion only. The excerpts therefrom will receive exhibit
9 No. 1640-A.

10 (Whereupon, prosecution document No.
11 ' 5215' was marked prosecution's exhibit No. 1640
12 for identification, the excerpts therefrom being
13 marked prosecution's exhibit No. 1640-A and re-
14 ceived in evidence.)

15 LIEUT. COLONEL MORNANE: This document refers
16 to the same voyage as that described in the immediately
17 preceding exhibit. The affiant states that before
18 embarking on the ship every prisoner was furnished
19 with a copy of Regulations for Prisoners. I will now
20 refer the Court to paragraphs 1, 2 and 4 of such
21 Regulations. The first paragraph provided the death
22 penalty for a total of twelve offenses. The second
23 paragraph reads as follows: "Since the boat is not
24 well equipped and inside being narrow, food being
25 scarce and poor, you'll feel uncomfortable during

1 the short time on the boat. Those losing patience
2 and disordering the regulation will be heavily pun-
3 ished for the reason of not being able to escort."

4 Regulation 4: "Meal will be given twice
5 a day. One plate only to one prisoner. The prisoners
6 called by the guard will give out the meal quick as
7 possible and honestly. The remaining prisoners will
8 stay in their places quietly and wait for your plate.
9 Those moving from their places reaching for your
10 plate without order will be heavily punished. Same
11 orders will be applied in handling plates after meal."

12 My next document is the affidavit of Leading
13 Air Craftsman Thomas William Adamson of Royal Air
14 Force. This is prosecution's document No. 5149.
15 I tender it for identification, and the marked
16 excerpts in evidence.

17 THE PRESIDENT: Colonel Mornane, you did not
18 read the types of offenses that incurred the punish-
19 ment of death. That is most important.

20 LIEUT. COLONEL MORNANE: I will now read
21 that paragraph, if it please the Tribunal. Paragraph
22 1: "a. Those disobeying orders and instructions.
23 b. Those showing a motion of antagonism and raising
24 a sign of opposition. c. Those disordering the regu-
25 lations by individualism, egoism, thinking only about

1 yourself, rushing for your own goods. d. Those
2 talking without permission and raising loud voices.
3 e. Those walking and moving without order. f. Those
4 carrying unnecessary baggage in embarking. g. Those
5 resisting mutually. h. Those touching the boat's
6 materials, wires, electric lights, tools, switches,
7 etc. i. Those climbing ladder without order. j.
8 Those showing action of running away from the room or
9 boat. k. Those trying to take more meal than given
10 to them. l. Those using more than two blankets."

11 I now tender prosecution's document 5149
12 for identification, and the marked excerpts in evi-
13 dence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 5149 will receive exhibit No. 1641 for identifica-
17 tion only. The marked excerpt therefrom will receive
18 exhibit No. 1641-A.

19 (Whereupon, prosecution's document
20 No. 5149 was marked prosecution's exhibit
21 No. 1641 for identification, the excerpt
22 therefrom being marked prosecution's exhibit
23 No. 1641-A and received in evidence.)

24 LIEUT. COLONEL MORNANE: This affidavit
25 refers to the transportation of 200 sick British

1 prisoners of war from Amboina to Java in May, 1944.
2 During the course of the voyage the Jap. Sergeant
3 Major in charge of the prisoners beat a Corporal
4 Taylor until he fell to the deck half conscious and
5 then with a sword killed him by partly severing his
6 head from his body. The affidavit also describes
7 the beating of other prisoners by this Sergeant Major.

8 I now produce affidavit of Flight Lieutenant
9 William M. Blackwood of the Royal Air Force. It is
10 I.P.S. Document No. 5151. I tender the affidavit
11 for identification and the marked excerpts in evi-
12 dence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 5151 will receive exhibit No. 1642 for identifi-
16 cation only, and the marked excerpts therefrom will
17 receive exhibit No. 1642-A.

18 (Whereupon, prosecution's document
19 No. 5151 was marked prosecution's exhibit
20 No. 1642 for identification, the excerpts
21 therefrom being marked prosecution's exhibit
22 No. 1642-A and received in evidence.)

23 LIEUT. COLONEL MORNANE: I propose to read
24 this affidavit from paragraph 1.

25 "In early September 1944 I was in the prisoner

1 of war camp at Weijami on Ambon Island. It was about
2 that time that Allied aircraft visited Ambon town and
3 did terrific damage there. Shortly after that raid
4 the Japanese decided to move the prisoners, and on
5 17 September I found myself the senior British officer
6 in charge of a small draft of British and Dutch prison-
7 ers of war who were to go on board the 500 ton Dutch
8 ferry boat "Karon Maru."

9 "On the morning of embarkation it rained for
10 the first time for many days. My party marched bare-
11 foot or using wooden sandals in a glutinous sea of
12 liquid mud which covered the sharp coral of the road
13 surface. With guards harassing us to hurry, the beri-
14 beri crippled being pushed and bullied, and the stretch-
15 er bearers being goaded into a shambling trot, we made
16 the jetty in about half an hour. There the stretchers
17 were laid in the mud fully exposed to the pitiless rain,
18 although a series of hutments were at hand by the road-
19 side. After everybody was soaked through a few straw
20 mats were produced and these were draped over the
21 sicker men whose bewildered whimpers fell without
22 response on the ears of the guards.

23 "After nearly three hours' wait, barges were
24 brought alongside and we were ferried across the creek
25 to where our transport lay at anchor. When we drew

1 alongside I could scarcely believe that all 500 of
2 us were expected to get aboard. When I realized that
3 the holds were full and battened down, and that they
4 were to travel as deck passengers, I was staggered.
5 First of all the baggage was dumped on the hatch
6 covers and an attempt was made to distribute the
7 fit men, walking patients, and stretcher cases in
8 the gangways and narrow deck spaces. The effect
9 was like a London tube train in the rush hour. No
10 level space could be found for the stretchers, and
11 the sick men were subjected to acute discomfort and
12 an ordeal which it was at once obvious they could not
13 sustain for a long sea passage. On protest the bag-
14 gage was removed from the hatch covers. Settling into
15 this terribly cramped space with sodden kit bags was
16 almost impossible. Worse was to come. Firewood for
17 the cookhouse fires on voyage was brought alongside.
18 Picture a small ferry boat, not more than thirty feet
19 in maximum beam and with perhaps forty-five feet from
20 the after bulkhead of the forecastle to just abaft
21 the midship as the limit of our allowed space, the
22 remainder of the main deck and all deck works and
23 housings out of bounds, and some indication of crowd-
24 ing is given. When the firewood was stacked all the
25 deck space was full to the gunwale, and the hapless

1 men draped about in a sitting or squatting position.
2 Two wooden boxes slung over the ship's sides were all
3 the latrine accommodation provided. Into these boxes
4 the palsied men had to drag themselves after a journey
5 over piles of firewood fraught with difficulty for a
6 fit man, let alone a sick one who could not walk on
7 a tiled floor. We sailed that night.

8 "During the sleepless night many men walked
9 about miserably trying to find place to lie down
10 without treading on someone else, which was impossible.
11 During the night waves shipped through a sea door on
12 one side of the ship and swept across the deck with
13 each roll of the vessel, sweeping helpless stretcher
14 cases about like flotsam. The men took advantage of
15 daylight to try and settle themselves a little better.
16 One man who had been brought aboard very sick died
17 during the night, and was buried at sea."

18 I will omit the next paragraph, if the Court
19 please, and go on to paragraph 6.

20 "Already weakened by fifteen months of
21 back-breaking work, grievously sick from malnutrition
22 and ill treatment, the rice diet soon produced its
23 inevitable effect. Beriberi broke out almost univer-
24 sally. The sick, lying on the hatch, were given no
25 shade, and, in spite of repeated requests, no awning

1 of any sort was provided until about thirty men had
2 died from thirst and exposure. The water allowance
3 was less than half a pint a day per man, and on sev-
4 eral occasions after we reached Makassar the dying men
5 on the hatch were treated to the spectacle of their
6 guards bathing themselves in the drums of drinking
7 water. Enroute to Bonthain one man, crawling weakly
8 over the side into the latrine, fell overboard. The
9 ship put about and the man was picked up. All offi-
10 cers were then lined up and lashed with a rope's end
11 by Kasiama, an English-speaking Korean guard, as an
12 example for not controlling our men.

13 "Deaths were occurring daily by this time,
14 and sacks full of sand were provided by the Japanese
15 to attach to the legs of the corpses. Burial was only
16 allowed when the ship was in motion, and any man who
17 died during a period at anchor before Makassar had to
18 be bound up in his blanket and slung to the awning of
19 the winch house until such time as we were again under
20 way.

21 "An atmosphere of horror was being built up on
22 the ship which did not help the efforts of anyone to
23 stay alive, and soon the number of dead began to in-
24 crease. Then, one day at Rahat on the island of Moena,
25 a Japanese junk came alongside with about one hundred

1 and fifty men who had left Ambon in August under the
2 charge of Captain Van der Loot, one of the Haroekoe
3 draft Dutch officers. These men had been shot up on
4 their ship by a Liberator, which sank them after it
5 had set their ship on fire.

6 "On my ship, already overcrowded with rapidly
7 sickening men, the arrival of this extra number created
8 undescrivable confusion. Hardly a man could even sit
9 down properly, let alone lie down, and the new arrivals
10 had left earlier than we because they were more sick.
11 Their condition now, after a crowded journey, poor
12 food, and the added strain of being thrown into the
13 sea unable to fend for themselves as they drifted away
14 from their burning ship, was appalling to witness.
15 Many of these were crippled beriberi, several were
16 raving, and all were pitifully weak. Somehow or other
17 they were packed on board, mingling inextricably with
18 the four hundred and eighty odd that were left in my
19 draft. There was no shade on the deck and the gangways,
20 and there was only room for a few of the very worst
21 cases on the hatch. All the men lay spread out on the
22 uneven bundles of firewood, blistering horribly in the
23 tropical sun. Tongues began to blacken, raw, shirtless
24 shoulders to bleed, and all vestige of sanity deserted
25 many. The night was filled with the yells and screams

1 of the aying, the curses of the tired-out who tried
2 to sleep, and the perpetual hiccoughing that afflicts
3 a man about to die from beriberi."
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1 "Scenes of indescribable horror became
2 commonplace. Picking their way through the tangled
3 mass of humanity lying about on the narrow ship,
4 orderlies carried the naked, wasted bodies of the dead
5 to the ship's side, where unheard, except by those
6 present, the burial service for those who die at sea
7 was read before casting the body with its weight sack,
8 overboard. One youngster, maddened with sunstroke,
9 shouted the thoughts of his disordered brain for thirty
10 hours before he became too weak to talk any more.
11 Just before he died, he snatched a full tin that was
12 being used as a bed pan, and drank the contents greedily,
13 thinking it was water, before he could be prevented.

14 "Until we reached Makassar, about the 7th
15 October, smoking was prohibited because the holds were
16 full of petrol and ammunition. At Makassar, the few
17 men who could work were pressed into service to unload
18 the ship and some of the ammunition. The remaining
19 boxes were levelled off, and men were allowed down
20 the holds. Although still impossible crowded this
21 was a slight improvement as the men could get out of
22 the sun.

23 "After the cargo was unloaded some mangoes
24 were brought aboard and bought out of money from the
25 profits of the Haroekoe camp canteen. Water was taken

1 aboard but the Korean in charge of the galley drew
2 a pencil line at the full water line of the open drums
3 threatening dire punishment to all on board in the
4 way of ration cuts if the level went down at all during
5 the night. He also kicked any man who had crawled
6 under leaks in the hosepipes, and were trying to collect
7 a few drops of the precious fluid.

8 "When more stores had been taken aboard we
9 set sail again. All were tremendously relieved, feeling
10 that the back of the frightful journey had been broken.
11 This, however, was not to be. For forty days we
12 stood off a small island near Makassar making occasional
13 returns to the harbour. This was a tremendous blow
14 to many of the sick who had keyed themselves up for
15 the remaining journey and were now faced with day
16 after day of idleness. By the time we eventually
17 set sail again, nearly two hundred and fifty corpses
18 had been thrown over the side.

19 "When the survivors from the other ship were
20 taken aboard, Lt. KURASHIMA, Sgt. MORI and KASIAWA
21 (the English speaking Korean) all three of whom were
22 at Karoekoe throughout the occupation of that camp
23 aboard as well. They had escaped in one of the ship's
24 boats. The Lieutenant, true to his previous showing,
25 did absolutely nothing at all to help us. Neither,

1 of course, did his sergeant or the interpreter KASIAKA.
2 One accident is worthy of mention at this point.

3 "As a sick Dutchman was dying one night,
4 he started to hiccough very loudly and at close
5 intervals Sgt. MORI appeared on the bridge and threatened
6 to beat all the sick men unless the man was given an
7 injection to make him sleep. This was done, but in
8 half an hour he was awake again, Sgt. MORI repeated
9 his threat, and another injection was given. After
10 an hour the man woke again and started hiccoughing
11 once more. Yelling at the top of his voice the Japanese
12 sergeant insisted the man be given a third injection
13 or else he would come down and lay about him with a
14 stick among the stretcher cases. A third injection
15 was given, and this time the wretched sick man was
16 not heard again. He was dead."

17 I will omit the next paragraph and come to
18 the 17th:

19 "At night the orderlies had a fearsome task,
20 tiptoeing about the crowded hatches carrying stool
21 tins and urine pots over the recumbent frames of men
22 so rotten with beriberi that they screamed aloud if
23 merely brushed gently with the foot. The orderlies
24 worked really hard at a thankless, heartbreaking task.
25 The Dutch Doctor, Captain Springer, who had done

1 magnificent work at Haroekoe, continued his tireless
2 efforts on the mens' behalf, sparing himself not at
3 all. F/Lt. Phillips, another Haroekoe doctor, also
4 worked splendidly doing all that was possible for the
5 sick. Moving about the ship was difficult enough,
6 but the Korean in charge of the cookhouse, Kanioka,
7 forbade the use of the aft gangway athwartships after
8 some alleged theft of stores. This made movement very
9 difficult indeed especially for the lame and the
10 orderlies on dark moonless nights."

11 And coming to the 19th paragraph:

12 "Crossing the straits of Makassar just north
13 of Bari Bari, we came down the East coast of Borneo
14 and eventually reached Sourabaya after sixty-eight
15 days at sea. Of six hundred and thirty men who had
16 been aboard, only three hundred and twenty-five remained
17 alive, and these were for the most part feeble,
18 shambling wrecks, unwashed for two months and crawling
19 with vermin. From Sourabaya we left by train for
20 Batavia."

21 I will omit the last paragraph.
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1 I.P.S. document No. 5190 is an affidavit
2 made by Colonel Charles Hubert Stringer of Royal
3 Army Medical Corps. I offer this document for
4 identification and the marked excerpts in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5190 will receive exhibit No. 1643 for identifi-
8 cation only and the marked excerpt therefrom will
9 receive exhibit No. 1643-A.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 1643 for identification only; the excerpt
13 therefrom being marked prosecution's exhibit
14 No. 1643-A and received in evidence.)

15 LIEUT. COLONEL MORRANE: I propose to read
16 this affidavit from paragraph 2:

17 "On 16.8.42 a large party of all the senior
18 officers, from colonel upwards, Governors and Chief
19 Justices, were moved from Changi to Singapore docks
20 and packed into the hold of a ship. This was a
21 trial packing and even on Japanese standards we
22 could not get in. Having spent the night in this
23 misery the next day we were moved to another ship
24 and again packed into one hold. There did not seem
25 to be much difference but there we stayed. This ship,

1 the 'Tanjong Naru,' was a coal ship and the coal
2 debris had not been removed. The center of the
3 hold was piled with our kits and round the sides
4 were two tiers of rough benching. We were packed
5 on this benching where there was just room for bodies
6 lying side by side but no room for bedding. There
7 was a double row of prisoners on the benching lying
8 with feet inwards and in the arm-pits of the opposite
9 prisoners. We were packed as slaves were packed in
10 the horrors of the 'Middle Passage.' Even then
11 there was not room for everyone and the remainder
12 had to lie on the kits in the center of the hold.
13 There was no washing water and no drinking water
14 though plain green tea was provided at infrequent
15 intervals. The latrines provided were rough wooden
16 shelters on a very narrow deck gangway. They were
17 of the trough type and were rarely hosed down.

18 "Before leaving Changi we were ordered by
19 the Japanese not to bring any medical stores and
20 assumed that everything would be provided on board
21 ship. In spite of this order all medical officers
22 brought some medical supplies and it was well we did
23 so as not a single drug or dressing was provided on
24 the ship during the voyage nor was any hospital accom-
25 modation provided even under the most urgent pleading.

1 "We spent fourteen days in this Hell Ship
2 in a tropical climate. The space provided for all
3 purposes for each two individuals was ten feet by
4 two and one-half feet. Head space was four feet
5 to the iron plates of the deck above. The sun beat
6 on this iron during the day, made it too hot to
7 touch and turned the space below into an oven.
8 Prickly heat rapidly developed and as rapidly turned
9 into boils and tropical pemphigous. There were
10 399 officers and men in this hold, and the deck
11 space was little more than two narrow gangways.
12 One hundred men were allowed on deck at a time for
13 fresh air but as our sick increased this change over
14 number was more and more reduced as it became a
15 matter of life and death for patients to get out
16 of the foul atmosphere of the hold. As the diarrhoea
17 and dysentery cases increased in numbers and severity
18 the deck conditions became foul. These unfortunate
19 people could not control themselves owing to the
20 urgency and frequency of their need and the conges-
21 tion in the few latrines available. The decks were
22 bespattered with human dejecta and the worst cases
23 could not get up and down the narrow and steep
24 wooden gangway to the hold. They lay day and night
25 on the deck or hatch cover just outside the latrines.

1 For the worst cases we tried to rig up improvised
2 head cover but the Japanese objected to this.

3 "No cases died on board ship. We landed
4 at Takau on 31.8.42 and within a week or ten days
5 the following were dead: Attorney General Howell,
6 Lieutenant Colonel Kennedy, I.M.S., Captain Walker,
7 Lieutenants Kemlo, Dowling and Griffin, R.E. All
8 died from dysentery which they developed on the sea
9 journey from Singapore and for which they got no
10 medicine nor care from Japanese sources during
11 the voyage. On landing Mr. Howell and Lieutenant
12 Colonel Kennedy were admitted to a Japanese hospital
13 practically moribund. They were put in a ward by
14 themselves and given neither medicine nor nursing.
15 They were literally left to die, which they did in
16 a day or two."

17 I will next refer to IPS document No. 5170-A.
18 It is the affidavit of Warrant Officer John Owen
19 Edwards, Royal Corps of Signals. The marked excerpts
20 have already been admitted in evidence as exhibit
21 No. 1631-A during the Formosa section of this phase.
22 That happened this morning. I will now read the
23 second paragraph of this affidavit which describes
24 a voyage to Formosa.

25 "In October, 1942, with about 1200 men of

1 the 80th Anti-Tank Regiment, R.A., 155th Field
2 Regiment, R.A., 5th Field Regiment, R.A. and 11th
3 (Indian) Divisional Signals, R.C.S., I was put on
4 board the 'England Maru' at Singapore Docks. We
5 were supposed to be what the Japanese asked
6 for. . . 'a party of not necessarily fit men for
7 light work.' The 'England Maru' was an old cargo
8 ship of 5,000 tons, built in 1905, according to
9 the maker's record plates. It was filthy, vermin-
10 ous, and the hold I was confined in had evidently
11 been used to carry horses or cattle before. There
12 was dried excreta on the walls and floor. For
13 three days we lay in Singapore Harbor. I was in
14 a hold about thirty yards by twenty yards crammed
15 in with 257 other men. Our food consisted of a
16 watery soup with a few vegetables floating on top
17 (about half a pint) and some rice twice per day --
18 morning and evening. At midday a small meal of
19 rice only was provided. The only drinking water was
20 salty, it seemed to me like steamed sea water. The
21 thirst was maddening. We were confined in the holds
22 and could not get at the water tank. Latrine
23 facilities were abominable, at first only four deck
24 latrines for 1200 men. This was later increased to
25 eight. They were wooden troughs always heaped up

1 with excreta and in a filthy condition and flies
2 abounded. Men were allowed to the latrines only
3 one at a time, as diarrhea and dysentery was rife
4 this was sheer torture to men thus affected. There
5 were no washing facilities, after the voyage started
6 we were allowed on deck for approximately one hour
7 per day. Three men actually died on the journey
8 from the terrible conditions."

9 My next document is IPS document No. 5377,
10 an affidavit made by former Captain J. L. Hands of
11 2/3 Machine Gun Battalion Australian Imperial
12 Forces. I tender the original for identification
13 and the marked excerpts in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 5377 will receive exhibit No. 1644 for identifi-
17 cation only and the excerpts therefrom exhibit No.
18 1644-A.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1644 for identification only; the ex-
22 cerpts therefrom being marked prosecution's
23 exhibit No. 1644-A and received in evidence.)

24 THE PRESIDENT: You are about to read
25 lengthy excerpts, are you, Colonel?

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1. LIEUT. COLONEL MORGANE: That is so.
2. Your Honor.

3. THE PRESIDENT: We will recess for fifteen
4. minutes.

5. (Whereupon, at 1049, a recess was
6. taken until 1100, after which the proceedings
7. were resumed as follows.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Colonel Mornane.

4 LIEUT. COLONEL MORNANE: I will now
5 read from paragraph 2 of document 5377:

6 "2. There were approximately 1000
7 prisoners of war embarked at Singapore on or about
8 the 3rd of June, 1944, and it took about 8 or 9
9 hours to embark the prisoners of war. There were
10 about 750 Australians and about 250 Dutch. There
11 were three holds in the ship and the prisoners of
12 war were accommodated in these three holds. The
13 centre hold had no top to it and it had been badly
14 damaged either by a bomb or fire. The top con-
15 sisted of loose iron plates which freely let in
16 the rain. I myself was in the forward hold with about
17 300 other prisoners of war. After all the men had
18 embarked they were so crowded in these holds that
19 there was not sufficient room for more than approxi-
20 mately 40 per cent to lie in a prone position at
21 the one time. All holds were infested with vermin;
22 lice and bugs. During the journey to Japan I
23 frequently visited other holds and conditions there
24 were similar to conditions in the forward hold. A
25 few straw mats were provided but these were

1 insufficient and for the most part the men were
2 lying on the steel floor, no other bed accommoda-
3 tion whatsoever being supplied.

4 "3. The journey from Singapore to Japan
5 took 70 days. During the journey we called at
6 Mari in Borneo and for approximately two and a
7 half weeks were in Manila Harbour but at no time
8 were any of the prisoners of war allowed to disem-
9 bark, and they all stayed on the vessel until it
10 reached Japan. At night time those who were not
11 able to get into a prone position had to sleep
12 squatting down or even standing. It was impossible
13 for all the men to get sleep at one time owing to
14 the extremely crowded way they had been herded into
15 the holds and they used to take turns of getting
16 some sleep during the night and some during the
17 day. On rare occasions a portion of the men were
18 allowed to sleep on deck. The occasions however
19 were very rare and regarded as a great privilege.
20 Permission was only granted on 10 or 12 days of the
21 70-day voyage for men to sleep up on deck. The
22 prisoners of war, however, used frequently to go
23 up on their own accord in the darkness but were
24 generally located on deck by the Japanese guard,
25 who would then administer beatings and herd them

1 below again. Whenever prisoners of war were dis-
2 covered on deck without authority from the Japanese,
3 the Japanese after beating the men and herding them
4 below again would then call out the prisoner of war
5 officers and administer a severe beating to them.
6 I myself was beaten 17 times on the voyage, approxi-
7 mately 6 of which beatings were administered to me
8 because some of my men had been found on deck
9 without authority. The prisoner of war officers
10 made no attempt at all to stop the men going up on
11 deck. The plight of the men in the holds was so
12 pitiful that it was just beyond human feeling to
13 order them to stop below or to try to stop their
14 getting the benefit of a little fresh air."

15 Passing to paragraph 6:

16 "6. Living conditions were indescribable.
17 The lice and bugs cause great discomfort to the
18 men and there were no means of getting rid of the
19 vermin. When it rained the majority of the men
20 could get shelter from the rain but a considerable
21 number could not. It was a very wet trip and for
22 the six weeks while we were going through the
23 tropics it rained practically daily. When the
24 men got wet there was no way of drying their
25 clothes."

1 Passing on to paragraph 9:

2 "9. The food on this ship was simply
3 shocking and was the worst of any of my experience
4 as a prisoner of war. The diet consisted mainly
5 of rice and dried fish which had gone bad. A small
6 quantity of green vegetables were made available
7 for a few days after calling at a port. For the
8 most part we were without vegetables. The men
9 rapidly developed beri-beri, pellagra and the
10 usual results of malnutrition. Their daily ration
11 per man would be about 500 grammes of rice. The
12 daily issue of fish for the 1000 prisoners of war
13 was approximately 50 lbs. There was a daily
14 allowance of a total of approximately 12 lbs. of
15 sugar for all the prisoners of war. We used to
16 save the sugar supply for about 5 or 6 days when
17 there was sufficient to give each man a spoonful
18 each. Drinking water was made available in limited
19 quantities and there was never enough to satisfy the
20 thirst of the men.

21 "10. Punishments, both illegal and ex-
22 cessive, were a daily occurrence. Bearings were
23 administered particularly by the Japanese guards
24 to the prisoners of war, sometimes without any
25 reason and sometimes for coming out of the holds

1 without permission. One of the main causes of
2 beatings was failing to salute a Japanese civilian
3 guard whether the prisoner of war was an officer,
4 NCO or not. On one occasion one officer Lieutenant
5 Rutherford, of a Queensland Artillery Regiment, was
6 very badly beaten up and as a consequence had to
7 lie down for three days.

8 "11. There was no RAP available for
9 sick prisoners of war. The prisoner of war doctor
10 was Captain Parker, of Sydney, and he was allowed
11 a small space on deck where he could treat men.
12 There was a little space on deck where 8 or 9 of
13 the worst cases were allowed to sleep. The other
14 sick were forced to remain in the holds. Medical
15 supplies were in such small quantities as to be
16 considered almost negligible. Captain Parker made
17 repeated requests for more medical supplies but
18 without any result. Practically all prisoners of
19 war were sick throughout the voyage. Approxi-
20 mately 90 per cent had recurrent malaria and the
21 majority for the greater part of the voyage were
22 suffering from dysentery, beri-beri and pellagra.
23 Every prisoner of war was suffering from malnu-
24 trition. About 3 or 4 of the prisoners of war
25 died on the trip. Captain Parker estimated that

1 if the voyage lasted another 2 weeks the deaths
2 would have been very numerous. Two of the men
3 died of cardiac beri-beri and one died of pellagra.
4 One died of cerebral malaria. My opinion was that
5 we arrived in Japan only just in time to avert a
6 very heavy death roll.

7 "12. We arrived at Moji, Japan, in
8 September, 1944, and when we arrived the condition
9 of the men was pitiful. Many of them had to be
10 carried ashore on stretchers and a large number
11 could hardly support themselves. They were all
12 scare-crows to look at except for some 100 or
13 200 who were swollen with beri-beri. Apart from
14 those who were suffering from beri-beri the men
15 looked like skeletons with skin over them."

16
17 IPS document No. 5158 is an affidavit by
18 Captain James Forbes Lawrence of the Gordon High-
19 landers. I tender the original for identification
20 and the marked excerpts in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 5158 will receive exhibit No. 1645 for identi-
24 fication only, and the marked excerpts will receive
25 exhibit No. 1645-A.

(Whereupon, document No. 5158

1 was marked prosecution's exhibit No.
2 1645 for identification, and the ex-
3 cerpts therefrom were marked prosecu-
4 tion's exhibit No. 1645-A and received
5 in evidence.)

6 LIEUT. COLONEL MORNANE: The first four
7 paragraphs of this affidavit tell of the embarka-
8 tion of 1300 British and Dutch prisoners of war at
9 Singapore on 27 June, 1944, and their journey to
10 Manila Bay on a 7000-ton freighter. All were
11 thin, emaciated, half-starved and riddled with
12 diseases such as dysentery, malaria and beri-beri.
13 They were almost naked. They were jammed into two
14 holds and were so tightly packed that groups took
15 it in turns to huddle in a corner while others
16 lay down. The atmosphere inside the holds was
17 stifling. There were insufficient latrine
18 facilities on deck and none at all in the holds.
19 Men too weak to go on deck excreted where they lay.

20 I will now read paragraphs 6, 7, 8 and 9
21 of the affidavit.

22 "6. At the end of July the ship arrived
23 in Manila Bay. We anchored one-half mile from the
24 wharf side and stayed there for 6 weeks. During
25 this time nobody was allowed on shore. It was

1 only after days of agitation that JOTANI eventually
2 permitted 50 of the worst cases to be taken ashore
3 to the prison hospital in Manila. Of these, I
4 heard later, that 12 had died but so far as I know
5 the remainder are still alive. The rest of us had
6 to stay in the Hofuku Maru. Our meals consisted
7 of watery rice twice a day and any leavings from
8 the Japanese galley. By this time, after the long
9 voyage and due to the lack of food and medical
10 supplies men were beginning to die. In Manila
11 Bay alone 104 people died. The doctors and the
12 British officers on board were constantly going
13 at the Japanese to get them to allow some medical
14 supplies on board even if they refused to allow
15 the prisoners of war off the ship. They refused,
16 however, However, the American authorities in the
17 prison hospital in Manila heard of our plight and
18 got the Japanese to send over to our ship 3 cases
19 of B1 capsules for injection. JOTANI took these
20 capsules and issued them to the guards on board
21 the ship. Each Japanese had a box of 250 given
22 to him. They forced our medical officers to give
23 them the injections. Exactly the same thing
24 happened when some multivitamin tablets were sent
25 over to us. The prisoners of war got none of these

1 or any other medical supplies whatever. Not
2 content with beating us and starving us JOTANI and
3 NORO and the guards even broke up funeral ser-
4 vices which we tried to hold. JOTANI had given
5 permission for us to hold these, but as soon as
6 they started he and the other Japanese would wade
7 in with marlin-spikes and anything they could lay
8 their hands on.

9 "7. It would be impossible to exaggerate
10 the effect of JOTANI and NORO on the prisoners of
11 war on board the ship. They and the other guards
12 ruled us by fear. Their savage beatings and as-
13 saults on the men who had struggled up on deck,
14 their complete disregard of all those sick and
15 their general attitude and sadistic brutality
16 towards us made life on the Hofuku Maru an
17 absolute hell. It was a miracle to me that only
18 104 people died.

19 "8. The ship sailed from Manila on the
20 20th of September. The same people were still on
21 board, that is, Sergeant JOTANI and the others. We
22 were in a convoy of 10 ships, escorted by two
23 destroyers and two corvettes. There were no dis-
24 tinguishing signs on our ship to show that it
25 contained prisoners of war. It must have appeared

1 from the air or from a submarine as just an ordi-
2 nary cargo-carrying vessel. We were now kept
3 definitely below decks and only so many at a time
4 were allowed out to go to the latrines.

5 "9. On 21 September at about 1030 we
6 heard machine-gun fire and planes overhead.
7 Everybody was below decks at the time. A few
8 seconds later an aerial torpedo hit the ship for-
9 ward followed by another between the stern and the
10 bridge and by a third directly below the bridge.
11 Then the American planes began machine-gunning the
12 vessel and there was complete chaos. The Japan-
13 ese captain and his crew made an instant get-away
14 by jumping overboard immediately. Sergeant JOTANO
15 and Sergeant NORO and the guards did likewise,
16 leaving the prisoners of war to drown. The ship
17 broke in two and sank in 5 minutes. More than half
18 of the prisoners of war were semi-starved and half
19 paralyzed and had no chance. For the rest, they
20 were all below decks and there was no method of
21 exit and altogether not far short of 1000 prisoners
22 of war went down with the vessel. I succeeded by
23 a miracle in finding myself in the sea clear of the
24 sinking ship. I hung on to a broken-down bamboo
25 raft and was in the water till 6 that night before

1 being picked up by a lugger. There were quite a
2 number of other British prisoners of war who had
3 also succeeded in escaping from the Hofuku maru.
4 Our only consolation while we were in the water was
5 watching the American planes sinking every ship
6 in the convoy except one. The survivors, number-
7 ing 217, were taken back to Manila on the 22
8 September."

9 IPS document No. 5146 is the affidavit
10 of Captain Saxon Geoffrey Dawes of Royal Artillery.
11 I tender the original for identification and the
12 marked excerpts in evidence.

13 THE PRESIDENT: Admitted on the usual
14 terms.

15 CLERK OF THE COURT: Prosecution's docu-
16 ment No. 5146 will receive exhibit No. 1646 for
17 identification only, and the marked excerpts there-
18 from will receive exhibit No. 1646-A.

19 (Whereupon, document No. 5146
20 was marked prosecution's exhibit No. 1646
21 for identification, and the excerpts there-
22 from were marked prosecution's exhibit No.
23 1646-A and received in evidence.)

24 LIEUT. COLONEL MORNANE: The affidavit
25 described a voyage on a 1000-ton freighter from

1 Singapore to Saigon from the 2nd of February to
2 the 7th of February, 1945. Two thousand British
3 prisoners and 300 Javanese were crammed so
4 tightly that it was almost impossible to move.
5 The atmosphere in the holds was suffocating. The
6 majority had dysentery and were too weak to move
7 to the latrines. The Javanese were dying at the
8 rate of six a day. Rations consisted of rice and
9 water. The Japanese ate the Allied Red Cross
10 rations. No provision was made for the sick.

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IPS document No. 5207 is my next affidavit.

1 It was made by former Lieutenant Colonel Eric Ken-
2 neth Scott of the British Army. I offer the original
3 for identification and the marked excerpts in evi-
4 dence.

5 THE PRESIDENT: Admitted on the usual
6 terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 5207 will receive exhibit No. 1647 for identifi-
9 cation only, and the marked excerpts therefrom will
10 be given exhibit No. 1647A.

11 (Whereupon, prosecution's document
12 No. 5207 was marked prosecution's exhibit
13 No. 1647 for identification, and the ex-
14 cerpts therefrom were marked prosecution's
15 exhibit No. 1647A and received in evidence.)

16 LIEUT. COLONEL MORNANE: This affidavit
17 states that a draft of 1800 British prisoners of war
18 were embarked at Batavia on a 5,000 ton ship on the
19 21st October, 1942. A large number were not in a
20 fit state to travel, many were stretcher cases and
21 100 to 200 collapsed on the march to the dock. The
22 prisoners were crammed down from hatchways. They
23 were so tightly packed that it was impossible to lie
24 down. Those immediately under the hatchways were
25

1 IPS document No. 5207 is my next affidavit.
2 It was made by former Lieutenant Colonel Eric Ken-
3 neth Scott of the British Army. I offer the original
4 for identification and the marked excerpts in evi-
5 dence.

6 THE PRESIDENT: Admitted on the usual
7 terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 5207 will receive exhibit No. 1647 for identifi-
10 cation only, and the marked excerpts therefrom will
11 be given exhibit No. 1647A.

12 (Whereupon, prosecution's document
13 No. 5207 was marked prosecution's exhibit
14 No. 1647 for identification, and the ex-
15 cerpts therefrom were marked prosecution's
16 exhibit No. 1647A and received in evidence.)

17 LIEUT. COLONEL MORNANE: This affidavit
18 states that a draft of 1800 British prisoners of war
19 were embarked at Batavia on a 5,000 ton ship on the
20 21st October, 1942. A large number were not in a
21 fit state to travel, many were stretcher cases and
22 100 to 200 collapsed on the march to the dock. The
23 prisoners were crammed down from hatchways. They
24 were so tightly packed that it was impossible to lie
25 down. Those immediately under the hatchways were

1 drenched every time it rained. Sickness increased
2 and the prisoners formed an emergency hospital.
3 Neither blankets nor medical supplies were provided.

4 On the morning of 26 October at Singapore
5 the prisoners were disembarked and hosed down. They
6 were then marched to the roadside. Here they were
7 ordered to take down their trousers and a glass rod
8 was inserted in each man's anus. This was done in
9 full public view. On 29 October, 1,081 of these
10 prisoners were transhipped to another ship of 5,200
11 tons. The ship sailed on the following day. Condi-
12 tions were similar to those on the earlier voyage.
13 Sickness increased. When the ship reached Moji on
14 24 November, 700 were sick, 280 being left on board
15 as too sick to move. Sixty-three had died at sea and
16 one had committed suicide.

17 IPS document No. 5144 is an affidavit made
18 by Warrant Officer Alfred Pritchard of the Royal Air
19 Force. I tender the original for identification and
20 the marked excerpts in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 5144 will receive exhibit No. 1648 and the
24 marked excerpt therefrom exhibit No. 1648A.
25

1 (Whereupon, prosecution's document
2 No. 5144 was marked prosecution's document
3 No. 1648 for identification, and the excerpt
4 therefrom was marked prosecution's exhibit
5 No. 1648A and received in evidence.)

6 LIEUT. COLONEL MORNANE: I will now read
7 paragraphs one to five of this document:

8 "1. I was taken prisoner of war by the
9 Japanese at Garoet, Java on 20 March 1942. I was
10 despatched with a draft of prisoners of war from
11 Batavia on 23 October 1942 and was trans-shipped on
12 28 October 1942 at Singapore to the DAI NICHU MARU,
13 a Japanese vessel of some 3,400 tons, which was built
14 in the MITSUNOSHO shipyard, INNOSHIMA Island in 1916.

15 "2. There were about 1,500 British prisoners
16 of war aboard and the total complement, Japanese and
17 British, was about 4,000 men in my estimation. These
18 British prisoners of war were accommodated in four
19 holds. I, myself, was in the bottom of No. 2 hold
20 which contained 286 men, mostly R.A.F. personnel and
21 some R.A. I personally measured this hold and the
22 measurements were 60 feet wide by 40 feet long. In
23 the hold was stored a large mound of wet iron ore
24 clay and we had to arrange ourselves around this
25 sloping mound. No man was able to lie fully stretched

1 out nor could we lie flat down.

2 "3. The voyage lasted for some four weeks
3 and sickness prevailed after the first week's sailing.
4 We were provided with a very small quantity of wet
5 rice and dehydrated potato chips, dipped in hot
6 water, twice daily at 1000 hours and 1430 hours -
7 a ration which was totally inadequate. We each re-
8 ceived only 1/3 pint of drinking water per day. There
9 were no washing facilities of any kind. When we em-
10 barked we were clothed in shirts and shorts only.
11 We had no change of clothing and no other clothing
12 was issued aboard the vessel. The only provision for
13 ventilation was the opening of the hatches on top
14 of the hold during fair weather. On many occasions
15 the hatches were closed for as long as two days at
16 a time and during the last week the hatch was closed.
17 There was no lighting arrangement in the hold and
18 when the hatches were closed the hold was completely
19 blacked out. The hold was also infested with rats.
20 No exercise was permitted on deck. The latrine
21 arrangements consisted of two boxes on deck for
22 Holds Nos. 1 and 2, which were reached by a vertical
23 ladder up the side of the hold. These latrine ar-
24 rangements were totally inadequate for the number of
25 men in these two holds. When men became too sick or

1 weak to climb the vertical ladder, they defacated
2 amongst the wet ore in the hold. Practically every
3 man suffered from some form of enteritis or dysentery.
4 Some ten men died in No. 2 Hold and I was personally
5 present at the burial of six of these at sea.
6 Other men died in the other three holds, but I do
7 not know how many. There was one army medical
8 officer aboard, but he had practically no medicines
9 or equipment. No Japanese medical assistance was
10 provided. There appeared to be no medical equipment
11 aboard as Japanese soldiers themselves approached
12 the British medical officer for treatment. During
13 the last week of the voyage some prisoners of war
14 from No. 2 Hold who were suffering from continuous
15 diarrrea and dysentery were kept on the hatch of No.
16 2 Hold, but these men suffered severely from expo-
17 sure to cold as we neared Japan.

18 "4. The vessel proceeded via Port Jaques,
19 Saigon, to Formosa and from there to Moji, Japan,
20 arriving about 27 November 1942. On arrival some
21 forty men from No. 2 Hold were left in the hold when
22 we disembarked as they were too weak to move. I do
23 not know what happened to these after I left.

24 "5. Many men died within a month of dis-
25 embarkation as a direct result of the atrocious

1 conditions and suffering aboard this vessel. No
2 medical treatment was available on disembarkation at
3 Kaji - nor for some two months later. Deaths then
4 ceased, i.e., after we received medical treatment
5 and care. The 1,500 prisoners of war aboard had all
6 been selected as fit to travel when we embarked at
7 Java and we were all fit when trans-shipped at
8 Singapore."

9 My next document is the sworn interrogation
10 of Homeguard Sergeant A. Van Blommestein of the
11 Netherland East Indian Army. It is prosecution docu-
12 ment No. 5323. I offer the original for identifi-
13 cation and the marked excerpts in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 5323 will receive exhibit No. 1649 for identifi-
17 cation only; the marked excerpts will receive exhibit
18 No. 1649A.

19 (Whereupon, prosecution's document
20 No. 5323 was marked prosecution's exhibit No.
21 1649 for identification, and the excerpts
22 therefrom were marked prosecution's exhibit
23 No. 1649A and received in evidence.)

24 LIEUT. COLONEL MORNANE: The affidavit
25 states that at the end of October, 1942 he was

1 transported by the Japanese to Batavia to Rangoon.
2 I will now read his answer to the 5th question in the
3 interrogation:

4 "Countless people were crammed in the holds,
5 I cannot state the exact number; each of us had 3/4
6 m2 space for himself and his luggage. This transport
7 took about twenty-five days (we were in the roads
8 of Singapore for three days without being permitted
9 to leave the ship). At Penang three or four boys
10 tried to escape, the two last escapees were caught;
11 one of them was called 'Pronk' (probably a Naval
12 man), other names I do not remember. They were al-
13 most beaten to death on deck by the Japanese guard.
14 I was in the hold, so I could not witness the scene.
15 Everybody was awakened. We heard the hits and kicks,
16 the screams and groans of the victims. It was hor-
17 rible. In the morning I saw two of them; they looked
18 a perfect sight: their eyes and lips could not be
19 distinguished. They were tied on deck and were kept
20 in this position for about one week (some food was
21 supplied to them, and they were permitted to go to
22 the toilets; to stand or walk was next to impossible
23 to them). 'Pronk' died as the result of the mal-
24 treatments in jail at Rangoon: the other survived.
25 The transport was terrible. A heavy dysentery broke

1 transported by the Japanese to Batavia to Rangoon.
2 I will now read his answer to the 5th question in the
3 interrogation:

4 "Countless people were crammed in the holds,
5 I cannot state the exact number; each of us had 3/4
6 m2 space for himself and his luggage. This transport
7 took about twenty-five days (we were in the roads
8 of Singapore for three days without being permitted
9 to leave the ship). At Penang three or four boys
10 tried to escape, the two last escapees were caught;
11 one of them was called 'Pronk' (probably a Naval
12 man), other names I do not remember. They were al-
13 most beaten to death on deck by the Japanese guard.
14 I was in the hold, so I could not witness the scenes.
15 Everybody was awakened. We heard the hits and kicks,
16 the screams and groans of the victims. It was hor-
17 rible. In the morning I saw two of them; they looked
18 a perfect sight: their eyes and lips could not be
19 distinguished. They were tied on deck and were kept
20 in this position for about one week (some food was
21 supplied to them, and they were permitted to go to
22 the toilets; to stand or walk was next to impossible
23 to them). 'Pronk' died as the result of the mal-
24 treatments in jail at Rangoon: the other survived.
25 The transport was terrible. A heavy dysentery broke

1 out as a result of the bad treatment. We hardly got
2 any medicine. The excreta of the sick who were lying
3 on the hatches seeped down to where we sat eating.
4 Nearly every day a corpse was buried at sea. The
5 Dutch doctors did their utmost but were powerless
6 because they had no medicines, etc. One of the
7 doctors was, if I am not mistaken, Dr. 'Reelink-
8 Kamp.'"

9 Prosecution document No. 5324 is a statutory
10 declaration by Lieutenant John R. Bengt of the Royal
11 New Zealand Airforce. I tender the original for
12 identification and the marked excerpts in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution document
15 No. 5324 will receive exhibit No. 1650 for identifi-
16 cation only, and the marked excerpts will receive
17 exhibit No. 1650A.

18 (Whereupon, prosecution's document
19 No. 5324 was marked prosecution's exhibit
20 No. 1650 for identification, and the excerpts
21 therefrom were marked prosecution's exhibit
22 No. 1650A and received in evidence.)

23 LIEUT. COLONEL MORNANE: The declarant states
24 that he and five other prisoners were taken from
25 Sourabaya, Java to Japan about the middle of 1944.

1 The voyage lasted seventeen or eighteen days. I will
2 now read the third paragraph of page 2:

3 "That during the trip to Japan we were
4 kept handcuffed to the wall of the cabin except when
5 we were released for some other form of ill-treat-
6 ment. We were confined two in a cabin, but we
7 were continually changed so that during the voyage
8 I had as a cabin mate each of the above-named men
9 at one time or another during the voyage. The
10 Disciplinary Officer in charge of us was a 'two
11 star' Petty Officer, and I think his number was
12 38368. He was a typical Jap in appearance, and I do
13 not know his name. For no reason at all he kept
14 Captain Symons and myself standing on tiptoe, tied
15 by our thumbs to the roof of the cabin for a period
16 of five hours without a break, and during a rough
17 sea. I was also forced to do 'on hands and feet
18 up and down exercises' with my hands handcuffed
19 close together. We were all forced to do this
20 exercise, and if anyone could not keep going or
21 allowed his body to touch the ground he was kicked
22 by the Disciplinary Officer abovementioned. Another
23 form of ill-treatment on this ship was that we were
24 forced to kneel on a lattice-type of seat for
25 periods up to three-quarters of an hour at a time

1 with our faces towards the wall without moving.
2 The guards behind us would beat our bare feet
3 with a length of rope and give us cuffs on the side
4 of the head, the idea being to get us to move or
5 fall off the seat on to the floor where we would
6 be kicked. I cannot identify the guards who were
7 responsible for meting out this treatment to us."
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1 My next document is an affidavit by Sister
2 Nesta Gwyneth James of the Australian Army Nursing
3 Service. It is prosecution document No. 5376. I
4 offer the original for identification and the marked
5 excerpts in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 5376 will receive exhibit No. 1651 for identifi-
9 cation only. The marked excerpt will receive exhibit
10 No. 1651-A.

11 (Whereupon, prosecution's document
12 No. 5376 was marked prosecution's exhibit
13 No. 1651 for identification, and the excerpt
14 therefrom was marked prosecution's exhibit
15 No. 1651-A and received in evidence.)

16 LIEUT. COLONEL MORNANE: I will now read
17 paragraph 3 of this affidavit.

18 "In April, 1945, I was one of a party of
19 women prisoners of war and internees who were shipped
20 from Muntok to Palembang in a small ship. We had
21 many stretcher cases and had to carry them together
22 with our luggage down the long pier at Muntok. There
23 we loaded them on to a tender and from a tender to the
24 ship. One patient died on the wharf. We left at
25 one o'clock in the afternoon. Shortly after this

1 another patient died, stretcher patients and nursing
2 sisters were on deck without any protection through-
3 out the whole of the trip. We were stationed in the
4 Musi River when darkness came on. We stayed there all
5 night without any protection whatever and were bitten
6 severely by mosquitoes. We had no warm clothes and
7 suffered badly from the cold. We started again the
8 next morning. The sun blazed down on us. It got so
9 hot that the nursing sisters could hardly touch the
10 patients - they were burning. The remainder of the
11 sick and other passengers were carried down in the
12 hold where they were compelled to remain for the whole
13 voyage. There was no sanitation whatsoever on this
14 ship and 75 per cent of those on board were suffering
15 from dysentery and diarrhoea. One patient died before
16 we arrived at Palembang that evening, and another died
17 just after we arrived there. In spite of our
18 exhausted condition we had to remove all the patients
19 from the ship and put them on the train."

20 Prosecution document No. 5293 is an affidavit
21 by a Dutch civilian, Isaac Samuel Dixon. I tender the
22 original for identification, and the marked excerpts
23 in evidence.,

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

1 No. 5293 will receive exhibit No. 1652 for identifi-
2 cation only. The marked excerpt will receive exhibit
3 No. 1652-A.

4 (Whereupon, prosecution's document
5 No. 5293 was marked prosecution's exhibit
6 No. 1652 for identification, and the excerpt
7 therefrom was marked prosecution's exhibit
8 No. 1652-A and received in evidence.)

9)LIEUT. COLONEL MORNANE: The affidavit
10 states that 1750 European prisoners of war, 600
11 Ambonese prisoners of war, and 5500 Indonesian
12 coolies (forced labourers) were put on a 5000-ton
13 cargo ship on 19 September 1944, for transportation
14 from Java to Sumatra.

15 I will now read from the beginning of the
16 second paragraph on page 2.

17 "Then the prisoners of war were crammed to-
18 gether into one of the upper holds whilst the coolies
19 were put into the second upper hold. However, before
20 long all the prisoners of war had to be carried out
21 of the hold again. The temperature in these holds was
22 so terribly high that it was nearly impossible to stay
23 in since lack of fresh air caused suffocation. We then
24 were allowed to remain on the decks (partly). The
25 ship put to sea but let her anchor drop about 300 meters

1 out of the harbour. Then a British prisoner of war
2 went mad and jumped overboard. The Japanese thought
3 this very funny until the Britisher made for the
4 shore. He then was brought back on board and because
5 of this event orders were given that all prisoners
6 of war should be locked up in the holds. Since this
7 was absolutely impossible in a decent way, the prisoners
8 of war were beaten into the hold. I do NOT understand
9 how they managed to get room, but they were crammed
10 together standing upright, since lying down or even
11 sitting was impossible. Several prisoners of war
12 were severely beaten. Personally I was beaten with a
13 heavy stick over the head as a result of which I was
14 seriously injured and bleeding (medical attention was
15 given to me by Dr. Kuyper who was drowned later). I
16 lost consciousness for about three hours. I do NOT
17 know the name of the Japanese who beat me.

18 "After the ship put out to sea at about four
19 p.m. we went back on deck again, because we could NOT
20 stand the situation in the hold any longer. Nothing was
21 done against this by the Japanese. Food was bad but
22 sufficient in quantity, since about half of the men
23 constantly suffered from seasickness and did not take
24 their food. Drinking water however was very short and
25 absolutely insufficient. Bathing and washing was

1 impossible. The decks were so overcrowded that those
2 who could NOT find a seat, about 300 prisoners of war,
3 were forced to walk constantly because the gangways
4 had to be kept free.

5 "We were guarded by a Japanese transport
6 commander, whose name I do NOT know and about 40
7 Japanese soldiers. These guards started the second day
8 after the ship sailed to call all prisoners of war one
9 after the other to come to the bridge. Wedding rings
10 and watches were then taken from us and we were forced
11 to sell them at a fixed price of five yen (Japanese
12 currency) for a ring and ten yen for a watch. Pro-
13 tests were of no use, refusal was answered by beatings.
14 In this way hundreds of us were forced to sell our
15 belongings.

16 "On 18 September '44 at 5.20 p.m. (Japanese
17 time) the ship was hit by two torpedoes about 25 miles
18 off the west coast of Sumatra somewhere between Ben-
19 koelen and Padang. One of the torpedoes hit her amid-
20 ships on the starboard side; the other one hit the
21 hold below deck. As a result of this the ship was torn
22 open. People were panic-stricken, in particular those
23 in the holds. There must have been lots of casualties
24 in these holds. Personally I was on deck. I saw many
25 prisoners of war jumping overboard after the first

1 torpedo hit us. These men were all killed by the
2 explosion of the second torpedo. Within twenty minutes
3 our ship sank. I managed to swim away from it, because
4 I was afraid that it would blow up when the boilers
5 reached the water. This however did NOT happen. I
6 saw the Japanese transport commander getting into a
7 lifeboat together with part of our guards. Many
8 prisoners of war got hold of the edge of this lifeboat
9 but instead of taking them in, one of the Japanese
10 chopped off their hands or split their skulls with a
11 huge axe.

12 "One victim of this sort of maltreatment was
13 saved. His skull was split open and showed his brains.
14 I saw him in Padang prison afterwards where he died,
15 after medical attention had been given to him by one
16 of the two surviving Dutch doctors, Dr. Vitalis and
17 Dr. Waardenburg. They will be able to give full
18 information about this case. I do not know their
19 present address.

20 "Our escort, consisting of one destroyer
21 and one corvette, did NOT do very much to rescue and
22 pick up survivors. The destroyer disappeared alto-
23 gether after having dropped its depth charges but came
24 back after some hours to lend assistance. The corvette
25 picked up about 400 survivors and they made straight

1 for Emmahaven. The destroyer picked up only a very
2 few men; those who were very exhausted and became
3 unconscious were thrown overboard again by the
4 Japanese as I was told later.

5 "All the survivors were taken to Padang
6 prison. The total appeared to be 276 European prisoners
7 of war, 312 Ambonese prisoners of war, and about 300
8 Indonesian coolies. Most of us were entirely naked.
9 The only clothing supplied to us by the Japanese was
10 one pair of thin short pants per man. We were treated
11 very badly. Naked as we were, we were made to sleep
12 on the concrete floors of the prison building with
13 no blankets nor mats. Hygienic conditions were
14 terrible. When we came in this jail all the lava-
15 tories were full; thus we had to relieve ourselves on
16 the floor. The smell was penetrating and nauseating.
17 Chances of contamination were very great. There was
18 only one tap in this prison from which we got our
19 drinking water. This meant that we had to stand in a
20 queue for hours before getting a chance to drink. On
21 the second day this tap was turned off by the Japanese,
22 after which we had to drink well water from an
23 extremely dirty and obviously contaminated well.

24 "Since most of the prisoners of war were
25 extremely exhausted and weak because of the physical

1 and mental strain of the past days (some of the men
2 remained in the sea for about 57 hours) the number of
3 sick grew very high. Because of the lack of clothing,
4 the bad food and the bad hygienic circumstances and
5 owing to the fact that no medicines were supplied to
6 us, many prisoners of war fell seriously ill (inflam-
7 mation of the lungs, sunburn) and died. Within ten
8 days forty-two of us had died."

9 I draw the Tribunal's attention to the
10 inconsistency in the matter of dates in that the ship
11 is stated to have left on 19 September and to have
12 been torpedoed on 18 September. I cannot say which
13 of these dates is wrong, but the date has no particular
14 relevance.

15 My last document is an affidavit by
16 Lieutenant Geoffrey Cadzo Hamilton, of the Royal Scots.
17 It is prosecution document No. 5191. I tender the
18 original for identification, and the marked excerpts
19 in evidence.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 5191 will receive exhibit No. 1653 for identifica-
23 tion only; the excerpt therefrom, exhibit No. 1653-A.

24 (Whereupon, prosecution's document
25 No. 5191 was marked prosecution's exhibit

1 . No. 1653 for identification, and the excerpt
2 therefrom was marked prosecution's exhibit
3 No. 1653-A and received in evidence.)

4 LIEUT. COLONEL MORHANE: This affidavit
5 states that 1816 prisoners of war were put on the
6 Lisbon Maru at Hong Kong on 25 September 1942. There
7 were also 2000 Japanese troops in the ship. The
8 prisoners were grossly overcrowded and didn't have
9 room to lie down in the hold.

10 I will now read from paragraph 4 to paragraph 7
11 of the affidavit.

12 "At about 0700 hours on the 1st October 1942
13 we were writing in the hold for the morning roll call.
14 Suddenly I heard a loud explosion and the ship stopped
15 and the lights went out. We did not know what had
16 happened but a few men who were out on deck at the
17 time were sent back into the hold and sentries were
18 placed by the hatch to prevent anyone getting out again.
19 None of the prisoners of war on the ship were hurt
20 by the explosion and we learnt later that it was caused
21 by a torpedo that had struck the ship in the coal
22 bunkers. The troops in the hold remained perfectly
23 calm and there was no panic. We heard the forward
24 3-inch gun fire several times and a little later I
25 heard the sound of Japanese planes overhead and there

1 were a number of explosions which we took to be depth
2 charges. About two or three hours later requests
3 were made to the Japanese to allow men suffering
4 from dysentery and diarrhoea to use the latrines on deck
5 or to be supplied with receptacles, but the Japanese
6 refused both requests. No provisions or breakfast was
7 issued that morning and nothing happened for about
8 fourteen hours. It was some time after dark that the
9 Japanese began to batten down the hatch. Lieutenant
10 Colonel Stewart of the 1st Middlesex, who was the
11 senior British officer on board, requested that at
12 least one baulk of timber be left so that we might
13 get a little air into the hold, but the Japanese who
14 were on deck and battening down the holds took no
15 notice of this request and all the hatches were tar-
16 paulined over the top and the whole lot roped down.
17 There was no other means of exit from the hold and
18 as there was no inlet of air, conditions, owing to
19 the large number of men in the holds and the absence of
20 latrine accommodation, became rapidly worse. Someone
21 managed to communicate with prisoners of war in No. 1
22 hold by tapping on the bulkhead and also with No. 3
23 hold by word of mouth along some sort of vent. Con-
24 ditions in No. 1 hold were similar to ours, but con-
25 ditions in No. 3 hold were much worse for it was

1 making water and the prisoners had to man the pumps.
2 It was stated that men working on the pumps soon lost
3 consciousness owing to the extreme heat and lack
4 of air. A man could only do about six strokes at the
5 pump before fainting. In No. 2 hold where I was,
6 although air conditions were similarly bad, we could
7 remain conscious by lying flat and avoiding any
8 exertion. No. 1 hold reported that two men had died
9 and I believe that they were diphtheria patients.
10 Lieutenant Potter, who was acting as our interpreter,
11 made repeated requests for air and water or for an
12 interview with Lieutenant WADA, and all his requests
13 were refused. The Japanese interpreter NOMURA, when
14 asked for water by someone from No. 3 hold, passed
15 down a bucket of urine. I was told this afterwards
16 by one of the survivors from No. 3 hold. During the
17 night we heard a ship come alongside and some of the
18 Japanese soldiers being disembarked to it. I believe
19 that all the Japanese troops were taken off this time
20 because later I saw no Japanese on board the 'Lisbon
21 Maru.' The 'Lisbon Maru' was subsequently taken in
22 tow by another vessel and we could hear the rippling
23 of the water against the plates of the ship.
24
25

1 "On the morning of October 2nd 1942, ap-
2 proximately 24 hours after the torpedo had struck
3 the ship, the air in No. 2 hold was dangerously
4 foul. The ship was stopped and suddenly gave a
5 lurch and it became evident that she was going to
6 sink. As all requests to the Japanese had been re-
7 fused for air and water, Lieut. Col. Stewart had
8 authorized a small party to try and break out of
9 the hold with a view to asking the Japanese to give
10 us a chance to swim, and men with long carving
11 knives and dinner knives had been placed near the
12 hatch ready to break out when Col. Stewart gave
13 the word. On Col. Stewart's order some of the men
14 pushed their knives between the timber above them,
15 cut the ropes, slit the canvas tarpaulin and
16 pushed some of the timber on one side. Through
17 this opening Lieut. Powell of the F.A.S.C., Lieut.
18 Potter, the interpreter, and one or two others
19 climbed on to the deck and walked slowly towards
20 the bridge, asking in Japanese for an interview
21 with the captain. The Japanese guards opened fire
22 and seriously wounded Lieut. Potter (and he
23 subsequently died therefrom). The others returned
24 to the hold and reported to Lieut. Col. Stewart
25 that the ship was very low in the water and was

1 evidently about to sink. After these men had re-
2 turned to the hold the Japanese guards came up
3 to the opening and fired their rifles a couple of
4 times into the hold. Lieut. Baird received a
5 scratch from a ricochet and I was slightly
6 wounded in the shoulder. Almost immediately the
7 ship gave another lurch and settled by the stern
8 and water began pouring into our hold through
9 the hole in the hatch. I found out later that the
10 stern had settled on a sandbank while the bows
11 and a third of the ship remained sticking out of
12 the water for about an hour.

13 "As soon as the ship settled the men sta-
14 tioned at the hatch cut the ropes and the canvas
15 tarpaulin and forced away the balks of timber.
16 The remainder of the prisoners of war were formed
17 into queues and climbed out of the hold in
18 orderly fashion. No. 1 and No. 3 holds broke out
19 at the same time as No. 2 hold but many of the
20 men in No. 3 hold, which was aft, were trapped by
21 the water and drowned before they could get out.

22 "When we emerged on to the deck the
23 Japanese opened fire on us from ships which
24 were standing by and they continued to fire at the
25

1 men after they had plunged over the side into the
2 water. When I came on deck there were no Japanese
3 on our ship at all, but I understand that at the
4 beginning when the first men came out there were
5 some half-dozen Japanese there. All the sur-
6 viving men from the various holds managed to climb
7 up or were hauled on to the deck and about half
8 of them had life jackets and they jumped over-
9 board. About three or four miles away I saw some
10 islands and towards these islands a swift current
11 was running. There were about four Japanese ships
12 standing by but these appeared as inhospitable
13 as the rocky islands, for they refused to pick up
14 anyone out of the water at the beginning. They
15 had ropes dangling over the side, but any man who
16 tried to climb them was kicked back into the water.
17 I struck out for the islands to start with but after
18 about half an hour I saw that the Japanese policy
19 had changed and that they were beginning to pick
20 our men up and so I turned and swam for one of the
21 Japanese ships. One of the Japanese threw me a
22 rope and some of our men helped me up. Some of
23 our men managed to reach the islands, but many
24 were lost on the rocky coast. There were a
25 number of Chinese junks and sampans about which

1 had come from the islands. These picked up
2 several of our men and the Chinese treated them
3 with great kindness, giving them food and
4 clothing from their meagre supplies, and looked
5 after them until Japanese landing parties came
6 to recover them. The ship that picked me up was
7 a small patrol vessel and carried on with its
8 patrol for about three days, after which it put
9 into Shanghai, where the survivors on board were
10 landed. There all recovered prisoners were
11 gradually assembled on the quay side. Many of
12 the survivors were completely naked and most of
13 us only had shorts or a shirt. "We all suffered
14 greatly from the cold. During the time I was on
15 the patrol vessel we were kept on deck under a
16 tarpaulin which leaked badly and food consisted
17 of fourhardtack biscuits and two small cups of
18 watered milk per day with a bowl of soup on the
19 third day. Two men died during this time and
20 the cold and the exposure had a serious effect
21 on our later health."

23 I propose to read a short part of the
24 remaining paragraph.

25 (Reading) "By October 5th all surviving
officers and men were assembled on the dock at

1 Shanghai and a roll call was taken. Altogether
2 970 answered their names, thus there was 846
3 missing, but of these we later learned that some
4 half dozen had managed to escape with the
5 assistance of the Chinese."

6 That concludes the documentary evidence
7 in support of this section of the phase, if the
8 Tribunal pleases.

9 I tender evidentiary document No. 5449,
10 which is the synopsis relating to the treatment
11 of prisoners of war and civilians in British
12 North Borneo and Sarawak.

13 THE PRESIDENT: Admitted on the usual
14 terms..

15 CLEPK OF THE COURT: Prosecution's docu-
16 ment No. 5449 will receive exhibit No. 1654.

17 (Whereupon, the document above
18 referred to was marked prosecution's ex-
19 hibit No. 1654 and received in evidence.)

20
21 LTJUT. COLONEL NORMAN: Prosecution
22 document No. 5004 is an affidavit made by Naik
23 Chandgi Ram of 2/15 Punjab Regiment. I tender
24 the original for identification and marked ex-
25 cerpts thereof in evidence.

THE PRESIDENT: Admitted on the usual

1 terms.

2 CLERK OF THE COURT: Prosecution's docu-
3 ment No. 5004 will receive exhibit No. 1655 for
4 identification only, and the marked excerpt, bear-
5 ing the same document number, will receive exhibit
6 No. 1655-A.

7 (Whereupon, prosecution's document
8 No. 5004 was marked prosecution's exhibit
9 No. 1655 for identification, the excerpts
10 therefrom being marked prosecution's
11 exhibit No. 1655-A and received in evidence.)

12 LIEUT. COLONEL MORNANE: The affiant was
13 captured near Kuching on 27 December 41. With a
14 party of 212 other Indians he was held at Kuching
15 for two months, Seria for a year and at Kuala Belat
16 until at least June, 1945. At Kuching the Indians
17 were made to work on the air strip. At all camps
18 they were badly beaten. Implements used included
19 rifle butts, sticks, steel rods and boots. At
20 Seria and Kuala Belat the sick were compelled to
21 work and if too weak to do so were beaten. The
22 deponent had his teeth knocked out and his collar
23 bone broken as a result of one of these beatings.
24 Others were beaten into unconsciousness and some
25 died as a result of being beaten. Rations

1 consisted of some rice and occasionally vegetables
2 but at Kuala Belat because of the refusal of the
3 Indians to fight against the British the ration
4 was reduced to a handful of rice a day. The
5 deponent suffered from beriberi and malaria but
6 was given no medicine or medical treatment by
7 the Japs.

8 In one month 55 Indians died of starvation
9 at Kuala Belat. About 13th or 14th of June, 1945,
10 the Indians were ordered to fall in and were then
11 bayoneted or beheaded by the Japanese. Affiant
12 escaped this by hiding in the bushes. 130 Indians
13 lost their lives at this camp including 65 killed
14 by the Japanese.

15 My next document is prosecution document
16 No. 5005. It is an affidavit made by Mahomed of
17 2/15 Punjab Regiment. I tender the original for
18 identification and the marked excerpts in evidence.

19 THE PRESIDENT: Admitted on the usual
20 terms.

21 CLERK OF THE COURT: Prosecution's docu-
22 ment No. 5005 will receive exhibit No. 1656 for
23 identification only, and the marked excerpt,
24 bearing the same document number, will receive
25 exhibit No. 1656-A.

1 excerpts therefrom being marked prosecu-
2 tion's exhibit No. 1657-A and received
3 in evidence.)

4 LIEUT. COLONEL MORNANE: The affiant
5 states that he was captured at Singapore on 15th
6 February, 1942. He was taken to Lutong Camp in
7 Borneo in May, 1942. Prisoners were not given suf-
8 ficient food to satisfy their hunger; they were
9 not given any clothing. They were made to work and
10 were beaten with sticks, steel bars and wire pliers.
11 A number of Indians died at this camp, some from
12 disease.

13 In May, 1943, with 70 other Indians he
14 was taken to another camp about 9 miles away at
15 Miri. Here the Japanese unsuccessfully endeavored
16 to make the Indians join the Indian National Army.
17 The Indians were put to work loading and unloading
18 ships for nine hours a day. They were beaten as
19 before. On one occasion the deponent couldn't
20 walk for a month as a result of a beating. He was
21 sick with dysentery, beriberi and malaria but
22 received no medicine other than a few pills.
23 Food was insufficient.

24 On 23rd June, 1945, he saw the beheaded
25 bodies of five Indians in a stream. Their hands

1 were tied behind their back. They had been alive
2 a week before.

3 Prosecution document No. 5218-A consists
4 of two statements made by Japanese Sgt. Maj. SUGINO,
5 Tswino, formerly of Borneo P.W. Internment Unit but
6 since executed. I tender this document for iden-
7 tification and marked excerpts in evidence.

8 THE PRESIDENT: Admitted on the usual
9 terms.

10 CLERK OF THE COURT: Prosecution's docu-
11 ment No. 5218-A will receive exhibit No. 1658 for
12 identification only, and the marked excerpt, bear-
13 ing the same document number, will receive exhibit
14 No. 1658-A.

15 (Whereupon, prosecution's docu-
16 ment No. 5218-A was marked prosecution's
17 exhibit No. 1658 for identification, the
18 excerpts therefrom being marked prosecu-
19 tion's exhibit No. 1658-A and received
20 in evidence.)

21 LIEUT. COLONEL MORNANE: The document
22 shows that SUGINO was ordered by Lt. Col. SUGA to
23 take a party of 157 European prisoners of war from
24 Labuan to Kuching. He took charge of the party
25 on 23 Jan. 45. On the way 7 Indian prisoners of

1 war were added to the party. By 8th June, 1945,
2 the remnants of the party were at Cape Lobang.
3 Forty-eight only were alive, 115 having died of
4 beriberi and malaria and 1 having been taken by
5 the Kempi Tai. On 8th June, SUGINO was told that
6 a British fleet was approaching Borneo. Five hours
7 later he marched his party out from the compound
8 via a jungle track to Kiam Road, which they reached
9 at midnight. On the following day another prisoner
10 died of malaria and beriberi. Twenty of the
11 prisoners were healthy and the remaining 27 were
12 sick. Fifteen of the healthy prisoners were sent
13 back to bring up stores. SUGINO then burnt some
14 documents.

15 I will now read on from the marked ex-
16 cerpts starting on page two.

17 THE PRESIDENT: We will adjourn until
18 half past one.

19 (Whereupon, at 1200, a recess
20 was taken.)
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AFTERNOON SESSION

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The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Colonel Mornane.

LIEUT. COLONEL MORNANE: If it please the Tribunal, prior to luncheon adjournment I was just about to read from page 2, line 25, of document 5218-A: "While I was burning the documents about 100 metres from the house I saw Capt. 'Chambers' (?) going into the house acting in what I thought was a suspicious manner as he was looking to all sides as he walked. Capt. 'Chambers' was amongst the party who went back and I told NAGO, the civ. guard in charge that he would probably try to escape in which case he was to be killed. At 1900 hours 5 or 6 men lead by Sgt. Ackland jumped up from where they were sitting outside the house and started to run away. I called the guard to open fire on the escaping PWs. In the confusion some of the bullets went in the house and caused the PWs to come out. As they came out of the house they were shot and bayoneted by the guards. The sick PWs tried to crawl away and they were shot

1 or bayoneted coming out of the house, or outside the
2 house. I did not give any orders to cease fire in
3 order to save the sick because I was so excited that
4 I did not know what was happening. Those PWs who
5 were not killed outright were put out of their agony
6 by shooting or bayoneting./ When this was over there
7 were 32 bodies. I then ordered three or four of the
8 guards to bury the PWs. I then heard a burst of
9 firing coming from about 1000 metres back along the
10 Riam road. I called about 6 guards and ran in the
11 direction of the firing. When I arrived there I
12 found that the PWs were then dead and were being
13 carried to one place for burial by the guards. In
14 addition to the guards I saw 8 men belonging to
15 NISHIMURA TAI. Several men were digging two graves
16 that were about one foot deep when I arrived. When
17 the graves were dug the PWs were buried and the whole
18 work was completed by about 2030 hours. I asked NAGO
19 what had happened and he told me that the PWs had
20 been shot trying to escape and that 8 men of
21 NISHIMURA TAI had helped to kill them. I did not
22 ask any further questions because I understood that
23 the PWs had not been trying to escape when they were
24 killed. Although I gave orders before they left to
25 kill the PWs if they attempted to escape I knew myself

1 that they would be killed in any case. After the
2 PWs were buried at the road I returned to the house
3 to supervise the burial of the others which finished
4 at midnight. Some personal belongings were buried
5 with the PWs and the remainder were burnt. After
6 saluting the dead all the guards went to sleep."

7 That statement is dated the 11th of October,
8 1945. I now read on to a further statement contained
9 in the same exhibit:

10 "SUGINO Tsuruo of Bornco PW Internment Unit,
11 states:

12 "I now admit that the statement I made on 11
13 October 1945 was not completely true. I will now
14 tell the complete truth.

15 "The information I gave concerning the killing
16 of the 32 PW at the house at the 5½ mile kiam hoad
17 is all true.

18 "After the killing of the 32 PW, I together
19 with six or seven Formosan guards, immediately went
20 to the 5 mile and waited until the arrival of NAGO
21 and three other Formosan guards escorting 15 PW, who
22 rested on a small track leading off the road and
23 opposite us. Shortly afterward, L/Cpl. KANEKO and
24 eight members of the NISHIMURA TAI also arrived from
25 the 5½ mile.

1 "I thought at the time that as food was getting
2 short, some of the PW might try to escape and I de-
3 cided that it would be better that we kill them.
4 After the PW had been resting about ten minutes, one
5 of the European PW tried to escape by running into
6 the grass. I then gave the order to shoot the whole
7 15 PW. All the NISHIMURA TAI and five or six Formosan
8 guards took part in the shooting.

9 "After the shooting, some of the PW were not
10 dead, so I ordered that they be shot and bayoneted
11 as they lay on the ground. The man who had previously
12 run into the grass was also shot. We then buried
13 the bodies in two graves and I sent the members of
14 the NISHIMURA TAI straight back to 7 mile and to-
15 gether with my own men, I returned to 5½ mile to
16 complete the burial of the PW killed there. I later
17 went to 7 mile, where I spent the night."
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1 LIEUT. COLONEL MORNANE: My next document
2 is prosecution document No. 5334. It is a report
3 made by Captain M. J. Dickson of the British Army.
4 I tender it for identification and the marked excerpts
5 thereof in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 5334 will receive exhibit No. 1659 for identi-
9 fication only; and the marked excerpts therefrom,
10 bearing the same document number, will receive exhibit
11 No. 1659-A.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 1659 for identification; and the excerpts
15 therefrom were marked prosecution's exhibit
16 No. 1659-A and received in evidence.)

17 LIEUT. COLONEL MORNANE: The report states
18 that on the 19th of October, 1943, a revolt broke out
19 in Jesselton, Borneo. About forty Japanese were
20 killed. The Japanese retaliated by sending over planes
21 which bombed and machine gunned the villages north
22 of Jesselton, razing to the ground every building
23 in Kota Bolud and causing much damage and loss of
24 life in Tuaran, Mengattal, Inanam and the surrounding
25 country. This suppressed the revolt. To clear up

1 the matter, a number of Kempei Tai were drafted from
2 Kuching to Jesselton. During the following months
3 they established a reign of terror, arresting hundreds
4 of men and women on suspicion and torturing them
5 to extract information about the guerrillas. Forced
6 confessions were followed by mass executions; on
7 one occasion, admitted by the Japanese, 189 Chinese
8 and others were executed. Several hundreds of others
9 perished in prison from torture, starvation or disease.

10 The revolt was predominantly a Chinese
11 affair. The Suluk people seemed to have taken part
12 in it only on the first night. The Suluks inhabit
13 a number of small islands off the West Coast of
14 North Borneo. I will now read paragraphs four to
15 ten of the report:

16 "Japanese Knowledge of the Suluks' Partici-
17 pation.

18 "The part played by the Suluks in the
19 rising cannot have been very conspicuous, for it
20 was not until four months later that any action was
21 taken against them. In February 1944 an expedition
22 was sent to the Suluk island of Mantanani. Although
23 many arrests were made, it seems that the primary
24 object of the expedition was to search for a Chinese
25 guerrilla believed to be hiding in the island, and

1 the Suluks were not thought to be otherwise implicated
2 in the revolt.

3 "But a little later a certain Chinese, Dr.
4 Lou Lai, who had been arrested by the Kempei Tai
5 on suspicion, broke down after prolonged torture and
6 gave the names of people who, he said, had taken
7 part in the rising, or in more recent conspiracies
8 against the Japanese. He named some of the Suluk
9 leaders. Further pressure was applied and the
10 doctor eventually incriminated the peoples of all the
11 Suluk islands. The Japanese thereupon took action
12 against the Suluk peoples, as described below.

13 "MANTANANI.

14 "This group of islands lies about twenty
15 miles off the coast and is approximately sixty miles
16 by sea from Jesselton. It had a pre-war population
17 of 430.

18 "On February 13th, 1944, the Japanese des-
19 patched a force to Mantanani, consisting of about
20 twelve Kempei Tai, twenty-four soldiers, six native
21 police and two Chinese interpreters. Their primary
22 object was to discover the whereabouts of a Chinese
23 guerrilla named Lin Tin Fatt. The Suluks refused to
24 agree that he was on the island. The Japanese then
25 arrested fifty-eight of their men (whom they may

1 the Suluks were not thought to be otherwise implicated
2 in the revolt.

3 "But a little later a certain Chinese, Dr.
4 Lou Lai, who had been arrested by the Kempei Tai
5 on suspicion, broke down after prolonged torture and
6 gave the names of people who, he said, had taken
7 part in the rising, or in more recent conspiracies
8 against the Japanese. He named some of the Suluk
9 leaders. Further pressure was applied and the
10 doctor eventually incriminated the peoples of all the
11 Suluk islands. The Japanese thereupon took action
12 against the Suluk peoples, as described below.

13 "MANTANANI.

14 "This group of islands lies about twenty
15 miles off the coast and is approximately sixty miles
16 by sea from Jesselton. It had a pre-war population
17 of 430.

18 "On February 13th, 1944, the Japanese des-
19 patched a force to Mantanani, consisting of about
20 twelve Kempei Tai, twenty-four soldiers, six native
21 police and two Chinese interpreters. Their primary
22 object was to discover the whereabouts of a Chinese
23 guerrilla named Lin Tin Fatt. The Suluks refused to
24 agree that he was on the island. The Japanese then
25 arrested fifty-eight of their men (whom they may

1 already have suspected) and took them back to Jesselton,
2 hoping, no doubt, to force them by torture to reveal
3 the whereabouts of the wanted man. All these fifty-
4 eight were killed by torture or starvation in Jessel-
5 ton Prison and at the Kempei Tai office during the
6 following weeks; there is no survivor of these
7 fifty-eight.

8 "On February 15th the Japanese went back
9 to the island. The events of this visit are described
10 in detail by eight witnesses, Chinese, Malay and
11 Suluk, and by four Japanese now held in Labuan. The
12 two principal crimes committed on this visit were:
13 (1) The machine-gunning of Suluks, including women,
14 and subsequent killing of the wounded, after an en-
15 counter between a Japanese search-party and a group
16 of Suluks; (2) Immediately following this the massacre
17 of about twenty-five women and four children. All
18 witnesses stress the fact that the Suluks had no
19 fire-arms and such resistance as they offered with
20 spears and parangs was undertaken either in reply
21 to Japanese fire or in the protection of their women
22 and children. The Japanese burned the village and
23 destroyed the boats, thus showing their intention
24 of making Mantanani uninhabitable. Lt. SHIMIZU, who
25 was in charge of the Japanese, has made a statement

1 admitting that he ordered the killing of the women.
2 It is expected that he will be brought to trial at
3 Singapore. The other Kempei Tai on this visit, who
4 are now in our hands, will probably be charged for
5 different offences in this area where the evidence
6 of their complicity is stronger.

7 "The Japanese visited the island a third
8 time and found it deserted.

9 "A month later, eight or nine Suluks were
10 caught on the mainland opposite Mantanani and detained
11 at Kota Belud. Two of them were men, the remainder
12 women and children, the youngest a baby-in-arms.
13 These were probably survivors from Mantanani who had
14 escaped to the mainland. They were kept in prison
15 for about six weeks, and then executed one evening.
16 A hearsay report says that they were offered the
17 choice between shooting and beheading, and chose the
18 former.

19 "Two Kempei Tai, who are known to have been
20 in Kota Belud at this time and were probably connected
21 with the killing, are now held in Labuan, but the
22 evidence of their responsibility may prove insufficient
23 to convict them. The killing of these women and
24 children at Kota Belud by the Japanese seems to indicate
25 a policy of extermination.

1 "The population of Mantanani has been
2 reduced by Japanese action from 430 to the present
3 figure of about 125, of whom not more than 20 or 25
4 are adult males.

5 "DINAWAN.

6 "This is a small island lying off Kinarut.
7 It supported a population of 120 before the war.
8 The present population consists of fifty-four, all
9 of whom are women and children under sixteen years
10 old. Of the original population not a single adult
11 male survives. One male has come from Mangalum to
12 settle in the island, and one or two others visit
13 the island at odd times for obvious purposes.

14 "In February or March 1944 all males on
15 the island over twelve years of age, numbering thirty-
16 seven, were arrested and taken to Jesselton Prison.
17 The women of the island vigorously deny that their
18 men took any part in the rising. Soon afterwards the
19 Japanese removed the women and children to another
20 island.
21

22 "What happened afterwards to the arrested
23 men and youths cannot be known for certain. None of
24 them survives. Many witnesses have stated that they
25 saw about this time Suluks being tortured in jail and
at the Kempei Tai office but they seldom knew which

1 island the Suluks they saw came from. In July, 1944,
2 thirty-seven Suluk men and youths were taken to Dinawan
3 Island, by then cleared of its inhabitants, and
4 executed there. There is evidence to suggest that
5 some, if not all, of these were the Suluks originally
6 arrested on the island. There is no doubt that those
7 shot included boys of twelve or fourteen years. A
8 statement has been given by the officer in charge
9 of the Kempei Tai at this execution and by two others
10 present. There is no means of proving whether these
11 men had been tried. But it is unlikely that a fair
12 trial would have proved all the adult males of the
13 island guilty of hostilities and deserving of death.
14 The oldest male survivor is now about fourteen.

15 "The women and children, who had been removed
16 to Gaya Island, were kept under conditions described
17 in the statements of Alagur and Sujiang, as a result
18 of which about thirty per cent died. It was thought
19 that a charge might be made against the Japanese
20 trading company which appeared to be responsible for
21 these conditions, but when it was found that all
22 members of the company had been returned to Japan
23 a few weeks earlier further evidence was not collected.

24 "SULUG.

25 "This island lies off Tanjong Aru, near

1 Jesselton. One report stated that a party from
2 this island burned the Customs godown on the night
3 of October 9/10 1943. The chief of the island,
4 Panglima (Leader) ALI, and all the males the Japanese
5 could find -- about twenty-nine -- were arrested and
6 brought to Jesselton. A statement is attached, by
7 a reliable witness named OH TING MING, who shared a
8 cell with ALI and his sons, describing the torture
9 of the youngest boy. The hanging of Ali was witnessed
10 by another informant named LAJUN. All the twenty-nine
11 perished in unknown ways; none survives.

12 "About forty women and children from Sulug
13 Island were removed to BANGAWAN Estate in North Borneo,
14 where they worked under conditions which they reported
15 to the BMA authorities at Papar on their liberation.
16 They state that twenty-five of their number died
17 from hunger and disease during this period of forced
18 labour. Of the original population of 114, about 59
19 survive in Sulug itself and the neighbouring island
20 of Manukan.

21 "UDAR.

22 "These two islands lie off Mengattal. A
23 party from Udar is stated to have landed and assisted
24 the guerrillas at Mengattal and Telipok at the time
25 of the October rising. All adult males were later

1 arrested and done to death. One witness saw their
2 chief ARSAT flogged in Jesselton. Forty-five women
3 and children were removed to Kimanis Estate in
4 North Borneo, where eleven of them died. The popu-
5 lation, which before the war was sixty-four, is now
6 reduced to thirty-five, of whom only two are adult
7 males. I have not personally investigated the affairs
8 of this island.

9 "MANGALUM.

10 "This island (reported oil-bearing) lies
11 about thirty-five miles off the mainland. I did not
12 investigate the Japanese treatment of the inhabitants,
13 but it appears to have been similar to their treatment
14 of the other Suluks. A witness named Budin has
15 described the arrival in Jesselton of fifteen men
16 arrested on this island, and another witness, Bachee,
17 accompanied the Japanese on a visit to the island, when
18 they burned the kampong.

19 "Suluks in Jesselton Gaol.

20 "I attach numerous statements describing
21 the beatings, tortures, hangings and deaths of Suluks
22 in Jesselton Gaol.

23 "I received from the BMA at Papar a report
24 by Maarof bin Abdullah, translated and edited by
25 Major R. K. Hardwick of the A. I. F. The writer,

1 who was in Jesselton Jail in May and June 1944, states
2 that the Sulaks in jail then numbered 258 men and
3 women. He states: 'All died by beatings, from
4 disease, by being dried in the sun, and about one
5 hundred were removed at 1 a. m. on 17th June 1944
6 by the Japs to Milc 5 and there shot. Three were
7 killed by slashing at the jail door.' I was not
8 able to interview this witness.

9 "I have not met or heard of one male Suluk
10 who survived imprisonment.

11 "Permanent Effects on the Race.

12 "There is probably at the present time a
13 sufficient number of Suluk children of both sexes
14 to carry on the race and prevent its extinction.
15 Their state of health is, however, poor, and it is
16 the opinion of Colonel Combe, an experienced administra-
17 tor who has known the Suluks well in peace and war,
18 that 'the loss of the adult male population will have
19 a serious effect on the race.' There will almost
20 certainly be assimilated a larger element of Bajar
21 blood. Some of their hereditary skill in fishing and
22 other occupations may be lost for lack of adult men to
23 hand down the traditions of the race."
24

25 My next document is an affidavit made by --

THE PRESIDENT: Mr. Logan.

1 MR. LOGAN: If the Tribunal please, in view
2 of the charge made by the prosecution in the opening
3 statement of this phase I think it advisable to the
4 first -- at least -- the first and last sentences
5 in the Conclusion in this document just read made by
6 the investigator of these alleged crimes.

7 THE PRESIDENT: Yes.

8 LIEUT. COLONEL MORNANE: My next document
9 is an affidavit made by Bachee bin O.K.K. Hassan of
10 Ipanam. It is prosecution document No. 5209. I
11 tender it for identification and the extracts thereof
12 in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 5209 will receive exhibit No. 1660 for identi-
16 fication only. The excerpts therefrom will receive
17 exhibit No. 1660-A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1660 for identification; and the extracts
21 therefrom were marked prosecution's exhibit
22 No. 1660-A and received in evidence.)
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LIEUT. COLONEL MORNANE: The affiant states:

"(1) that he and a number of Chinese were arrested, beaten and imprisoned without trial on the suspicion of having been concerned in Jesselton revolt;

"(2) that on first visit of Japanese to Mantawani Island one Suluk was killed by the Japs and 58 others were arrested, taken to Jesselton and imprisoned."

He describes their treatment as follows:

"These Suluks were taken first to the Kempei Tai office at Jesselton where they were each given a slip of paper with their name on. I was with them then. They were then taken to the prison. Every day after that, for a week or so, five or six Kempei Tai came to the prison and took back a few Suluks to the office for questioning. I was sometimes used as an interpreter while the Suluks were being questioned. The Kempei Tai used to ask them what they had done in the rising, whether they had attacked the Custom House or burnt the rubber. If the Suluk said 'No', he was beaten with a stick about four foot long, as thick as a police baton. They were beaten all over the body. Some of them during the beatings admitted having done what the Japanese said they had done. I cannot tell whether they were true confessions or whether they only admitted these things because they

1 were beaten so cruelly. There were no trials. Some-
2 times I saw Suluks tied and water poured down their
3 throats till their stomach was full. Then the Kempei
4 Tai would jump on the man's stomach or kick it. I did
5 not see any actually die during the torture but most
6 of them were nearly dead when they were dragged away.
7 Many of them died each day in prison as a result of
8 these tortures. I never saw or heard of any medical
9 treatment being given them in prison. All the food
10 they got was a little sago. I don't know what was
11 done with the bodies. I solemnly state that I per-
12 sonally witnessed Suluks being flogged and tortured
13 by each one of the Kempei Tai whom I have named as
14 going on the first trip to Mantanani. Other Kempei
15 Tai who had not been to the island also took part in
16 these tortures; I don't know all their names. I do
17 not know the names of any but a few of the Suluks.
18 I saw Panglima Ali and O. T. Arsat flogged and tortured
19 by MUKAI. I saw Panglima Sibul flogged and tortured by
20 ENDO; I saw Tatung flogged and tortured by Sergeant
21 Major HAYASHI. I saw Masuki flogged and tortured by
22 HASSEGA"A. All these men died a few days after their
23 beating in Jesselton prison. I have no doubt that
24 their deaths were in each case due solely to the
25 floggings they had received by the men named. They

1 all seemed fit men before they were tortured. INABA,
2 NUKUSHINA, UCHIYAMA, KIUCHI and YAMAKATA also beat
3 severely in my presence Suluks who soon afterwards died,
4 but I do not know the names of the Suluks they flogged.

5 (3) that on a second visit to Mantanani the
6 Japs took away six old men. Later they told him
7 that they had killed them. On the following day the
8 Japs shot 6 men and 50 women and children on the edge
9 of the jungle and later at a village tied up and shot
10 20 or 30 women and children."

11 Prosecution document No. 5214 is an affidavit
12 by Tong Ah Seong. I tender it for identification,
13 and the marked excerpts in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 5214 will receive exhibit No. 1661 for identifica-
17 tion only. The excerpts therefrom will receive exhibit
18 No. 1661-A.

19 ("thereupon, prosecution's document
20 No. 5214 was marked prosecution's exhibit No.
21 1661 for identification, and the excerpts there-
22 from were marked prosecution's exhibit No. 1661-A,
23 and was received in evidence.)

24 LIEUT. COLONEL MORNANE: The affidavit gives
25 an account of the shooting of the 20 or 30 women or

1 children on the second Japanese visit to Mantanani
2 Islands. I will now read the excerpts from the
3 third paragraph on page 2:

4 "At length the Japanese all arrived at the
5 kampong, bringing some rations with them. Bachee ac-
6 companied them. The Japanese ordered Bachee to col-
7 lect all the gold rings and the money from the women.
8 He handed them to me. Nine rings and about a hun-
9 dred dollars in Japanese currency notes were collected.
10 "Then I arrived back in Jesselton, MASUDA, the inter-
11 preter, took these from me.

12 "MASUDA then gave the order that all the
13 women were to be tied with their hands behind their
14 backs. This was done and then a rope was put through
15 the back of their arms, so that the women were all
16 strung together. The ends of the rope were made fast
17 to two pillars in the mosque. There were about twenty
18 or thirty women thus tied up, and about four or five
19 children with them.

20 "MASUDA told the women that SPIMIZU had
21 ordered them to be shot because the Suluk people had
22 killed Japanese. He spoke in Malay, which I understand.
23 The women cried.

24 "Then the machine gun was fired into the women.
25 The firing lasted only a few seconds. When it stopped

1 some of the women were still alive. I saw the Kempei
2 Tai go forward and shoot the wounded with their pistols.
3 Everyone who came on this second visit to Mantanani
4 Island was present at the killing by the mosque, except
5 for the two dead soldiers, the two wounded Kempei Tai,
6 a small party of soldiers who were on board the ship,
7 and the native police who had been sent away just
8 before the firing took place.

9 "After the killing, SHIMIZU gave orders that
10 the kampong was to be burnt. When that was done we
11 all went back to the boat which we reached just as it
12 was getting dark. We then returned to Jesselton.

13 "I never saw or heard of any Suluk in the
14 island having firearms.

15 "I never saw any attack on the Japanese by
16 the Suluks."
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1 Prosecution document No. 5212 is an affidavit
2 by Bagi bin Lindoman of Piasen. I tender the original
3 for identification and the marked excerpts in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5212 will receive exhibit No. 1662 for identifica-
7 tion only, and the excerpts therefrom will receive
8 exhibit No. 1662A.

9 (Whereupon, prosecution's document
10 No. 5212 was marked prosecution's exhibit No.
11 1662 for identification, the excerpts there-
12 from being marked Prosecution's exhibit No.
13 1662A and received in evidence.)

14 LIEUT. COLONEL MORNANE: I will now read the
15 second, third, fourth, and fifth paragraphs:

16 "I was arrested by the Japanese at some time
17 about two years ago and committed to jail for theft
18 for one year. While I was in jail in Kota Belud,
19 8 Binadans were put in jail. There were two men, five
20 women and one male child. Their hands were tied when
21 they came in but after a while the hands of the women
22 were undone. The men were never loosed and their wrists
23 were cut by their bonds. I was not able to speak to
24 them and they did not speak among themselves. I don't
25 know where they came from or why they were in jail.

1 They were in jail with me for about four weeks. The
2 men were taken out about six times and returned with
3 head and bodies swollen. The women were beaten several
4 times in the jail in front of me. I could recognise
5 some of the Japs who hit them, but I don't know their
6 names.

7 "One day at about 5 p.m. I was eating with
8 Angillan, an up-country Dusun, when he said 'The
9 Binadans are going to be shot this evening.' I said
10 'How do you know?' He replied 'Because today we have
11 been digging their graves on the other side of the race-
12 course. We were told it was to be their graves by
13 Kolod (the sergeant.) The hole was about one fathom
14 square.'

15 "At about 7 p.m. the Japanese fetched the
16 Binadans from the jail. One of the women carried the
17 child on her back. Their hands were tied and they were
18 marched away. About an hour later I heard one burst
19 of machine-gun fire. The Binadans did not come back
20 to the jail and I have never seen them since.

21 "The Japanese who took the Binadans were all
22 Kempei Tai. They had red arm bands and wore swords."

23 Prosecution document No. 5211 is an affidavit
24 by Sujiang, a Suluk woman of Dinawan Island. I tender
25 it for identification and the marked excerpts thereof

in evidence.

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THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution document No. 5211 will receive exhibit No. 1663 for identification only, and the marked excerpts therefrom will receive exhibit No. 1663A.

(Whereupon, prosecution's document No. 5211 was marked prosecution's exhibit No. 1663 for identification, the excerpts therefrom being marked prosecution's exhibit No. 1663A and received in evidence.)

LIEUT. COLONEL MORNANE: The affiant states that:

"(1) her husband and other men of Dinawan Island did not take part in Jesselton revolt;

"(2) after the revolt the Japanese came to Dinawan and arrested and took away 37 of the men, including her husband;

"(3) subsequently the Japanese deported 91 women and children from Dinawan Island to Gaya Island, where 27 died from starvation;

"(4) after the Japanese surrender she returned to Dinawan Island and there found 2 graves containing a number of decapitated bodies and 37 heads. She recognized one of these heads as being her husband.

1 Prosecution document No. 5208 is a statement
2 by Lieutenant NAKATA, Shinichi of Kempei Tai. I
3 tender it for identification and the marked excerpts
4 in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5208 will receive exhibit No. 1664 for identifica-
8 tion only; the excerpts therefrom will receive exhibit
9 No. 1664A.

10 (Whereupon, prosecution's document
11 No. 5208 was marked prosecution's exhibit No.
12 1664 for identification, the excerpts there-
13 from being marked prosecution's exhibit No.
14 1664A and received in evidence.)

15 LIEUT. COLONEL VORNANE: The statement admits
16 that the Japanese shot about 40 Suluks on Dinawan
17 Island about July 44, and that Colonel NACHIGUCHI was
18 a spectator.

19 Prosecution document No. 5213, affidavit of
20 Lafun of Inanam Island. I tender it for identification
21 and the marked excerpts in evidence.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 5213 will receive exhibit No. 1665 for identifica-
25 tion only, and the excerpts therefrom will receive

1 exhibit No. 1665A.

2 (Whereupon, prosecution's document
3 No. 5213 was marked prosecution's exhibit No.
4 1665 for identification, the excerpts there-
5 from being marked prosecution's exhibit No.
6 1665A and received in evidence.)

7 LIEUT. COLONEL MORNANE: The affiant says
8 that he was arrested after the rising and detained at
9 Kempei Tai office Jesselton where he saw a large number
10 of people beaten and tortured. Later he became a warder
11 at the jail. I shall read excerpts from the start of
12 the fifth paragraph:

13 "During the time I was a warder, many Suluks
14 were brought into the prison. I never saw any actually
15 arrive. I saw them in jail after they arrived. They
16 were not kept in my block with the civil prisoners. I
17 saw Suluks being questioned in the building I have
18 described, and being tortured by the Kempei Tai. They
19 were nearly always beaten with heavy sticks all over
20 the body. Often I saw the water torture used on Suluks.
21 When the stomach was filled with water, the Kempei Tai
22 put a wooden board on the stomach and then pressed or
23 jumped on this. When the man became unconscious, which
24 he usually did, the Kempei Tai dragged out the body
25 into the sun. I also saw the Kempei Tai apply burning

1 exhibit No. 1665A.

2 (Whereupon, prosecution's document
3 No. 5213 was marked prosecution's exhibit No.
4 1665 for identification, the excerpts there-
5 from being marked prosecution's exhibit No.
6 1665A and received in evidence.)

7 LIEUT. COLONEL MORHANE: The affiant says
8 that he was arrested after the rising and detained at
9 Kempei Tai office Jesselton where he saw a large number
10 of people beaten and tortured. Later he became a warder
11 at the jail. I shall read excerpts from the start of
12 the fifth paragraph:

13 "During the time I was a warder, many Suluks
14 were brought into the prison. I never saw any actually
15 arrive. I saw them in jail after they arrived. They
16 were not kept in my block with the civil prisoners. I
17 saw Suluks being questioned in the building I have
18 described, and being tortured by the Kempei Tai. They
19 were nearly always beaten with heavy sticks all over
20 the body. Often I saw the water torture used on Suluks.
21 When the stomach was filled with water, the Kempei Tai
22 put a wooden board on the stomach and then pressed or
23 jumped on this. When the man became unconscious, which
24 he usually did, the Kempei Tai dragged out the body
25 into the sun. I also saw the Kempei Tai apply burning

1 faggots to the bodies of Suluks and other prisoners,
2 especially to the thighs. I did not witness any
3 prisoner dying during the torture, I know from other
4 warders that many Suluks died soon after their torture.

5 "I never saw any trial at the jail nor at the
6 Kempei Tai Headquarters when I was there. I never
7 heard of anyone having a trial in Jesselton by the Japs.
8 Arrested men were just questioned and beaten.

9 "I could recognise many of the Kemoe Tai who
10 took part in the tortures at the jail.

11 "I can only remember the name of one Suluk
12 I saw in jail. I knew him previously because he often
13 used to visit Jesselton. His name was Panglima Ali.
14 He was one of some Suluks who were already in jail
15 when I took up my duties. I think he was beaten in
16 Jail but I did not see the beating. But I saw him
17 hanged. He was one of four Suluks hanged at the same
18 time. After the hanging the bodies were put in two
19 coffins and carried away for burial by eight prisoners.
20 I could recognise the Kempei Tai who were present at
21 the hanging. One of the prisoners afterwards told me
22 where the body was buried."

23 I now propose to call Warrant Officer First
24 William Hector Sticpewich.
25

STICPEWICH

DIRECT

1 WILLIAM HECTOR STICPEWICH,
2 called as a witness on behalf of the prosecution,
3 being first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY LIFUT. COLONEL MORNANE:

6 Q Your name is William Hector Sticpewich?

7 A Yes.

8 Q And you are a Warrant Officer First attached
9 to 31st War Graves Unit?

10 A That is correct.

11 Q And your private address is 128 Hanhell Street,
12 Wickham, New Castle, New South Wales?

13 A That is correct.

14 Q In February, 1942, you became a prisoner at
15 the general surrender at Singapore?

16 A Yes, that is correct.

17 Q When did you leave Singapore?

18 A I left Singapore about the 8th of July, 1942.

19 Q And where did you go to?

20 A We landed at Sandakan on the 18th of July,
21 1942.22 Q And what was the name of the force you were
23 with?

24 A "B" Force.

25 Q And how many men were in that force?

STICPEWICH

DIRECT

1 other food other than rice issued from the Japanese
2 until about five weeks. Our first issue was protein
3 and vegetables which came in about five weeks after
4 which was fish, 150 pound for the whole camp, and
5 about a hundred pound of vegetables. Supplies of fish
6 and vegetables were at regular intervals in the early
7 stages after that.

8 Q Well, now, with regard to working parties,
9 what was first done about them?

10 A Approximately after five weeks -- after we
11 had been five weeks in the 8 Mile Camp, the demanded
12 300 for a working party to construct a road and also
13 300 for aerodrome construction.

14 Q That was the first incident of importance
15 that took place after the working parties were started?

16 A The further demand for more men to go out on
17 work parties increased to 800 for the drome. There
18 was also demands for other working parties, construc-
19 tion work parties, brought it up to about 1100 people
20 required out of the camp on working parties. Early in
21 September some prisoners of war escaped. The result
22 of these prisoners escaping, the camp was mass punished.
23 The punishment was stoppage of our food for a period.

24 Q To whom did that punishment apply?

25 A The whole of the camp.

STICPEWICH

DIRECT

1 A 1496.

2 Q Well, then, after you landed at Sandakan where
3 did you go?

4 A We proceeded to a Catholic school up on the
5 hill above Sandakan. We stayed there during the night.

6 Q Where did you go on the following day?

7 A Out to the 8 Mile Camp known as the Agricultural
8 Station, Sandakan.

9 Q And how long did you stay there, yourself?

10 A From that date up to 29 May 1945.

11 Q What was the accomodation like at that camp?

12 A Quite inadequate for the number of persons
13 required in it.

14 Q And what was the water supply?

15 A The water supply was drawn from a filthy creek
16 about three-quarters of a mile away by a pumping ser-
17 vice, pumped up into a reservoir holding 2700 gallons
18 which was considered by the Japanese a day's ration of
19 water for the camp for all purposes. This water was
20 very muddy and full of bacteria.

21 Q Well, now, with regard to the food position
22 at that time, what was it?

23 A When we first entered the 8 Mile Camp we were
24 issued a daily approximate ration of 16 or 17 ounces
25 of rice per day. We got no other vegetables or any

STIOPWICH

DIRECT

1 Q Well, then, what was the next matter of
2 importance that took place?

3 A On about the 12th of September in the morning
4 we were all called on parade, everybody. We were
5 surrounded by a large number of armed guards who had
6 arms from outside which covered us with machine guns,
7 and surrounded by other guards with rifles, fixed
8 bayonets. Then the Japanese camp commandant, Lieutenant
9 HOSIGIMA, got on the platform and gave a speech in
10 Japanese. Then he read out a document that he had in
11 his hand. It was then translated into English by his
12 interpreter. The document was to the effect that if
13 any person or prisoner attempted to escape that he
14 knew that we all would be shot; 2. that we would promise
15 not to escape; and the third item on that document was
16 that we would promise that we would obey all the
17 orders issued by the Imperial Japanese Army. It was
18 then handed to Colonel Walsh, Airforce Commander, who
19 then got on the platform and read that document again.
20 And then he stated, "I, for one, won't sign." He was
21 never given a chance to finish what he intended to
22 say, but he was dragged down off the platform, taken
23 outside the camp under Lieutenant HOSIGIMA's orders,
24 tied up with his hands behind his back. Then HOSIGIMA
25 called for a firing party, guards formed up in front

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DIRECT

1 of Colonel Walsh. On seeing what was going to happen,
2 and realizing we were being forced to sign this docu-
3 ment under duress, we called out, "Don't shoot the
4 colonel. We will sign." The wording of the document
5 was slightly altered and we signed.
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1 Q Well, now, when the working parties started
2 the airdrome, have you anything more to say on that
3 matter -- General Walsh?

4 A Yes, I do. He was released then. When it
5 was known that we were going to sign, Colonel Walsh
6 was released and returned to camp.

7 Q When the working parties were called for
8 the airdrome was any protest made?

9 A It was about a week before we realized
10 that where we were working was to build an airdrome.
11 When that was found out a protest was made to
12 Lieutenant HOSIGIMA.

13 THE MONITOR: How do you spell that?

14 THE WITNES: H-O-S-I-G-I-M-A.

15 Q What was said on that protest?

16 A That we understood that the airdrome was
17 a military project that it was intended to construct
18 and it was contrary to international law to have
19 prisoners of war to work on that construction; and
20 they said the working parties would go on and he
21 referred to an address given to the camp and stated
22 that we would work on that airdrome, and it had to
23 be completed in three years; and, if necessary, we
24 would work until we died. On the first visit to the
25 camp of Colonel SUGA, who was in charge of the
prisoners of war of all of the camps of prisoners

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1 of war in Borneo a further protest was made to him
2 and he stated on parade that it was a commercial
3 civil project and the work had to go on.

4 Q Could you say whether, in fact, that drome
5 upon completion was used for military aircraft or
6 not?

7 A Yes, the first planes took off from that
8 drome, war planes, fighter planes, in September,
9 1943, and it was right up until December, 1944,
10 extensively used for all types of war planes.

11 Q Well, now, what was the position with
12 regard to treatment of prisoners from a disciplinary
13 point of view at the time of SUGA's visit.

14 THE MONITOR: Up to whose visit?

15 LIEUT. COLONEL MORNANE: SUGA's visit.

16 A Other than the incident of mass punishment
17 for an attempted escape, just minor incidents for
18 breaking of camp discipline, it was not so bad.
19 There were frequent beatings of prisoners of war on
20 working parties.

21 Q And then after SUGA's visit what was the
22 position?

23 A The discipline tightened up to such an
24 extent that it was cruel. It came right down to
25 irritation tactics administered by the guards,

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1 general beatings of working parties at the drome--
2 airport.

3 Q Well, then coming to April, 1943, what
4 have you got to say as to the position then?

5 A Then there was a new set of guards took
6 over control of the camp, known as the "Prisoners
7 of War Guard Unit." It was known to us as the
8 "Kitchie" -- small soldiers.

9 Q What did they do?

10 A Their treatment toward prisoners of war
11 was twice as bad as that of the other soldiers who
12 had previously been guards at the camp. They
13 wouldn't have to have a reason. They would stop
14 a prisoner on any pretence at all and slap him, beat
15 him around.

16 Q What happened at the drome at that time?

17 A At this time the drome construction unit
18 which was in charge of Lieutenant OKAHARA -- in
19 charge of us up till then -- he was withdrawn and
20 then they put a special gang of old soldiers --
21 "Bashers" we called them -- to administrate the
22 working parties. After OKAHARA left they had a
23 special gang of "Bashers."

24 THE MONITOR: "Bashers" -- you mean somebody
25 who bashes?

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1 THE WITNESS: Yes, bashes.

2 Q Will you describe to the Tribunal what that
3 gang did?

4 THE PRESIDENT: We will take his answer
5 after the recess. We will recess for fifteen minutes.

6 (Whereupon, at 1445, a recess
7 was taken until 1500, after which the
8 proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: We are having great
4 difficulty in hearing what this witness is saying.
5 He must speak up or speak closer to the microphone.

6 Yes, Colonel.

7 BY LIEUT. COLONEL MORNANE (Continued):

8 Q Before the adjournment I asked you to
9 describe to the Tribunal what this special sec-
10 tion of men did.

11 A Our duties were to go 'round the work
12 parties, go 'round the airdrome and other work
13 parties, road parties, and these parties would be
14 working in batches of 50. They would visit these
15 working parties, whatever work he was doing. In
16 some instances there was men down trenches, digging
17 artesian drains. They would take over the drain,
18 these parties, work parties, would be working in
19 the drain -- in some instances digging an artesian
20 drain. This special gang or special team of
21 soldiers, about eight in all, would come along
22 and order the party out of the drain, or whatever
23 work they was doing. They would be stood to
24 attention, and these Japanese -- special Japanese
25 guards -- as I said previously, about eight in

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1 number -- were armed with pick handles, canes,
2 and other implements used to belt the prisoners
3 of war with. Now they would stand the gang -- this
4 party of prisoners -- to attention, with their arms
5 outstretched, and they would go along behind them,
6 belting them under the arms, over the shoulder,
7 anywhere at all; they were not particular where
8 they hit a prisoner of war or what they hit him
9 with. This punishment would last, at times, up
10 to twenty minutes, as an average. The whole party
11 would be beaten, and, if a prisoner showed signs
12 of pain, he would get more.

13 Q Now, what would be the physical results
14 to the prisoners?

15 A It would be -- the result would be that
16 some prisoners would be taken back each night to
17 camp, either carried back on stretchers as being
18 rendered unconscious, or arm broken or leg or hips
19 broken, or just badly beat-up condition; men were
20 so weak.

21 Q What was the food position in April, 1943?

22 A I would like to add further to the punish-
23 ment on the drome. Irrespective of what working
24 party was in at the drome, you never knew when it
25 was going to be punished, just come 'round your turn,

STICPEWICH

DIRECT

1 or whether you was doing anything, or doing any-
2 thing contrary to the Japanese idea or not, you
3 were punished.

4 Q What was the food position in April, 1943?

5 A The more we complained about this treat-
6 ment at the drome the more intense the punishment
7 was.

8 Q Will you please answer my questions,
9 witness? What was the food position in April, 1943?

10 A At the end of April, 1943, our ration was
11 reduced to about half.

12 Q Well, now, with regard to punishment of
13 prisoners who were brought before the Camp Com-
14 mandant, will you tell the Court what punishment
15 was inflicted upon them?

16 A They would be apprehended and put in
17 cages.

18 Q Will you describe to the Tribunal the
19 first of these cages?

20 A The first cage was a heavy, wooden con-
21 struction, about 4 feet, 6 wide, about 5 feet, 6 --
22 6 feet long, and 2 foot, 9, or 3 foot high, wooden
23 floor, wooden roof, flat. The floor and ceiling
24 was heavy plank, and the walls were about 2 by 2
25 bars, 2-inch spacing. There was a small door

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DIRECT

1 2 feet by 18 inches, which you had to crawl in.

2 Q Well, now, would you tell the Tribunal
3 of an instance where you have seen men put in the
4 cage, and how he was treated?

5 A There was one example, Private Hinchcliffe.
6 He was apprehended at the airport for being away
7 from his party. Hinchcliffe's purpose away from
8 the party was in search of fallen cocoanuts to
9 supplement his food. They fell off the tree to
10 the ground, and he picked them up. He was only
11 caught a short distance away from his party, but he
12 had the meat of the cocoanut in his possession.
13 He was taken back to the camp from the airfield,
14 air-port, airdrome, and placed in front of the guard-
15 house, first standing to attention. While he was
16 standing there for over an hour he was subjected
17 intermittently to beatings from the guard who were
18 in the guard box, as many as four at a time. He
19 was beaten with a stick, a replica of a Samurai
20 sword, one the guard had; another guard had a board;
21 others kicked him. The second in charge of the
22 Japanese guard, Lieutenant MOROTIKI, came along
23 then and ordered him to be put in the cage. Daily,
24 at frequent intervals, I saw Hinchcliffe taken out
25 of the cage and beaten by the guards. He was not

STICPEWICH

DIRECT

1 allowed any food for seven days.

2 A And during the day, while he was in the
3 cage, how would he have to sit?

4 A He would have to sit to attention; and
5 if he relaxed at all he would be brought out of
6 the cage and beaten.

7 Q Now, can you give me an estimate of the
8 number of men you have seen given the "cage" treat-
9 ment?

10 A At least 40.

11 Q Well, now, coming to August, 1943, will
12 you tell us what happened then?

13 A During August, 1943, there was a series
14 of searches of the camp. We learned that the
15 Japanese suspected us of having a wireless set.
16 This was confirmed by the finding of a diary during
17 the search, and one particular afternoon Captain
18 HOSIGIMA came to the camp and called for No. 142,
19 prisoner of war; I think that was the number. It
20 turned out to be Lieutenant Wells who came forward.
21 HOSIGIMA at this time was a Captain, and he con-
22 fronted Wells. He says, "Mr. Wells, I am surprised.
23 Is this your diary?" Wells hesitated, and said
24 "yes." He says, "You are a foolish young man.
25 "What did you write this for?"

STICPEWICH

DIRECT

1 Q What did he do to Wells?

2 A He then seized Wells, smacked Wells
3 across the face, and then seized him by a necker-
4 chief which he had around his neck and twisted it
5 up, and, at the same time screwing it up, continued
6 striking him about the face with his fist. Then
7 he asked Lieutenant Wells, "Where is the radio
8 referred to in this diary? Show it to me."

9 THE PRESIDENT: We do not want all these
10 details. We will never finish. There are ten
11 thousand episodes like this. We cannot hear all
12 the details.

13 What happened to Wells? What was done to
14 him?

15 Q What was done to Wells?

16 A Wells was tied up and taken out of the
17 camp by the Kempetais along with about twenty-six
18 others from the camp, including some senior
19 officers.

20 THE PRESIDENT: Did Wells make an affi-
21 davit? I thought I saw his name in an affidavit
22 here:

23 LIEUT. COLONEL MORNANE: Yes, your Honor.

24 THE PRESIDENT: Are you not satisfied to
25 rest on Wells' affidavit? He covers the same

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DIRECT

1 ground.

2 LIEUT. COLONEL MORNANNE: I am quite
3 satisfied, your Honor, but I thought this morning
4 you were anxious to have the excerpts.

5 BY LIEUT. COLONEL MORNANNE (Continued):

6 Q Were you, yourself, ever in the cage?

7 A Yes, I was in the cage after this inci-
8 dent.

9 Q Will you describe the treatment that you
10 received?

11 A I was tied up and interrogated -- the
12 following night I was arrested, tied up and in-
13 terrogated from five o'clock in the evening until
14 half-past one in the morning. Two other soldiers,
15 including myself, were put into the cage -- the
16 small cage; and in that cage there was three
17 officers, three captains, and a private. That
18 made a total of seven.

19 Q For how long were you kept there?

20 A I think it was four nights and three
21 days.

22 Q Did you receive any mosquito curtains or
23 blankets while you were there?

24 A No.

25 Q Were you let out of the cage at all?

STICPEWICH

DIRECT

1 A In the morning about seven o'clock and
2 about five o'clock in the evening.

3 Q Well, now, did any additional troops
4 arrive at that camp?

5 A About the end of March, 1943, there was
6 a party of English prisoners of war brought to
7 Sandakan. The party consisted of 740, approxi-
8 mately.

9 Q Were they in the same camp as you or in
10 an adjacent camp?

11 A At first they was quartered at the air-
12 drone, and later came into an area adjacent to our
13 camp at end of June.

14 Q Well, apart from those troops, did any
15 other troops come into the camp?

16 A There was a force of Australians known
17 as "E Force," that come into the adjacent camp
18 on the first of June, '43.

19 Q And how many were in that force?

20 A Five hundred. That made three separate
21 camps: No. 1 Camps, No. 2 Camps -- the English --
22 No. 3 Camps of 500 Australians.
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1 Q Did you know of any man that died in the
2 cage as a result of his treatment?

3 A Yes, a Private Barber.

4 Q In the first year you were at that camp
5 how many died?

6 A Approximately twenty-four.

7 Q And what did they die of?

8 A Beriberi, mainly. Other lack of -- just
9 general disability.

10 Q What was the position with regard to food
11 at the end of 1944?

12 A We were reduced then to a ration consisting
13 only of tapioca and sweet potatoes and a small
14 quantity of greens, and four ounces of rice.

15 Q Coming to the end of January 1945, what
16 happened then?

17 A At the end of January, around about the
18 25th, there was a demand come to the camp requir-
19 ing 500 Australian prisoners of war for a working
20 party.

21 Q As a result of that, what happened?

22 A We had a parade and a medical inspection
23 and the fitter ones were detailed for this party.

24 Q And what happened then?

25 A The first party of Australians moved out

STICPEWICH

DIRECT

1 of the camp on the morning of the 28th of January
2 and they continued to move out in batches of
3 approximately fifty, until nine parties had gone,
4 and the total prisoners of war that were mustered
5 up were only 470, on the both camps, English and
6 Australian -- that is all they could muster.

7 Q Apart from that number that went out, had
8 other officers and men been removed from your camp?

9 A Yes, from time to time they had moved the
10 senior officers out, later in 1942 and then in
11 September 1943 the main party of officers were
12 moved to Kuching. The officers that they left were
13 two captains, a lieutenant, and three medical of-
14 ficers and three padres.

15 Q And what was the general condition of the
16 men who were left at Sandakan after the party moved
17 out to Ranau?

18 A There was 90% unfit. There was a few fit
19 personnel there on general camp duty.

20 Q And with regard to those men, were they
21 called for working parties?

22 A Yes, irrespective of their condition. If
23 they could walk they were sent out to work, forced
24 out to work.

25 Q And what method was adopted if the men were

STICPEWICH

DIRECT

1 too sick to go out?

2 A If they couldn't get the required number
3 they would have a full parade of the personnel
4 left in camp and then a private Japanese soldier
5 would go along and inspect them. If a prisoner had
6 his leg tied up he would probably kick it, to see
7 if the man was really sick, and a prisoner who had
8 been crippled, with a walking stick, his walking
9 stick was taken and he would go along the line and
10 belt them.

11 Q And if a doctor objected to a man being
12 sent out, what would happen?

13 A The doctor would be subjected to a belting,
14 beating, from this Japanese soldier, for interfering.

15 Q How many deaths occurred in March of 1945 at
16 the camp?

17 A Approximately 231.

18 Q Was there any fusion of the British camp
19 and the Australian camp later?

20 A Yes, late in April, owing to the reduced
21 number of prisoners, they were moved into a wired
22 off area in No. 1 camp with the Australians.

23 Q Now, coming to the 29th of May, how many
24 men were in the camp, on the morning of the 29th
25 of May?

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DIRECT

1 A Around about 740. There may have been a
2 few more.

3 C And did this comprise hospital cases as
4 well as walking cases?

5 A Yes, the total prisoners of war.

6 Q And how many of these were hospital cases?

7 A There was over 400 hospital cases, stretcher
8 cases alone. Some of them were on sticks, or bones
9 broken, but in such a state that they had to be
10 helped along or carried. And of English there was
11 over a hundred.

12 C What happened on the 29th of May, '45?

13 A At about 9:00 on the morning of the 29th of
14 May Captain TAKAKURA, accompanied by Lieutenant
15 "ATANABE and Staff Sergeant ICHIKAWA, who was the
16 QM, inspected the camp. About a quarter of an hour
17 after they left the camp we observed the old camp
18 that was then unoccupied, No. 3 and No. 2 camps,
19 being burned, destroyed by fire, and around about
20 our area, the camp area, ammunition dumps being ex-
21 ploded.
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1 Q What happened next?

2 A Round about half-past ten, Captain TAYAKURA
3 called for Captain Cook and issued the order that
4 we had to clear the camp within ten minutes. He
5 later extended the time to eleven o'clock, at which
6 time as soon as we left the camp, the last man left
7 the camp--we carried the last man out of the camp,
8 and some gear was left behind--we proceeded to burn
9 huts in No. 1 camp.

10 Q Well, now, coming to five o'clock that night,
11 what happened then?

12 A At five o'clock that night we heard that
13 there was required by the Japanese -- every person
14 that could walk had to be ready, assembled on the
15 parade ground by six o'clock. We were then in an
16 area, the garden area, of No. 2 camp out in the open,
17 no protection for any of the sick whatsoever.

18 Police parties were eventually formed in
19 groups of fifty, and about half-past seven there
20 was three parties outside the gate. And along came a
21 party, armed party, of Japanese soldiers who were
22 halted in front of the gate. They were addressed by
23 Captain TAKAKURA, that they were to take up certain
24 positions, four in front of the flank, and so forth,
25 around the party, and no prisoner was to be allowed to

STICPEWICH

DIRECT

1 lag behind or escape.

2 Q Did the parties then move away?

3 A The parties then moved out along the road
4 for a short distance and then guards took up their
5 position, their marching position. And while this was
6 going on the Japanese burned the rest of the buildings,
7 their own buildings, their own barracks, and we pro-
8 ceeded on through the night.

9 Q And how many troops were in these parties?

10 A For the first intention, there was to be--

11 A How many altogether?

12 A The total number left the camp was 536.

13 Q 536. Did you see, at that time, what happened
14 to the remainder of the troops in the camp?

15 A Our position was along the road looking into
16 the camp. The guards were going through the sick
17 and trying to make them stand up, belting them, to
18 try to get more men out the gate. After we moved off,
19 I have never seen any of those prisoners left behind
20 alive.

21 Q How was your party of 536 broken up?

22 A They were in groups of fifty, approximately
23 fifty. One latter party, I think, was sixty-six.

24 Q Were you in charge of any of those parties?

25 A I was in charge of No. 2 group.

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22 A They were in groups of fifty, approximately
23 fifty. One latter party, I think, was sixty-six.

24 Q Were you in charge of any of those parties?

25 A I was in charge of No. 2 group.

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DIRECT

1 Q And what was the state of health of that
2 party?

3 A All except the seven others who were put
4 in the party along with myself were all hospital
5 patients.

6 Q Well, now, when your party moved off, where
7 did it go?

8 A We proceeded down through the agricultural
9 plot down to the main road and out to the 12-mile
10 peg -- which was known as the 12-mile peg -- down to
11 the Sandakan Road.

12 Q Did the other parties move up there, too?

13 A They followed on.

14 Q What happened when you got to the 12-mile peg?

15 A We were halted there and issued with -- each
16 party, with two 100-pound bags of rice; each bag
17 contained a hundred pounds.

18 Q Then what happened?

19 A We were given a piece of paper and told to
20 make a nominal roll at our next stop, and we moved off.

21 Q When did you next stop?

22 A We stopped early in the morning, for about
23 two hours.

24 Q Was your party of fifty complete then?

25 A No. There was about thirty-eight to forty in

STICPEWICH

DIRECT

1 it.

2 Q What had happened to the rest?

3 A They had just dropped out, and I never seen
4 them again.

5 Q Did you know the state of any of the other
6 parties at that time?

7 A Yes. No. 1 party was all hospital cases
8 with the exception of the CO of the party, Captain
9 Hislop.

10 Q Did you know then the numerical strength
11 at the time of this first halt?

12 A Yes. At our first halt where we were issued
13 the rice, I had already lost six men.

14 Q Well, now, your number of thirty-eight to
15 forty men, where did they -- what happened then?

16 A On that next morning we formed our nominal
17 roll of personnel in each party, and give account of
18 what we had then, and then we proceeded to march
19 throughout the day.

20 Q And when did you stop?

21 A We actually stopped about 1500 hours in the
22 afternoon. And after submitting a roll call we were
23 told at approximately 1700 hours that we would be
24 resting there for the night.

25 Q What food did you have then?

STICPEWICH

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1 A Only the rice that we had been issued with
2 by the Japanese at the 12-mile.

3 Q Well, for how long did this march continue;
4 how many days?

5 A We spent twenty-six days traveling from
6 Sandakan to Ranau.

7 Q How many men did you have left in your party
8 at the conclusion of that march?

9 A My party consisted of thirteen.

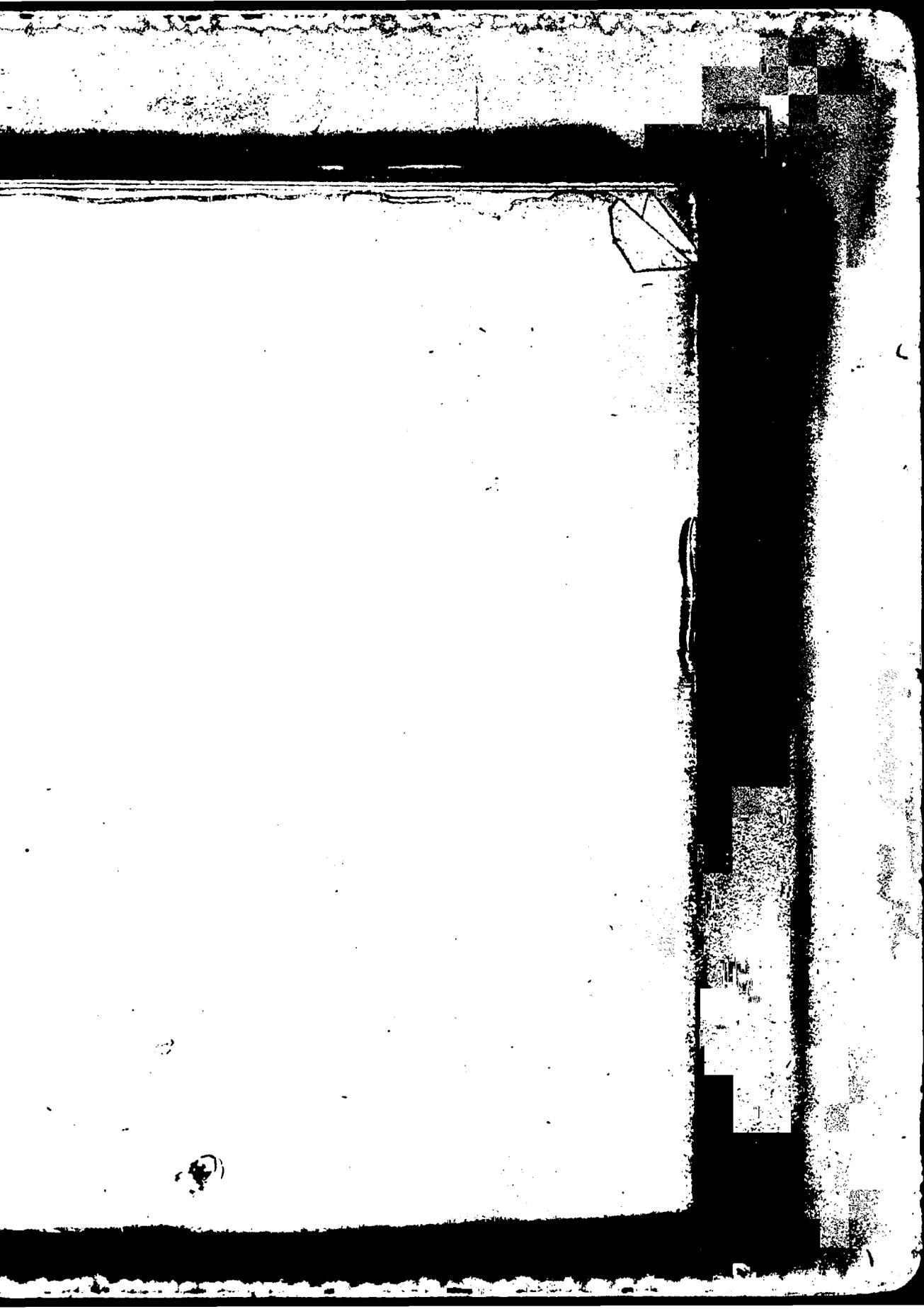
10 Q Do you know what happened to the remaining
11 thirty-seven?

12 A At first we surmised that they were being
13 murdered along the route. But since, I have done
14 investigations and have had admissions from Japanese
15 guards, soldiers, that these prisoners that dropped
16 out and lagged behind were murdered by them.

17 THE PRESIDENT: We will adjourn now until
18 half-past nine tomorrow morning.

19 (Whereupon, at 1600, an adjourn-
20 ment was taken until Friday, 20 December
21 1946, at 0930.)
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Dec 23 '46 ✓



23 DECEMBER 1946

I N D E X
Of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
Read-Collins, Nicholas D. J., Lieutenant Colonel, British Army	13528
Direct by Lieutenant Colonel Damste	13528
Cross by Mr. Blewett	13549
" " Mr. Levin	13551
" " Mr. Brooks	13552
(Witness excused)	13553
Ringer, Michael C. G., Major, British Indian Army	13554
Direct by Lieutenant Colonel Damste	13554

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5736	1679		Cable from the International Red Cross to the Netherlands Government dated 20 February 1942		13482
5739	1680		Affidavit of SAITO	13484	
5739	1680-A		Excerpt therefrom		13484

I N D E X

Of

EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Proc. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5738	1681		Affidavit of Colonel NAKATA	13486	
5738	1681-A		Excerpt therefrom		13486
5757	1682		Memorandum dated Tokyo, 24 January 1944 sent by the Swedish Minister in Japan addressed to the Japanese Foreign Ministry		13489
5772	1683		Letter dated Tokyo, 30 December 1943 sent by the Swedish Charge d'Affaires in Japan addressed to the Japanese Foreign Ministry		13490
5773	1684		Letter dated Tokyo, 5 May 1944 received by the Swedish Minister in Japan from the Japanese Foreign Minister		13491
5951	1685		Affidavit of Sergeant Major J.M.J. Muller, R.N.I.A.	13492	
5951	1685-A		Excerpt therefrom		13492
5952	1686		Second Part of Muller's Affidavit and from the sworn report of the Chinese Medical Officer Tan Eng Dhong, R.N.I.A.	13495	
5952	1686-A		Excerpt therefrom		13495
5683	1687		Synopsis of Evidence		13498
5265	1688		Affidavit of F. R. Oldham	13498	
5265	1688-A		Excerpt therefrom		13499

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5244	1689		Statement by Japanese Lieutenant M. SHOJI		13499
5221	1690		Statement of Japanese Warrant Officer TSUDA		13500
5267	1691		Report of Netherlands Forces Intelligence Service, G.S. Int. 7 Div.		13504
5269	1692		Affidavit of Sergeant P. H. Oudemans, R.M.I.A.	13508	
5269	1692-A		Excerpt therefrom		13508
5273	1693		Interrogation Report dated 25 June 1945 re the beheading of Vliegen Pte with four others by Japanese Sergeant TAKIMOETJI at Sibengkok, Tarakan (affirmed by information of H. Loupatty)	13510	
5273	1693-A		Excerpt therefrom		13510
5271	1694		Affidavit of Sergeant A.M.L. Mohr, Royal Netherlands Indies Army	13511	
5271	1694-A		Excerpt therefrom		13511
5953	1695		Affidavit of Mrs. Hoedt	13512	
5953	1695-A		Excerpt therefrom		13512
5325	1696		Official Record of Murders between October 1943 and June 1944 at Pontianak	13514	
5325	1696-A		Excerpt therefrom		13514

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Eviden.</u>
5922	1697		English translation of the Malay Text in the "Borneo Shimbun"	13520	
5922	1697-A		Excerpt therefrom		13520
5921	1698		Interrogation of the Japanese, S. HAYASHI		13520
5958	1699		Affidavit by the Japanese Lieutenant M. SHOJI	13524	
5958	1699-A		Excerpt therefrom		13524
5268	1700		Interrogation of SAIMAN	13525	
5268	1700-A		Excerpt therefrom		13525
5326	1701		Statement of S. HAYASHI	13527	
5326	1701-A		Excerpt therefrom		13527
5330	1702		Report of Investigator Captain J.F. Heybroek, Royal Netherlands Indies Army		13527

1 Monday, 23 December, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with the
14 exception of: HONORABLE JUSTICE D. JARANILLA, Member
15 from the Republic of the Philippines, not sitting.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 The Accused:

19 All present except OKAWA, Shumei, who is
20 represented by his counsel.

21 - - -

22 (English to Japanese and Japanese
23 to English interpretation was made by the
24 Language Section, IMTFE.)
25

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Colonel Damste.

4 LIEUT. COLONEL DAMSTE: Mr. President,
5 Members of the Tribunal.

6 The reason for this discrimination between
7 prisoners of war and civilians is not clear, as the
8 Japanese Government had promised to apply the rules
9 of the Geneva Convention of 1929 regarding prisoners
10 of war to the Dutch civilian internees, as is shown
11 in the cable from the International Red Cross, to
12 the Netherlands Government, dated 20 February 1942,
13 prosecution document 5736. This cable gives even a
14 most reassuring picture of the treatment of the
15 Dutch civilian internees in Japan proper.

16 The prosecution offers this document 5736
17 in evidence.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 5736 will receive exhibit No. 1679.

21 (Whereupon, the document above
22 referred to was marked prosecution's exhibit
23 No. 1679 and received in evidence.)

24 LIEUT. COLONEL DAMSTE: Not before March
25 1944 did the Japanese treat the Dutch civilian

1 internees on an equal footing with the prisoners
2 of war (according to Japanese standards) by bringing
3 them under the administration of the P.O.W. Command,
4 as appears from the affidavits of Major General SAITO
5 and Colonel MAKATA, successive Commanders of the P.O.W.
6 camps in Java.

7 This, however, proved a change for the
8 worse in its results.

9 The prosecution offers for identification
10 document No. 5739, the affidavit of SAITO, and the
11 excerpts thereof as an exhibit.

12 THE PRESIDENT: Mr. Blewett.

13 MR. BLEWETT: If the Court please, the
14 document, No. 5739, as indicated by the prosecution
15 fails to show the statement in the introductory
16 remarks. Insofar as I can ascertain the last ques-
17 tion only pertains to the prosecution's introductory
18 remarks.

19 THE PRESIDENT: We can only note what you
20 say, Mr. Blewett. We have not read the affidavit yet.

21 MR. BLEWETT: Furthermore, sir, we feel
22 obliged to object to the statement of the prosecution
23 with particular emphasis on his statement that, "This,
24 however, proved a change for the worse in its results."
25

THE PRESIDENT: We will reject every statement

1 of a prosecutor not supported by evidence; I can
2 only repeat that.

3 CLERK OF THE COURT: Prosecution's document
4 No. 5739 will receive exhibit No. 1680 for identifi-
5 cation only; and the excerpt therefrom bearing the
6 same document number will receive exhibit No. 1680-A.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1680 for identification only; the excerpt
10 therefrom being marked prosecution's exhibit
11 No. 1680-A and received in evidence.)

12 THE PRESIDENT: The excerpt has been admitted
13 on the usual terms.

14 LIEUT. COLONEL DAMSTE: With the Court's
15 permission I will read a part from this affidavit:

16 "A ... In June 1942 I was appointed head
17 of all prisoners of war camps in Java. I arrived in
18 Java in July 1942 and took up residence in Batavia.
19 Before that I have never been in the Netherlands East
20 Indies. Before my departure for Java I was in Man-
21 churia from October 1940 to June 1942.

22 "Q With what instructions did you come to
23 Java?

24 "A When I was in Manchuria in June 1942
25 I received my appointment for Java by cable. I was

1 then in Ku Tan Tchang. In the same cable were my
2 appointment for Java as well as the order to attend
3 a meeting in Tokyo. This meeting took place on the
4 7th and 8th July 1942 in the War Ministry at Tokyo.

5 "Q Were there any decisions taken during
6 that meeting regarding punishment of prisoners of
7 war for infringement and escapes?

8 "A This was not discussed, but was laid
9 down in typed instructions handed to each of those
10 present at the meeting. Every one read out that
11 particular portion of the instructions which con-
12 cerned him, asked questions and received answers
13 thereto.

14 "Q Did you yourselves put any questions
15 with reference to these instructions?

16 "A I cannot remember having made any
17 questions as I knew nothing of the international
18 regulations regarding prisoners of war, coming just
19 from the war theatre."
20

21 The prosecution offers for identification
22 document No. 5738, the affidavit of Colonel NAKATA.

23 CLERK OF THE COURT: Prosecution's document
24 No. 5738 will receive exhibit No. 1681 for identifica-
25 tion only.

(Whereupon, the document above

1 referred to was marked prosecution's exhibit
2 No. 1681 for identification only.)

3 LIEUT. COLONEL DAMSTE: And the excerpt
4 therefrom as an exhibit.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: The excerpt therefrom
7 bearing the same document number will receive exhibit
8 No. 1681-A.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1681-A and received in evidence.)

12 LIEUT. COLONEL DAMSTE: With the Court's
13 permission I will read a small part from this affidavit:

14 "Q Who gave you instructions regarding your
15 work in respect of prisoner of war and civil internees
16 camps?

17 "A My immediate chief was Fieldmarshal
18 Count TERAUCHI. The instructions he gave me were
19 not directly sent to me by wire, but through head-
20 quarters of the Army Commandant Batavia, Lieutenant
21 General HARADA Kumakichi. The other way round my
22 cables went similarly via these headquarters.

23 "Q What was the nature of these instructions
24 from Count TERAUCHI?

25 "A In my opinion the instructions were not

1 harsh, but not quite benevolent, a sort of middle
2 course was followed.

3 "Q Were you bound to act according to
4 these instructions or could you also act on your own
5 responsibility?

6 "A I have always executed the orders
7 according to instructions and never did I do anything
8 on my own authority.

9 "Q You therefore ordered the treatment of
10 the prisoners of war and civil-internees and you
11 also were the person who gave orders for their
12 transfers?

13 "A Yes, this I did entirely upon orders
14 from TERAUCHI and I can inform you especially that
15 the deportation of prisoners of war was in close
16 relation to the active operations of the Army. Here
17 I can add that I was entirely free in fixing the
18 degree of severity, with which the prisoners of war
19 and internees should be treated."

20 "As has been mentioned elaborately in the
21 phase dealing with the Japanese aggression against
22 the Netherlands, almost all Dutch civilians who had
23 not been born in the Netherlands Indies were interned,
24 together with the higher officials born in this coun-
25 try. The total number is estimated by the Netherlands

1 Indies Government, in the already mentioned document
2 5737, exhibit 1677, to be about 80,000, women and
3 children included. Of these about 10,500 died or
4 approximately 13%. The remainder, almost 70,000
5 survivors, is higher than the Japanese figure of
6 62,500 odd, mentioned by Major de Weerd.

7 The appalling conditions under which the
8 prisoners of war and civilian internees had to live,
9 of which incidentally some details had leaked out
10 to the outer world, made the Netherlands Government
11 propose to the Japanese Government to arrange an
12 exchange of sick prisoners of war and civilian
13 internees, against Japanese prisoners of war and
14 civilians interned in Allied territory. In the
15 Netherlands Indies the Japanese, as will appear
16 from many documents, put the blame for bad conditions
17 mostly upon the fact that they could not provide
18 sufficient food, and so forth, because of the limited
19 supplies in the country. The Swedish Minister in
20 Tokyo, representing the Netherlands Government,
21 handed to the Japanese Government a concrete pro-
22 posal for exchange which appears in prosecution
23 document 5757, which is a copy of the memorandum
24 of the said Minister to the Japanese Foreign Ministry,
25 dated January 24, 1944.

ato.

22 THE PRESIDENT
23 LIENT. COLONEL DAMSTE: There is a certificate
24 from the Swedish diplomatic representative that covers
25 this, Mr. President.

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2 5737, exhibit 1677, to be about 80,000, women and
3 children included. Of these about 10,500 died or
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6 62,500 odd, mentioned by Major de Weerd.

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19 supplies in the country. The Swedish Minister in
20 Tokyo, representing the Netherlands Government,
21 handed to the Japanese Government a concrete pro-
22 posal for exchange which appears in prosecution
23 document 5757, which is a copy of the memorandum
24 of the said Minister to the Japanese Foreign Ministry,
25 dated January 24, 1944.

This humanitarian proposal intended to save the lives of several thousands was met by the bland refusal of the Japanese Government "for military reasons," as appears from the annotation on the said copy, dated February 8, 1944.

6 The prosecution offers this document
7 No. 5757 in evidence.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 5757 will receive exhibit No. 1682.

11 (Whereupon, the document above
12 referred to was marked prosecution's exhibit
13 No. 1682 and received in evidence.)

14 LIEUT. COLONEL DAMSTE: The Netherlands
15 Government had protested against the location of --

16 THE PRESIDENT: Mr. Blewett.

17 MR. BLEWETT: If the Court please, that
18 notation referred to by the prosecution does not
19 appear on the English copy. It may be due to the
20 translation but there is no notation on the English
21 copy whatsoever as to the Japanese reply.

22 THE PRESIDENT: There is in the certificate.

23 LIEUT. COLONEL DAMSTE: There is a certificate
24 from the Swedish diplomatic representative that covers
25 this, Mr. President.

1 This humanitarian proposal intended to
2 save the lives of several thousands was met by the
3 bland refusal of the Japanese Government "for
4 military reasons," as appears from the annotation
5 on the said copy, dated February 8, 1944.

6 The prosecution offers this document
7 No. 5757 in evidence.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 5757 will receive exhibit No. 1682.

11 (Whereupon, the document above
12 referred to was marked prosecution's exhibit
13 No. 1682 and received in evidence.)

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16 THE PRESIDENT: Mr. Blewett.

17 MR. BLEVETT: If the Court please, that
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20 translation but there is no notation on the English
21 copy whatsoever as to the Japanese reply.

22 THE PRESIDENT: There is in the certificate.

23 LIEUT. COLONEL DAMSTE: There is a certificate
24 from the Swedish diplomatic representative that covers
25 this, Mr. President.

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3 bland refusal of the Japanese Government "for
4 military reasons," as appears from the annotation
5 on the said copy, dated February 8, 1944.

6 The prosecution offers this document
7 No. 5757 in evidence.

8 THE PRESIDENT: Admitted on the usual terms.

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13 No. 1682 and received in evidence.)

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16 THE PRESIDENT: Mr. Blewett.

17 MR. BLEWETT: If the Court please, that
18 notation referred to by the prosecution does not
19 appear on the English copy. It may be due to the
20 translation but there is no notation on the English
21 copy whatsoever as to the Japanese reply.

22 THE PRESIDENT: There is not a certificate.

23 LIEUT. COLONEL DAMSTE: There is a certificate
24 from the Swedish diplomatic representative that covers
25 this, Mr. President.

1 THE PRESIDENT: Yes. Admitted on the
usual terms.

2 LIEUT. COLONEL DAMSTE: The Netherlands
3 Government had protested against the location of
4 prisoners of war in dangerous zones because of the
5 possibility of attacks, and so forth, as appears
6 from prosecution document 5772, which is a copy of
7 a letter of the Swedish Charge d'Affaires in Tokyo
8 to the Japanese Foreign Ministry, dated December 30,
9 1943.

10 The prosecution offers this document No.
11 5772 in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 5772 will receive exhibit No. 1683.

15 (Whereupon, the document above
16 referred to was marked prosecution's exhibit
17 No. 1683 and received in evidence.)
18

19 LIEUT. COLONEL DAMSTE: In this letter the
20 coast of Burma was mentioned as an example thereof.
21 The Japanese Foreign Minister answered that Burma
22 was not a theater that might be dangerous and it
23 was not exposed to attacks: prosecution document
24 5773, being his letter to the Swedish Minister dated
25 May 5, 1944.

1 The prosecution offers this document No.
2 5773 in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5773 will receive exhibit No. 1684.

6 (Whereupon, the document above
7 referred to was marked prosecution's exhibit
8 No. 1684 and received in evidence.)

9 The Japanese have forced about 270,000
10 Indonesians to perform coolie-labor in other islands
11 and other countries, of whom only 70,000 have been
12 recovered, as stated by Major de Weerd (page 38).
13 As the major part of these so-called "Romushas,"
14 laborers, were conscripted from the population of
15 Java, this attack on the rights of the native popu-
16 lation will be dealt with when evidence is given
17 regarding the committing of B and C Class Offenses
18 in the area Java.
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1 LIEUT. COLONEL DAINTE: I will proceed
2 now with the presentation of evidence regarding
3 Borneo to complete the evidence presented by Colonel
4 Mornane. This will regard Dutch Borneo.

5 Occupation by the Japanese Navy.

6 I. Prisoners of War.

7 1. Murder.

8 a. Immediately after the surrender of
9 Tarakan, North East Borneo January 1942, about 30
10 Dutch P.O.W. were killed by bayonetting, as appears
11 from the affidavit of Sgt. Maj. J.H.J. Muller, R.N.I.A.;
12 prosecution document 5951 (sub I).

13 The prosecution offers this document 5951
14 for identification and the excerpts as an exhibit.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 5951 will receive exhibit No. 1685 for identification
18 only and the excerpts therefrom will receive exhibit
19 No. 1685-A.

20
21 (Whereupon, the document above
22 referred to was marked prosecution's exhibit
23 No. 1685 for identification only; the excerpts
24 therefrom being marked prosecution's exhibit
25 No. 1685-A and received in evidence.)

LIEUT. COLONEL DAINTE: With the Court's

1 permission I will read a part of it, that is, number
2 "1"; not the question but the answer, "1."

3 "1. During activities in the surroundings
4 of Tarakan (terrain near the military post Tr. Batoe),
5 a squad of about 32 men of infantry troops, amongst
6 whom was Capt. 'Bendeler', 1st. Lt. 'de Vos' and
7 myself, were made prisoners on January 11th 1942.
8 After we had been asked for the direction to Tarakan
9 and an answer to this question was flatly refused by
10 the Europeans as well as by the natives, we were
11 informed by a Jap interpreter (each squad had a Jap
12 interpreter at their disposal) that we should be
13 killed if we did not give information concerning the
14 road leading to Tarakan. The Jap infantry likewise
15 threatened us by gestures. When even this had
16 no success we were handcuffed and with 5 or 6 men
17 tied together, led away right across the swampy
18 terrain. At 2000 hrs we had to bivouac in the open
19 after a day of all possible hardships (neither
20 food nor drink had been supplied). On the following
21 day, January 12, 1942, when Tarakan capitulated, we
22 were tied together in groups of 10 and led away at
23 a distance of about 20 to 25 metres from the bivouac.
24 A Jap interpreter asked our names and ages. Then we
25 were blindfolded and, with our hands tied behind our

1 backs, we were slaughtered with bayonet thrusts by
2 about 15 Japanese soldiers (so-called star-troops).
3 We were bayoneted until we gave no more sign of life.
4 (These beasts in human shape practised in this manner
5 in man-to-man fighting)."

6 6. At the surrender of Tarakan, the Dutch
7 Commander of the island dispatched an officer to
8 instruct one of the coastal batteries to cease fire,
9 as apparently the Japanese had cut the telephone-
10 communication between Dutch Headquarters and that
11 battery. However, the Japanese intercepted this
12 officer and prevented the carrying out of his task.
13 Consequently the coastal battery was not informed of
14 the surrender and sank two Japanese destroyers. Some
15 weeks after the surrender the Japanese selected all
16 the Dutch P.O.'s who had belonged to that battery,
17 about 215 men, and drowned them at sea, by way of
18 revenge. This appears from the second part of
19 Muller's affidavit, and from the sworn report of the
20 Chinese Medical officer Tan Eng Dhong, R.N.I.A.,
21 prosecution document 5952.

22 The prosecution enters this document 5952
23 for identification and the excerpts as an exhibit.

24 CLERK OF THE COURT: Prosecution's document
25 No. 5952 will receive exhibit No. 1686 for identification

1 only.

2 (Whereupon, the document above
3 referred to was marked prosecution's exhibit
4 No. 1686 for identification.)

5 THE PRESIDENT: The excerpt is admitted on
6 the usual terms.

7 CLERK OF THE COURT: And the marked excerpt
8 therefrom, bearing the same document number, will
9 receive exhibit No. 1686-A.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 1686-A and received in evidence.)

13 LIEUT. COLONEL DAMSTE: At Lononawan, in the
14 centre of the island, only attainable by a trip through
15 the jungle for many weeks, the Japanese, who arrived
16 there in August 1942, murdered the 35 Dutch troops
17 who had surrendered, after resisting for some time,
18 because they were unaware of the general surrender.
19 This appears from the statement of the Australian Lt.
20 F.R. Oldham, prosecution document 5265.

21 The prosecution enters document 5265 for
22 identification --

23 THE PRESIDENT: Colonel Damste, I am sorry,
24 you didn't tender your synopsis from which you are
25 reading and which is apparently in the hands of the

1 defense.
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the hands of the interpre-
 simultaneous translation.
 difficulty in following
 e to take for granted
 d the supporting documents;
 sis. You have read parts
 not of the others.

if the Tribunal please,
 ution to read exhibit
 is evidence is in para-

ave it to us to deal with,

go. Sir, there is a statement
 s intercepted by the Japanese
 ; out that mission. Now,
 one of the affidavits.

1 defense. Certainly it is in the hands of the interpre-
2 ters because we are getting a simultaneous translation.
3 We are having the greatest difficulty in following
4 what you are saying. We have to take for granted
5 all you say. You do not read the supporting documents;
6 you rely wholly on the synopsis. You have read parts
7 of one or two documents but not of the others.

8 Mr. Blewett.

9 MR. BLEWETT: Sir, if the Tribunal please,
10 I was waiting for the prosecution to read exhibit
11 1686-A to find out where this evidence is in para-
12 graph 6, the synopsis.

13 THE PRESIDENT: Leave it to us to deal with,
14 Mr. Blewett.

15 MR. BLEWETT: But, Sir, there is a statement
16 there that the messenger was intercepted by the Japanese
17 and prevented from carrying out that mission. Now,
18 I cannot find that in any one of the affidavits.
19
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1 defense. Certainly it is in the hands of the interpreters
2 because we are getting a simultaneous translation.
3 We are having the greatest difficulty in following
4 what you are saying. We have to take for granted
5 all you say. You do not read the supporting documents;
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18 I cannot find that in any one of the affidavits.
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1 THE PRESIDENT: Up to this point you have
2 been presenting your case very clearly, Colonel Lamste.
3 We should like you to produce that synopsis.

4 MR. BLEWETT: May I have the Court's permission,
5 sir, to ask the prosecution to point out where that
6 evidence is?

7 THE PRESIDENT: We will ask him to do that,
8 Mr. Blewett.

9 MR. BLEWETT: Thank you, sir.

10 LIEUT. COLONEL LAMSTE: I did not enter the
11 synopsis in evidence, Mr. President, because I thought
12 it had no probative value. But if the Court thinks
13 better to offer it in evidence, I will do that.

14 THE PRESIDENT: No, it hasn't, in a sense,
15 but it was arranged in chambers that that course
16 would be followed, because we want to follow clearly
17 what you are saying. It is not intended as evidence,
18 but as a guide to evidence.

19 LIEUT. COLONEL LAMSTE: Am I allowed to enter
20 this synopsis in evidence still, Mr. President?

21 THE PRESIDENT: Yes. It is admitted on the
22 usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 5683 will receive exhibit No. 1687.

25 (Whereupon, the document above

1 referred to was marked prosecution's exhibit
2 No. 1687, and was received in evidence.)

3 LIEUT. COLONEL DAMSTE: The prosecution
4 enters document 5265, being the affidavit of F. R.
5 Oldham for identification, and the excerpts as an
6 exhibit.

7 CLERK OF THE COURT: Prosecution's document
8 No. 5265 will receive exhibit No. 1688 for identifica-
9 tion only.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 1688 for identification.)

13 LIEUT. COLONEL DAMSTE: The killing of
14 those people at--

15 THE PRESIDENT: Just a second, Colonel. I
16 cannot listen to what you are saying.

17 My colleagues have been looking into the
18 matter mentioned by Mr. Blewett, and his statements
19 appear to be supported.

20 We will disregard that statement to which
21 Mr. Blewett objects until you produce proof of it.

22 MR. BLEWETT: Thank you.

23 THE PRESIDENT: The excerpt is admitted on
24 the usual terms.

25 CLERK OF THE COURT: And the excerpt of

1 referred to was marked prosecution's exhibit
2 No. 1687, and was received in evidence.)

3 LIEUT. COLONEL DAMSTE: The prosecution
4 enters document 5265, being the affidavit of F. R.
5 Oldham for identification, and the excerpts as an
6 exhibit.

7 CLERK OF THE COURT: Prosecution's document
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9 tion only.

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19 appear to be supported.

20 We will disregard that statement to which
21 Mr. Blewett objects until you produce proof on it.

22 MR. BLEWETT: Thank you.

23 THE PRESIDENT: The excerpt is admitted on
24 the usual terms.

25 CLERK OF THE COURT: And the excerpt of

1 prosecution's document No. 5265 will receive exhibit
2 No. 1688-A.

3 (Whereupon, the document above
4 referred to was marked prosecution's exhibit
5 No. 1688-A, and was received in evidence.)

6 LIEUT. COLONEL DAMSTE: The killing of those
7 people at Longnawan was done under special orders
8 from the higher command at Tarakan as a punitive
9 measure; statement by the Japanese lieutenant,
10 M. SHOJI: Prosecution document 5244.

11 The prosecution offers this document 5244
12 in evidence.

13 THE PRESIDENT: Admitted on the usual terms.
14 CLERK OF THE COURT: Prosecution's document
15 No. 5244 will receive exhibit No. 1689.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1689, and was received in evidence.)

19 LIEUT. COLONEL DAMSTE: At Samarinda, East
20 Borneo, in February 1945, three American airmen were
21 beheaded; statement by the Japanese warrant officer,
22 TSUDA: Prosecution document 5221.

23 The prosecution offers this document 5221
24 as an exhibit.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution document
2 No. 5221 will receive exhibit No. 1690.

3 (Whereupon, the document above
4 referred to was marked prosecution's exhibit
5 No. 1690, and was received in evidence.)

6 LIEUT. COLONEL DAMSTE: Camps. Only a few
7 camps existed, mainly at Tarakan, Balikpapan, Band-
8 jermasin and Pontianak. Conditions were extremely
9 bad; food was insufficient in quality and quantity;
10 medical supplies were insufficient; exhausting labor,
11 of course on military objects; exposure to Allied
12 attacks; ill-treatment and many severe beatings were
13 other features.

14 a. The prosecution refers to the report
15 of Dr. TAN ENG LHONG, already introduced, exhibit
16 1686-A, which gives a vivid description of conditions
17 at Tarakan POW camp.

18 With the Court's permission, I will read two
19 excerpts of this; that is, page 6, the last paragraph:

20 "All unnecessary clothes were confiscated.
21 Every prisoner of war was only allowed two pairs of
22 pants, no shirts and no coats. Heads had to be
23 shaved, preferably entirely bald. All sorts of books,
24 notes, etc., were taken away and burnt. Nobody was
25 allowed to possess money or other valuables. The

1 latter was fatal for us; until now we had always been
2 able to smuggle in something like: Katjang idjoe (sort
3 of native beans), cake, fruits, etc., in order to
4 appease our hunger or to make up for our vitamin
5 deficiency. No money meant no extra food. Working
6 with the upper part of the body naked, and bald
7 shaved head caused the number of sick to increase.
8 The high death rate during the months of May, June
9 and July 1944 was due to these measures which broke
10 us both physically and mentally."

11 THE PRESIDENT: I am receiving numerous
12 complaints from my colleagues against the speed at
13 which you are traveling, Colonel. They cannot follow
14 you and they want to do so.

15 Well, continue, Colonel.

16 LIEUT. COLONEL DAMSTE: And the second part,
17 I will read from the prosecution document 5952,
18 exhibit 1686-A.

19 THE PRESIDENT: Now pause for a minute or
20 two until we get that particular document.

21 What page?

22 LIEUT. COLONEL DAMSTE: Page 7, third
23 paragraph.

24 THE PRESIDENT: What is the exhibit number?

25 LIEUT. COLONEL DAMSTE: Exhibit No. 1686-A.

1 THE PRESIDENT: It is paged twice. One
2 number is 5 and the other is 7.

3 Where are you reading from? From the third
4 paragraph?

5 LIEUT. COLONEL DAMSTE: From the third
6 paragraph.

7 "It was probably the intention of the Japanese
8 to starve them--"

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1 THE PRESIDENT: Observe the red light,
2 Colonel.

3 LIEUT. COLONEL DAMSTE: (Reading) "It was
4 probably the intention of the Japanese to starve
5 them to death gradually, but I opposed this. The
6 quantity of food we received was so negligible
7 that one could not keep alive on that, namely 75
8 grammes of rice plus 2 - 3 spoonfuls of sajour,
9 (native vegetable soup) with ketimoen (Malay for
10 cucumber) in 24 hours. For about four months I
11 managed to keep them alive, except for one who died
12 from dysentery, thanks to the extra food which I
13 had sent to them clandestinely during the night. In
14 this I was supported by the kitchen and nursing
15 personnel."

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17 b. Regarding Balikpapan prisoner of war
18 camp, East Borneo, particulars are given in N.E.F.I.S.,
19 Netherlands Forces Intelligence Service report,
20 G.S. Int. 7 Div., Prosecution document 5267.

21 The prosecution enters this document 5267
22 in evidence.

23 THE PRESIDENT: Don't read until I tell
24 you to.

25 It is admitted on the usual terms. Wait
until all the judges get their copy.

1 CLERK OF THE COURT: Prosecution's docu-
2 ment No. 5267 will receive exhibit No. 1691.

3 ("Hereupon, the document above re-
4 ferred to was marked prosecution's exhibit
5 No. 1691 and received in evidence.)

6 THE PRESIDENT: State the page and the
7 paragraph.

8 LIFUT. COLONEL DANSTE: I will not read
9 this, sir.

10 THE PRESIDENT: Let us have a few minutes
11 in which to peruse it.

12 Yes, Colonel.

13 MR. BLEWETT: If the Court please.

14 THE PRESIDENT: Mr. Blewett.

15 MR. BLEWETT: If the Court please, may I
16 inquire of the prosecution as to the source of the
17 evidence for: "exhausting labor, of course on
18 military objects"?

19 THE PRESIDENT: Have you noted all those
20 cases in which there is an absence of evidence to
21 support the allegation in the synopsis?
22

23 MR. BLEWETT: I tried to read all these
24 documents, sir, and check up on these affidavits
25 as to whether or not this evidence was in the --
going to be put in the record. We had anticipated

1 this difficulty, sir, when we argued this question
2 of synopsis before your Honor.

3 THE PRESIDENT: Synopses and supporting
4 evidence were read to us for days without one
5 complaint from the defense. This morning we are
6 inundated with complaints from the defense. One,
7 at least, is well supported. I was going to sug-
8 gest that we get on to something else while this
9 is threshed out between the defense and the prose-
10 cution, but then everything will be out of order,
11 so we had better plow ahead and see where we get.

12 MR. BLEWETT: All right, sir.

13 THE PRESIDENT: Like Mr. Blewett, my
14 colleagues can find no support in the evidence for
15 the allegations in the synopsis under the heading
16 of "Camps," that is, for the allegations in the
17 first paragraph.

18 LIEUT. COLONEL DAMSTE: With the court's
19 permission I would like to read on page 4 of exhibit
20 1686-A. After the second dot line.

21 "The large majority however did coolie-
22 work --"

23 THE PRESIDENT: Give us a chance to find
24 it. Exhibit 1686?

25 LIEUT. COLONEL DAMSTE: Exhibit 1686-A.

1 THE PRESIDENT: What page?

2 LIEUT. COLONEL DAMSTE: Page 4.

3 THE PRESIDENT: Page 4.

4 LIEUT. COLONEL DAMSTE: On page 2, that
5 means a --

6 THE PRESIDENT: No use talking against
7 that red light. I have tried.

8 LIEUT. COLONEL DAMSTE: That is on page 2,
9 after the second dotted line.

10 "The large majority however did coolie-
11 work; in the beginning they were assigned to 101
12 (Japanese Oil Company); the work was heavy but
13 there was not much beating --"

14 THE INTERPRETER: Mr. Prosecutor, you have
15 two page numbers on the same page. One is written
16 with typewriter, the other by hand. Which number
17 are you referring to?

18 LIEUT. COLONEL DAMSTE: The number 2 in
19 the middle.

21 THE INTERPRETER: Thank you, sir.

22 LIEUT. COLONEL DAMSTE: ". . . the work
23 was heavy but there was not much beating nor were
24 the people driven. Suddenly there came an end to
25 this; from 1 September 1942 work was commenced on
the airfield. This meant hell for many prisoners

1 of war and I surmise that the prisoners of war
2 here on this devil's island of Tarakan had to do
3 the heaviest work in whole Borneo. Reports from
4 other places, such as Samarinda and Balikpapan,
5 made mention of lighter work and less rough and
6 bestial treatment."

7 THE PRESIDENT: Do you say it was military
8 work because it was work for an oil company and
9 on an airfield?

10 LIEUT. COLONEL DAMSTE: Yes.

11 THE PRESIDENT: Usually you need some
12 express statement that it was so -- that it was used
13 for war purposes. That has always been supplied
14 hitherto.

15 LIEUT. COLONEL DAMSTE: I assume so, sir.

16 Can I go on reading my synopsis?

17 THE PRESIDENT: Yes, go on.

18 LIEUT. COLONEL DAMSTE: Executions.

19 At the prisoner of war camp Bandjermasin, South-
20 East Borneo, in July 1942, three Dutch (Menadonese),
21 prisoners of war, escapees, were executed after re-
22 capture, without trial, as appears from the affidavit
23 of Sgt. P.H. Oudemans, , R.M.I.A.; prosecution
24 document 5269.

25 The prosecution enters this document 5269

1 for identification and the excerpts as an exhibit.

2 THE PRESIDENT: Admitted on the usual
3 terms.

4 CLERK OF THE COURT: Prosecution's docu-
5 ment 5269 will receive exhibit No. 1692 for identi-
6 fication only, and the excerpt therefrom, bearing
7 the same document number, will receive exhibit No.
8 1692-A.

9 ("Hereupon, prosecution's docu-
10 ment No. 5269 was marked prosecution's ex-
11 hibit No. 1692 for identification, the
12 excerpt therefrom being marked prosecution's
13 exhibit No. 1692-A and received in evidence.)

14 LIEUT. COLONEL DAMSTE: I refer to prose-
15 cution document 5267, already introduced as exhibit
16 1691.

17 At the prisoner of war camp, Balikpapan,
18 in March 1943 three Dutch and one Indian prisoner
19 of war were murdered for unknown reasons, without
20 trial; as appears from the already introduced --

21 THE PRESIDENT: My colleagues can't fol-
22 low you, Colonel.

23 MR. BROOKE: If the Tribunal please, I
24 would like to request the prosecutor if it would
25 be possible for him to give us this document number

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1 at the first rather than at the last, then we would
2 have a chance to pick up the document and maybe
3 follow some of the excerpts. As a rule, like this
4 case here, when the document is submitted he is
5 already through with it, then we have to go back
6 and we are lost. It would speed it up for us.

7 THE PRESIDENT: That is a reasonable
8 request, but the interpreters will have to be
9 given notice of the change.

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LIEUT. COLONEL DAMSTE: c.

THE PRESIDENT: You are reading from page 3 of exhibit 1691.

LIEUT. COLONEL DAMSTE: Only, when I read, I will announce it beforehand; and just follow in my synopsis on "c," and I will refer to prosecution document No. 5273.

I offer this document 5273 for identification and the excerpts as an exhibit.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 5273 will receive exhibit No. 1693 for identification only; and the excerpts therefrom, bearing the same document No., will receive exhibit No. 1693A.

(Whereupon, prosecution's document No. 5273 was marked prosecution's exhibit No. 1693 for identification; and the excerpts therefrom were marked prosecution's exhibit 1693A and received in evidence.)

LIEUT. COLONEL DAMSTE: Dr. Tan Eng Dhong, in his report already introduced, states that in March 1944 three Dutch POW were beheaded without trial: this is affirmed by the information of H. Loupatty, comprised in N.E.F.I.S. report F.I.U. 36/2.

1 The prosecution document I entered already
2 for identification and the excerpts as an exhibit.

3 THE PRESIDENT: Admitted on the usual terms.

4 LIEUT. COLONEL DAMSTE; The prosecution
5 offers in evidence for identification the affidavit
6 of Sergeant A.M.L. Mohr, Royal Netherlands Indies
7 Army, for identification, the excerpts as an exhibit.
8 Prosecution No. 5271.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLEK OF THE COURT: Prosecution's document
11 No. 5271 will receive exhibit 1694 for identification
12 only, and the excerpts therefrom will receive exhibit
13 No. 1694A.

14 (Whereupon, prosecution's document
15 No. 5271 was marked prosecution's exhibit
16 No. 1694 for identification; and the ex-
17 cerpts therefrom were marked prosecution's
18 exhibit No. 1694A and received in evidence.)

19 LIEUT. COLONEL DAMSTE: At Pontianak, West
20 Borneo, in June 1942, three Dutch P.O.W., escapees,
21 were beheaded after recapture, without trial, as
22 appears from the affidavit of Sgt. A.M.L. Mohr,
23 R.N.I.A.

24 THE PRESIDENT: Aren't you going to start
25 with the document?

1 LIEUT. COLONEL DAMSTE: That is general.
2 Civilians. Internees.

3 In this area also the Dutch civilians in
4 general, women and children included, not born in
5 the Netherlands East Indies, and the higher officials
6 regardless of their birthplace were interned.

7 The prosecution offers the affidavit of
8 Mrs. Hoedt, prosecution No. 5953, for identification
9 and the excerpts therefrom as an exhibit.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 5953 will receive exhibit No. 1695 for identifi-
13 cation only, and the excerpts therefrom will receive
14 exhibit No. 1695A.

15 (Whereupon, prosecution's docu-
16 ment No. 5953 was marked prosecution's
17 exhibit No. 1695 for identification; and
18 the excerpts therefrom were marked prose-
19 cution's exhibit No. 1695A and received
20 in evidence.)

21 LIEUT. COLONEL DAMSTE: I will not read
22 this but only give the synopsis.

23 At Bandjermasin, in October 1943, the
24 Governor of Dutch Borneo, Dr. Haga, and some ten
25 officials were executed as well as four women, after

1 a so-called trial. Among them was the Swiss mission-
2 ary Dr. C. M. Vischer, the official delegate of the
3 International Red Cross. Other civilian internees
4 were taken away and disappeared; as appears from the
5 affidavit of Mrs. Hoedt, who also mentions the con-
6 ditions of the internment.

7 (Whereupon, a discussion off the
8 record was had.)

9 MR. BLEWETT: If the Court please, I was
10 asking the prosecution to point out the evidence to
11 the death of Dr. Vischer. I can't see it in this
12 document.

13 LIEUT. COLONEL DAMSTE: Dr. Vischer was
14 murdered along with Dr. Haga and others.

15 THE PRESIDENT: We will recess for fifteen
16 minutes.

17 (Whereupon, at 1045, a recess was
18 taken until 1100, after which the proceed-
19 ings were resumed as follows:)
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1 CHAIRMAN OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Colonel Damste.

4 LIEUT. COLONEL DAMSTE: Mr. President,
5 Members of the Tribunal: Mr. Blewett's objection
6 is correct. I have to apologize to that. The fact
7 was that I took the fact from one of my documents
8 that afterwards I decided not to introduce for
9 presentation.

10 THE PRESIDENT: Well, what about the
11 execution of the Governor and Dr. Vischer?

12 LIEUT. COLONEL DAMSTE: That was the fact
13 I referred to, sir. Am I allowed to proceed?

14 THE PRESIDENT: Proceed, Colonel.

15 LIEUT. COLONEL DAMSTE: I will read first
16 the number of the document, and introduce the docu-
17 ment, and then give the synopsis of the document, so
18 the other way around as done in the synopses and
19 testimony distributed.

20 The prosecution offers document 5325 for
21 identification and the excerpts as an exhibit.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 5325 will receive exhibit No. 1696 for identi-
25 fication only; and the excerpts therefrom will receive

1 exhibit No. 1696-A.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 1696 for identification; and the excerpts
5 therefrom were marked prosecution's exhibit
6 No. 1696-A and received in evidence.)

7 LIEUT. COLONEL DAMSTE: At Pontianak, between
8 October 1943 and June 1944, murder occurred systemati-
9 cally on a huge scale. The Japanese Military Police
10 of the Navy, Toketai, pretended that a plot existed.
11 Confessions were extorted after torture. About 65
12 persons were tried in this way, and executed, but
13 this would-be legal procedure was an exception. In
14 toto 1000 persons were executed at Mandor; 240 at
15 Sunggei Durian; 100 at Katapang; some at Pontianak.
16 Among the victims were several of the native rulers of
17 West Borneo, first of all the Sultan of Pontianak, along
18 with two sons. Furthermore many well-to-do Chinese
19 and Indonesians, and some Dutch officials. This case
20 was directed on orders of Navy Headquarters at Sura-
21 baya. The interrogation-reports of the Japanese Lieu-
22 tenant S. YAMAMOTO give a description of the Toketai
23 activities in this matter. I prefer to read a part of
24 it. That is page 3 of prosecution's document 5325, the
25 second question:

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1 "Q' Who gave the order to execute all those 1340
2 people?

3 "A The 1100 people were executed by order of
4 DAIGU TADASHIGE at BALIKPAPAN; the 240 people by
5 order of KAMADA MITSUHIHAKI: both commanding the
6 naval base group at BALIKPAPAN. MITSUHIHAKI was the
7 successor of TADASHIGA. Of those 1100 people 46
8 have been before the Court Martial and were all
9 sentenced to death. Of the group of 240 people
10 17 have been court-martialled and sentenced to death.

11 "Q. Why was only such a small part of the
12 suspects court-martialled?

13 "A Indeed that was incorrect. But because the
14 suspects were dangerous to Japan, they had to be
15 punished.

16 "Q Who in PONTIANAK decided whether a suspect
17 was to be court-martialled?

18 "A TAKAGATSCHI of the Minseibu at BANDJERMASIN,
19 and others.

20 "Q Were the people arrested tortured during
21 their interrogation?

22 "A Yes, that has happened.

23 "Q Do you know what happened to the President
24 of the Chan Hwe Ng Jap Soen at PONTIANAK?

25 "A I ill-treated that man myself. I applied the

1 water-torture or him and also the electricity test
2 (torture)."

3 I will go at page four from the seventh
4 question onward:

5 "Q How is it that in both conspiracies
6 mentioned by you only such a few people were remitted
7 to Court-Martial and the others executed without
8 trial?

9 "A All ought to have been court-martialed, but
10 the trial of nearly 1000 people would have taken two
11 or three years perhaps, and moreover the enemy was
12 near.

13 "Q That last is strange; when were the conspir-
14 acies discovered?

15 "A October 1943.

16 "Q At that time there was no enemy in the
17 neighborhood; Hollandia in New Guinea was conquered
18 in April 1944 only and there was not even allied
19 air action in the Indies at the time!

20 "A That is true, but at that time there has been
21 a submarine in front of the mouth of the Kapoegas. How-
22 ever, there was no allied soldier then in the Indies.

23 "Q Then why was it necessary to be so hardhanded
24 with 1100 suspects instead of trying them properly?

25 "A The first hundred were executed by order of

1 TADASHIGE, as mentioned by me before; the others by
2 order of his successor.

3 "Q Were all those 1100 men arrested at the
4 same time?

5 "A That was done in parties, not all at one time.

6 "Q After the first arrests, did not the other
7 suspects become afraid?

8 "A Yes, but because their names were mentioned
9 by those arrested first, they also were arrested.

10 "Q Were any weapons found with the suspects?

11 "A Yes, 250, which originated from British and
12 Dutch armies.

13 "Q Has there ever been any revolt against the
14 Japanese at PONTIANAK?

15 "A No. The information concerning the conspira-
16 cy came from BANDJARI ASIN.

17 "Q Do you believe that by torturing suspects
18 they can be made to confess all sorts of things?

19 "A Yes, I can well imagine that."

20 And then on page seven, from the fourth question
21 and answer:

22 "Q Can you tell something about the Court
23 Martial which sentenced some of those arrested to
24 death?

25 "A I was present at a session of the Court

1 Martial. The Court was composed of: Colonel YAMAJI,
2 Captain TAKATA and KAVEI, registrar ARAKI, and another
3 Captain whose name I do not remember. There were 36
4 accused, who, in a session lasting from 8.30 a.m. to
5 12.30 p.m. were all sentenced to death. YAMAJI was
6 second man of the Minseibu at MANDJERIMASIN. The
7 three Captains were from Soerabaja, all of the Navy.
8 TAKATA read out the charge and the results of the
9 investigation, which were translated into Malay by
10 KATO. Then the accused was asked what they had to
11 say, whereupon they all confessed guilty. There was
12 no further interrogation of them or of witnesses.
13 I remember that one of the accused, I know that this
14 was PENAGIAN said something about his children.
15 Further rothing was discussed, whereupon the Court
16 Martial, after deliberating for half an hour, sen-
17 tenced the accused to death."

18 I will go on reading my synopsis.

19 The prosecution offers 5922 for identifica-
20 tion and the excerpts as an exhibit.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 5922 will receive exhibit No. 1697 for identifi-
24 cation only; and the excerpts therefrom will receive
25 exhibit 1697-A.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1697 for identification; and the excerpts
4 therefrom were marked prosecution's exhibit
5 No. 1697-A and received in evidence.)

6 LIEUT. COLONEL DAMSTE: An official Japanese
7 summary was published in the Japanese edited news-
8 paper "Borneo Shimbun", edition of 1 July 1944,
9 giving the names of the most prominent victims.
10 I will not read this document.

11 The prosecution offers document 5958 for
12 identification and the excerpts as an exhibit.

13 THE PRESIDENT: 5921, is it not?

14 CLERK OF THE COURT: 5921.

15 LIEUT. COLONEL DAMSTE: Oh, 5921, that is
16 correct. 5921, in evidence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 5921 will receive exhibit No. 1698.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1698 and received in evidence.)

23 LIEUT. COLONEL DAMSTE: In August 1944 the
24 Tokeitai continued its murdering by killing about
25 120 Chinese at Singkawang, West Borneo, of whom only

1 about 17 were tried, of course after the usual torture.
2 Greed was the main motive. This appears from the
3 irterrogation of the Japanese, S. HAYASHI: Pros-
4 ecution document 5921.

5 With the Court's permission I will read two
6 excerpts. That is page one, the first question and
7 answer:

8 "Q Will you now state what you know concerning
9 the so-called 'Second Plot?'

10 "A In August 1944, I discovered that at SINGKA-
11 WANG some Chinese were holding a meeting. I reported
12 this to OKAJIMA who gave me a list of 50 names of
13 people I had to arrest. After the arrest of these
14 50 people during the interrogation I asked them about
15 their friends of whom I drew up a list, or to be exact,
16 two lists, of about 80 people. This list was copied
17 in writing by TANIUCHI at my office in PONTIANAK.
18 By order of OKAJIMA these 80 people were arrested
19 afterwards. All these 130 people were from SINGKAWANG
20 and, in my opinion, they were arrested on account of
21 their wealth, not because they had committed any crime.
22 This plot had been partly planned by OKAJIMA, NAGATANI,
23 YAHAMOTO and me. Those who were guilty of this plot, in
24 my opinion, deserved imprisonment at the most, but they
25 should not have been beheaded."

1 I go over to the third question on the
2 same page.

3 "Q Did all these 130 people appear before the
4 Court Martial and were they executed?

5 "A Five men from SINGKAWANG and 12 from
6 PONTIANAK appeared before the Court Martial. Then
7 their papers were sent up to SOERABAJA where the
8 Court Martial sentenced them in absentia. About
9 ten of the 130 people were released, the rest were
10 executed, with or without a trial by Court Martial.

11 "Q Do you know who gave the order for the
12 execution?

13 "A The order was given by OKAJIMA who was
14 C. O. of the Keibitai Tokeitai at PONTIANAK at the
15 time. OKAJIMA received this order from the juridical
16 department of the Second Southern Squadron at
17 SOERABAJA.

18 "Q Were you present at the interrogation of
19 these 130 people in the capacity of interpreter or as
20 an interrogator? Who were the Tokeitai people who
21 interrogated these 130 persons? What did these people
22 state during their interrogation?

23 "A At the interrogations I acted as interpreter.
24 I arrested people by order of the Tokeitai - I did not
25 arrest people on my own authority - but if I found

1 someone whom I considered dangerous, I arrested him.
2 OKAJIMA, YAMAMOTO, FURUKAWA and myself; also ISHIHARA
3 who belonged to the ordinary Police. After the
4 electrical treatment and the 'water cure' had been
5 applied, they admitted to have planned a scheme for
6 the overthrow of the Japanese authorities. I admit
7 having participated in the application of the above
8 mentioned tortures. I remember to have applied them
9 on CHA KONG DJIN, BONG KIM AN and others, I do not
10 remember their names.

11 "Q During the interrogations of these 130
12 people, were reports drawn up and were they signed
13 by them?

14 "A Yes, all these reports were signed by them
15 and afterwards sent up to SOFRABAJA.

16 "Q Was the order for the execution given on
17 the strength of these reports? What do you think
18 of all this; these people were executed on the strength
19 of statements which had been made under pressure? Do
20 you think they deserved death?

21 "A Yes. A great many of these 130 men were
22 innocent and should not have been executed.

23 "Q Is their execution connected with the fact
24 that the plot had been partly planned by OKAJIMA,
25 NAGATANI and YAMAMOTO?

1 "A The confessions of the suspects had been
2 drawn up by the Tokeitai personnel and suspects
3 signed them. We anticipated that death sentence
4 would be given on the strength of these reports.
5 They were mostly wealthy and important people and
6 therefor it was better to kill them. Their money
7 and valuables were confiscated by the Tokeitai and
8 given to OKAJIMA. Where they have been sent to
9 afterwards, I do not know. I did not enrich myself
10 by them, however."

11 The prosecution offers document 5958 for
12 identification and the excerpts therefrom as an
13 exhibit.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 5958 will receive exhibit No. 1699 for identi-
17 fication only; and the excerpts therefrom will receive
18 exhibit No. 1699-A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1699 for identification; and the excerpts
22 therefrom were marked prosecution's exhibit
23 No. 1699-A and received in evidence.)

24 LIEUT. COLONEL DAMSTE: At Berau, North
25 East Borneo, in June 1945, about 30 persons, mostly

1 Indonesians and a French couple, Mr. and Mme THCREZ
2 were murdered, without trial. Affidavit by the
3 Japanese Lieutenant M. SHOJI; prosecution document
4 5958. I will not read this.

5 The prosecution enters document 5268 for
6 identification and the excerpts therefrom as an
7 exhibit.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 5268 will receive exhibit No. 1700 for identi-
11 fication only; and the excerpts therefrom will
12 receive exhibit No. 1700-A.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1700 for identification; and the excerpts
16 therefrom were marked prosecution's exhibit
17 No. 1700-A and received in evidence.)

18 LIEUT. COLONEL DAMSTE: At Kota Baru, South
19 East Borneo in June 1944 seven citizens were bayoneted
20 to death, without trial; as appears from N.E.F.I.S.
21 report No. 817 regarding the interrogation of SAIMAN:
22 Prosecution document 5268.

23 I will not read it. I will follow my synopsis.

24 At Longnawan not only prisoners of war were
25 murdered but also all civilians who lived there --

1 THE PRESIDENT: You are not giving us the
2 number of the document.

3 LIEUT. COLONEL DAMETE: I am not introducing
4 a document at the moment, sir. This comes under "e"
5 in my synopsis. It only refers to exhibit.

6 THE PRESIDENT: Well, we do not know what --
7 which document refers to which episode. However,
8 you go ahead.

9 LIEUT. COLONEL DAMSTE: At Longnawan not
10 only prisoners of war were murdered but also all
11 civilians who lived there, even babies; as appears
12 from the statements of OLDHAM and SHOJI, already
13 introduced, exhibits 1688-A and 1689.

14 The prosecution refers to the murder of the
15 white population of balikoapan, after the ultimatum
16 to refrain from destruction of the oil installations
17 had been rejected, as described in the affidavit of
18 VAN AMSTEL, exhibit 1341, introduced at an earlier
19 stage in this trial.

20 The prosecution offers document 5326 for
21 identification, and the excerpt therefrom as an exhibit.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 5326 will receive exhibit No. 1701 for identifica-
25 tion only; and the marked excerpts therefrom will

1 receive exhibit No. 1701-A.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 1701 for identification; and the
5 excerpts therefrom were marked prosecution's
6 exhibit No. 1701-A and received in evidence.)

7 LIEUT. COLONEL DAMSTE: At Pontianak women
8 were arrested and imprisoned without any suspicion
9 but only to force them to submit to sexual intercourse
10 with Japanese. Statement of S. HAYASHI; prosecution
11 document 5326.

12 The prosecution offers document 5330 as an
13 exhibit.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 5330 will receive exhibit No. 1702.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1702 and received in evidence.)

20 LIEUT. COLONEL DAMSTE: The terrible measures
21 regarding enforced prostitution are described in the
22 report of the investigator Captain J. F. HEYBROEK,
23 Royal Netherland Indies Army; prosecution document
24 5330. This completes the synopsis of the Japanese con-
25 ventional war crimes and crimes against humanity

READ-COLLINS

DIRECT

1 committed in Borneo.

2 And now I ask the Court's permission to
3 call to the stand Lieutenant Colonel Read-Collins.

4 N I C H O L A S D. J. R E A D - C O L L I N S, called
5 as a witness on behalf of the prosecution, being
6 first duly sworn testified as follows:

7 DIRECT EXAMINATION

8 BY LIEUT. COLONEL DAMSTE:

9 Q Colonel, your name is Nicholas D. J. Read-
10 Collins?

11 A That is correct, sir.

12 Q You are a Lieutenant Colonel with the British
13 Army?

14 A I am. That is correct.

15 Q You are Chief of the British Division of the
16 Legal Section of the Supreme Command of the Allied
17 Powers?

18 A That is correct.

19 THE MONITOR: Will the witness please observe
20 the light, please.

21 Q Where were you after the Japanese surrender?

22 A I was consecutively in Rangoon, Singapore,
23 Palembang and Batavia.

24 Q When did you arrive at Batavia?

25 A About the 18th of September, 1945.

READ-COLLINS

DIRECT

1 Q What was your especial duty at Batavia?

2 A I was responsible for the air supply of
3 prisoner of war and internment camps in Java and
4 Sumatra, and in Batavia itself I was responsible for
5 the feeding of sixty-five thousand prisoners of war
6 and women internees.

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READ-COLLINS

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Q Which internment camps did you visit?

A I remember visiting the women's camp at Tjideng, at Kramat and Struisweg, the convalescent homes which were called Mater Dolorosa and St. Vincentius, and the prisoner internment 10th Battalion Camp.

Q What was your first impression?

A My first impression of these camps was as of a man who has been translated to another plane and of talking to people who had died before. My feeling was that these people were subnormal and their reactions were not what one would have expected from mature people. I was shocked and revolted by the conditions which I saw, principally, I think, because I had expected conditions to be the same as those under which Japanese internees were incarcerated at Gwalior and at New Dehli in India. I had to some extent been impressed by the Japanese conception of moral and social behavior as indicated in the etherial Bushido and, therefore, the surprise was the more accentuated by the conditions which I saw in Batavia.

I found people suffering from acute malnutrition, hunger odema, malaria and the effects of accumulated attacks of dysentery. The conditions which we actually found were quite unknown when we planned for the occupation of Java and Sumetra and, as a result, on

READ-COLLINS

DIRECT

1 arrival at Batavia we had to recast our ideas with
2 regard to the requirements of the internees on the
3 island.

4 Q What was the behavior of the men?

5 A The men, on the whole, behaved only slightly
6 abnormally. Physically they showed the signs of pro-
7 longed starvation. They were suffering from beri beri
8 and from malaria and generally suffered from tropical
9 ulcers. They found it difficult to coordinate their
10 thought and their body movements in some cases -- were
11 extremely talkative -- but in general their condition
12 was not as bad as that of the women. This, I think,
13 was due to two causes: first, that military discipline
14 had been effectively exercised by the Allied camp
15 commanders and this had resulted in a higher state of
16 morale than in the women's camps. The second cause
17 was that each man had a responsibility only towards
18 himself whereas each mother had had responsibility
19 towards her children, the feeding of them and in many
20 cases the feeding of children whose parents had either
21 died or were in other camps. In the 10th Battalion
22 Camp conditions had improved slightly because of the
23 rapid evacuation of American and British nationals to
24 Singapore and the removal of severe cases to hospitals
25 in the Singapore area.

READ-COLLINS

DIRECT

1 Q And what was the behavior of the women?

2 A The behavior of most of the women was dis-
3 tinctly abnormal.

4 THE PRESIDENT: Were they European or native
5 somen, Colonel?

6 THE WITNESS: They were European women, sir.

7 THE PRESIDENT: And were the men Europeans?

8 THE WITNESS: The men were Europeans.

9 THE PRESIDENT: Soldiers and civilians --
10 were they soldiers or civilians or both?

11 THE WITNESS: They were both, sir.

12 The physical condition of the women was similar
13 to that of the men but their mental state was, in my
14 opinion, more acute. I formed the impression that their
15 entire existence was motivated by a single urgent and
16 violent hunger drive. In conversation I felt that
17 the women in general were not responsive and, perhaps,
18 unaware of the presentation of the normal stimuli with
19 which they were confronted in the camp at that time,
20 and they showed no clear response to any stimulus
21 which was not directly related to the satisfaction
22 of the pangs of hunger. The women in Tjideng and in
23 other camps were so conditioned to starvation that
24 when the first regular supplies were taken to those
25 camps it was difficult to persuade the women camp

READ-COLLINS

DIRECT

1 commanders to issue them. It was explained to me
2 that the camp leaders felt it was necessary to hoard
3 these supplies in case there should be any decrease
4 of rations in the future. I found that every leaf
5 and every flower, every insect, every spider, every
6 rat was critically examined by most women with regard
7 to its calorific potention.

8 The second abnormality I noticed was the
9 drive to possess and acquire small things. For ex-
10 ample, a piece of string, an old cigarette packet, a
11 piece of cellophane paper were possessions in a very
12 real sense. I was associated for several months with
13 the evacuation of women and children internees and
14 found that nearly always they carried about with them
15 a collection of useless material, old tins and pieces
16 of cloth, which for the period of their internment
17 they had had with them. I think this hunger drive and
18 the urge to possess had made a semi-permanent impres-
19 sion because in January, 1946, I traveled with a number
20 of men, women and children internees from Padang in
21 Sumatra to Batavia en route for Holland. They were
22 still carrying the tins they had made themselves for
23 water and various cooking articles which they had used
24 in the camps. On the ship after meals I watched
25 mothers brushing crumbs from the tables and taking

READ-COLLINS

DIRECT

1 them away with them. All these small pieces of food
2 were kept in tins and I was told by various women that
3 so ingrained was the habit in camps that they felt it
4 impossible not to collect up every portion of food
5 that was left behind.

6 BY LIEUT. COLONEL DANSTE:

7 Q Were they mentally unbalanced as to controlling
8 their emotions, for instance?

9 A In the early stages on the whole very little
10 emotion was manifest at all. I think perhaps this was
11 due to the fact that the women were sexually repressed
12 and their only interest in life was to satisfy hunger.

13 MR. BROOKS: If the Court please, I want to
14 object to the conclusions and opinions being given
15 by the witness in his answers. I think it is quite
16 proper to testify to the facts and leave the conclusions
17 and opinions to the Court, and will save a lot of time.

18 THE PRESIDENT: Have you made any study of
19 psychology, Colonel? It is called philosophy in some
20 universities.

21 THE WITNESS: A very superficial study, sir,
22 unguided by any professional institution.

23 THE PRESIDENT: We just want the facts as to
24 the condition of the women without any conclusion by
25 the witness as to the cause of their condition so far

READ-COLLINS

DIRECT

1 as it rests on such things as repression of sexual
2 feelings and that type of thing. He can tell us what
3 they told him as to the cause of their condition.

4 Q In what condition were the children?

5 A The children showed signs of starvation, of
6 malnutrition, and some appeared not to be greatly
7 affected. Others, however, had the appearance of
8 children who had grown up as plants grow up when kept
9 without light. The bodies of many were emaciated and
10 they had the pallor which one associates with repeated
11 attacks of malaria. I was told that the majority of
12 children had had dysentery and that the majority
13 suffered from an intense fear of the Japanese guards
14 to the camp. I think this was due not to any brutality
15 shown by the guards toward the children but due to the
16 beatings which the mothers had received. The children
17 were at first generally silent and were very slow to
18 laugh.

19 Q What was the worst camp you visited?

20 A The women's camp at Tjideng was the worst
21 which I saw.

22 Q Do you remember the number of inhabitants?

23 A Yes. There were approximately 10,200.

24 Q How were they confined? How large an area?

25 A They were confined in an area approximately

READ-COLLINS

DIRECT

1 three-quarters of a mile square. I was told that the
2 Japanese had arbitrarily taken a section of the poorer
3 residential district of Batavia and sealed it for an
4 internment camp.

5 THE PRESIDENT: We will recess now until half
6 past one.

7 (Whereupon, at 1200, a recess was
8 taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Colonel Damste.

DIRECT EXAMINATION

BY LIEUT. COLONEL DAMSTE (Continued):

Q Colonel, we were speaking about Tjideng Camp. How was the accommodation?

A When I went to Tjideng Camp, I saw a number of derelict and dilapidated houses of the type I have described before, namely, those which were formerly occupied by minor civil officials in Batavia. In many cases they were without doors and without windows because these had previously been removed, first, to make for room and, secondly, for use as firewood which the Japanese frequently refused to provide for cooking. The houses were without fans and adequate ventilation for the large numbers of women and children which were confined in each house.

Q I understand it was overcrowded, you said, to make more room. Was it overcrowded?

A The whole camp was excessively overcrowded and I was told that the original area which had been

READ-COLLINS

DIRECT

1 allotted by the Japanese had been reduced from time
2 to time and the area which I saw was considerably
3 smaller than the original which had been allotted.

4 Q Can you give us an example of the over-
5 crowding?

6 A Yes, in one house of which the floor space
7 was approximately 40 feet by 20 feet there were 84
8 persons living. It was quite a normal thing for 2
9 or 3 families of about 15 persons to be living in a
10 garage which would accommodate a 10 horsepower motorcar.

11 Q Had everybody sufficient bed place?

12 A In some houses there was sufficient accommo-
13 dation for people to lie on the floor and attain
14 a reasonable amount of rest, but in the example which
15 I have given of 84 people in one house, there was
16 so little accommodation that it was impossible for
17 them to sleep at night in a lying position.

18 Q How were the houses furnished?

19 A There was very little furniture indeed. This,
20 I think, was due to the fact that during the constant
21 removals no time -- warning had been given to the
22 women and they were unable to take any furniture
23 or any property whatsoever other than sufficient
24 implements with which to cook. I was told that most
25 of the furniture which had existed at one time had

NEAD-COLLINS

DIRECT

1 been broken up, first, to make more room for other
2 people, and, secondly, to provide fuel for cooking.

3 Q How were the amenities?

4 A There were no amenities whatsoever. There
5 was insufficient space for children to play. There
6 was no intellectual outlet for the women themselves,
7 neither was any form of education for the children
8 carried out.

9 Q Was there a playground for the children?

10 A There was no area in which children could
11 play.

12 Q And what about hygienic conditions?

13 A Because of the excessive overcrowding the
14 sanitation system of this area was hopelessly over-
15 loaded and had been so for a number of months. The
16 water supply was totally inadequate and I have been
17 told that during the period in which the camp was
18 controlled by the Japanese that very often there was
19 only sufficient water for cooking purposes. As a
20 result of the overloading of the sanitary system,
21 the septic tanks had overflowed and pieces were
22 lying in open monsoon gullies which surrounded the
23 bungalows. I saw children walking and sitting in
24 this stinking filth and was told that because of it
25 every child had at sometime been infected with a form

READ-COLLIN-

DIRECT

1 of dysentery. The stench was quite sickening and the
2 only comparative I can offer is that of a battlefield
3 3 or 4 days old. The camp was full of flies to such
4 a degree that in normal conversation it was necessary
5 in some parts to hold a handkerchief over one's mouth
6 to prevent the flies from flying in. There were
7 black clouds of flies over the areas in which the
8 food was prepared.

9 Q Was there no collection of refuse, of
10 rubbish?

11 A Before our arrival the Japanese commander
12 had given orders to Indonesians to clear the camp and
13 this had been done to some degree. The women, however,
14 had objected to Indonesians coming into the camp
15 because they were embarrassed in their filthy conditions
16 and did not want to be seen by people from outside.
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READ-COLLINS

DIRECT

1 Q How were the internees dressed?

2 A Each woman had one dress which I was told
3 had been kept partly as a souvenir of their former
4 life but rather as a token of hope for the future,
5 and some were wearing that one dress. Others,
6 however, were wearing the same clothes which they
7 had worn during camptime. This dress consisted of
8 a pair of shorts and brassiere and most women were
9 barefooted.

10 Q Did you see mosquito nets in the camps?

11 A I never saw mosquito nets in the camp and
12 judging from the requests which I received for their
13 provision I think that no nets existed. I made in-
14 quiries on this point from the Japanese and I was
15 told that there was no malaria in Batavia.

16 Q What were the main diseases in Batavia?

17 A The main diseases were malnutrition, edema
18 from beriberi, dysentery, and a various assortment
19 of nervous disorders. Practically every woman bore
20 the marks of tropical ulcers and some still had an
21 extreme wasting of various parts of the body, of the
22 arms and of the legs, and in one instance I saw a
23 woman whose leg had been eaten away to the bone by a
24 tropical ulcer.

25 Q And what about malaria?

READ-COLLINS

DIRECT

1 A Every woman had had malaria; every child
2 had had malaria; some told me ten times, fifteen
3 times, twenty times, during internment.

4 Q How was the food when you arrived? What
5 was the daily menu?

6 A The principal items were rice, a very
7 small amount of meat, a black bread which was very
8 sour made from a product known as Asiaflour. Asia
9 flour is made from tapioca root, I understand; and
10 I think a reasonable amount of green material which
11 I was told were obi leaves.

12 Q Had the food been increased since the
13 Japanese surrender?

14 A I was told that the ration had been approx-
15 imately doubled. The women were generally satisfied
16 when I was at Tjideng Camp with the ration. I in-
17 spected it and found it to be a black mess of pottage
18 which to me was completely unpalatable.

19 Q Had there been any shortage of food in
20 Batavia for the half year prior to your arrival?

21 A I made a general survey of the food stocks
22 in Java on arrival and as far as I can say, from that
23 survey, there was no shortage of food in Batavia in
24 the six months prior to our arrival and I saw no
25 signs of malnutrition amongst the local population.

READ-COLLINS

DIRECT

1 Q Had the Japanese stored food?

2 A Food was stored in considerable quantity
3 in Batavia and I inspected a number of the godowns
4 which supplied the troops of the Japanese 16th Army.

5 Q What kind of food and to what amount?

6 A The principal items were rice, tinned meat
7 and tinned fruit, white flour which could have been
8 used for bread-making. I cannot now recall the
9 exact amounts of each but I remember that it was
10 decided that these godowns held sufficient stocks
11 to feed all the internees in Batavia for six months.

12 Q Did the Japanese explain why they had
13 not issued this food although apparently an emergency
14 existed?

15 A As far as the Japanese were concerned no
16 emergency existed in connection with the condition
17 of the internees and the only emergency which was
18 foreseen was the invasion of Java and Sumatra by
19 the Allied Forces.

20 Q Were there many patients in the hospital?

21 A On my arrival at Tjideng there were, to
22 the best of my memory, about 1200, and this was
23 immediately increased to 2000 and every available
24 building in Batavia was converted into a convalescent
25 home. A number of the worst cases were evacuated by

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READ-COLLINS

DIRECT

1 air to Singapore but I think this evacuation was
2 complete in about three days.
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READ-COLLINS

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1 Q Were the hospitals adequately equipped?

2 A The hospitals were very much overcrowded, in a
3 number of instances patients had no beds, were lying
4 on the floors. There was no bedding, insufficient
5 dressings, insufficient surgical equipment and a gen-
6 eral lack of drugs and anesthetics.

7 Q Had medicines been supplied before the Jap-
8 anese surrender, according to doctors or internes?

9 A Yes, they had been provided, but, I was told
10 by the doctors, in quite inadequate quantity. I was
11 told that only major operations could be performed
12 with a general anesthetic. Minor operations such as
13 appendicitis were performed with a small amount of
14 local anesthetic.

15 Q Did the Japanese have stocks of medical sup-
16 plies?

17 A Yes. The Japanese controlled very considerable
18 stocks in the city of Batavia itself. There was in
19 Batavia a chemical manufacturer which was known as
20 the Rathkamp, and this had been working for the Jap-
21 anese during the occupation. Medical supply was
22 outside my responsibility, but it was my responsibility
23 to request from South East Asia the supplies which the
24 doctors required. As far as I remember apart from
25 vitamin extracts, anesthetics, treatment for malaria,

HEAD-COLLINS

DIRECT

1 there was considered sufficient stock in the Rathkamp
2 in Batavia to meet the needs of all the women internees
3 and the prisoners there.

4 Q Do you mean stocks for the time being, or for
5 a considerable time in advance?

6 A I do not remember for what period the stocks
7 in Batavia were adequate.

8 Q How did the Japanese look physically?

9 A They appeared to be perfectly fit and in good
10 health.

11 Q Did you visit any Japanese barracks?

12 A Yes. I made frequent visits to the Intend-
13 ance Department of the 16th Army, which was at Meester
14 Cornelius in Batavia.

15 Q Did you visit homes of the Japanese or Chi-
16 nese or Indonesian civilians in Batavia?

17 A Yes. In the course of my duties to procure
18 food I went into both Indonesian and Chinese homes;

19 Q How were they furnished? How were living
20 conditions?

21 A They appeared to be satisfactory. I am not
22 acquainted with living conditions in Java before the
23 war, but there was furniture, bedding. There appeared
24 to be no shortage of the furniture that normally is
25 in a European home.

HEAD-COLLINS

DIRECT

1 Q Did the internees tell you about special
2 incidents with the Japanese?

3 A I was told of a number of incidents of
4 Japanese brutality.

5 Q Which kinds?

6 A I saw a room in Tjideng Camp in which the
7 camp commander imprisoned women at various times for
8 periods of three to fourteen days in total darkness.
9 They were imprisoned in this room, which was unven-
10 tilated, as a punishment for having asked for extra
11 food. There were a number of women who had been
12 questioned by the Kempei at various times who had
13 been subjected to the same treatment: Beating, water
14 treatment, and there were a number of women in the
15 camp who had been beaten by the Japanese guards period-
16 ically. I saw women in the camp who as punishment
17 had been given manual tasks such as chopping or dig-
18 ging, and as a result their hands and legs and shoulders
19 had been very severely calloused by the tropical sun,
20 and the exposed parts of their body were similar in
21 appearance to the scales of dried fish.

22 Q How was the attitude of the internees towards
23 the Japanese?

24 WITNESS: Will you please put that question
25 again?

HEAD-COLLINS

DIRECT

1 (Whereupon, the question was read by the
2 official court reporter as above recorded.)

3 A I did not put this question to the women
4 whom I saw at Tjideng. I was told that the Japanese
5 Camp Commander had been removed as soon as the Japanese
6 surrendered for his own personal protection. I think
7 there was an underlying current of hatred against the
8 Japanese guards, but this was masked to a certain de-
9 gree by other problems such as food-finding. It was
10 not very clear to understand how the women themselves
11 felt towards the guards in the camp.

12 Q Was a special diet provided in the hospitals?

13 A No special diet was provided by the Japanese.
14 We did our best on arrival, however, to make up a
15 balanced diet which would satisfy the need of the in-
16 ternees at that time.

17 Q Did you notice blindness or bad eyesight among
18 the internees?

19 A The camp doctors reported to me that there
20 were cases of temporary blindness due, I was told, to a
21 vitaminosis.

22 LIEUT. COLONEL DAMSTE: That concludes the
23 direct examination, sir.
24
25

READ-COLLINS

CROSS

1 MR. FLEWETT: If the Court please.

2 THE PRESIDENT: Mr. Blewett.

3 CROSS-EXAMINATION

4 BY MR. FLEWETT:

5 Q What branch of the service are you a member,
6 Colonel?

7 A I belong to the Royal Regiment of Artillery.

8 Q Do you make a career of your army training
9 or how long have you been in?

10 A I am a regular officer and I have seen seven
11 and a half years service.

12 Q What was your profession or activity prior
13 to joining the army?

14 A I worked as a journalist.

15 Q Under what circumstances were you selected
16 for this job?

17 A You mean my position in Java?

18 Q Yes, sir.

19 Q At the time of the Japanese surrender I
20 belonged to an organization which was responsible for
21 communicating with prisoners of war and internees
22 and necessitated work behind Japanese lines. I was,
23 therefore, on the spot and was nominated to look after
24 their interests in Java.

25 THE PRESIDENT: Are you wearing a paratrooper's

READ-COLLINS

CROSS

1 bridge?

2 THE WITNESS: I am, sir.

3 Q What were your orders, colonel?

4 A For which particular operation, sir?

5 Q For the job in Batavia when you were sent
6 there on the 18th of September.

7 A My task was to survey the stocks of Japanese
8 food in Java, to use them as was necessary for the
9 prisoners of war and internees, and to obtain from
10 South East Asia Command such food and medical supplies
11 as was necessary and to have it sent in by air.

12 Q Were the internees still in the three camps
13 which you visited and the convalescent home and the 10th
14 Battalion Camp when you reached there? I should add,
15 sir, when you reached the various camps.

16 A They were, sir.

17 Q How much time did you spend in all in this
18 region?

19 A My first visit to Batavia lasted about two
20 months and I have returned on temporary duty several
21 times during the last year.

22 Q Can you give us any proportions to the
23 amount of food that was brought in from outside as
24 contrasted with the food that was obtained in Batavia?
25

A I can't remember the exact detail. I think

READ-COLLINS

CROSS

1 in the time in which I was at Batavia roughly ten
2 sorties by Dakota were coming into Java and Sumatra
3 per day. Each Dakota was carrying about 3,500 pounds.

4 Q Had you completed, sir?

5 A And the contents consisted principally of
6 drugs, of milk, and of surgical implements.

7 Q Would you say, Colonel, that the bulk of the
8 food and drugs and supplies came from outside?

9 A No, sir. I should not say so, except for
10 such as I have mentioned before, which was plasma,
11 atabrine, and anesthetics.

12 MR. BLWETT: That is all.

13 THE PRESIDENT: Mr. Levin.

14 CROSS-EXAMINATION (Continued)

15 BY MR. LEVIN:

16 Q Colonel, in the Tjideng Camp where you learned
17 women had been imprisoned in a dark room for asking for
18 extra food, had you contacted any of these women?

19 A Yes, sir. I spoke to two of them who had had
20 this experience.

21 Q Do you know how many had been treated in that
22 manner?

23 A No, sir.

24 THE PRESIDENT: Captain Brooks.
25

READ-COLLINS

CROSS

1 CROSS-EXAMINATION (Continued)

2 BY MR. BROOKS:

3 Q This example that you gave, Colonel, of the
4 eighty-four persons that were confined, how long was
5 this period of confinement where the conditions were
6 crowded like you set out in your example?

7 A I don't know the exact period. I think, as
8 far as I remember, that the excessive overcrowding
9 had been effective for about a year before the sur-
10 render.

11 Q By that you mean the excessive overcrowding
12 in the camp?

13 A Yes.

14 Q Now, in this example that you gave, were all
15 of these persons adults or were some of them children?

16 A Some were children.

17 Q Now, Colonel, you stated here that you belonged
18 to an organization that had worked behind the enemy
19 lines. What was the type of organization that you
20 referred to?

21 A This was a secret military organization which
22 was charged with contacting prisoners of war in the
23 camps during war time, to maintain contact with them
24 and to offer them means of escape.

25 Q How long had you been engaged in such work

READ-COLLINS

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1 behind the lines prior to the surrender?

2 A Approximately four months.

3 Q Did your duties also include any acts of
4 sabotage or organization of guerrilla forces?

5 THE PRESIDENT: It would be surprising if he
6 had the opportunity and he didn't take it. He need
7 not answer.

8 MR. BROOKS: That is all, your Honor.

9 MR. ELWETT: I think that is all the cross-
10 examination.

11 LIEUT. COLONEL DAMSTE: No redirect.

12 THE PRESIDENT: The witness is released on
13 the usual terms.

14 (Whereupon, the witness was
15 excused.)
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1 LIEUT. COLONEL DAMSTE: Mr. President,
2 I respectfully ask that Major Ringer be called to
3 the witness stand.

- - - -

4 M I C H A E L C. G. R I N G E R, called as a
5 witness on behalf of the prosecution, having
6 first been duly sworn, testified as follows:
7

DIRECT EXAMINATION

8
9 BY LIEUT. COLONEL DAMSTE:

10 Q Your name is Michael C.G. Ringer?

11 A That is my name.

12 Q You are a major in the British Indian
13 Army?

14 A Yes, emergency commissioned officer.

15 Q You are attached to the British Division
16 of the Legal Section of the Supreme Command for the
17 Allied Powers?

18 A Yes, I am.

19 Q What was your occupation prior to the
20 war?21 A I was a partner in the company of Holme,
22 Ringer and Company, in Kyushu, Japan.

23 Q So you had a leading position?

24 A Yes, I was also the honorary vice
25 consul for Greece, and when my father was away I

RINGER

DIRECT

1 acted as honorary consul for British, Netherlands,
2 Norway, Sweden and Portugal.

3 Q What were your principal duties?

4 A We were shipping, banking and insurance
5 agents.

6 Q Did you leave Japan before the war?

7 A Yes, I left Japan in September 1940.

8 Q And why?

9 A I was arrested in July 1940 for alleged-
10 ly spying, and after a trial I was sentenced to
11 fourteen months penal servitude. The sentence was
12 suspended for four years and I left Japan.

13 Q Where did you go to?

14 A I went to Belgaum, India.

15 Q And what was your occupation there?

16 A I was training as an officer cadet.

17 Q When were you commissioned?

18 A The first of March 1941.

19 Q And where were you posted?

20 A I was posted at headquarters, Third
21 Indian Army Corps, Kuala Lumpur, Malay. I was
22 intelligence officer.

23 Q Where were you at the time of the sur-
24 render of Singapore?

25 A I was en route to Java.

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Q Did you reach Java?

A No, I was captured by the Japanese Navy in the Bangka Straits.

Q So you were made a prisoner of war?

A Yes, I was made a prisoner of war.

Q In which camps were you confined until the Japanese surrender?

A Muntok, on Bangka Island, and Palembang city and environs.

Q When?

A From the 17th of February 1942 up until March 1942, and on Bangka Island, and from then on in Palembang.

RINGER

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1 Q In the same camp at Palembang?

2 A No. First, until April 1944, we were in the
3 city, after which we were taken out to a jungle camp
4 some eight miles outside the city.

5 Q Did you have any special occupation in the
6 camps?

7 A Yes. I was camp interpreter, working party
8 officer, and assistant adjutant.

9 Q What did you do after your release?

10 A I went home to England.

11 Q And when were you sent back to the Far East,
12 and for what duty?

13 A I volunteered to come back to the Far East
14 in May 1946, and joined the headquarters of War Crimes,
15 Allied Land Forces, Southeast Asia, in Singapore.

16 Q What was your special duty?

17 A I was staff captain investigating war crimes
18 in Sumatra.

19 Q When did you leave Singapore, and where did
20 you go to?

21 A I left Singapore in August 1946 for Medan,
22 Sumatra.

23 Q What was your duty at Medan?

24 A I was war crimes liaison officer to help
25 investigations of the Dutch team in Medan. I also

RINGER

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1 investigated and interrogated Japanese war criminals.

2 Q Only Japanese?

3 A I also interrogated many ex-prisoners of
4 war and internees.

5 Q Did you read reports on all prisoner of war
6 camps of Sumatra?

7 A Yes, I read all reports on prisoner of war
8 camps in Sumatra.

9 THE PRESIDENT: Just say yes. Don't repeat
10 the question, Major.

11 Q So you think you have a comprehensive
12 knowledge of conditions in such camps?

13 A Yes, both from my personal experience and
14 investigations.

15 Q What was the attitude of the Japanese head-
16 quarters at Medan regarding your investigation?

17 A In minor cases they were fairly helpful;
18 but in major crimes they were very obstinate.

19 Q Did they protect officers and put the blame
20 on guards?

21 A Yes.

22 THE PRESIDENT: Mr. Levin.

23 MR. LEVIN: Mr. President, I want to object
24 to that question, on the ground it is leading and
25 suggestive.

RINGER

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1 THE PRESIDENT: Yes, it could have been put
2 in a less objectionable way. However, we have the
3 answer now.

4 MR. LEVIN: May that answer be disregarded,
5 Mr. President?

6 THE PRESIDENT: We will only waste time
7 getting the same thing in another way. My colleagues
8 can take their own view of that. But it is objectionable
9 on an important matter to lead.

10 MR. LEVIN: I should like to say,
11 Mr. President--

12 THE PRESIDENT: To shorten the -- your
13 objection is allowed, Mr. Levin, so the Colonel can go
14 about it in another way.

15 We will recess for fifteen minutes.

16 (Whereupon, at 1445, a recess
17 was taken until 1500, after which the pro-
18 ceedings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Colonel Damste.

4 BY LIEUT. COLONEL DAMSTE (Continued):

5 Q When did you leave Sumatra, Major?

6 A November, this year.

7 Q How many Japanese had been tried up to
8 that time and with what results?

9 A Twenty-four --

10 THE PRESIDENT: Captain Brocks.

11 MR. BROOKS: If the Court please --

12 A (Continuing): -- of which nine were
13 sentenced to death --

14 MR. BROOKS: If the Court please, if the
15 witness will allow counsel to make an objection:
16 I think it is highly irrelevant and immaterial as
17 to the convictions of the Japanese down there in
18 that case to be brought in at this time. I think
19 the question is improper.

20 THE PRESIDENT: They have been admitted
21 before.

22 We admit it for what it is worth. The
23 objection is overruled.

24 A (Continuing): -- 13 to various terms of
25 imprisonment and 2 were acquitted.

RINGER

DIRECT

1 Q And how many Japanese were still in custody
2 awaiting trial on specific charges?

3 THE PRESIDENT: If that is objected to, we
4 will allow the objection.

5 MR. BROOKS: Same objection, your Honor.

6 Q Have you any idea how many prisoners of
7 war were concentrated in Sumatra and of what national-
8 ity they were?

9 A At the maximum time, in early 1944, some
10 two thousand British and six thousand, five hundred
11 Dutch.

12 Q About how many died up to the time of the
13 Japanese surrender?

14 A Approximately fourteen hundred.

15 Q Going back to your own experiences as a
16 prisoner of war, did the Japanese recognize you as
17 such?

18 MR. BROOKS: If the Court please, I object
19 to that. That evades the province of the Court, calls
20 for a conclusion of the witness on the legal signifi-
21 cance of that question.

22 THE PRESIDENT: It is not within that category
23 at all. The objection is disallowed. The witness may
24 answer.

25 A At first we were treated as just plain

RINGER

DIRECT

1 criminals until September, 1942 when we were forced
2 to sign a parole form.

3 Q Did you sign the parole?

4 A Yes, under duress. Six hundred and fifty
5 British prisoners of war were locked into one small
6 school. Even our hospital patients were thrown
7 out of the hospital and brought into the camp. Our
8 senior commanders were put into solitary confinement.
9 We were on minimum rations. After five days, dysentery
10 developed; and one man, Lieutenant Leggard died from
11 results of dysentery. We signed the parole form on
12 the eighth day.

13 Q How many prisoner of war camps existed in
14 Sumatra during the war?

15 A Up till October 1943 there were three camps,
16 at Palembang, Padang and Me'dan. After that date there
17 were two camps at Palembang and Pakanba'ru. These
18 main camps were split up into minor camps.

19 Q Were there many reshufflings of prisoners
20 of war?

21 A Yes. Most of the prisoners of war had to
22 work on aerodromes and railways. When these were
23 completed, they were moved to make new aerodromes and
24 continue the railway line further.

25 Q Did general conditions differ in different

RINGER

DIRECT

1 camps?

2 A All camps were very much alike in their
3 conditions. They were all bad.

4 Q What methods of transportation were used
5 in the moving of prisoners of war to Sumatra?

6 A Troop transports.

7 Q Do you know about conditions that existed
8 on board these ships?

9 A Yes. I met one ship that arrived in Palembang.
10 The commander, the Dutch commander of the
11 ship told me that they had been battened down in
12 holds, were terribly overcrowded. They had only
13 one meal a day and all the water they had was what
14 they could take in their canteens when they left
15 Batavia. The latrines were completely inadequate.
16 Several died of dysentery and claustrophobia. On
17 another occasion, in May, 1945, we sent a draft of
18 sixteen hundred prisoners of war from Palembang to
19 Singapore. These were put on board a collier of two
20 thousand tons. The collier was fully loaded with coal.
21 Prisoners of war were billeted on the hatches. There
22 was no cover, no shelter from the sun or the rain.
23 The journey took five days.

24 Q Were the ships marked in any way to indicate
25 that they were carrying prisoners of war?

RINGER

DIRECT

1 A A Dutch officer who was on a submarine that
2 torpedoed the Van Waerwyck in Malaka Straits personal-
3 ly told me that there were no prisoner of war signs
4 on board the ships.

5 Q Do you know of any cases in which such ships
6 were torpedoed?

7 A In June, 1946, -- in June, 1944, the Van
8 Waerwyck with seven hundred prisoners of war on
9 board was torpedoed in the Malaka Straits. Two
10 hundred and fifty prisoners of war were drowned.
11 I personally interrogated the Japanese commandant --
12 troop commandant of this ship. He admitted to me
13 that there was no sufficient life-saving equipment
14 for the prisoners of war. They were all battened
15 into one hatch. There was only one ladder they
16 could escape by. In September, 1944, the Junior
17 Maru was torpedoed between Bencoolen and Padang off
18 the west coast of Sumatra. This ship was carrying
19 two thousand, three hundred prisoners of war and
20 five thousand Javanese coolies. After the ship had
21 been torpedoed, the prisoners of war and coolies were
22 machine-gunned in the water. Others who tried to
23 board rafts had their hands chopped off and their
24 skulls smashed in.
25

THE PRESIDENT: This is hearsay, obviously.

RINGER

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1 We should know the source of it so as to be in a
2 position to give it its true value.

3 THE WITNESS: I have, your Honor, seen affi-
4 davits from people who were on board the ship.

5 THE PRESIDENT: This is an unusual type
6 of evidence, Colonel. Generally you get an affi-
7 davit from survivors or from somebody who was closer
8 to the matter than this person has been.

9 Q How were the prisoners of war transported
10 on land?

11 A By truck or in railway cattle wagons, and
12 generally by long marches.

13 Q What kind of accommodation was provided for
14 the prisoners of war in camps?

15 A In our camp in Palembang we were originally
16 quartered in schools. After April, 1944, we were in
17 the jungle in atap huts. These atap huts had no
18 flooring and only bamboo beds. The roofs were always
19 leaking and men had no room to sleep when it was
20 raining as they had to sit up. Due to the over-
21 crowding of these huts, they were full of vermin,
22 rats, lice, and bedbugs.

23 Q What was the nature of the camp surroundings?

24 A In Palembang City we were in the slum of the
25 city. In the jungle we were in the jungle camp with

RINGER

DIRECT

1 jungle all around. In Pakanbaru the camps were
2 built in jungle and swamp. Camp No. 1 in Pakan-
3 baru was continually flooded. In one case the
4 water was up to the prisoners of war's armpits.

5 Q How about sanitation?

6 A In our school camp in the city we had
7 six lavatory seats for over six hundred prisoners
8 of war. In the jungle camps the latrines were just
9 trenches covered with bamboo. The bamboo often
10 broke and people's legs and even their bodies falling
11 through. In one case in Pakanbaru a man was actually
12 drowned.

13 Q What about bathing facilities?

14 A Bathing facilities were from wells only,
15 and in the summer camp during the drought season
16 we just had to go without baths. We were allowed one
17 pint of water a day; and even before we could drink
18 this water, we had to let it settle so that the mud
19 would settle to the bottom.

20 Q Were disinfectants provided by the Japanese?

21 A In Pakanbaru camps, no. In our camp we
22 were in the oil center. We sometimes got some oil to
23 put in the latrines.

24 Q Was bedding provided?

25 A No bedding was provided whatsoever.

RINGER

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1 Q And mosquito nets?

2 A No mosquito nets were provided.

3 Q Were there many mosquitoes in the areas of
4 the camps?

5 A In the tropical area there it was mosquito
6 infested. The men tried to make mosquito nets out
7 of sacking which they had stolen.

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1 Q Was clothing provided?

2 A In the early stages, before we were recog-
3 nized as POW's, there were big stocks of clothing
4 at Palerbang City, and we were provided with one
5 suit and a pair of boots each. By June, 1945, as
6 we had not been supplied any further clothes, prison-
7 ers of war were working in just "TOJO-step-ins" with
8 no boots, no shirts or hats.

9 Q Was clothing provided after the surrender?

10 A After the surrender we were provided with
11 too many clothes, mosquito nets; and the Japanese
12 camp commander made a speech, saying: would we
13 please wear the clothing supplied as Great Britain
14 was an honorary nation, and the local natives should-
15 n't see members of such a great empire going around
16 with no clothes on.

17 Q You mentioned two shipwrecks. Were the
18 shipwrecked people who survived provided with clothes?

19 A No. They were not supplied with clothes.
20 Prisoners of war had to share what they had with
21 them.

22 Q Was medical attention provided?

23 A There was a Japanese doctor appointed to
24 the camp. But this doctor took no interest in the
25 camp except he walked around and our own doctors pro-

RINGER

DIRECT

1 vided all the medical attention.

2 Q Were there any hospitals?

3 A The hospitals were the same atap huts that
4 the fit men were billeted in. Sick men were lying
5 on broken bamboo beds. We asked the Japanese doctor
6 to supply boarding for the very sick. This was re-
7 fused, but his own office was boarded, and all the
8 guards' barracks were boarded. There were no bed
9 pans in the hospital, and dysentery patients had to
10 walk to the latrine from thirty yards away. I,
11 myself, had dysentery and had to walk some fifteen
12 and sixteen times a day with high fever in the rain.

13 Q Were medical instruments provided?

14 A In Pakan Bara Camps a certain amount of
15 medical equipment was supplied. In our own camps
16 we were supplied with nothing; and even our own
17 doctors who had full medical equipment with them, this
18 was confiscated. In one case we had a man with
19 strangulated hernia. We asked the Japanese -- we
20 had no instruments -- to take him to the Japanese
21 military hospital. We were informed by our Japanese
22 doctor that it was against the High Command's orders
23 for any prisoners of war to be allowed in any Japan-
24 ese military hospital. We performed this operation
25 in the camp, and the man died that evening.

RINGER

DIRECT

1 Q What were the most frequent diseases that
2 needed medical treatment?

3 A Malaria and dysentery. We had practically
4 no quinine and nothing to cure dysentery with. All
5 I had when I had dysentery was charcoal made from
6 our own fires.

7 Q Was no quinine provided?

8 A In our camp we were supplied with a small
9 quantity; completely inadequate. In the Pakan Baru
10 Camps none was supplied.

11 Q Did tropical ulcers occur?

12 A Tropical ulcers were -- came to nearly
13 everybody in camp at one time or another.

14 Q Were dressings provided?

15 A An inadequate amount of rags and paper were
16 provided as dressings. This was insufficient, and
17 we used to have to use bark off bamboo trees.

18 Q You mean bamboo trees?

19 A Banana trees, I am sorry.

20 Q Were the Japanese short of medical supplies?

21 A Will you repeat that question, please?

22 (Whereupon, the last question was
23 repeated by the official court reporter.)

24 A No. We had chemists working in Japanese
25 godowns sorting medicines and drugs. As soon as the

RINGER

DIRECT

1 surrender took place, we were supplied with emotine
2 and all necessary drugs. All our sick were moved to
3 the Japanese military hospital.

4 Q Were any Red Cross medicines supplied?

5 A In September, 1944 we received a very small
6 supply of Red Cross medicine. Our liaison officer
7 actually saw the Japanese doctor removing the drugs
8 from these supplies.

9 Q Did Japanese medical officers inspect your
10 camp?

11 A Our Japanese camp doctor inspected the camp
12 once a week. After he left in June, 1945, we only
13 saw the Japanese doctor once every three weeks.

14 Q About food: How many meals were given
15 daily?

16 A We were given a certain amount of rations
17 which we had to make do for the day. In our camp
18 we eked it out for three meals a day, but in other
19 camps there were only two meals a day.

20 Q Would you tell us the typical menu.

21 A In our camp, for breakfast we had very
22 watery rice; for lunch we had watery rice mixed up
23 with leaves of sweet potato; in the evening we had
24 dry rice with a taste of dried fish or dried meat.

25 Q Major, what was the official ration laid

RINGER

DIRECT

1 down by the Japanese authorities?

2 A Up to October, 1943 we had 700 grams for
3 heavy workers, 500 grams for light workers. From
4 that time up 'til May, heavy workers received 500,
5 light workers 300. From May until the surrender,
6 heavy workers received 400 grams, light workers 250,
7 sick in hospital 150.

8 Q Did meat and vegetables belong to the
9 official ration?

10 A The official ration of meat or fish was 50
11 grams a day, and vegetables 250 grams a day.

12 Q Was the food ration issued according to
13 this official scale?

14 A Yes. The rice was issued according to the
15 scale except the loss in bag was usually about ten
16 per cent. We were often supplied with rice sweepings
17 and lamed rice which all had to be gone through and
18 sorted and washed. Meat ration and fish: After
19 May, 1944 we never saw any fresh meat or fish what-
20 soever. We received about an average of ten grams
21 a day of either dried fish or dried meat. On one
22 occasion, for a week's ration, we were supplied with
23 dried tapioca roots. We complained, these were
24 uneatable, and the Japanese Quartermaster's answer
25 was, "If you can't eat it, send it to the pigs."

RINGER

DIRECT

1 Q How were the Japanese fed?

2 A The Japanese garrison troops had 600 grams
3 a day of rice and 150 grams a day of fresh meat or
4 fish. This was supplied to them right up to the end
5 of the war. Even the vegetables we grew in our own
6 garden, which was supposed to be for us, we got the
7 leaves, and the Japanese took the roots; that is,
8 sweet potatoes and tapioca.

9 Q Did your medical men consider the caloric
10 value sufficient?

11 A No. At the end, the value -- the calorific
12 value was about 650 to 700 calories.

13 Q And what did he say about the vitamin value?

14 A Food lacked vitamin of all sort, especially
15 vitamin B. We understood the Japanese did not like
16 red rice. We asked for red rice to supply us with
17 vitamin B. We were told we had to take what we got.

18 Q What was the effect of this diet on the
19 physical condition of the prisoners of war according
20 to the doctors?

21 A Severe malnutrition resulted. And, owing
22 to the lack of vitamin B, practically everybody in
23 the camp had beri-beri. Out of the camp total
24 strength at the end of May, 1945, 1,050, in June we
25 lost forty-two lives; in July, ninety-nine; and in

RINGER

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1 August, 135.

2 Q What were the other consequences of mal-
3 nutrition?

4 A Exhaustion, causing heart attack from hard
5 work, pellagraz, and loss of eyesight.

6 Q What was the average percentaze of sick
7 among the prisoners of war?

8 A In our camp, twenty-five per cent; in one
9 of our sub-camps it was up to sixty per cent at one
10 time.

11 Q Did your senior officers protest about
12 these conditions?

13 A Yes. We sent in letters to the Japanese
14 Camp Commandant.

15 Q With any results?

16 A No. There was no improvement in our con-
17 ditions at all. The interpreter advised us not to
18 write so many letters as it was just annoying the
19 camp staff.

20 Q Didn't they explain their attitude?

21 A Their attitude was -- one day after we had
22 buried five men, I complained to the Japanese
23 interpreter. He told me that the British shot their
24 sick animals, dogs and horses, and that's the atti-
25 tude of the Japanese command to the sick prisoners

RINGER

DIRECT

1 of war.

2 Q Were the prisoners put to work?

3 A Yes. All prisoners of war had to work.

4 Q Were officers and non-commissioned officers
5 compelled to work?

6 A We were compelled to work because, if we
7 didn't work, we were put on hospital rations. There
8 was no discrimination between the NCO's and the men.
9 They all had to do the same work.

10 Q What kind of work had to be done, Major?

11 A In our camp, first we built an airdrome.
12 We then built anti-aircraft and searchlight positions.
13 Later we worked on the docks unloading rice, lime and
14 ammunition. Also, some men were forced to work in
15 precision instrument factories in which they had to
16 repair range finders and airplane parts. The officers
17 supervised working parties and also worked in the
18 camp gardens.

19 THE PRESIDENT: We will adjourn until half-
20 past nine tomorrow morning.

21 (Whereupon, at 1600, an adjourn-
22 ment was taken until Tuesday, 24 December
23 1946 at 0930.)
24
25

Dec 20

20 DECEMBER 1946

I N D E X
Of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
Sticpewich, William Hector, Warrant Officer First, attached to 31st War Graves Unit	(resumed) 13371
Direct by Lieutenant Colonel Mornane	(cont'd) 13371
Cross by Mr. Logan	13387
" " Mr. SHIMANOCHI	13393
" " Mr. Levin	13402
(Witness excused)	13403
Sister Vivien Bullwinkel, A.A.N.S.	13454
Direct by Lieutenant Colonel Mornane	13454
(Witness excused)	13476

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5420	1666		Affidavit of former Lieutenant Roderick Graham Wells of the Australian Imperial Forces	13404	
5420	1666-A		Excerpt therefrom		13404

I N D E X

O F

E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5396	1667		Affidavit of Lieutenant Alexander Gordon Weynton of the Australian Imperial Forces	13410	
5396	1667-A		Excerpt therefrom		13410
5431	1668		Affidavit of former Private Keith Botterill of 2/19 Australian Infantry Battalion	13420	
5431	1668-A		Excerpt therefrom		13420
5424	1669		Statement made by ISHII, Fujio of the Suga Butai	13426	
5424	1669-A		Excerpt therefrom		13426
5423	1670		Statement made by three Chinese - Chen Kay, Chin Kin and Le Tong	13430	
5423	1670-A		Excerpt therefrom		13430
5421	1671		Statement made by Sergeant HOSOTANI, Naoji of the Kempei Tai	13433	
5421	1671-A		Excerpt therefrom		13433

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5422	1672		Statement made by Lieutenant W. MANABE, Genjo of Suga Butai and Takakua Tai	13438	
5422	1672-A		Excerpt therefrom		13439
5179	1673		Affidavit of Lieutenant Stephen Victor Burt Day of the British Army	13446	
5179	1673-A		Excerpt therefrom		13446
5177	1674		Affidavit of Lieutenant Colonel Edmond Macarthur Sheppard of 2/10 Field Ambulance, Australian Imperial Forces	13447	
5177	1674-A		Excerpt therefrom		13448
5451	1675		Record of Evidence given by Lieutenant Colonel Neville Howard Morgan, Commanding Officer of 2/12 Australian Field Ambulance	13449	
5451	1675-A		Excerpt therefrom		13449

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Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5294	1676		Affidavit of Lieutenant Colonel John Lincon Treløer of Australian Military Forces.	13452	
5294	1676-A		Excerpt therefrom		13452
5737	1677		Approximate calculation of the Head of the Nether- lands Indies Government Office for Displaced Persons		13478
5771	1678		Letter dated Tokyo, 8 September 1942 of the GAIMUSHO to the Swedish Minister in Tokyo		13480

1 Friday, 20 December, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with
14 the exception of: HONORABLE JUSTICE D. JARANILLA,
15 Member from the Republic of the Philippines, not
16 sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 The Accused:

20 All present, except OKAWA, Shumei, who is
21 'represented by his counsel.

22 - - -

23 (English to Japanese and Japanese
24 to English interpretation was made by the
25 Language Section, IMTFE.)

STICPEWICH

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Colonel Mornane.

4
5 WILLIAM HECTOR STICPEWICH,
6 a witness called by the prosecution, resumed
7 the stand and testified as follows:

8 DIRECT EXAMINATION

9 BY LIUT. COLONEL MORNANE (Continued):

10 Q Of the prisoners who left Sandakan on the 29th
11 of May, how many reached Ranau?

12 A 183.

13 Q What distance did your party average per day
14 on the march?

15 A Approximately six and a half miles per day,
16 average.

17 Q What was the nature of country over which
18 you traveled?

19 A The first 30 mile was through marshy country,
20 low land, many creek crossings and heavy going mud and
21 slush, shindy. Approximately the next 40 mile was in
22 higher country with very short, steep hills and many
23 river crossings. Approximately the next 20 mile was
24 over a mountain, and the last 26 mile was all mountainous.

25 Q How many meals per day did you have?

STICPEWICH

DIRECT

1 A One.

2 Q What camping facilities did you have at your
3 stopping places?

4 A None.

5 Q Now, were the parties allowed to retain for
6 their own use the rice that had been given them on the
7 first day?

8 A No. On the third or fourth day the Japanese
9 withdrew from each party thirty-two pounds of rice.

10 Q On the march did you pass through any other
11 parties?

12 A Yes. The parties alternated daily from front
13 to rear, staging right through.

14 Q Did you observe how the stragglers from parties
15 in front of you were treated?

16 A Yes. Stragglers who showed signs of fatigue
17 who started to drop behind were pushed along with the
18 barrel of a rifle, thumped in the back with the butt
19 of a rifle, and beaten up by the Japanese guards.

20 Q Would all the men move off after each over-
21 night halt?

22 A No. Those that was left behind in camp, those
23 that were too sick or ill to move, who were cramped
24 up or suffering from starvation and exposure, were just
25 left behind.

STICPEWICH

DIRECT

1 Q Did you ever see any of them again?

2 A No.

3 Q Did you ever hear any of the Japanese guards
4 say what had become of them?

5 A Yes. At frequent times, intervals, during
6 the march I heard Japanese guards referring to whom
7 they had killed that day.

8 Q What was the total length of the march?

9 A Approximately 165 miles.

10 THE PRESIDENT: Did he say what happened to
11 stragglers from the groups traveling ahead of his
12 group? There was at least one group ahead of him,
13 according to his evidence.

14 Q Apart from seeing the stragglers in groups
15 ahead of you beaten, did you see anything else happen
16 to them?

17 A Those that were stopped, stragglers that
18 were stopped, there was a guard would stay with them
19 and we would not see them again -- those that were
20 beaten up, knocked down, not fit to travel.

21 Q Well, now, coming to the camp at Ranau, was
22 any shelter provided for you there?

23 A No.

24 Q And were any parades held there?

25 A Yes. There was a line up of a morning and

STICPICH

DIRECT

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1 afternoon of those who could walk and get on their
2 feet, and those too sick to come on parade, they would
3 be checked wherever they laid.

4 Q What method was adopted by the guards to see
5 whether a prisoner of war was dead or alive?

6 A He would kick him or poke him with a stick.

7 Q Well, now, did you hear anything of the
8 numbers who had taken part in the first Ranau march?

9 A Yes. On our arrival at Ranau we were told
10 that our strength would be increased by six, five
11 Australians and one English.

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DIRECT

Q And did you see these six men?

1 A Yes.

2 Q And who were they:

3 A They were the survivors of the first march
4 to Ranau which left Sandakan late January and early
5 February '45. There were 470 that left originally,
6 and there was only these six alive when I reached
7 Ranau.

8 Q Did they tell you what had happened to the
9 others?

10 A Yes. They gave us an outline of their
11 march through which was similar -- which they reached
12 similar fates to which I did out in my party. And
13 when they reached Ranau they were subject to heavy
14 work carrying rice from Pugnipan to Ranau.

15 Q Were you told how many actually reached
16 Ranau on that march?

17 A Sergeant Stacey said there was about 240.

18 Q And were you told the cause of death of the
19 balance?

20 A Yes. There was -- their fate was related,
21 their general fate was related how they died.

22 THE PRESIDENT: Are you calling any of the
23 six?

24 LIEUT. COLONEL MOHNANE: I am putting in an
25

STICPEWICH

DIRECT

1 affidavit from one of the six, if it please the Tri-
2 bunal.

3 Q Now, as to work parties, what work parties
4 were there at Ranau?

5 A On the 28th of June the Japanese demanded
6 work parties from us. Those work parties consisted
7 of rice and vegetable carrying, wood cutting, water
8 carrying, and building.

9 Q What distance per day did the rice and vege-
10 table carrying parties have to cover?

11 A They covered up to 18 miles in one day.

12 Q What effect did this labor have on these men?

13 A They died very quick from the exertion.

14 Q Well, now, coming to the third of July of
15 1945, what happened on that date?

16 A The third of July I was, with 9 others, were
17 detailed for a carrying party to accompany the Japan-
18 ese on a hunting trip to kill cattle.

19 Q Did you have any conversation with the guard
20 in charge of that party?

21 A Yes. The guard said he was very sad, and
22 that he had been punished by Captain TAKAKURA. He
23 went into details about his punishment, and what for,
24 and I suggested--

25 Q Did he say anything about what was going to

STICPEWICH

DIRECT

1 happen to the balance? Did he say anything as to
2 what was going to happen to the prisoners?

3 A He said that all the prisoners were going
4 to die, all be killed off, and that after that the
5 guards, the Formosans, would have to take the place
6 of the prisoners.

7 Q On the return trip to camp did he have any
8 further conversation about it?

9 A He stated that TAKAKURA was no good, and
10 that he said we were all going to die; he was going
11 to die.

12 Q Was anything said about the prisoners of
13 war en route from Sandakan to Ranau?

14 A Repeat that question.

15 Q Was anything said about the prisoners of war
16 en route from Sandakan to Ranau?

17 A There was a general inference--

18 Q No, no. He didn't say anything. You can't
19 remember him saying anything about the fate of the
20 prisoners of war from Sandakan to Ranau, on the march?

21 A On the return trip back to camp he stated
22 that TAKAKURA had killed off the prisoners of war en
23 route from Sandakan to Ranau, and that he was no good,
24 and that he would die.

25 Q Did you have any conversation with him on

STICPEWICH

DIRECT

1 the following night?

2 On the following night I was down in the
3 galley where we prepared our meal, about 1700 hours,
4 and he came down and said goodbye. A few minutes
5 later there was four rifle shots in fairly rapid
6 succession; a short interval, the fifth shot. I
7 learned from Captain Cook, who had been called down
8 to the Japanese officers quarters, what had happened.
9 Captain Cook was present when this guard came up
10 and shot Captain TAKAKURA, Lieutenant SUZUKI, Ser-
11 geant FUJITA, and a batman; SUZUKI dead. And after
12 he had shot these four people he threw a hand grenade
13 in amongst them which did not explode, and in the
14 meantime he pushed the muzzle of his rifle in his
15 mouth and blew the top of his head off.
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1 Q Coming to the night of the 7th of July,
2 what happened then?

3 A The night of the 7th of July privates
4 Botterill, bombardier Moxham, private Short and
5 Anderson escaped. Their disappearance was not known
6 until next morning at check parade by the Japanese.
7 We were mass punished. We were not allowed to cook
8 the vegetables, the few pounds of vegetables that
9 we did have on hand for that night and our vegetable
10 supplies were cut off. The very small vegetable
11 supply was then denied of us.

12 Q Do you mean you didn't get any more vege-
13 tables?

14 A No.

15 Q Well, now, coming to the 20th of July how
16 many men were alive on that date?

17 A The 20th of July we moved into a hut. At
18 that time there was 76 PW's alive.

19 Q What had caused the death of the others?

20 A The main cause: starvation and physical
21 exertion and exposure.

22 Q Any deaths through violence?

23 A Yes. One death from violence. Staff
24 Sergeant Horder was kicked by two Japanese guards
25 and rendered unconscious. He died a few hours later.

STICPEWICH

DIRECT

1 Q Now, what death certificates were given in
2 regard to the deaths of the various prisoners who
3 died at Ranau?

4 A At Ranau I made the death certificates out
5 under the direction of the Japanese. The only cause
6 of death permissible by the Japanese was dysentery
7 and malaria irrespective of the medical officer's
8 opinion.

9 Q Coming to the 26th of July, what happened
10 then?

11 A On the 26th of July a medical orderly who
12 supervised the burial of the dead, checked them h
13 when they were being put into the grave, stated
14 that we were all going to die and that he had seen
15 the order.

16 Q Did he say whose order it was?

17 A He said it was an order from the High
18 Command and he had seen it in the HOMBU, which was
19 the Japanese officers' quarters, and he told me that
20 I wasn't to speak or let anybody know. Prior to
21 this he had inquired off the MOs and tried to pro-
22 cure a hypodermic syringe.

23 Q Then on the night of the 26th, were any
24 additional precautions taken?
25

A Yes, the guards were more than doubled.

STICPEWICH

DIRECT

1 Q Up to that time, with regard to the
2 people who had died, who buried them?

3 A The prisoners of war buried them, mainly
4 the building party, which I was one assistant.

5 Q How many men would it require to move the
6 body of one prisoner?

7 A It would be as much as four men could do--
8 struggle along with one light body.

9 Q How long would it take to dig a grave?

10 A It would take about six of us about two
11 and a half hours and about four hours to complete
12 the burial. This would only be a hole about two
13 feet, six deep.

14 Q And what was that due to?

15 A It was due to the fact that we weren't
16 allowed to dig it any deeper and our physical con-
17 dition.

18 Q At this time what was the general physical
19 condition of the prisoners still alive?

20 A The main lot was in such a low condition
21 that they couldn't walk. Those who could walk were
22 only about twelve and they -- of the rest there was
23 eight unconscious at the last day when I left.

24 Q Well, now, when did you leave the camp?

25 A I escaped from the camp with driver

STICPEWICH

DIRECT

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STICPEWICH

DIRECT

1 Reither on the night of 28 of July, 1945.

2 Q What caused you to escape on that
3 particular date?

4 A I was warned by a Japanese guard if I --
5 he knew that I was prepared to escape and if I
6 stayed any longer I would either be too sick to
7 do so or killed. I escaped the following night
8 after this warning.

9 Q How many were alive at the camp when you
10 escaped?

11 A Actually alive, 38. There was eight un-
12 conscious.

13 Q What happened on the second of August?

14 A On the second of August I was in an area
15 approximately five miles above Renau and in the
16 mountains at a campong.

17 Q On that date did you get any information
18 as to how many were still alive at the camp?

19 A A native did give us some information that
20 there was still a number alive when he left that
21 camp. He was there on the morning of the first of
22 August.

23 Q What happened on the 8th of August?

24 A Driver Reither died on the morning of the
25 8th of August.

STICPEWICH

DIRECT

1 Q What did he die of?

2 A Of dysentery.

3 Q When were you recovered by the Allies?

4 A I met up with our forces, which was a
5 reconnaissance force, on the morning of 10th of
6 August, 1945 at a place called Nairrang.

7 Q What was the total number of prisoners
8 that were in the camps at Sandakan altogether?

9 A The total number of prisoners of war
10 that came to Sandakan were 2736, as far as I can
11 remember.

12 Q How many of them were removed to other
13 camps before the first Ranau march started?

14 A Approximately 240 to Kuching and a hundred
15 to Labuan.

16 Q And of the remaining 2296, how many sur-
17 vivors are there?

18 A There was only six of us alive.

19 Q Since the Japanese surrender, have you
20 heard anything from the Japanese as to the fate of
21 those who remained at Sandakan when your party left
22 to go to Ranau?

23 A During our trip in December, 1945 I was
24 present when Sergeant Major MORIZUMI made a
25 statement. He stated after the prisoners of war

STICPEWICH

DIRECT

1 marched out on 29th of May there was 291 PWs
2 left under his charge. He made no provisions
3 for their shelter or comfort. They were still left
4 out in the open and on the 9th of June 75 PWs were
5 sent away out of that camp of that 291 with the
6 pretense of sending them to Ranau. He knew that
7 they would be disposed of en route. On the 13th
8 of July he in company with Lieutenant MOROTIKI
9 took 23 prisoners of war out to the airdrome and
10 killed them. On this date there was approximately
11 30 prisoners of war left in the camp area. He said
12 he didn't bother killing them. He said he knew
13 they would die in time. They were given no food
14 or water -- just left to die.

15 Q And what happened to the other 163? Out
16 of the 291 you have accounted for all except 163?

17 A He stated that the Javanese coolies had
18 buried approximately 150 prisoners of war in that
19 time. He stated that the rest had all died.

20 Q Since the war -- since the Japanese surrender
21 have you been over any portion of the route from
22 Sandakan to Ranau?

23 A In November, 1945, I was present with the
24 investigation team that investigated from Keningau
25 and into the Ranau area. I indicated the camp areas

STICPEVICH

DIRECT

1 and the graves of the PWs to this team.

2 Q How many bodies have been recovered?

3 A I have further been into the interior
4 this year working with the 31 War Grave Unit in
5 a recovery of bodies, and I have approximately
6 covered about one hundred miles of the Sandakan-
7 Ranau track.

8 Q And over that one hundred miles of track
9 how many bodies have been recovered?

10 A About 280 bodies.

11 Q Did you see these bodies or parts of them?

12 A Yes, I saw their remains and the greater
13 percentage of them, over eighty percent of the
14 remains, had their skulls bashed in, jaw bones
15 broken, and the facial part broken in. They had
16 been brutally murdered.

17 Q Have you heard anything about massacre
18 of prisoners at Ranau on the 10th of June, 1945?

19 A Yes, I was present at the investigation
20 when a statement was made by a sergeant and guards
21 who massacred eight prisoners of war on that morning--
22 that afternoon.

23 Q Of the 75 prisoners of war who were alleged
24 to have left Sandakan on the 9th of June, did any
25 ever reach Ranau while you were there?

STICPEWICH

DIRECT

1 A No, a guard by the name of ITCHIKOVA,
2 sole survivor of the prisoner of war guards, made
3 a statement at Jesselton to the effect that these
4 prisoners of war were all disposed of before they
5 got to the 30 Mile.

6 LIEUT. COLONEL MORFANE: If the Tribunal
7 pleases, that completes the evidence in chief of
8 this witness but I would like to draw the attention
9 of the defense to the fact that there are three
10 affidavits which we propose to produce relating o
11 to happenings at Sandakan and Ranau. These affidavits
12 are made by Wells, Weynton and Botterill and have
13 been served on the defense so it may give them an
14 opportunity of cross-examining this witness about
15 any of the matters that appear in these affidavits.
16 That completes the examination in chief.

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1 THE PRESIDENT: He can be stood down
2 for cross-examination later.

3 MR. LOGAN: We will examine him now,
4 if the Tribunal please.

CROSS-EXAMINATION

BY MR. LOGAN:

5
6
7 Q Do you recall this incident you testified
8 about Lieutenant HOSIGIMA requesting prisoners of
9 war to sign a certain document?

10 A Do you wish --

11 Q I say you recall that, don't you?

12 A Yes, I recall it.

13 Q And you stated there were three provisions
14 in that order as it was read to you: first, that
15 if any prisoners attempted to escape all would be
16 shot; and, second, it was a promise not to escape;
17 and, third, that you were to obey all orders of the
18 Japanese Army.

19 A That was the inference so far as I
20 remember.

21 Q And, in order to get you to sign this
22 document, they threatened to kill this lieutenant
23 or colonel, I believe; is that right?

24 Is that right?

25 A They threatened to kill him for disobeying

STICPEWICH

CROSS

1 an order; and we knew that if we carried it
2 any further the intention would probably be
3 carried out.

4 Q Now, you have also testified that the
5 wording of the document which all the prisoners
6 of war finally signed was slightly altered. How
7 did it come about that you were about to get the
8 Japanese to change the wording of that order?

9 A By a previous consultation with the
10 interpreter, and the portion that was cut out --
11 that was, I think, that we knew that we all would
12 be shot.

13 Q Then was the final document that you
14 signed merely a promise on your part not to
15 escape, is that all that was contained in it?

16 A Personally, it meant nothing to us.

17 Q I appreciate that, but I am trying to
18 find out what was in the order.

19 A I stated previously that the inference
20 was that, if we attempted to escape, that we knew
21 that we would all be killed. That was clause one.
22 Two was that we --

23 Q Promised not to escape?

24 A (continuing) -- promised not to escape;
25 and, three, that we would obey the Japanese orders.

STICPEWICH

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1 Q I understand that, but you also testified
2 that the wording of the document was slightly
3 altered. Now, I am trying to find out what was in
4 the final document as it was signed. Do you know?

5 A I cannot remember.

6 Q Now, this orderly you spoke to on July 26,
7 1945, could he read Japanese?

8 A Yes, he was a Formosan, educated in
9 Japanese school.

10 Q Did he tell you what signature he saw
11 on that document?

12 A No, he did not.

13 Q Was it the custom for any Japanese sol-
14 dier or officer of a lower rank to always refer to
15 an officer of a higher rank as the "Higher Command"?

16 A The "Higher Command" was generally
17 referred to by the Japanese as their headquarters
18 or their immediate headquarters above them.

19 Q This 8-mile camp at the agricultural
20 station at Sandakan, was that built before you
21 arrived there?

22 A Yes.

23 Q Who built it?

24 A I think there was 12 or 14 huts built
25 by the Public Works Department under British

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supervision.

1 Q Do you know for what it had been used
2 prior to the time you arrived there?

3 A We were told it was an internment for
4 about 100-odd Japanese internees.

5 Q This reservoir and the pumps that were
6 there, were they used for obtaining water for that
7 camp before you arrived.

8 A I don't know.

9 Q Was it built by the Japanese while you
10 were there?

11 A No. The installation was in prior to our
12 arrival.

13 Q So that the same type of water had been
14 used at that camp prior to your arrival as what
15 you used; is that right?

16 A Probably.

17 Q Do you know Colonel SUGA's first name?

18 A No, but I have seen him on many occasions.

19 Q You testified that on one of Colonel
20 SUGA's visits to your camp that, after he left,
21 the discipline tightened up. Do you know of your
22 own knowledge whether or not he issued any orders
23 with respect to discipline?

24 A It appeared evident, as every -- after
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22 the discipline tightened up. Do you know of your
23 own knowledge whether or not he issued any orders
24 with respect to discipline?
25

A It appeared evident, as every -- after

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CROSS

1 every visit the conditions got worse.

2 Q I am sorry. Perhaps you did not under-
3 stand me. I asked you if you knew of your own
4 knowledge if he issued any orders.

5 A I don't know of any orders issued.

6 Q During this entire period of time, did
7 any of the Japanese soldiers suffer from these
8 various diseases and die?

9 A Of the whole of the 200-odd Japanese
10 prisoners of war guards at Camp Sandakan and
11 spread from Sandakan to Kuching and different
12 areas guarding prisoners of war, there were only
13 about eleven deaths in the whole period.

14 Q Besides the deaths, did many of the
15 officers suffer from dysentery, malaria, and
16 so forth?

17 A A few had attacks of malaria and dysentery.
18 They had plenty of medical supplies.

19 Q You spoke about this guard on July 3,
20 1945, being a Formosan. Were all these guards
21 Formosans?

22 A Yes, they were mostly Formosans. The
23 NCO's were Japanese.

24 Q Would you say that these beatings that
25 were administered at various times were the

STICPEWICH

CROSS

1 individual caprice of the particular soldier in-
2 volved?

3 A At times, yes. It grew a habit on them
4 because it was their teaching.

5 MR. LEVIN: There will be no further
6 cross-examination of this witness.

7 THE PRESIDENT: We will recess for
8 fifteen minutes.

9 (Whereupon, at 1045, a recess
10 was taken until 1100, after which the
11 proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Yes, Counsel SHIMANOUCHI.

4 CROSS-EXAMINATION (Continued)

5 BY MR. SHIMANOUCHI:

6 Q In the first part of September 1942, Mr.
7 Witness, when you stated Lieutenant HOSIGIMA had called
8 together all prisoners of war and asked them to make
9 a promise not to escape, did not Colonel Walsh stand
10 up and tell the prisoners of war not to sign the form?

11 THE PRESIDENT: He said what Colonel Walsh
12 said and we don't want it again.

13 Q Do you know Lieutenant Alexander Wellington?

14 A No. I do not know a Lieutenant Alex
15 Wellington.

16 Q Do you know Lieutenant Colonel Edmund Shephard,
17 Medical Corps?

18 A Yes.

19 Q When the prisoners were asked for their
20 signature, what was the attitude of the prisoners of
21 war? What was the condition?

22 A They were surrounded by armed guards.

23 Q Did you not show some kind of an attitude
24 of pressing forward toward Japanese soldiers?

25 A No. They closed in on us.

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1 Q If I should say that Lieutenant Colonel
2 Shephard, Medical Corps, said somewhat to that effect,
3 will that recall your memory?

4 A No, I do not know what Lieutenant Colonel
5 Walsh has stated.

6 THE PRESIDENT: Shephard.

7 A Shephard.

8 Q Will this revive your recollection, if I tell
9 you that according to Lieutenant Wellington, the
10 prisoners of war signed a Japanese document promising
11 that they will obey all Japanese orders and that they
12 will accept any punishment in case of infringement
13 of the regulations?

14 A I don't remember a Lieutenant Wellington
15 being in the camp. If the gentleman refers to
16 Lieutenant Wells, there was a Lieutenant Wells.

17 THE PRESIDENT: Even if such a document was
18 signed, it could not possibly justify what the
19 Japanese are alleged to have done afterwards.

20 MR. SHIMANOCHI: I am asking these questions,
21 your Honor, because Japan has not ratified the Geneva
22 Convention relative to treatment of prisoners of war
23 and, therefore, was not applied by Japan as such, and
24 that all treatment of prisoners of war was based
25 upon promises made between the Japanese army authorities

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1 and the prisoners of war themselves; that is, within
2 certain limits.

3 THE PRESIDENT: No cross-examination is neces-
4 sary to enable you to argue that question.

5 I understand that Bottorill, Weynton, and
6 Wells made affidavits which have been handed to the
7 defense. The counselor now is referring to something
8 said or alleged to have been said by Colonel Shephard
9 and Lieutenant Wellington. I understand from my
10 colleagues that there are affidavits by those two
11 last-named persons. They should be read before any
12 cross-examination takes place. Before there is any
13 more cross-examination on affidavits known to the
14 defense those affidavits should be read to us.

15 MR. SHIMANOUCI: I was utilizing these
16 affidavits, sir, because the prosecution had said that
17 these affidavits had already been delivered to the
18 defense and this witness could be cross-examined on
19 the basis of these affidavits. That was my understanding.
20

21 THE PRESIDENT: If the prosecution are in a
22 position to read those affidavits, they should do so
23 before there is any further cross-examination on them.

24 LIEUT. COLONEL MORNANE: If the Tribunal
25 pleases, I would be quite willing to ask the Tribunal
to allow the witness to stand down and to read the

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1 relevant affidavits before the cross-examination is
2 continued.

3 THE PRESIDENT: Do you, Counsel SHIMANOUCI,
4 intend to cross-examine any further on the basis of
5 affidavits?

6 MR. SHIMANOUCI: At the present moment, I
7 do not particularly desire that these affidavits be
8 read in advance.

9 THE PRESIDENT: Are you going to cross-
10 examine any further on those affidavits?

11 MR. SHIMANOUCI: No, sir.

12 THE PRESIDENT: Well, all right.

13 Q At the Sandakan prisoner of war camp, did the
14 prisoners of war have a wireless set?

15 A Yes. There was three made.

16 Q With the permission of the Japanese army
17 authorities?

18 A No.

19 Q What were these sets used for?

20 A Just for receiving only.

21 Q After receiving messages, did you report the
22 messages to other prisoners of war?

23 A Yes, for the purpose of morale.
24
25

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1 Q During the march from Sandakan to Ranau,
2 at the end of May, 1945, were there any prisoners
3 of war who deserted or escaped during the march?

4 A I believe so. There was two prisoners of
5 war that evaded capture, are still alive. There
6 was others reputedly that attempted to escape. At
7 Monyad, where there was a stopping place where it
8 was intended that a great number of prisoners
9 attempted to escape, as stated by Lieutenant
10 WATANABE in his statement -- 54 attempted to escape
11 -- on going back to recover the remains of those
12 prisoners of war I found in a heap 47 bodies at
13 this area.

14 Q Can you, Mr. Witness, speak Japanese?

15 A I understand Japanese a little, by the per-
16 iod that I have been detained as a prisoner.

17 Q Can you understand their detailed conversa-
18 tion?

19 A I get a general outline of it. Most of
20 these Japanese also spoke Malay.

21 Q You testified, Mr. Witness, that on July 3,
22 1945, when you had a talk with the Japanese guard
23 TAKAKURA, Captain Takakura meted out punishment.
24 No. That guard told you that he had been punished
25 by Captain TAKAKURA?

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1 A That is correct.

2 Q How was this Japanese soldier punished?

3 A He was beaten with a sword when the sword
4 was still in the scabbard, and punished and
5 kicked.

6 Q Have you seen other Japanese soldiers being
7 punished by their superiors, by being kicked or
8 beaten.

9 A On a few occasions.

10 Q You testified, Mr. Witness, that you had a
11 conversation with a Japanese soldier who had super-
12 vised the burying of bodies on July 26, 1945. What
13 was his rank?

14 A Just a private.

15 Q And his name?

16 A I forget now, but he has made a statement at
17 Labuan and he has been tried and convicted by the
18 court at Labuan.

19 Q Were you on intimate terms with him, inti-
20 mate or friendly terms with him?

21 A I used him.

22 Q But were you on intimate relationship with
23 him?
24

25 A Not what you call intimate relationship. I
was out to get any information I could receive from

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1 any of the Japanese.

2 Q When he told you that he had seen an order
3 saying that all prisoners of war were to die, was
4 there somebody else present?

5 A Yes, there was other prisoners of war present.
6 This Japanese guard worked in the office, the hombu.

7 Q At that time did he tell you that you were
8 not to speak of this matter to anybody else?

9 A That is correct; that he would get into
10 trouble if it was known.

11 Q You testified, Mr. Witness, that in Novem-
12 ber 1945, as a member of the 31st investigation
13 team, you made an inspection of the area between
14 Ranau and Sandakan.

15 A I was not with the war graves team then.
16 There was a representative in the party of the war
17 graves investigation. I acted as a guide into the
18 area from Keningau and the Ranau area, and returned
19 to Jesselton in November 1945. This party was an
20 investigation team.

21 Q Was this path trod by prisoners of war also
22 used by -- was it a general traffic way for people
23 in general?

24 A Repeat that, please.

25 Q Was this path or this road over which the

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1 prisoners of war were made to march also a public
2 thoroughfare, where other people -- which other
3 people used?

4 A Yes, just a narrow track.

5 Q What was the condition of the 280 bodies
6 which you discovered?

7 A They were just skeletons, just bones, and
8 there was over 80% of the remains had the skulls
9 bashed in -- in fragments.

10 Q Were these bodies buried or were they lying
11 on the ground beside the road?

12 A They had been lying at the side of the
13 tracks up to 15 or 20 yards off the track. None
14 were buried.

15 Q Were there any indications or evidence that
16 these skulls had been bashed in by those other than
17 Japanese soldiers?

18 A No, the Japanese soldiers who have been ap-
19 prehended in the past have admitted and been con-
20 victed for murdering these prisoners. They admitted
21 the killing of these prisoners -- these prisoners
22 of war throughout the marches.

23 Q Was there any indication that some vehicle
24 had passed over these bodies, for instance?

25 A The terrain in the country don't permit it.

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There hasn't been a vehicle any further from Sandakan than the 17-mile peg, and from Jesselton to a point twenty-two miles away -- the nearest motor roads where any vehicle could travel. It is quite impossible, the jungle is so thick, for any vehicle to proceed.

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1 Q Lastly, Mr. Witness, when you discovered
2 these skulls, were these skulls lined up in a row?

3 A Definitely not; just as appeared to where
4 they had been murdered it was left.

5 MR. SHIMANOCHI: Thank you. That is all.

6 MR. LEVIN: Mr. President: I would like to
7 ask the witness a question or two, if I may.

8 THE PRESIDENT: Yes, Mr. Levin.

9 CROSS-EXAMINATION (Continued)

10 BY MR. LEVIN:

11 Q You testified that the Japanese guard
12 advised you to escape?

13 A He said that he knew that I was prepared
14 to escape, and if I did not escape immediately I
15 would be too sick to do so later, or I would be
16 killed.

17 Q During the time of your imprisonment, had
18 there been any other guards or officers that showed
19 you any kindness?

20 A Yes, the Quartermaster Sergeant and the
21 Interpreter. They both died under mysterious circum-
22 stances.

23 Q Were these the only men that treated you
24 in that manner?

25 A There was the guard that give me the tip

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1 to escape. He had always been good to us right
2 throughout.

3 Q During your imprisonment at the various
4 camps, had there been inspections by the higher
5 officials?

6 A Major SUGA at first was major, later became
7 Colrel SUGA, he was the only one that inspected
8 our camps.

9 Q And as I understand it, he is the highest
10 ranking Japanese officer that you came in contact
11 with?

12 A Yes. Yes, personally.

13 MR. LEVIN: That is all, Mr. President.
14 There will be no further cross-examination of this
15 witness.

16 THE PRESIDENT: Colonel Mornane.

17 LIEUT. COLONEL MORNAME: There will be no
18 re-examination, if the Tribunal please. I would
19 ask that the witness be excused from further attendance.

20 THE PRESIDENT: He is excused on the usual
21 terms.

22 (Whereupon, the witness was excused.)

23 LIEUT. COLONEL MORNAME: Prosecution document
24 No. 5420 is an affidavit by former Lieutenant Roderick
25 Graham Wells of Australian Imperial Forces. I tender

1 this document for identification and the marked
2 excerpts in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5420 will receive exhibit No. 1666 for identi-
6 fication only; and the excerpts therefrom will
7 receive exhibit No. 1666-A.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1666 for identification; and the excerpts
11 therefrom were marked prosecution's exhibit
12 No 1666-A and received in evidence.)

13 LIEUT. COLONEL MORNANE: He was at Sandakan,
14 the same camp as Warrant Officer Sticpewich, until
15 July, 1943. I will now read paragraphs 7, 9, 11,
16 12 and 13 of the exhibit.

17 Paragraph 7:

18 "The rations of the sick were reduced. The
19 prisoners of war working at the drome would then divide
20 their rations so the sick got an equal share, but
21 Captain HOSHIJIMI stopped this by compelling these
22 prisoners to cook and eat their midday and evening
23 meal at the drome. The Japanese did not provide
24 us with any medical supplies other than a small
25 quantity of quinine.

1 "The Japanese enforced discipline against
2 prisoners of war by corporal punishment of individuals
3 and mass punishment of the prisoners as a whole.
4 The corporal punishment consisted of beating with
5 sticks, kicking and face slapping. Almost every
6 guard on the aerodrome carried a wooden stick about
7 4 foot 6 inches long and one to one and a half inches
8 in diameter for that purpose. Beatings were a daily
9 occurrence. Private Darlington was so badly beaten
10 that his arms were broken; he was bleeding from
11 head, face, arms and legs, and he was unconscious.
12 He was then tied up and put in a cage 5 feet by 4
13 feet and 2½ feet from the ground. Sergeant-Major
14 Ascock was with me on a wood party when he was struck
15 across the ear with a stick and his eardrum broken.
16 Mass punishment consisted of an all round decrease
17 in the rations. I made complaints to Captain HOSHI-
18 JIKI about the use of the cage, the work required
19 from the men, the low rations they were receiving,
20 the lack of footwear and clothes and referred him
21 to the International Conventions. He said he was not
22 interested in the International Conventions.

23 "I was arrested on 24 July 1943 and then
24 taken to Sandakan Military Police Headquarters. Here
25 I was confined for three months, the first three weeks

1 in solitary confinement in a cell and the remainder
2 of the time with other prisoners in a room in which
3 were were continuously under observation and which
4 was lighted all night. All my footwear and clothing
5 were taken from me with the exception of a pair of
6 shorts. I was frequently interrogated. Corporal
7 punishment and torture were used by the Kempei Tai
8 during these interrogations to extract information.
9 I was flogged with a whip and beaten up with a
10 wooden sword on two or three occasions. I was also
11 racked on an improvised rack. I was handcuffed and
12 tied to a verandah rafter by a rope passing through
13 the handcuff chain, and around the rafter at such a
14 height that on kneeling I was suspended with my knees
15 about six inches above the ground. A beam of wood
16 about 4 inches square and 6 feet long was placed
17 behind my knees, and by means of two interrogating
18 officers, standing on either end of the rafter enabled
19 my body from the knees upwards to be stretched.
20 Another beam of wood similar to that above was laid
21 across my ankles and similar pressure applied. The
22 effect was to stretch my arms and legs and almost
23 break the ankle bones by making me kneel with the
24 fore part of my foot on the ground, with the rafter
25 across my ankle on each edge. It pulled all the flesh

1 away from the ankle. After two minutes of this
2 treatment I became unconscious. I was revived by
3 water being thrown over my head. The interrogation
4 was resumed to the accompaniment of a different type
5 of torture which consisted of my head being repeatedly
6 struck in the same place with a small hammer. I
7 was also beaten across the head with a rafter of
8 wood and as a result my middle ear was broken and
9 I have permanently lost my hearing in the one ear.

10 "On the 16th of August, 1943, I was made
11 to consume a quantity of raw rice. They then intro-
12 duced a hose into my throat and filled me up with
13 water. The result was that after about four hours
14 the rice, as it absorbed the water swelled, and
15 stretched the stomach muscles to an extraordinary
16 degree.

17 "The rice pulled a large portion of my bowel
18 out through the anus. I asked for medical attention.
19 This was refused. All prisoners when not being inter-
20 rogated were compelled to sit up with crossed legs
21 from 7.30 a.m. until 10.30 p.m.

22 "During this period of three months our
23 only food was 5 ounces of rice and a small piece of
24 rock salt or a dried fish head each per day.

25 "On 25th October 1943 Captain Matthews, who

1 had been arrested on 22nd July, 1943, a number of
2 other prisoners and I were shipped to Kuching. The
3 voyage lasted eight days. We were tied on deck
4 throughout the whole voyage and had no cover, being
5 exposed to the sun, rain and waves which washed on
6 to the deck. Our ration was the same as at Sandakan
7 Military Police Headquarters.

8 "I remained at Kuching for five months until
9 I was tried on 29th February 1944 by court-martial
10 consisting of Lieutenant General BABA. Captain
11 Matthews and a number of others were tried with
12 me. We were not given a defending officer nor told
13 what charge was laid against us. Captain Matthews
14 asked what the charge was but was not told; he also
15 asked for a defending officer but his request was
16 refused. We had previously been compelled to sign
17 or thumbprint statements in Japanese. These had not
18 been translated before we signed them and we did not
19 know what was in them. No evidence was given, we were
20 merely questioned on these statements and within half
21 an hour everyone with the exception of Matthews, my-
22 self and three other ranks was sentenced. We were
23 sentenced two days later. I was sentenced to 12 years'
24 penal servitude with hard labour. Matthews was
25 sentenced to death. A firing squad was waiting for

1 him as I left the court and about ten minutes later
2 I heard the sound of firing coming from the direction
3 of the Roman Catholic Cathedral about 100 yards away
4 from the Court. Eight natives were also executed
5 that morning but the Japanese said they were killed
6 with the sword. On 8th March I left Kuching for
7 Outram Road Gaol."

8 I have been requested by the defense to
9 read paragraph 10. I will now do so.

10 "Thirteen prisoners of war escaped and were
11 recaptured. These were tried and sentenced to terms
12 of imprisonment up to six years. Eight others were
13 charged with planning to escape and were sentenced
14 to imprisonment for up to four years."
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1 Prosecution document No. 5396 is an affi-
2 davit by Lieutenant Alexander Gordon Weynton of the
3 Australian Military Forces. I tender it for identi-
4 fication and the marked excerpts in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document
7 No. 5396 will receive exhibit No. 1667 for identifi-
8 cation only, and the excerpts therefrom will receive
9 exhibit No. 1667-A.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1667 for identification; and the excerpts
13 therefrom were marked prosecution's exhibit
14 No. 1667-A and received in evidence.)

15 LIEUT. COLONEL NORRANE: This affidavit
16 discloses that he also was at Sandakan until July 1934.
17 In the earlier paragraphs he deposes to the following
18 relevant facts:

19 "(1) that in September 1942 the troops were
20 compelled under threat of having their commanding
21 officer shot, to sign an agreement not to escape;

22 "(2) that prisoners were compelled to engage
23 in work having a direct connection with the war - the
24 construction of an aerodrome;

25 "(3) that prisoners other than those working

1 received a totally inadequate supply of food and that
2 the sick received half rations, 5½ ounces of rice
3 per day;

4 "(4) that prisoners were frequently beaten
5 some being knocked unconscious. One man, Constable,
6 was beaten for 16 hours, both his arms were broken
7 and he died four days later as a result of this
8 treatment.

9 I will now read paragraphs 7, 8, 9, 10
10 and 11 of the exhibit:

11 "In October, 1942, the Japs caused a wooden
12 cage to be constructed in front of the guard house.
13 It was erected --

14 THE PRESIDENT: Colonel, Colonel Mornane:
15 we would like you to read paragraph three. There
16 is some controversy about that episode.

17 LIEUT. COLONEL MORNANE: In the first week
18 in September, 1942, all prisoners able to walk were
19 lined up on the parade ground in front of Japanese
20 guard house. They were surrounded by Japanese soldiers
21 and machine guns were trained on them. Captain
22 HOSHIJIMA addressed the prisoners through an inter-
23 preter. He told us that we were to sign what he
24 called a 'non-escape' agreement. The document was read
25 out. As far as I can recall it read, ' I give my word

1 not to attempt to escape. I agree to carry out all
2 orders of the I. J. A. and to inform the I. J. A.
3 if I hear of anyone planning to escape and I agree
4 that any punishment inflicted upon a prisoner of
5 war shall be just and I agree that the I. J. A. will
6 be entitled to shoot anyone who attempts to escape.
7 Lieutenant Colonel Walsh said he wouldn't sign it
8 and told us not to sign it. He was seized by the
9 Japs, his arms were bound and he was slapped across
10 the face and beaten with swords and scabbards. A
11 squad of soldiers marched him to a position behind
12 the guard house. Captain HOSHIJIMA told us that if
13 we didn't sign the agreement Lieutenant Colonel Walsh
14 would be shot. Some of the troops shouted out
15 'We'll sign it. We don't want the Colonel to be
16 shot.' A consultation was held among the officers,
17 it was decided that the agreement could not be binding
18 and that we would sign it if the Colonel was released.
19 He was released and we signed it.

20 "Paragraph 7.

21 "In October, 1942, the Japs caused a wooden
22 cage to be constructed in front of the guard house.
23 It was erected on wooden stilts about 2 feet 6 inches
24 from the ground. It was 6 feet long by 3 feet 6 inches
25 high by 4 feet wide. It had a hardwood floor. Its

1 sides and ends consisted of 1 inch by 1 inch hardwood
2 slats each slat separated from its adjacent slat by
3 the space of an inch. The top was made of planking
4 covered by an attap roof. The door was a small
5 opening at the front of the cage about 2½ feet by
6 2 feet. It was used by the Japanese to confine
7 prisoners of war who were alleged to have broken
8 regulations. The Japs called this cage Esau.

9 "As a result of a conference between our in-
10 telligence officer Captain Matthews and other officers
11 in October, 1942, I secured materials from natives
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1 and from the camp and constructed a wireless set. From
2 November 1942 onwards I listened to BBC news on the
3 wireless and disseminated it through the camp. When
4 not in use the set was hidden. I was assisted in the
5 working of the set by Corporals Small, Mills and Richards.
6 Captain Matthews and Lieutenant Wells were engaged in
7 getting medical supplies into the camp surreptitiously.
8 On 2nd. May 1943 I had sent a letter to a camp contain-
9 ing 500 British prisoners of war stating that we were
10 going to send them some medical supplies. This was
11 intercepted by the Japanese. I was arrested by Japanese
12 guards on the evening of 3 May 1943. I was assaulted
13 by Captain Hoshijima and then made to stand at atten-
14 tion outside the guard house from 7:30 p.m. until
15 10 a.m. the next morning. I was then sentenced to 14
16 days imprisonment in the cage. At the same time five
17 others were sentenced to imprisonment in the cage on
18 other charges. We were all put in the cage. It was
19 not possible for all of us to lie down in this cage
20 together, therefore we had to take it in turns through-
21 out the 24 hours. We were given normal camp rations.
22 Throughout the period we were not allowed to wash or
23 shave or to leave the cage except for the purpose of
24 going to latrines. We had no bedclothes. It rained
25 very heavily whilst I was in the cage and for two of

1 the fourteen days I was in the cage I was wet through.
2 At the conclusion of my confinement I was sent to hos-
3 pital by the medical officer. I remained in hospital
4 until I was arrested by Camp Commandant on 29th July
5 1943 and confined in the cage until the morning of 12th
6 August 1943. I was then called before the Camp Com-
7 mandant. He said that I had a wireless set and that
8 I must tell him where it was. I denied all knowledge
9 of the radio set. He then told me in very good En-
10 glish that he would send me to some place where I would
11 be made to talk. I was then sent back to the cage
12 where I remained without food or water and not allowe!
13 to go to the latrines. On the 14th August I was bound
14 hand and foot and thrown into a lorry and taken to the
15 Kempei Tai Headquarters at Sandakan.

16 "At Kempei Tai Headquarters I was put into
17 a room and made to sit cross-legged at attention. There
18 were about 25 others in the room sitting in the same way,
19 Australian soldiers, English internees and natives.
20 We were compelled to sit in this position from 7 a.m.
21 until 9:30 p.m. and we were not allowed to speak to
22 each other. We were allowed to lie down and sleep in
23 this same room from 9:30 p.m. to 7 a.m. but the lights
24 were kept alight all the time. For five minutes every
25 morning and afternoon we were made to do physical jerks.

1 If these physical jerks were not carried out to the
2 satisfaction of the guards the person offending was
3 beaten or was forced to remain in one of the physical
4 jerk positions throughout five or ten minutes. We
5 were permitted to leave the room for the purpose of
6 going to the latrine. From 14th August 1943 until
7 26th October 1943 I received this treatment except on
8 those occasions when I was taken out for interrogation.

9 "I was first taken out for interrogation at
10 about 9 a.m. on 16th August 1943. I was taken into
11 another room where I was compelled to sit cross-
12 legged at attention on the floor. An interpreter and
13 six or seven members of the Kempei Tai were in this
14 room. I was asked what I knew of a radio set in the
15 camp and of the activities of Captain L. C. Matthews
16 and Lieutenant K. G. Wells. I denied all knowledge
17 of these matters. I was immediately beaten about the
18 head and shoulders with a riding whip. I was again
19 asked the same questions and again denied all knowledge.
20 The Kempei Tai then held me down, tore my shirt off and
21 burnt me underneath the arms with lighted cigarettes.
22 I was then sent back to the main room to sit at atten-
23 tion again. Three days later I was again taken out
24 for interrogation. I was asked the same questions
25 but still denied all knowledge of the radio set or the

1 activities of the other officers. I was again beaten
2 and burnt as previously. In addition they applied
3 jujitsu holds to me, throwing me around the room and
4 causing me great pain by twisting my arms, head, legs
5 and feet. I was again taken back to the main room.
6 On 28th August 1943 I was taken by the Kempei Tai to
7 another building for interrogation and was again
8 treated in the same manner as I had been at the pre-
9 vious interrogation. After this treatment they placed
10 before me statements which they had obtained from
11 natives. These showed that I had been outside the
12 camp composed at night securing radio parts. They also
13 showed me a diary which had been kept by an officer
14 at our camp. This contained information as to the
15 activities of myself and my two assistants Corporals
16 Mills and Small in connection with the radio set.
17 They then brought Mills and Small into the room. We
18 all then admitted that we had the radio set in the camp
19 but denied all knowledge of the activities of the other
20 officers. The Japanese continued to interrogate us
21 until 3 a.m. next day when we returned to the main room.
22 Later the same day Mills and Small were interrogated
23 separately. When their evidence differed in any detail
24 from the evidence that I had given the previous day,
25 we were all beaten up together and made to agree on

1 the point that the Japanese considered we differed.
2 This then went on until the interrogation was com-
3 pleted, a period of approximately four and a half days.
4 Having completed the interrogation with regard to the
5 radio set I was then subjected to further interrogation
6 with regard to my association with Matthews and Wells,
7 and because of the denials that I made, I was further
8 tortured with cigarette butts, tacks were put down my
9 finger nails and hammered so that they went into the
10 quick of the nail and I was tied by the wrists to a
11 beam and forced to kneel on the ground with my legs
12 out behind me. A beam was placed over my ankles and
13 two Kempei Tai officers see-sawed on that beam in such
14 a way that the arch caused by the natural bending of
15 the foot was subject to extreme pressure.

16 "After about two and a half minutes of that
17 torture I became unconscious and awoke after a bucket
18 of water had been thrown over me. I was unable to walk
19 for approximately four days after that treatment.
20 I saw Captain Matthews, Doctor Taylor, Lieutenant
21 Wells, Mr. Mavor subjected to the same type of treat-
22 ment, but in addition Lieutenant Wells was subjected
23 to the rice torture and although I did not see this
24 administered I saw Wells within three hours after it
25 had been administered. I was not further interrogated

1 at Sandakan."

2 Then the affidavit goes on to say that
3 Weynton was then taken to Kuching, tried, convicted
4 and sentenced to ten years imprisonment, but he was
5 never told what was the charge against him. His trial
6 was similar to that of Lieutenant Wells which was de-
7 scribed in the previous exhibit. He was then taken
8 to Outram Road Gaol to serve his sentence.

9 THE PRESIDENT: This is a convenient break,
10 Colonel Mornanc, and we will adjourn now until half
11 past one.

12 (Whereupon, at 1200, a recess
13 was taken.)
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AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess,
4 at 1330.

5 COUNSEL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Colonel Mornane.

8 LIEUT. COLONEL MORNANE: Prosecution Docu-
9 ment No. 5431 is an affidavit made by former Private
10 Keith Botterill of 2/19 Australian Infantry Battalion.
11 I tender this document for identification and the
12 marked excerpts in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 5431 will receive exhibit No. 1668 for identifica-
16 tion only, and the marked excerpts therefrom bearing
17 the same document number will receive exhibit No.
18 1668-A.

19 (Whereupon, prosecution's document
20 No. 5431 was marked prosecution's exhibit
21 No. 1668 for identification, the excerpts
22 therefrom being marked prosecution's exhibit
23 No. 1668-A and received in evidence.)

24 LIEUT. COLONEL MORNANE: The affidavit
25 discloses that Botterill was at Sandakan Camp from

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1 July, 1942, until February, 1945. I will now read
2 paragraphs 3, 4, 5, 7, 8, 9, 10, 11, 12 and 13 of
3 this exhibit.

4 "At the beginning of 1944 food ration was
5 reduced to five ounces of weevily rice and a small
6 quantity of tapioca daily. Tropical ulcers, beri-
7 beri and dysentery became prevalent, and from the end
8 of 1944 until I left Sandakan in February 1945, men
9 were dying at the rate of seven per day. A total of
10 400 had died when I left."

11 Paragraph 4:

12 "In February 1945 350 Australian and 120
13 English prisoners were sent from Sandakan to march to
14 Ranau. They left daily in parties of 40 or 50. I
15 was in the third party. We were accompanied by an
16 officer, three N.C.O.'s and 15 privates as a guard.
17 We had to carry their ammunition and food as well as
18 our own food and equipment. Men dropped out from the
19 march as they became too weak to carry on. They were
20 immediately shot. I saw four men shot by the Japanese
21 Sergeant Major when they fell out from the march. At
22 one time the only food that forty of us had between us
23 for three days was six crumbers.

24 "Then we were about a week out of Ranau we
25 crossed a large mountain, and while we were making

1 the crossing two Australians, Private Humphries and
2 a corporal whose name I cannot remember, fell out.
3 They were suffering from beriberi, malaria and dysen-
4 tery and became too sick to travel on. A Japanese
5 private shot the corporal and a Japanese sergeant shot
6 Humphries. Altogether we lost five men on that hill.

7 "As we were going along men would fall out as
8 they became too weak to carry on. We would go on and
9 then shortly after hear shots and men squealing out;
10 when this occurred there were always Japanese behind
11 us, and it was they who did the shooting. Although I
12 did not see the bodies of any men who had been shot
13 in the parties that had gone before us, often I could
14 smell them.

15 "Of the 50 who started out from Sandakan in my
16 party, 37 reached Ranau. The trip took us 17 days, as
17 we went straight through, marching every day. The
18 Japanese who came with us were in very good physical
19 condition and had more rations than we did on the march.
20 A couple had malaria, but they were left behind at the
21 outposts and came along later when they felt fit enough.
22 I saw these men coming through about six weeks later.

23 "After we had reached Ranau I was one of a
24 party of Australians sent back 26 miles towards San-
25 dakan to carry rice for the troops coming on and for

1 the Japanese. The journey would take us five days -
2 three days out and two days back. Three parties who
3 were making the journey to Ranau stayed at this place
4 and it was for them that we carried out the rice, and
5 also for the Japanese guards. Each of us had to carry
6 one 45 pound bag of rice on his back over hills and
7 swampy ground. As a result of the hard conditions,
8 several men died while thus carrying rice. We used
9 to help those who were too weak, and practically car-
10 ried many of them back to camp. While carrying rice
11 on one occasion, Private Shear was shot nine miles
12 from Ranau and Private Alberts and a corporal were
13 bayoneted by the Japanese 20 miles from Ranau. They
14 were too weak to carry on and fell out. I saw the
15 bayoneting myself; the men were on the ground at the
16 time. The corporal and myself used to go into the
17 gardens for tapioca which we would cook up and make
18 a decent meal of, so I was one of the fittest men in
19 the camp. On this occasion of the bayoneting and
20 shooting, Shear was on the ground calling out, "Don't
21 shoot me," and putting his hands up, but nevertheless
22 he was shot and left lying on the ground.

23 "In March 1945 two Australians, Crease and
24 Cleary, attempted to escape from Ranau but were re-
25 captured and tortured. They were screaming with pain.

1 They were tied up in the open in full view of the na-
2 tives for two weeks. Cleary had no clothes and had a
3 chain around his neck. He died within ten minutes of
4 being released.

5 "Bashings were an everyday occurrence at Ranau.
6 A Private Murray took some food from a food dump. He
7 was tied up outside the guard house and on the same
8 afternoon taken by a medical orderly and another guard
9 to the cemetery and bayoneted to death. Our food at
10 this stage consisted of 100 grams of rice, 100 grams
11 sweet potatoes and 100 grams tapioca daily. We were
12 given no medical supplies. Deaths were occurring from
13 starvation, dysentery, malaria and beriberi. In re-
14 cording deaths Japs only allowed us to show them as
15 being caused by malaria or dysentery.

16 "Of the 470 prisoners that had left Sandakan
17 in February 1945, six only were alive in June 1945, the
18 remainder had died or been killed. On the other hand,
19 the Japs were all in good condition except for a few
20 who had contracted malaria. The Japanese had plenty
21 of food and none were suffering from malnutrition.

22 "In June 1945 a further party of 140 arrived
23 at Ranau from Sandakan. Short was one of those in
24 this party. When they had left Sandakan there were
25 600 of them, but the remainder had perished on the

1 march. When I made my escape in July about 100 of
2 these men were still alive; they were then dying at
3 the rate of about seven a day, mainly from starvation.
4 They were given a small cup of rice water a day, with
5 about an inch of rice in the bottom. Plenty of rice
6 was available and the Japanese used to get 600 grams
7 a day themselves; they also used to get tapioca, meat,
8 eggs and sweet potatoes and showed no signs of malnu-
9 trition. The clothes of the men who died would be
10 taken from them and the Japanese would trade them with
11 the natives for food for themselves. Blankets were
12 also taken and traded with the natives.

13 "A Korean guard named Memora had told Private
14 Moxom who had made the march from Sandakan with me,
15 that we would all be shot by the Japs if the Austral-
16 ians landed. On 7 July 1945, Moxom, Short, Anderson
17 and I escaped. On the first night we were out we
18 broke into a Japanese dump and secured food. Anderson
19 died on 28th July 1945. We were in the jungle for
20 six weeks before we were rescued. My weight fell
21 from 132 pounds to 84 pounds whilst in captivity."

22 My next document is a statement by ISHII,
23 Fujio of the Suga Butai. It is prosecution document
24 No. 5424. I tender this document for identification
25 and the marked excerpts in evidence.

1 THE PRESIDENT: Admitted on the usual terms.
2 CLERK OF THE COURT: Prosecution's document
3 No. 5424 will receive exhibit No. 1669 for identifi-
4 cation only. The marked excerpts therefrom bearing
5 the same document number will receive exhibit No.
6 1669-A.

7 (Whereupon, prosecution's document
8 No. 5424 was marked prosecution's exhibit
9 No. 1669 for identification, the excerpts
10 therefrom being marked prosecution's exhibit
11 No. 1669-A and received in evidence.)

12 LIEUT. COLONEL MORNANE: I propose to read
13 the marked excerpts from the 1st to the 5th paragraphs.

14 "I left Labuan 9 February 1945 and with
15 Captain NAGAI, Second Lieutenant SUZUKI, and Sergeants
16 BEPPU and OKADA went to Ranau, arriving the 23rd of
17 the same month. There were prisoners of war left on
18 Labuan on our departure, and there were about 100
19 prisoners of war at Ranau when we arrived. There were
20 also prisoners of war at Pugnitan at that time.

21 "I remember the rice carrying parties that
22 used to bring rice from Ranau to Pugnitan, each journey
23 taking about 5 days. If a man became sick on the way
24 to Pugnitan he was left there to recover and sent back
25 with a later party. I do not know what happened to

1 the sick prisoners of war that were left behind at
2 Pugnitan when Warrant Officer Kinder brought in the
3 last of the prisoners of war from there.

4 "I remember HANEDA, Miyoshi, taking the ten
5 prisoners of war to the 110 Mile Camp. On 28 April
6 1945, Captain NAGAI, Sergeants BEPPU, OKADA, TAKAHARA,
7 Mizuo, and myself and half the men went to the 110 Mile
8 Camp to build a new camp. It was sometime in May when
9 HANEDA brought over the ten men from the old camp. When
10 NAGAI arrived at the 110 Mile Camp he received orders
11 from Army Headquarters to move to Tenon, and he left
12 about the middle of May. Second Lieutenant SUZUKI
13 was left behind in charge on his departure.

14 "On the same day that HANEDA took the ten
15 prisoners of war to the 110 Mile Camp, the eight pris-
16 oners of war that were left behind in the No. 1 Camp
17 were killed. I was present, and this is what hap-
18 pened. Second Lieutenant SUZUKI and Sergeant IWABE
19 ordered us (ISHII, Fujio; KAWAKAMI, Kiyoshi; TAKATA;
20 YANAI, Kenji; SUZUKI, Sabur; SUZUKI, Taiichi) to take
21 the prisoners of war to the hospital. This proved to
22 be a lie for the prisoners of war were actually car-
23 ried out and shot outside the building. We had car-
24 ried two prisoners of war out of the building on the
25

1 way to the hospital and had gone about 100 yards from
2 the hut when Second Lieutenant SUZUKI said to let
3 those two men walk and go back with the stretchers
4 and get two more. We only had two stretchers so had
5 to bring them up two at a time. As we went back for
6 the other prisoners of war I heard shots and thought
7 that the prisoners must have attempted to escape. I
8 found out later that they had been killed in cold blood.
9 The only ones present with the first two prisoners of
10 war when they were killed were Second Lieutenant
11 SUZUKI, Sergeant IWABE and SUZUKI, Taiichi. Second
12 Lieutenant SUZUKI had a pistol, the remainder had
13 rifles. When the second two had been brought up there
14 was present in addition to the officer and NCO, KAWA-
15 KAMI, TAKATA, ISHII, YANAI, SUZUKI, Saburo, and
16 SUZUKI, Taiichi. We were then ordered to fire on the
17 two prisoners of war. Everyone fired at least one
18 shot and most of us two. I personally did, as my
19 first shot entered below the breastbone and did not
20 kill the man. At the time the prisoners of war were
21 killed they were lying on the ground too sick to move
22 and so did not have their hands tied behind their
23 backs. They had no chance to escape and did not make
24 any effort to do so. The same procedure was followed
25 as the rest of them were brought up, and all the bodies

1 were buried in the one hole. IWABE was wearing a sword
2 but did not to my knowledge draw it at any time. I
3 did not have a rifle at the time, but when SUZUKI,
4 Taiichi had fired he gave me his to use. Every man
5 that I have detailed above fired at the prisoners of
6 war. Apart from this instance I have never at any time
7 received orders to kill prisoners of war, nor have I
8 done so.

9 "The day that the rest of the prisoners of war
10 were killed in the 110 Mile Camp I was out of camp look-
11 ing for Sergeant Major Sticpewich. Present in the
12 party were Sergeant IWABE, ISHII, Fujio, SUGITA,
13 Shofichi, and SAITO, Hideo (deceased). Sergeant
14 IWABE was with us the whole time and did not return to
15 camp. He could not have been present at the killings.
16 When I returned to camp about 2 August all the pris-
17 oners of war were dead. It is impossible that natives
18 could have seen prisoners of war about the middle of
19 August as they were all dead by this time. Our orders
20 were to shoot Sergeant Major Sticpewich on sight. Al-
21 though I have heard nothing, I should say that from
22 my knowledge of the Japanese the probability is that
23 the balance of the prisoners of war were shot at San-
24 dakan the same as they were elsewhere."
25

1 Prosecution document No. 5423 is a statement
2 made by three Chinese, Chen Kay, Chin Kin and Lo Tong.
3 I tender it for identification and the marked excerpts
4 in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5423 will receive exhibit No. 1670 for identifica-
8 tion only; the marked excerpts therefrom, the same
9 document number, will receive exhibit No. 1670A.

10 (Whereupon, prosecution document No.
11 5423 was marked prosecution's exhibit No. 1670
12 for identification, the excerpts therefrom being
13 marked prosecution's exhibit No. 1670A and re-
14 ceived in evidence.)

15 LIFUT. COLONEL MORNANE: I will now read this
16 exhibit from the words "We all live" to the words "We
17 then buried him immediately:"

18 "We all live in the region of 15-1/2 mile post,
19 Sandakan. About the end of May or it may have been
20 early in June, 1945, a large number of Australian and
21 other Allied servicemen were being marched along the
22 Labuk Road from the prisoner of war camp Sandakan.
23 The soldiers arrived at about the 15-1/2 mile post at
24 approximately 11 o'clock in the morning. They stopped
25 there and cooked a meal. At about 2 o'clock in the

1 afternoon, while some of the soldiers were still eat-
2 ing others still cooking, four airplanes came over.
3 They were allied planes. As the airplanes swooped over
4 the men scattered off the road in different directions
5 thinking the airplanes might strafe them. The airplanes
6 passed over without shooting and the men then continued
7 to cook and eat their meals -- others were resting.
8 As many were very sick all the party continued to rest
9 until about 5:30 p.m. when the Japanese guards ordered
10 the men to march. All the men got up with the exception
11 of seven who were too ill to walk and had been using
12 sticks. Two Japanese guards and one Malay soldier
13 remained behind with the seven Allied servicemen. The
14 guards then started to urge the seven men along, kick-
15 ing them and hitting them with the sticks which the
16 Allied servicemen had carried. Although the men were
17 very weak the Japanese guards managed to urge the
18 soldiers about 30 yards along the road. The two Jap-
19 anese guards then took the rifle from the Malay soldier
20 and urging the men off the road then commenced to shoot
21 the Allied servicemen in the back. The men were then
22 in the rear of Chin Kin's house. Four of the men were
23 killed instantly and two were wounded. One man escaped
24 for the time being and hid himself a little further
25 along the road. After the shooting, which took place

1 about 6 p.m. the two Japanese guards and the Malay
2 soldier continued their march without examining the
3 soldiers, possibly believing them all to have been
4 killed. The soldier who managed to hide himself and
5 who we believe was an Australian was found by a Kempeitai
6 soldier the next day at about 2 p.m. This Kempeitai
7 soldier went into his house next door and brought his
8 rifle and then shot the two men who were still alive
9 through the herd. The shooting of the two men took
10 place as the three of us were digging a grave for the
11 four men who had been shot the previous evening and we
12 all saw the shooting take place.

13 "The Kempeitai soldier then left the spot
14 where we buried the six soldiers and started looking
15 around. We then heard a shot fired. We were too afraid
16 to go and look in the direction from where the shot came
17 and continued to dig in the garden.

18 "After we had completed the burial of the six
19 soldiers we then went to look for the other soldier
20 in the direction where the last shot had been heard.
21 We found the soldier who had been shot through the
22 stomach and was lying dead. We then buried him immedi-
23 ately."

24 Prosecution document No. 5421 is a statement
25 by Sergeant HOSOTANI, Naaji of the Kempeitai. I tender

1 the document for identification and the marked excerpts
2 in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5421 will receive exhibit No. 1671 for identifica-
6 tion only, the marked excerpts therefrom, the same
7 number, exhibit No. 1671A.

8 (Whereupon, prosecution's document No.
9 5421 was marked Prosecution's exhibit No. 1671
10 for identification, the excerpts therefrom being
11 marked prosecution's exhibit No. 1671A and re-
12 ceived in evidence.)

13 LIEUT. COLONEL MORNANE: The first part of
14 his statement deals with the killings referred to in
15 the immediately preceding exhibit, but, as the remainder
16 of the document refers to other killings, I will read
17 all of it.

18 "Sergeant HOSOTANI Naoji -- Kempei Tai.

19 "Attached statement was read to the accused
20 being translated by the Interpreter T/4 M. Takanishi,
21 United States Army.

22 "STATEMENT - I am Sergeant HOSOTANI Naoji of
23 the Japanese Imperial Army. I admit to having shot
24 two soldiers at the rear of the house of Chin Kin at
25 the 15-1/2 mile post or thereabouts. The men were

1 wearing Australian hats but their clothes were torn
2 and I could not recognise them either as English or
3 Australian soldiers.

4 "The Allied soldiers were being marched to
5 Api (Jesselton). They were being marched in groups
6 of thirty. I do not know how many there were alto-
7 gether. The men who I shot had apparently been in the
8 rear party who were sick. I think that was because
9 they were in the rear party.

10 "Corporal KATAYAMA of Okimura Unit was in
11 Charge of the last group which was composed of sick
12 prisoners. At the time of the march I was living at
13 15-1/2 mile post because I was sick with malaria. I
14 think the march took place about the middle of June.
15 As Corporal KATAYAMA came past the 15-1/2 mile post
16 I spoke to him. Corporal KATAYAMA said to me that if
17 there were any stragglers I was to shoot them. I was
18 sleeping at the time the Japanese soldiers came by with
19 the Allied soldiers. I heard shots but did not get
20 up because I was sick from malaria. Chen Ten Choi and
21 another man came to my house the next day and reported
22 that some Allied soldiers had been shot. I came out of
23 the house and saw Corporal KATAYAMA who told me that
24 if there were any Allied soldiers remaining behind that
25 I was to kill them as he was going on. I then made an

1 investigation and found seven war prisoners dead. They
2 had apparently been killed by KATAYAMA's men. I ordered
3 the natives to bury the bodies of the prisoners which
4 they did. After I went back to my hut, on the way I
5 saw two prisoners. They were sitting down because they
6 had beri beri. I then went into the house and borrowed
7 Yaten's gun. Yaten is a Malay police boy who was
8 living with me. I then went and shot the two soldiers
9 in the head. I only shot the prisoners because Corporal
10 KATAYAMA told me to. I was too sick to bury the bodies
11 so I asked Chen Key to bury the bodies.

12 "I did not know about another prisoner being
13 shot until NAKAO, civilian employec interpreter of the
14 Kempei Tai unit, told me shortly afterwards that he
15 had shot a prisoner at 17 mile post. The shooting by
16 NAKAO took place the same day as I shot the two prisoners.

17 "Question by Squadron Leader Birchall - HOSOTANI,
18 are you sure that you saw seven prisoners who were shot
19 at the rear of Chin Kin's house.

20 "Answer by HOSOTANI - Yes, there were seven.

21 "Question by Squadron Leader Birchall - HOSOTANI,
22 have you ever seen any Japanese guards shooting other
23 prisoners.

24 "Answer by HOSOTANI - I did not shoot any other
25 prisoners but I was told that on one occasion when

1 Allied soldiers were being taken in a truck they were
2 pushed off the truck at 15 mile post and shot as they
3 lay on the ground. The guards who shot them were from
4 Okumura Unit. They shot them because they could not
5 walk to Ranau and therefore they eliminated them.

6 "Question by Squadron Leader Birchall -
7 HOSOTANI, Who was the soldier who told you of the
8 shooting.

9 "Answer by HOSOTANI - I cannot recall the
10 soldier who told me as I only came to Sandakan in
11 March 1945, and I was new to the area. I only heard
12 the conversation in a general way. I think the soldiers
13 who were discussing it were from Otsuki unit.

14 "Question by Squadron Leader Birchall -
15 HOSOTANI, apart from Allied prisoners have you ever
16 shot any Chinese or Malays in this area.

17 "Answer by HOSOTANI - Yes, I have. I killed
18 five Chinese only; they included I Sui Chong and Tan
19 Pak an. I do not know the names of the other three
20 because Sergeant Major KONO and Sergeant Major TAKAZAWA
21 had investigated the cases of the three whose names
22 I do not know. Captain NAKATA, OC Sandakan Kempei Tai,
23 ordered me to shoot the five Chinese because he said
24 they had been collaborating with Terenes Guerrilla Group
25 who were operating between the islands around Sandakan

1 Harbour. They had given the Guerillas money to buy
2 food and supplies and Chinese were getting informa-
3 tion from them concerning Japanese dispositions. I
4 shot I Sui Chong and Ten Pak An on 27th May 1945.
5 The other three that were investigated by KONO and
6 TAKAZAWA were handed over to me and I shot them about
7 the middle of June 1945. I shot the first two Chinese
8 near the 1-1/2 mile post in the rubber plantation."
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1 THE PRESIDENT: Mr. Levin.

2 MR. LEVIN: Mr. President, I would like to
3 suggest possibly there is some error in exhibit No.
4 1670, the previous exhibit. On the second line
5 reference is made to the occurrence early in June,
6 1945, and the verification is made on the 24th of
7 October 1944. Possibly the prosecution would want
8 to correct that.

9 LIEUT. COLONEL MORNANE: The original docu-
10 ment is a certified -- the document put in is a
11 certified copy of the original and 24th of October
12 1944 appears there, and, I think, it is a mistake
13 that has been carried through either from the original
14 or was a mistake in the original.

15 THE PRESIDENT: The discrepancy is noted.

16 LIEUT. COLONEL MORNANE: Prosecution document
17 No. 5422 is a statement by Lieutenant WATANABE, Genjo
18 of Suga Butai and Takakua Tai. I tender it for
19 identification and the marked excerpts in evidence.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 5422 will receive exhibit No. 1672 for identification
23 The marked excerpts will receive exhibit No. 1672-4.

24 (Whereupon, the document above
25 referred to was marked prosecution's exhibit

1 No. 1672 for identification only; the excerpt
2 therefrom being marked prosecution's exhibit
3 No. 1672-A and received in evidence.)

4 LIEUT. COLONEL MORNANE: This statement deals
5 with the May, 1945 march from Sandakan to Ranau and
6 the killing of the survivors. I shall read the whole
7 of this statement.

8 "I, Lt. WATANABE, Genjo, of Suga Butai and
9 Takakua Tai landed at Kuching about 8 September 1942
10 and stayed there until May 1944. I then went to
11 Sandakan arriving on 2 June 1944. I was Adj. to Col.
12 SUGA and later performed Adj. duties at the PW Camp.
13 Documents for movement from one camp to another passed
14 through my hands.

15 "On arriving at Sandakan I carried out the
16 same duties as at Kuching under Capt. HOSHIJIMA.
17 HOSHIJIMA was Comdr. until May when TAKAKUA took over.
18 When I arrived NAGAI was there but he left 10 days
19 later with the PW (100) for Labuan. I heard that later
20 some of these PW went to Brunei under S/M SUGINO.

21 "On May 29 1945 I moved to Ranau with PW on
22 orders from Army HQ. We were informed that an
23 Australian landing at Sandakan was imminent and other
24 reasons for movement being the severity of air-raids
25 at Sandakan. Capt. TAKAKUA was i/c and I was second

1 i/c for the movement. Lt. SUZUKI from Okayama Butai
2 was also present and in addition were S/Maj. T-UJI,
3 S/Maj. ICHIKAWA (QM), S/Maj. FUJITA (MED.), OZAWA
4 (Civilian Interpreter), the last named for 4 days
5 only.

6 "I remember S/Maj. Sticewich. There were
7 536 Prisoners of War in the party on leaving camp.
8 There were 91 English and 439 Australian Prisoners of
9 War. At 2100 hrs. on 1st day of March 4 PW returned
10 to Sandakan by truck from 11 mile. WO Sticewich
11 assumed charge of No. 2 group. There were then 6
12 short. Total 530.

13 "On leaving Sandakan I had no nominal roll
14 of PW for movement. At the end of the asphalt road
15 at the end of the first day I called for nominal rolls
16 of all PW then present. These were supplied by squad
17 leaders. The first check from nominal rolls revealed
18 discrepancy in numbers of about 6.

19 "I gave orders for FUKUSHIMA and T-UJI
20 (S/Major) to come along at the rear to make out list
21 of dead and put such PW in the jungle. These men were
22 assisted by other guards who were changed round from
23 time to time. The last 2 soldiers to join the force
24 at Sandakan were SUZUKI, Mitsuo, and KOBAYASHI, Tetsuo.

25 "Throughout the march from Sandakan men

1 dropped out along the track and others could not move
2 in the mornings and were left at the previous night's
3 camp.

4 "I remember the total destruction of Sandakan
5 camp on 29 May 1945. The PW were allowed to take some
6 documents or medical supplies from the camp. They
7 were burnt by us. A PW was only allowed to take
8 what he could actually carry, the rest was left behind
9 and destroyed. This was all done on TAKAKUA's orders
10 and I was present while the destruction was carried out.
11 I do not think that the destruction of the medical
12 supplies was humane or lawful.

13 "About 183 English and Australian PW arrived
14 at Ranau out of the 536 that left Sandakan; of these
15 142 were Australians, and also 1 Australian who died
16 on the last day was carried in dead. Of the 353
17 unaccounted for, 54 escaped and about 90 were ill
18 and were put out of their misery by being shot. They
19 asked for death rather than be left behind. I do
20 not know exactly nor did reports show accurately how
21 death occurred. FUKU-HIMA and TSUJI dragged bodies
22 into the jungle. At TAKAKUA's orders soldiers were
23 told to dispose of sick PW and to see that none were
24 left behind. I was i/c of the disposal of sick PW
25 but was not present at the killings.

1 "I moved with the rear group with the
2 exception of FUKU-HIMA's party. Each morning all those
3 PW who were unable to travel were placed in groups
4 for FUKU-HIMA and T-UJI. The disposal of these PW
5 was done behind me and I never knew who killed them.

6 "I arrived at Ranau on the 25 June, 1945,
7 and camped at the foot of the mountain 2 miles from
8 Ranau. Next day everyone moved to Tambunan working
9 camp at the 110½ mile (I clearly understand the sketch
10 you have shown me). When I reached this camp there
11 were already 9 PW under command of 2nd Lt. SUZUKI,
12 this made a total of 192 PW in the camp under the command
13 of TAKAKUA.

14 "The figure of 54 escapees was arrived at
15 as the number unaccounted for on my lists. This was
16 the only way I could account for them. I did not
17 make out any death certificates and I cannot remember
18 any being made out. When t/M ttipewich escaped the
19 orders were to recapture him and find out the plans
20 made by others to escape. There was no order to shoot
21 him.

22 "The investigation into John Hore's escape
23 was conducted by MORITAKE and HO-HIJIMA. Hore was
24 killed and his body placed on the PW camp sign.
25 HO-HIJIMA and I viewed the body there. I think Hore

1 was shot in the chest by HINATA Genzo.

2 "Prior to that escape PWs were caught going under
3 the wire at the end of the camp to get food through
4 a drain pipe. These men were taken back to HQs and
5 placed in the guard house and were later put in the
6 cage, as we viewed this as a serious offense. The
7 Kempei Tai were not concerned with this. I saw the
8 men in the cage but had nothing to do with their
9 treatment. I know that one who was very sick died
10 in the cage. HOSHIJIMA was in charge and gave orders
11 to MORITAKE as to the treatment of these PWs.

12 "Three days after S/M Sticpewich escaped at
13 Ranau sick PWs were taken on stretchers up the hill
14 to the cemetery. This was the 1st. August, 1945.
15 Since I arrived at Labuan I have made further enquiries
16 and as far as I can determine the date the PWs were
17 taken up to the cemetery and killed was the 1st.
18 August, 1945. There were 17 of these sick men. I
19 was in charge and Sgt. OKADA and approximately ten
20 Formosan guards were also present at the killing. All
21 the Formosan guards that were actually posted to the
22 camp were in the camp area on that day. I may be able
23 to recognize some of these guards if I saw them.

24 "After these 17 men were killed there were
25 about 16 left in the camp and these were also shot on
1st. August, 1945. 11 of these were taken about

1 100 metres along the road towards Tambunan and shot.
2 S/M TSUJI with a fresh lot of about 15 or 16 Formosan
3 guards shot the second batch. These two killings were
4 at the same time 1000 hours on 1st. August, 1945.
5 I do not know the names of the PWs killed. Picone,
6 Cook, Chopping, Oatshot, Daniels (English Doctor),
7 Maskey, and Evans may have been among them. I only
8 knew a few at Sandakan and only knew a few of the section
9 leaders on the march.

10 "Civilian FUJITA (interpreter) was present
11 in camp but had nothing to do with the killings. Sgt.
12 BEPPU took five PW officers about 100 metres towards
13 Ranau. He had ten Formosan guards with him. Also
14 at 1000 hours on 1st. August, 1945, at the 111 mile
15 at junction of two roads and behind rice store Sgt.
16 BEPPU's party shot the five PW officers.

17 "Sgt. IWABE was out searching for Sticrewich
18 and had nothing to do with the killings, S/M MORIZUMI
19 had not yet arrived from Sandakan. I did not know
20 that it was a general order from Army HQs to kill PWs.
21 I do not know what MORITAKE's orders were. They were
22 given direct from TAKAKUA. My orders came from my
23 commander TAKAKUA.

24 "FUJITA (medical sergeant) had been wounded
25 and was in bed in the camp area at the time of the

1 killings. I do not know what the reason was for the
2 killings, but I think it possible that the commanders
3 feared that the PWs would escape.

4 Sgt. BEPPU's party killed 5 PWs

5 Sgt. OKADA's party killed 17 PWs

6 Sgt. T-UJI's party killed 11 PWs

7 33

8 The order for the killing was secret. I have carefully
9 checked the date and am sure that the killings took
10 place on 1st. August, 1945. Information other than
11 this must be a mistake."
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1 Prosecution document No. 5179 is affidavit
2 of Lieutenant Stephen Victor Burt Day of British
3 Army. I tender it for identification and the
4 marked excerpts in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5179 will receive exhibit No. 1673 for identifi-
8 cation only, the marked excerpt therefrom, exhibit
9 1673-A.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 1673 for identification only; the excerpt
13 therefrom being marked prosecution's exhibit
14 No. 1673-A and received in evidence.)

15 LIEUT. COLONEL NORMANE: This and the two
16 succeeding documents deal with the prisoner of war
17 camp at Kuching. The affiant was sent to Kuching
18 with 500 British troops in November or December,
19 1942. He says that in this camp for greeting a passing
20 Indian prisoner he was beaten about the face with a
21 hoe handle, knocked down a number of times and kicked
22 in the lower regions and in the stomach whilst on
23 the ground. He was then taken before Colonel SUGA
24 and sentenced to five days imprisonment in the cells.
25 Numerous prisoners including the sick were beaten,

1 knocked down and jumped on. This treatment frequent-
2 ly resulted in their being sent to hospital. Col-
3 lective punishments were imposed. Thus the whole
4 camp would be made to stand for two or three hours
5 in the sun with their hands above their heads.

6 Food was poor. The staple diet was rice
7 of which prisoners received 6.73 ounces daily. The
8 Japanese guards on the other hand received ample
9 fish, pork, fruit and rice. Prisoners had no
10 medicines or medical supplies apart from those that
11 YAMAMOTO, the Japanese medical officer, gave them
12 in return for watches, etc. Just prior to capitula-
13 tion a lot of medical supplies were issued by
14 YAMAMOTO.

15 Prisoners were compelled to do war work,
16 such as airdrome construction and handling of bombs
17 and ammunition.

18 Prosecution document No. 5177 is an affi-
19 davit made by Lieutenant Colonel Edmund Macarthur
20 Sheppard of 2/10 Field Ambulance (A.I.F.) for iden-
21 tification. I put the document in for identification
22 and the excerpts thereof in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 5177 will receive exhibit No. 1674 for identifica-

1 tion only; the marked excerpts therefrom will receive
2 exhibit No. 1674-A.

3 (Whereupon, the document above
4 referred to was marked prosecution's exhibit
5 No. 1674 for identification only; the excerpts
6 therefrom being marked prosecution's exhibit
7 No. 1674-A and received in evidence.)

8 LIEUT. COLONEL MORNANE: The affiant was
9 a medical officer. He went to Kuching in November,
10 1942 and in June was transferred to camp hospital.
11 (Attention is drawn to the fact that document says
12 June, 1942, but this must be a misprint for 1943.)
13 This hospital had to serve a population of 2000.
14 It was most inadequate. There were hardly any
15 medical or surgical supplies. In the dysentery hut
16 74 patients lay on the ground covered only by pieces
17 of sacking. Deaths were caused by deficiency
18 diseases. 580 died between 1 January 1945 and 31
19 August 1945. Bashings of prisoners took place at
20 the rate of ten a day. Japanese Doctor YAMAMOTO
21 personally bashed and kicked deponent and other
22 medical officers including a woman medical officer.
23 Propaganda photographs falsifying conditions were
24 taken. Thus a load of bananas were brought into
25 camp, photographed and then removed from the camp.

1 Prosecution document No. 5451 is record
2 of evidence given by Lieutenant Colonel Neville
3 Howard Morgan, Commanding Officer of 2/12 Australian
4 Field Ambulance. I tender this document for identi-
5 fication and the marked excerpts in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 5451 will receive exhibit No. 1675 for identifi-
9 cation only; the marked excerpts therefrom bearing
10 the same document number, exhibit 1675-A.

11 (Whereupon, the document above
12 referred to was marked prosecution's exhibit
13 No. 1675 for identification only; the excerpts
14 therefrom being marked prosecution's exhibit
15 No. 1675-A and received in evidence.)

16 LIEUT. COLONEL MORGANE: Of this document
17 I will read the examination in chief:

18 "I was in charge of the medical team that
19 went to Kuching in September to attend to the PWs
20 and internees. I first visited the camp on the
21 morning of the 8th. In the Australian camp all
22 the officers and other ranks therein were suffering
23 from general malnutrition. In the British other ranks
24 camp about 250 cases were stretcher cases of whom 100
25 were suffering from a degree of malnutrition which we

1 refer to in future as famine edema which was likely
2 to bring about their death within a fortnight. In
3 the male internees camp a severe degree of mal-
4 nutrition was also found. The Dutch, the Indians,
5 the Priests, the British officers were all suffering
6 from a degree of malnutrition -- the women and child-
7 ren were in fairly good condition. Approximately
8 four personnel in the camp were dying each day when
9 I came in. After Major Hudson and I commenced the
10 resuscitation which was used on these people a total
11 of not more than fourteen further deaths occurred.
12 Of those who did die, several had cancer and several
13 tuberculosis. That is to say, we were able to save
14 all but four cases of famine edema. I observed
15 Japanese guards on point duty. All the Japanese I
16 saw were well nourished. The camp was still being
17 run as a PW camp, camp commandant Colonel SUGA still
18 exercised his command over all the PWs. When I
19 came in there the Japanese Civilian Hospital in
20 Kuching was functioning for some PWs and Internees.
21 A total of 39 only patients were housed therein. Two
22 Australian medical officers and a polyglot lot of
23 medical orderlies were working there. In the PW camp
24 two or three buildings were used as camp hospital.
25 This housed thirty to forty patients of all national-

1 ities. In the British camp about 250 patients
2 were lying in the ordinary compound huts with only
3 one medical officer, Colonel King, 100 or so of them
4 expected to die within the fortnight. Very few of
5 them were on mattresses, a sort of floor boards
6 with a blanket or something underneath being the
7 stock hospital bed. Their main article of bedclothes
8 appeared to be parachutes. Of the dressing on their
9 ulcers a number had new Japanese dressings and a
10 great number old rags. Medical stores there were
11 in very short supply -- surgical instruments almost
12 none. Several demands for instruments were made on
13 me immediately by the O.C. of the camp hospital. The
14 men's clothings, patients and otherwise was in a very
15 poor condition but they saved it by wearing loin
16 cloths as much as possible. No member of the PW
17 camp would be classified as fit for any kind of
18 work by ordinary Australian medical standards. We
19 evacuated sick two-thirds of the camp. Famine edema
20 is a disease which is caused by conditions of semi-
21 starvation operating over a period of months. I will
22 draw the inference that had those conditions continued
23 to operate for a sufficiently long period unstated
24 that nobody would have survived in the whole camp.
25 I expect at least fifty would have died within the

1 next fortnight. And a greater number, say about
2 70 or 100, within the next six weeks under their
3 then present conditions."

4 Prosecution document No. 5294 is an affi-
5 davit made by Lieutenant Colonel John Linton Treloar
6 of Australian Military Forces. I tender it for
7 identification and the marked excerpts therefrom in
8 evidence.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 5294 will receive exhibit No. 1676 for identifi-
12 cation only; the marked excerpts therefrom bearing
13 the same document number will receive exhibit No.
14 1676-A.

15 (Whereupon, the document above
16 referred to was marked prosecution's exhibit
17 No. 1676 for identification only; the excerpts
18 therefrom being marked prosecution's exhibit
19 No. 1676-A and received in evidence.)

20 LIEUT. COLONEL MORNANE: I would now tender
21 prosecution document No. 5294-B. They are a number
22 of photographs identified by the previous exhibit.
23 I would ask that they be marked as 1676-B.

24 THE PRESIDENT: Admitted.

25 CLERK OF THE COURT: Prosecution's document

1 being a part of document No. 5294 will be given
2 exhibit No. 1676-B.

3 (Whereupon, the photographs above
4 referred to were marked prosecution's
5 exhibit No. 1676-B and received in evidence.)

6 LIEUT. COLONEL MORFANE: I wish to point
7 out to the Tribunal that certain of these photo-
8 graphs relate to prisoners of war and others in
9 Borneo, while others relate to prisoners of war in
10 Ambon. When the Ambon section of this phase comes
11 on I will refer the Tribunal back to this exhibit.

12 This concludes the section relating to
13 Sarawak and North British Borneo.

14 If the Tribunal pleases, I now propose to
15 call Sister Bullwinkel.
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BULLWINKEL

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1 S I S T E R V I V I E N B U L L W I N K E L, A.A.N.S.,
2 called as a witness on behalf of the prosecution,
3 being first duly sworn, testified as follows:

D I R E C T E X A M I N A T I O N

B Y L I E U T. C O L O N E L M O R N A N E:

4
5 Q Your name is Vivien Bullwinkel; you are a
6 Captain in the Australian Army Nursing Service; and
7 you reside at 25 Blyth Street, Fullaiton, Adelaide,
8 South Australia?
9

A Yes.

10
11 Q Early in February of 1942, you were on the
12 Staff of the 13th Australia General Hospital at Singa-
13 pore?

A Yes.

Q What happened on Thursday, the 12th of February?

14
15 A On Thursday, the 12th of February, 1942,
16 sixty-five Australian Army Nursing Sisters with about
17 two hundred women and children and a few elderly men
18 were evacuated from Singapore on a small ship, the
19 Vyner Brook.
20

21 Q Were you one of the party of Australian
22 Nursing Sisters?

A Yes, I was in that party.

23
24 Q Other than the Sisters, were there any
25 service personnel among the passengers on that ship?

A No.

BULLWINKEL

DIRECT

1 Q Now, will you tell the Tribunal what
2 happened at about 2 p. m., on Saturday, the 14th of
3 February?

4 A On Saturday, the 14th of February, at about
5 two o'clock in the afternoon, we were in the Banka
6 Straits, when three Japanese airplanes flew over and
7 bombed the ship and machine-gunned the lifeboats. The
8 ship commenced to sink, and the order was given to
9 abandon ship. The civilian women went over when the
10 lifeboats had been lowered, and after they had left
11 the ship we had been given the order to follow. All
12 but two of the lifeboats sunk. I, with twelve other
13 nurses, jumped out the side of the ship and swam to
14 a lifeboat which was sinking. There were three
15 civilians and a ship's officer also clinging to the ship,
16 to this boat. We drifted for about eight hours, and we
17 landed at Banka Island at about half-past ten Saturday
18 night.

19 Q I just want to make this clear, Sister.
20 There is no suggestion that any of the lifeboats
21 were machine-gunned while out in the water?

22 A No, the machine-gunning was done whilst the
23 attack was on.

24 Q Now, when you arrived at Banka Island, what
25 did you find then?

BULLWINKEL

DIRECT

1 A We found that the two lifeboats that had not
2 sunk had already beached, which had brought between
3 thirty and forty women and children and about thirty
4 men of the ship's crew.

5 Q Were there any Nursing Sisters among the
6 people on those two lifeboats?

7 A Yes, there were about ten Nursing Sisters
8 amongst that party.

9 Q Then coming to next morning, Sunday, the
10 15th of February, what happened?

11 A A party, consisting of the ship's officer,
12 several civilian women and nurses, went to a small
13 native village to endeavor to get some help for the
14 wounded. We were refused help and told that the
15 Japanese had taken that island. We returned to the
16 party and told them that the Japanese were now in
17 possession of Banka Island.

18 That night, we saw a ship in Banka Straits
19 being shelled, and two hours later -- about two hours
20 after we had witnessed the shelling, a lifeboat arrived
21 on the beach with twenty to twenty-five Englishmen
22 in it. The next morning, Monday, we all decided that
23 the only thing to do was to give ourselves up. A
24 ship's officer went across Muntek in order to bring
25 back a Japanese party to take us prisoners. While he

BULLWINKEL

DIRECT

1 was away the matron who was with us organized the
2 civilian women and children and sent them off in a
3 party toward Muntek in charge of a Chinese doctor.

4 At about ten o'clock in the morning, Mr.
5 Sedgman, the ship's officer, returned with a party
6 of fifteen Japanese in charge of an officer. The men
7 were put in one group, the remaining group and the
8 twenty Army Sisters and one civilian were put in another
9 group. Half of the men were marched down the beach
10 behind a headland. They returned about ten or fifteen
11 minutes later and marched the second half of the men
12 down. After the second party had gone we heard several
13 shots. When the Japanese returned they came cleaning
14 their rifles and their bayonets.

15 Q Just one moment, Sister. At that time who
16 was left on the beach?

17 A There were twenty-two Army Sisters, one
18 civilian, and about ten or twelve stretcher cases that
19 had been wounded in the bombing of our ship and the
20 shelling of the other one. When they had finished
21 cleaning their rifles and bayonets, then they ordered
22 the twenty-three of us to march into the sea. We had
23 gone a few yards into the water when they commenced
24 to machine-gun from behind. I saw the girls fall one
25 after the other, when I was hit. The bullet that hit

BULLWINKEL

DIRECT

1 me struck me in the back at about waist level and
2 passed straight through. It knocked me over, and
3 the waves brought me in to the edge of the water. I
4 continued to lie there for ten or fifteen minutes, and
5 then I sat up and looked around, and the Japanese party
6 had disappeared. I then took myself up into the jungle
7 and became unconscious.

8 Q Stopping there, Sister, before you went up
9 into the jungle did you see any bodies washed up on
10 the beach?

11 A Yes, there were quite a number of bodies
12 that had been washed up on the beach at the same time
13 that I had.

14 Q Did you notice any of the stretcher cases
15 that had been on the beach previously?

16 A No, I did not notice them at this point.

17 Q Did you see anyone arrive at that time?

18 A No, not at that time.

19 Q Now, you have told us that you dragged your-
20 self into the jungle and lost consciousness. What
21 happened next?

22 THE PRESIDENT: Is this a convenient break?

23 LIEUT. COLONEL MORNANE: Yes, sir.

24 THE PRESIDENT: We will recess for fifteen
25 minutes.

BULLWINKEL

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Whereupon, at 1445, a recess was taken until 1500, after which the proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.
3 BY LIEUT. COLONEL MORNANE (Continued):

4 Q Before the recess, you told us that you
5 dragged yourself into the jungle and there lost
6 consciousness. What happened then?

7 A When I regained consciousness, I decided to
8 come down to the beach in order to get a drink. On
9 my way to the fresh water spring that was there, a
10 voice or somebody spoke to me. On looking around, I
11 found that it was an Englishman who had joined the
12 party on the Sunday night. He was one of the stretcher
13 cases and he had been bayoneted by the same party of
14 Japanese that had shot the girls on Monday morning.

15 Q How did you find that out?

16 A He told me that himself.

17 Q Did he tell you anything about the other
18 wounded, the other stretcher cases?

19 A Only that they had been bayoneted the same
20 was that he had been, and they had all been left for
21 dead, he included.

22 Q That would be after you and the other sisters
23 had been shot?

24 A Yes, because I did not see them bayoneting
25 the stretcher cases.

BULLWINKEL

DIRECT

1 Q Did he tell you what day it was?

2 A Yes, he said the day was Wednesday.

3 Q You had been unconscious, then, from Monday to
4 Wednesday?

5 A Yes.

6 Q Did you see the dead bodies of the stretcher
7 cases on the beach then?

8 A Yes, I saw them on the Wednesday.

9 Q What was the man's name?

10 A Private Kingsley.

11 Q What condition was he in?

12 A He was a very sick man.

13 Q What did you do then?

14 A I managed to get him up into the jungle, and
15 I then went into the village that I had been into on
16 the previous Sunday. The native women gave me some
17 food which I took back to the beach. With the food
18 that they had given me and the fresh water that was
19 available, we lived on that until he was strong enough
20 to walk again. We decided to give ourselves up again.

21 Q How many trips to the village did you make
22 for food while you had Kingsley as a patient?

23 A On two or three occasions I went into the
24 village.

25 Q And how long was it after the shooting on the

BULLWINKEL

DIRECT

1 Monday that you and Kingsley decided to give yourselves
2 up again?

3 A About twelve days.

4 Q Did you see any other survivors at that time
5 from the massacre?

6 A No, I didn't see any survivors at that time.

7 Q Well, what happened next?

8 A We started off to reach Muntok, and on our
9 way across we were overtaken by a car in which there
10 was a Japanese naval officer and a Japanese soldier.
11 We were told to get into the car and we were taken to
12 naval headquarters, where we were questioned, and then
13 we were sent around to the coolie lines where there
14 were other prisoners.

15 Q Did you say anything as to what happened on
16 the beach to the people who questioned you?

17 A No, we did not mention about what had happened
18 on the beach.

19 Q And what date was this that you went to the
20 coolie lines?

21 A It was the 28th of February.

22 Q Would you tell the Tribunal why the sisters
23 remained on the beach when the other party of women
24 was sent out towards Muntok?

25 A It was decided that we should remain behind to

BULLWINKEL

L IRECT

1 help carry the stretcher cases as there were between
2 twelve and fifteen, and quite a number of the other
3 party had leg and arm injuries.

4 Q When you were in the coolie lines, did you
5 hear anything as to what happened to the two batches
6 of twenty-five men that had been marched around the
7 headland on the Monday morning?

8 A I was told that there were two men who had
9 survived. They had been marched away with the second
10 party and the Japanese party had commenced bayoneting
11 the men when four or five of them made a break and
12 dashed into the sea. They were shot at and these two
13 men were the two who managed to get away.

14 Q Did they say anything as to what had happened
15 to the first party of twenty-five?

16 A Only that there was evidence of the first
17 party having been bayoneted.

18 Q And what had happened to these two sur-
19 vivors then?

20 A They had swam out to sea for some time and
21 then on coming back to land they went into the
22 jungle and lived in the jungle for about a week.

23 Q And what did they do then?

24 A They then gave themselves up and were taken
25 to the coolie lines in Muntok.

BULLWINKEL

DIRECT

1 Q What ration did you receive at the coolie
2 lines at Muntok?

3 A A handful of rice twice a day and a drink
4 of tea at six o'clock at night.

5 Q What happened on the 2nd of March 1942?

6 A On the 2nd of March 1942 two hundred
7 women and children were taken across to Sumatra,
8 to Palembang.

9 Q Were any of the sisters from the Vynar
10 Brook in that party?

11 A Yes, there were 32 sisters.
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1 Q Had any of those survived the particular
2 massacre you were in?

3 A No.

4 Q Well, where did you go to at Palembang?

5 A We were taken to a camp which consisted
6 of fourteen houses and was known as the Irene Lines
7 camp.

8 Q How many women and children were accommodated
9 there altogether?

10 A There were five hundred women and children
11 accommodated in these fourteen houses.

12 Q And how long did you remain in the Irene
13 Lines houses?

14 A We were there for eighteen months.

15 Q Well, now, how many people were accommodated
16 in each house?

17 A An average of forty people to each house,
18 which was a four-roomed bungalow meant for four
19 people.

20 Q What have you to say about the sanitation?

21 A The sanitation was appalling. The septic
22 tanks which were made at these bungalows to accom-
23 modate four could not cope with the greater party.
24 The septic tanks would overflow into the drains
25 running alongside the houses and then into the

BULLWINKEL

DIRECT

1 open drains that were in the street.

2 Q With regard to medical supplies, what have
3 you to say?

4 A We received no medical supplies, and it was
5 six months before we could ever get any of our sick
6 patients into the hospital in the town.

7 Q What sick did you have during this time?

8 A Dysentery was what we had to put up with
9 mainly in this camp and they were nursed in a small
10 garage and their own homes.

11 Q Could you say what number of cases you had
12 during this six months?

13 A We had at least fifty.

14 Q Did you make any requests for medical
15 supplies?

16 A Yes, we made repeated requests for medical
17 supplies.

18 Q To the Japanese?

19 A Yes, the Japanese themselves.

20 Q Well, now, what happened in September of
21 1943?

22 A In September '43 we were sent to another
23 camp about a quarter of a mile away from where we
24 had been. This camp was known as the men's civilian
25 camp and it consisted of bamboo huts which accom-

BULLWINKEL

DIRECT

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3 you to say?

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5 six months before we could ever get any of our sick
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16 A Yes, we made repeated requests for medical
17 supplies.

18 Q To the Japanese?

19 A Yes, the Japanese themselves.

20 Q Well, now, what happened in September of
21 1943?

22 A In September '43 we were sent to another
23 camp about a quarter of a mile away from where we
24 had been. This camp was known as the men's civilian
25 camp and it consisted of bamboo huts which accom-

BULLINKEL

DIRECT

1 modated fifty to sixty people.

2 Q What space was there per person?

3 A We had a bed space of 26 inches wide by
4 6 feet in length for ourselves and any of our
5 belongings.

6 Q Did you receive any medical supplies here?

7 A No, we received no medical supplies.

8 Q What did the food ration consist of?

9 A The rice was gradually cut down over a
10 period of several months until in the end we were
11 only having one cup of uncooked rice per person per
12 day.

13 Q What was the position with regard to work?

14 A In this camp we had only our camp duties
15 to do until April '44, when there was a change of
16 administration at the camp. In April the army took
17 charge of the camp from the civil administration
18 and we were then forced to go out and till the land
19 in order to plant potatoes. Everybody had to go
20 out on those working parties. The sick were allowed
21 to work shorter hours. We had no water in this camp
22 other than what we could obtain from four wells.
23 During the dry season the wells were dry, which
24 means every drop of water that was used in the
25 camp and for the gardens had to be carried about

BULLINKEL

DIRECT

a quarter of a mile down the road from the hydrant.

1 We would be stood up in lines waiting to go to
2 the hydrant for water and would be kept there for
3 more than an hour and a half at times, waiting in
4 the hot sun. Then we were eventually allowed to
5 go we would have to carry the water first of all to
6 the Japanese houses for their bathing, then for
7 their kitchen purposes, and then for the large
8 gardens that we had planted. Sometimes the guards
9 allowed us to carry a little fresh water for our
10 own kitchen purposes. And very seldom were we ever
11 allowed to carry any for our own bathing purposes.
12 We were all on a ration of one and one-half pints
13 of water for bathing purposes and washing of
14 clothes.
15

16 Q What were the sanitary conditions in this
17 camp?

18 A They were also frightful. The septic
19 tanks, once again, would drain -- overflow and
20 drain -- overflow into a drain surrounding the
21 entire camp.

22 C And with regard to gardening, what did you
23 have to do apart from hoeing the ground?

24 A After hoeing the ground we would have to
25 plant the potatoes and then see that they were kept

BULLINKEL

DIRECT

1 watered every day.

2 Q And this carrying of water, what did you use
3 for carrying it?

4 A Buckets that had been brought into the camp
5 by the Dutch people who had been interned.

6 Q And how many were in this camp?

7 A There had been between five hundred and
8 six hundred people in this camp.

9 Q How did the Japanese treat you?

10 A There were many instances of face slapping
11 and people being stood in the sun. We had to bow
12 to the Japanese and to their Indonesian guards; and
13 failure to do this resulted in the person having
14 their face slapped or punched.

15 Q And did you see any bad results of this
16 treatment?

17 A One woman had several teeth knocked out and
18 had red marks upon her face for several days after.

19 Q How long were you in this camp altogether?

20 A We were in this camp for about twelve months.

21 Q How many deaths took place while you were there?

22 A There had been about twenty deaths in that
23 camp.

24 Q And from what causes?

25 A From malnutrition and dysentery mainly.

BULLWINKLE

DIRECT

1 Q Now, in October, 1944, what happened?

2 A In October, 1944, we were moved from Palembang to Banka Island.

3 Q How many of you?

4 A About four hundred and fifty of us.

5 Q And what was your condition?

6 A We were all very much weaker than we had
7 been twelve months previously; and we had to load
8 our own supplies from the train onto the ship.

9 Q Well, then, where did you camp -- when did
10 you get to Banka Island?

11 A It only being -- it was a two-day trip from
12 Palembang. We were out there two days afterwards.

13 Q And where did you camp there?

14 A It was a new camp that had just been built
15 and really hadn't no particular name.

16 Q What was the accommodation there?

17 A They were large bamboo and atap huts.

18 Q What was your health like while you were
19 in that area?

20 A The camp was situated in a malarial area,
21 and it was also a fever known as Banka Island fever
22 that was very prevalent. From the malaria and Banka
23 Island fever we had over a hundred and fifty deaths.

24 Q In what period?
25

BULLWINKLE

DIRECT

1 A We were in this camp for six months.

2 Q And what work did you do there?

3 A Our work consisted in looking after our
4 own sick and digging the graves. There was always
5 seventy-five per cent of the camp sick.

6 Q What medical supplies did you have?

7 A We received an inadequate supply of quinine
8 bark.

9 Q Anything else?

10 A Not in the way of medical supplies.

11 Q What about food, what did that consist of?

12 A We were still on our small ration of rice,
13 very little vegetables; in fact, there were weeks
14 when it was rice only. On several occasions fish
15 was brought into the camp but was allowed to stand
16 in the sun until it was bad before it was issued to
17 us.

18 Q Apart from your four hundred and fifty
19 people, were there any other people that went to
20 that camp while you were there?

21 A Yes. There were about two hundred women
22 who joined us from the camp from Bencoolen.

23 Q Well, now, in April, 1945, what happened?

24 A In April of 1945 we were moved from Banka
25 Island back to Sumatra to a place called Lubukling'au.

BULLWINKLE

DIRECT

1 Q How many of you?

2 A About five hundred in batches of three.

3 Q Was Sister James on your ship?

4 A Yes.

5 Q Well, now, when you landed on the Sumatra
6 mainland from the ship, what happened?

7 A When we disembarked, we were then entrained
8 and kept on the train overnight. We traveled all
9 the next day and were still kept on the train the
10 following night. On this trip twelve of the women
11 died.

12 Q That is in your third of the batch alone,
13 is it?

14 A Yes, those twelve women died just in the
15 section that went across that I was with.

16 Q Now what food did you have on the ship and
17 train journey?

18 A We had very little food, which was rice,
19 and we only had enough water or the amount of water
20 that we could carry ourselves.

21 Q Were you in a party of sick people only, or
22 did you have the healthy ones there too?

23 A It was the hospital moving plus about a
24 hundred and fifty of the sick who were in the camp.

25 Q Were the sick in a physical condition to be

BULLWINKLE

DIRECT

1 moved?

2 A The hospital cases, no.

3 Q Well, then, on arrival at Lubukling'au,
4 what did you find?

5 A We found that the camp consisted of old
6 atap buildings which leaked very badly; and when
7 it rained, your bedding and everything you possessed
8 was always wet.

9 Q Did it rain frequently?

10 A Yes. We were there during the wet season.

11 Q And what was the hospital accommodation like?

12 A The hospital accommodation was in the same
13 condition as the huts of the camp. Sick patients
14 just lay in the rain when it rained.

15 Q What medical supplies did you have?

16 A Only the quinine bark that was given to us
17 again.

18 Q Was that effective for the cure of malaria?

19 A No, and it always gave a form of diarrhea
20 to all those that took it.

21 Q What sickness were the patients suffering
22 from?

23 A From malaria and beri-beri.

24 Q And did that also affect the sisters?

25 A Yes. Everybody in the camp suffered from it

BULLWINKLE

DIRECT

in some degree.

1

Q Well, now, how many died in that camp?

2

A There were over -- just over fifty approximately.

3

4

Q Over what period?

5

A Six months.

6

Q What did your food consist of there?

7

A A small amount of rice and a few vegetables.

8

9

Q Well, then, coming to the twenty-fourth of August, 1945, what happened on that date?

10

11

A On the twenty-fourth the camp commandant, Captain SEKI, told us the war was over. The next day we were given dozens of bottles of quinine tablets. We were given disinfectants and ointments; and we were given tins and tins of butter per person; and they also sent in local anesthetics, enough for major operations.

13

14

15

16

17

18

Q Had you any anesthetics previously?

19

A No, we had no local anesthetics previously. If there were any teeth or minor operations, the removing had to be done without.

20

21

22

Q What about food?

23

A Yes, we were given lots of fresh vegetables and fresh fruit.

24

25

Q Now, during the period that you were in

BULLWINKLE

DIRECT

1 the various prison camps, did you receive any Red
2 Cross parcels?

3 A The only Red Cross parcels we saw were in
4 August, 1944, when we were given a portion of the
5 consignment that had arrived.

6 Q Do you know what happened to the rest of
7 that consignment?

8 A When we were in the Japanese houses filling
9 their baths and tanks, we would see evidence of
10 tins and packets of cigarettes marked "American."

11 Q Well, now, were you ever visited by the
12 protecting power, a representative of the protecting
13 power?

14 A We had several visits from high officials,
15 and we also were visited by what we were told was
16 a representative -- I have forgotten now. He was
17 in civilian clothes.

18 Q What nationality were the people you were
19 referring to?

20 A Japanese.

21 Q Were you ever visited by any representatives
22 of Switzerland?

23 A No.

24 LIEUT. COLONEL MORNANE: That completes the
25 examination-in-chief, if it please the Tribunal.

BULLWINKLE

1 THE PRESIDENT: What attention did your
2 wound get after you had given yourself up?

3 THE WITNESS: I did not get any.

4 THE PRESIDENT: Did the Japanese know about it?

5 THE WITNESS: No, I did not tell them about it.

6 THE PRESIDENT: Mr. Levin.

7 MR. LEVIN: Mr. President, there will be no
8 cross-examination of Sister Nurse Bullwinkle.

9 THE PRESIDENT: Well, you are a model witness,
10 Sister Bullwinkle. You have given your evidence
11 faultlessly.

12 LIEUT. COLONEL MORNANE: May the witness be
13 excused from further attendance on the usual terms?

14 THE PRESIDENT: She is excused on the usual
15 terms.

16 (Whereupon, the witness was excused.)

17 LIEUT. COLONEL MORNANE: If the Tribunal
18 pleases, Lieutenant Colonel Damste will continue the
19 prosecution's case.

20 THE PRESIDENT: Colonel Damste.

21 LIEUT. COLONEL DAMSTE: Mr. President and
22 Members of the Tribunal: This phase of the prose-
23 cution comprises the areas: Dutch Borneo, Java,
24 Sumatra, Timor, and Lesser Sunda Islands and Celebes.

25 With the Court's permission, I prefer to

1 pronounce Dutch names in the Dutch way and the
2 geographical names in the Malay way.

3 In any case where there is only a certified
4 copy of a document introduced, this is due to the
5 fact that the original document is not available in
6 Tokyo, because it is wanted by the Netherlands,
7 Netherlands Indies or other Government, of whose
8 official records it is a part, for reasons of pros-
9 ecution in the home country, or for other official
10 purpose.

11 Before giving individual synopses of each
12 of the seven areas into which the Netherlands Indies
13 has been roughly divided for reasons of convenience
14 for this trial, the Prosecution desires to draw
15 the Court's attention to some facts and circumstances
16 of a more general character, most of which these
17 areas have in common. This is in order to prevent
18 repetition.

19 1. The Royal Netherlands Indies Army,
20 mainly concentrated on the island of Java, surrendered
21 on March 9th, 1942. This surrender was followed by
22 that of the other Allied Forces then present in this
23 theater, comprising some eight thousand, most of them
24 Australian and British, some American, New Zealand
25 and Canadian. As has been stated by Brigadier

1 BLACKBURN, V. C., when giving testimony on 29 November
2 and 2 December 1946, all these troops were made
3 prisoners of war.

4 The Netherlands Indies Army consisted only
5 partly of Dutch troops, most of whom were civilians,
6 members of militia and "landstorm" (territorial
7 army), including homeguards. These Dutch troops,
8 amounting to about 37,000 prisoners of war died.
9 These facts appear in prosecution document 5737,
10 which is an approximate calculation by the Head
11 of the Netherlands Indies Government Office for
12 Displaced Persons.

13 The prosecution enters this document No. 5737
14 as an exhibit.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution document
17 No. 5737 will receive exhibit No. 1677.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1677 and received in evidence.)

21 From the statement of the witness Major
22 De Weerd, as given on 6 December 1946, page 3, the
23 official Japanese returns give a higher number. The
24 other Allied prisoners of war were mostly confined
25 in the same camps together with the Dutch and were

1 also scattered all over the Japanese controlled
2 areas.

3 The Japanese treated the prisoners of war
4 in the Netherlands Indies in the same way as has
5 already been shown in the case of the areas Singapore,
6 Malaya, Burma, Thailand, Hongkong, Andamans and
7 Nicobars, Formosa, and Hainan. In the meantime
8 they made the world believe that being a prisoner
9 of war in their hands was a privilege, as appears
10 from prosecution document 5771, which is a letter
11 dated Tokyo, 8th of September, 1942, of the Gaimusho
12 to the Swedish Minister in Tokyo who was in charge
13 of Dutch interests. In this letter the Japanese
14 Government point out that the Governor General of
15 the Netherlands Indies was given the benefit of being
16 treated as a prisoner of war and not as a mere
17 civilian.

18 I prefer, with the Court's permission, to
19 read the second part of the document.

20 THE PRESIDENT: Well, you have not entered
21 it yet.

22 LIEUT. COLONEL DAMSTE: I tender this document
23 5771 in evidence.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

1 No. 5771 will receive exhibit No. 1678.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 1678 and received in evidence.)

5 LIEUT. COLONEL DAMSTE: I will read the
6 second paragraph.

7 "It is an act of grace to accord the
8 treatment of a prisoner of war to a subject or a
9 citizen of an enemy country. The Japanese Government
10 now note that the Netherlands authorities in London
11 have expressed their intention that they do not
12 require for Mr. Starckenborgh the treatment as a
13 prisoner of war. The Japanese Government, therefore,
14 consider themselves to be at liberty to cease at
15 any time to treat him as a prisoner of war, but deal
16 with him as an ordinary internee together with other
17 nationals of enemy countries whose liberation is
18 deemed to be detrimental to this country."

19 THE PRESIDENT: We will adjourn until
20 half-past nine Monday morning.

21 (Whereupon, at 1600, an adjournment
22 was taken until Monday, 23 December, 1946, at
23 0930.)
24
25

Dec 24 '46 ✓

24 DECEMBER 1946

I N D E X
of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
Ringer, Michael C. G., Major, British Indian Army, (resumed)	13579
Direct by Lieutenant Colonel Damste (cont'd)	13579
(Witness excused)	13604

I N D E X
of
EXHIBITS

<u>Dco. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5681	1703		Synopsis of Evidence - Area of Java		13604
5778	1704		Affidavit of Dr. Willem Mooij	13606	
5778	1704-A		Excerpt therefrom		13606
5779	1705		Affidavit of Private A. Moes, R.N.I.A.	13612	
5779	1705-A		Excerpt therefrom		13612

1
2 Tuesday, 24 December, 1946

3 - - -

4
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6 FOR THE FAR EAST
7 Court House of the Tribunal
8 War Ministry Building
9 Tokyo, Japan

10 The Tribunal met, pursuant to adjournment,
11 at 0930.

12 - - -

13 Apperances:

14 For the Tribunal, same as before with the
15 exception of: HONORABLE JUSTICE D. JARANILLA, Member
16 from the Republic of the Philippines, not sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 The Accused.

20 All present except OKAWA, Shumei, who is
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in
3 session.

4 THE PRESIDENT: At the close of the prose-
5 cution's case the Tribunal will be prepared to enter-
6 tain any motion the defense may care to make to dis-
7 miss the case on some or all of the counts on the
8 ground that there is not sufficient evidence to
9 warrant a conviction.

10 Mr. Levin, do you want anything elucidated?

11 MR. LEVIN: No, your Honor. That is quite
12 satisfactory.

13 THE PRESIDENT: I do not know whether you
14 want to submit on all the counts or on some only that
15 there is not sufficient evidence, but we will hear
16 whatever motion you have to make in that regard.
17 I understand you want one general motion and a
18 motion in respect of individual accused; is that so?

19 MR. LEVIN: That is correct, Mr. President.
20 The motion would address itself, Mr. President, to
21 the individual counts and also to the individual
22 defendants.

23 THE PRESIDENT: I am asked to stress the
24 fact that the accused, by their counsel, applied to
25 me in Chambers for liberty to make that motion. I,

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24 fact that the accused, by their counsel, applied to
25 me in Chambers for liberty to make that motion. I,

1 of course, left it to the whole Bench.

2 I understand that you will reduce what you
3 have to say to writing in each case so that we may
4 have simultaneous translations. You might let the
5 prosecution know beforehand so that they may do like-
6 wise if they decide to oppose the motion, as they
7 will, of course.

8 MR. LEVIN: I assume from the character of
9 the motions, Mr. President, that it will be neces-
10 sary for counsel to prepare their motions in writing
11 in advance, and, naturally, they could have copies
12 for translation purposes given to the interpreters.
13 I presume it would not be necessary for us to serve
14 the prosecution with copies of our motions in ad-
15 vance.

16 THE PRESIDENT: We would like a simultaneous
17 translation of the prosecution's reply. That is why
18 you would have to give them your argument in advance.

19 MR. LEVIN: As these will be prepared, I am
20 sure that we can readily comply with that suggestion,
21 Mr. President.

22 THE PRESIDENT: Have you any idea how long
23 it will take?

24 MR. LEVIN: I haven't now, Mr. President,
25 but I should imagine it would take at least a day.

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23 it will take?

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25 but I should imagine it would take at least a day.

RINGER

DIRECT

THE PRESIDENT: Yes.

1 MR. LEVIN: With regard to the statement
2 that you made to the effect that the defense called
3 on you in Chambers with reference to making this
4 motion, we, of course, appreciate that all Proceed-
5 ings in Chambers are part of the record, and, of
6 course, therefore, it is part of the record, and it
7 is fully recorded.

8 THE PRESIDENT: Well, that is arguable, but
9 they are being kept as though they were.

10 Colonel Damste.

11 LIEUT. COLONEL DAMSTE: With your permission,
12 your Honor.

13 - - -

14 M I C H A E L C. G. R I N G E R, called as a
15 witness on behalf of the prosecution, resumed
16 the stand and testified as follows:

17 DIRECT EXAMINATION

18 BY LIEUT. COLONEL DAMSTE (Continued):

19 Q Major, yesterday we were speaking about the
20 kind of work that prisoners of war had to do. Was
21 work heavy, the race of the prisoners and the climate
22 considered?

23 A Yes. For white men in the tropics, working
24 in the sun all day -- it was very exhausting work,
25

RINGER

DIRECT

1 . especially lastly when there was insufficient food.

2 Q It was manual labor, all?

3 A Yes, all heavy manual labor.

4 Q Can you give examples of the kind of work?

5 A Worked on airdromes right through the heat
6 of the day; working on the docks unloading cement in
7 holes with cement dust all over men's bare bodies;
8 working in swamps building ack-ack and searchlight
9 battery sights; in the Pakan Baru area, working on
10 railroads.

11 Q What were their working hours, Major?

12 A In our camp, working hours were from eight
13 a.m. to one p.m., from three p.m. to six p.m. This
14 was Tokyo time which was two hours ahead of sun time.

15 Q And what about the holidays?

16 A At first we had one day off a week; later-
17 ally, a half day. But, in this half day, we had to
18 do camp fatigue, that is, just digging graves.

19 Q Did the sick have to work?

20 A Yes, because, if they didn't work, they would
21 be on minimum rations. So, men were working practic-
22 ally up to the last day of their lives.

23 Q But were they also ordered to work if they
24 were sick?

25 A We were told to send down a quota of workers

RINGER

DIRECT

1 every day, and we had to fulfill this quota irre-
2 spective of whether the men were sick or not.

3 Q Who supervised the work?

4 A The work was supervised by camp guards
5 and also guards from the companies that employed
6 the prisoner of war labor.

7 Q How did the supervisors behave?

8 A Supervisors were very strict, and any
9 slackness brought beatings with bamboo or leather
10 belts; and often men were made to stand with heavy
11 logs of wood held over their heads for many hours
12 in the sun.

13 Q Were complaints lodged about beatings?

14 A At first, yes, both written and verbal.

15 Q And did the Camp Commandant correct those
16 subordinates?

17 A No. We were advised by the interpreter not
18 to send in letters of complaint, that it would merely
19 annoy the senior staff. On one occasion, after we
20 had complained, the commander -- Commander Reed and
21 myself were brutally beaten

22 Q How were alleged offenses against the orders
23 dealt with?

24 A By corporal punishment, the spot and mass
25 camp punishments.

RINGER

DIRECT

1 Q You say "on the spot." So, not after
2 court martial or after proper investigation?

3 A No, not after investigations or court
4 martials except in one case: Corporal Saunders
5 who allegedly hit a Japanese soldier. He was court
6 martialed and imprisoned for a term of five years
7 and died of beri-beri in March, 1943.

8 Q How do you know this?

9 A We were told by the Japanese that he had
10 been sentenced, and we later had an official death
11 certificate sent to the camp. We were told this was
12 an example case and that any further alleged hitting
13 of Japanese would be punished even more severely.

14 Q What was the nature of the corporal punish-
15 ment inflicted?

16 A Slappings, beatings with sticks and leather
17 belts.

18 Q Beatings for a long time or just a few
19 slaps?

20 A Usually the men were beaten until they
21 fell, and then they were kicked until they were un-
22 conscious.

23 Q Were there any injuries inflicted?

24 A Yes, many cases of broken limbs, fractured
25 jaws, cracked eardrums.

RINGER

DIRECT

1 Q More serious cases even?

2 A In two cases, after men had been beaten,
3 they became so despondent that they gave up the
4 ghost and died three weeks to four weeks later.

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1 Q Were prisoners tortured?

2 A Yes.

3 Q In which way?

4 A By putting bamboos between the prisoners'
5 fingers and squeezing the bamboos together till
6 their fingers were crushed.

7 Prisoners were laid in a squatting position
8 and a log of wood was put under their knees and guards
9 would jump on the ends of the logs.

10 Prisoners were burned, the soles of their
11 feet and their hands, with lighted cigarettes.

12 On one occasion -- I was present -- the
13 prisoner had his head forced into a bucket of chili
14 water. He was blind for six days after.

15 Q Did the Japanese commandant know about these
16 brutalities?

17 A Yes, from our complaints; and also in the
18 chili water case the Japanese camp commandant was
19 actually present.

20 THE MONITOR: Mr. Witness, by "chilly" water
21 do you mean cold water, ice water, something like that?

22 THE WITNESS: No, it was water with chili.

23 THE MONITOR: Chili in it -- oh, I see.

24 I am sorry.

25 Q What was the sort of confinement that was

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23 THE MONITOR: Chili in it -- oh, I see.

24 I am sorry.

25 Q What was the sort of confinement that was

RINGER

DIRECT

1 applied?

2 A In our camp a wire cage, barbed wire cage
3 was built, 6 by 4. It had a flat atar roof and no
4 protection on the sides at all. It was built on the
5 plain earth and on top of a red ants' nest. At one
6 time there were nine prisoners confined in this
7 cage. They were on minimum ration of just rice and
8 water and no salt. They had to stand at attention
9 all day long, and most of them had to stand most of
10 the night as there wasn't any room even to sit. Two
11 of these prisoners had been sentenced to ninety days
12 and sixty days, respectively, but after sixteen days
13 they were so covered with tropical ulcers that they
14 were allowed to go to the hospital.

15 Q Was that the only place of confinement?

16 A In other camps wooden cells were built with
17 no light in.

18 Q Apart from the case you mentioned, was food
19 withheld by way of punishment?

20 A In one case the whole camp was shut up for
21 three days on a minimum ration of 150 grams of rice
22 a day.

23 Q Was collective punishment inflicted in
24 other ways also?

25 A Yes. On another occasion at ten o'clock at

RINGER

DIRECT

1 night we were all paraded at camp, including sick from
2 the hospital. We were there until four o'clock in the
3 morning. Owing to exhaustion and the cold, three of
4 the hospital patients died during the next day.

5 Q What was the reason for this punishment?

6 A It was alleged that someone had stole some
7 tapioca roots from our own gardens and until those
8 who confessed came forward we were told we had to
9 stay on parade.

10 Q Do you know, Major, what happened to recap-
11 tured escapees?

12 A Yes. In March 1942, three Australians tried
13 to escape and were caught. They were brought back
14 and beheaded. There was no investigation or court-
15 martial.

16 Another case in the Pakan Baru Camp, a Dutch
17 soldier by the name of Aldering, who was a mental
18 case, was caught outside the camp and was severely
19 beaten by the Kempeitai. He was handed over to the
20 Japanese camp commandant, who put him in a cell with
21 no food or water at all until he died.
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1 THE PRESIDENT: Do you know the names of
2 the Australians who were decapitated?

3 THE WITNESS: No, sir. One was a warrant
4 officer and the other two were sergeants.

5 Q Did the Allied senior officers protest
6 against these brutalities, and to whom?

7 A Yes, in the case of Aldering the camp com-
8 mander complained to the Japanese camp commandant,
9 who showed us an order which was also in our camp,
10 dated April '43, Tokyo. In this order there were
11 twenty-eight offenses listed and the punishments
12 applicable. The punishment for attempted escape
13 was death.

14 Q How did the Japanese act against the native
15 population?

16 A On one occasion, during an air raid pre-
17 cautions, an Indonesian was found just outside our
18 camp with a fire. He was brought up to the guard
19 room where he was severely beaten and tortured.
20 Boiling water from our cook house was taken and
21 poured over him. We heard his screams until about
22 three o'clock next morning, and the next morning we
23 saw his dead body in front of the guard room.

24 THE PRESIDENT: Have you any further de-
25 tails about that alleged Tokyo order?

RINGER

DIRECT

1 THE WITNESS: Yes, sir. In September 1944
2 this order was put up on the camp notice board.
3 Such offenses as hitting Japanese soldiers, spying,
4 making maps, were some of the offenses listed.

5 THE PRESIDENT: Did it purport to come
6 from any particular persons or body in Tokyo?

7 THE WITNESS: No, sir. It was merely
8 dated Tokyo, April 1943.

9 THE PRESIDENT: It didn't refer to any
10 particular command?

11 THE WITNESS: Down at the bottom it was
12 signed in Japanese, but I don't know what the
13 Japanese meant.

14 THE PRESIDENT: Were the three Australians
15 airmen?

16 THE WITNESS: No, sir; they were Australian
17 artillery men.

18 C Do you know other cases about acting of the
19 Japanese against the native population of Sumatra?

20 A After the surrender the Javanese chief of a
21 coolie party came to see us and asked if we could
22 help his men. Two thousand Javanese coolies had
23 been brought up in October 1943 to make an air-
24 strip just behind our camp. In June 1945 when this
25 strip had been completed the Japanese took no

RINGER

DIRECT

1 responsibility for these coolies and gave them no
2 pay or food. When the chief reported to us there
3 were only 700 coolies left. Even these were in a
4 dreadful state with tropical ulcers, and although
5 we did our best still many died. On many occasions
6 when I was in charge of working parties in the city
7 I saw Indonesians tied to trees and lamp posts.
8 Any Japanese who passed them was entitled to beat
9 them and they usually did. Some of these men were
10 there for three or four days, until they died.

11 Q Were the prisoners of war allowed to keep
12 their valuables and money?

13 A No, we were not allowed to have any more
14 money in our possession than camp pay. All valuables
15 had to be handed in to the Japanese commandant's
16 office.

17 Q And did you get them back after the war?

18 A About thirty to forty per cent was received
19 back at the end of the war. For the rest the men
20 were given a certain amount of money which these
21 goods were allegedly sold for.
22

23 Q What kind of money?

24 A Japanese occupation guilders, which were
25 practically useless after the surrender.

Q You said the prisoners were paid. How

RINGER

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much?

1 A Senior officers received 50 occupation
2 guilders a month, junior officers 40. NCOs and
3 other ranks, if they worked, were paid 25 cents
4 and 15 cents a day, respectively.
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1 Q Were the prisoners of war allowed to buy
2 supplementary food and clothing?

3 A Yes, up to the total amount of their camp
4 pay. As one shirt cost approximately three hundred
5 guilders, it was impossible to buy any clothing.

6 Q When drafted to another camp, were the
7 prisoners allowed to take their belongings with them?

8 A Prisoners of war were only allowed to take
9 what they could carry, which meant that those who had
10 acquired any bedding or mosquito netting or such would
11 have to leave them behind.

12 Q Were belongings searched when arriving at
13 a new camp?

14 A All personal effects were searched on leaving
15 a camp or entering a new camp; and any valuables or
16 anything the guard would like, he looted it.

17 Q Were prisoners allowed to write letters?

18 A No, only post cards twice a year and were
19 only allowed to send twenty-five words on each post
20 card.

21 Q Were these letters ever received as far as
22 you know?

23 A Yes. Most of the post cards were actually
24 received.

25 Q And did the prisoners receive letters?

RINGER

DIRECT

1 A In our camp odd batches were received.
2 After we were released, when I was in Singapore I
3 was acting as adjutant for the prisoners of war who
4 had been released from our camp. I was given thousands
5 of letters that had been stored in Singapore and not
6 delivered to us.

7 Q Were next of kind informed of the death of
8 a prisoner of war?

9 A No, next of kin were not informed.

10 Q What happened to the belongings of those
11 who died?

12 A The belongings of those who died were taken
13 to Japanese headquarters where they were sold and
14 the money accruing was supposed to be credited to
15 the next of kin. The usual procedure was that the
16 Japanese officers would buy this stuff at official
17 prices and then resell it in the market at black
18 market prices.

19 Q Were any Red Cross parcels distributed?

20 A Yes. In November, 1942, we received a fairly
21 large shipment of Red Cross goods. Again in September,
22 1944, we received a very small amount; but one parcel
23 for sixteen men.

24 Q Had these parcels been opened before or not?

25 A Not in November, 1942; but in September, 1944

RINGER

DIRECT

1 most of these parcels had been opened and the
2 cigarettes, American Chesterfields and Lucky Strikes,
3 were taken out. Out of the medical supplies our
4 liaison officer actually saw the Japanese doctor
5 take out the M and B tablets.

6 Q What recreation did the Japanese allow?

7 A We were allowed to read books when we could
8 get them. All the books had to have a censorship
9 stamp in them. Even our Bibles and prayer books
10 had to be stamped. We were allowed to play cards
11 and bridge, chess, draughts, and other such games.

12 Q Was any canteen allowed?

13 A Yes. We were allowed a canteen; but latterly
14 we were only allowed to buy at official prices and
15 there were no goods available at official prices.

16 Q What about sport? Was that possible and
17 allowed?

18 A Yes. At first we were allowed to play at
19 basketball; but latterly, owing to malnutrition and
20 exhaustion, prisoners were much too tired to play
21 any sports.

22 THE PRESIDENT: You need not cover all
23 breaches of the Geneva Convention, Colonel.

24 Q Were prisoners of war exposed to air attacks?

25 A Yes. We had no air raid trenches; and during

RINGER

DIRECT

1 an air raid we were shut up in the atap huts with
2 no protection whatsoever. After the raid in August,
3 1944, we never had any lights in the camp at all.
4 After a raid of the 25th of January, 1945, two bombs
5 were dropped on the perimeter of the camp. Several
6 prisoners were injured, but in spite of this we were
7 still not allowed to dig trenches.

8 Q Were the camps visited by high-ranking
9 Japanese officers?

10 A Only once were we visited, and that was by
11 General SAITO in April, 1944.

12 Q Were opportunities given to the prisoners
13 of war to lodge complaints on such occasions?

14 A No. We were all concentrated on the parade
15 ground and heavily guarded while the General walked
16 around the camp.

17 Q Did conditions change after that inspection?

18 A No. After this particular inspection con-
19 ditions became worse. Prisoners of war had to shave
20 their heads. We had orders that all prisoner of war
21 officers and men would pay respects to all Japanese
22 whether officers or other ranks. We were forced to
23 give orders to our own men in the Japanese language.

24 Q After the war was over, did the Japanese High
25 Command appear to be aware of the conditions that had

RINGER

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1 existed in prisoner of war camps?

2 MR. BLEWETT: We object to that question,
3 if your Honor please, unless the witness knows of
4 his own knowledge.

5 A Yes. I interviewed the staff officers of
6 the Japanese 25th Army including General TANABE
7 himself.

8 THE PRESIDENT: Colonel Damste, were you
9 endeavoring to establish that the Japanese disregarded
10 the Prisoners of War Convention in every detail?

11 LIEUT. COLONEL DAMSTE: In the most important
12 details, sir. I have almost finished my interrogation.

13 THE PRESIDENT: Perhaps we should let you
14 show that it was entirely disregarded if you are in
15 a position to do so.

16 We will recess for fifteen minutes.

17 (Whereupon, at 1045, a recess was taken
18 until 1100, after which the proceedings were
19 resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Colonel Damste.

4 BY LIEUT. COLONEL DAMSTE: (Continued)

5 Q Major, you were speaking about General TANABE,
6 was he aware of the conditions in prisoner of war
7 camps that existed during his command?

8 A He appeared to be completely ignorant of the
9 brutalities and the tortures that were going on in the
10 camps. He was aware of the ration scales laid down.

11 Q Could he explain the lack of control?

12 A He stated his staff officers were too busy
13 to inspect prisoner of war camps.

14 Q Major, have you omitted anything that might
15 be said in favor of the treatment of the Japanese
16 towards the prisoners of war?

17 A Yes. After we signed the parole forms Major
18 MATSUDAIRA, our Japanese Commandant, did his best for
19 us. When the first Red Cross parcels arrived in Octo-
20 ber he personally superintended the issue of these
21 and none were looted. He even tried to assist us in
22 sending some to the women internees. But this request
23 was turned down by the governor of Palembang. He,
24 unfortunately, left us in early 1943.

25 Q Major, have you witnessed or investigated

KINGER

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any other atrocities?

1 A The day I was captured a Mr. Bowden, the
2 Australian Trade Commissioner from Singapore, was on
3 the same launch. As senior man who could speak
4 Japanese, he took on the job of interpreter. A month
5 after we were taken to a large cinema hall where our
6 baggage was searched by a Japanese corporal. Mr. Bow-
7 den claimed diplomatic privileges. This Japanese
8 corporal, I was standing about five feet away from
9 him, beat him over the face and kicked him. He called
10 to his private to bring his rifle. Mr. Bowden was
11 marched out. We heard two shots. The Japanese cor-
12 poral and the private then came back into the cinema
13 hall. The private cleaned the rifle and put it back
14 in the rack. Soon after this we moved up to ceolie
15 lines where internees and prisoners of war were all
16 mixed. I took over as interpreter. I checked through
17 the guardroom and a Corporal McGahan of the RAF told
18 me that he and two companions had surrendered to a
19 Japanese patrol. They had their hands up but were
20 promptly bayoneted and were kicked into the ditch by
21 the side of the road and again bayoneted. Corporal
22 McGahan had three bayonet wounds through his body.

23 A few days later I checked through the guard-
24 room and Stoker Loyd, he was the only one that had
25

DAMSTE

DIRECT

1 escaped from a party of 16 men who had been shot and
2 bayoneted on the beaches of Bangka.

3 And again towards the end of February I
4 checked through the guardroom, Sister Bullwinkle --
5 Sister Bullwinkle was the only survivor of some 22
6 women who had been shot on the beaches of Bangka.

7 In July 1943 we were all of a sudden taken
8 home from our working parties and shut up into the
9 camp. Our sick from the Charitas Hospital were brought
10 into camp. That evening Lieutenant Visser and a Dutch
11 sergeant were arrested by the Kempei Tai. Dr. Teck-
12 lenberg, Senior Medical Officer of the hospital, and
13 all his staff including the Roman Catholic nuns were
14 arrested. On the third day we resumed working parties.
15 Three weeks later Lieutenant Visser and the Dutch
16 sergeant were brought back into our camp. Their bodies
17 were in a fearful state. They told us they had suf-
18 fered the water torture; lighted cigars had been put
19 out on their stomachs and private parts until they
20 were forced to confess. About ten days later they
21 were re-arrested by the Kempei Tai and were court
22 martialed to prison sentences. After the surrender
23 the two sisters who were serving prison sentences
24 were released by the Kempei Tai and we accommodated
25 them in our camp. Sister told me that Dr. Tecklenberg

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had been sentenced to work in the tin mines at Bangka.
Dr. Tecklenberg died while he was working in the
mines.

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1 THE PRESIDENT: What offense was alleged
2 against him and the others?

3 THE WITNESS: The offenses alleged, sir, were
4 that these men had been implicated in stirring up
5 Ambon troops and telling them to hide arms, et cetera,
6 for the return of the Allied troops; that messages
7 from Lieutenant Visser were being sent through the
8 Charitus Hospital which was being used as a spy center.

9 THE PRESIDENT: Were the sisters charged as
10 spies?

11 THE WITNESS: No, they definitely were not
12 spying.

13 THE PRESIDENT: Were they charged as such?

14 THE WITNESS: Yes, sir. They were charged as
15 spies and saboteurs.

16 THE PRESIDENT: What nationality were they?

17 THE WITNESS: They were all Dutch, sir.

18 The sister herself had been beaten unconscious.
19 When she recovered, her husband was brought in and she
20 was told that unless she confessed her husband would
21 be killed. Her husband, with eighty other Ambonese,
22 were taken some eighteen miles down Palembang and
23 murdered. We exhumed their bodies after the surrender.

24 THE PRESIDENT: Were any of those people given
25 a trial?

RINGER

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1 THE WITNESS: Dr. Tecklenberg, Lieutenant
2 Visscr, and the sergeant were given a trial, but the
3 others were forced to confess and were given no trial.

4 THE PRESIDENT: Have you any information about
5 the kind of trial they got?

6 THE WITNESS: Yes, sir. A Japanese military
7 court martial with five judges. No defense counsel
8 was allowed.

9 THE PRESIDENT: Did they understand what was
10 said at the trial.

11 THE WITNESS: Yes, there was an interpreter
12 there. The younger sister who refused to confess,
13 she was taken -- she was stripped naked, taken to
14 the door of the Kompei Tai building, and told she
15 would be marched into the city and tied and left to
16 a tree. So she confessed.

17 The chief of the Japanese coolies reported
18 to us that from the air raid of January 25th two air-
19 men had bailed out of an aircraft over the landing
20 strip. One, who landed on the strip, was promptly
21 beheaded; the second man was hung up in a tree and
22 was bayoneted. Again on the raid of the 29th of Janu-
23 ary, 1945, a burning aircraft tried to make a forced
24 landing on the strip. Two airmen got out of the plane
25 but were thrown back into flames by the Japanese.

RINGER

DIRECT

1 After the surrender -- we had seen on these two air
2 rinds seven airmen who had been exhibited in the city
3 of Palembang blindfolded -- we asked the Kempei Tai
4 what had happened to these seven men. They denied
5 all knowledge. However, we searched the Kempei Tai
6 building and we found their names written on the cell
7 wall. They then admitted that these men had been sent
8 to Singapore. These men were executed in Singapore
9 in June, 1945. The Japanese responsible made full
10 confessions and committed suicide. The case was known
11 as "Operation Meridian."

12 BY. LIEUT. COLONEL DAMSTF:

13 Q Do you know of other cases?

14 A I investigated a case as an investigator in
15 Medan, a party of prisoners of war who were escaping
16 from Padang. These were caught, six British and two
17 Dutch. They were taken out to an island and executed.
18 One of our investigators went to the island last
19 Ausut and the Javanese who actually buried these men
20 showed us their graves and we exhumed the bones. These
21 men were six British and two Dutch.

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1 Q Which was the island?

2 A The island was called Siberoeft.

3 Q Do you know about the cases in other camps?

4 A I have heard and read affidavits of other
5 atrocities in other camps. On the island of Sabang on
6 the north coast of Sumatra, 22 Dutch, the Governor
7 of the island and his staff were all murdered.

8 Q Do you know about the other cases in other
9 prisoner of war camps?

10 MR. LEVIN: Mr. President, it would seem to
11 me that in view of the fact that we have had direct
12 testimony as to conditions in other prisoner of war
13 camps, that this evidence could only be hearsay, that
14 this testimony now would be cumulative at best and
15 not worth a great deal.

16 THE PRESIDENT: Evidence does not become
17 cumulative merely because it is confirmatory. If
18 the defense are not contesting what was said by other
19 witnesses there is no need to examine this witness
20 on the same matters. I think we can judge the defense's
21 attitude from the absence of cross-examination. Perhaps
22 you can take a hint from Mr. Levin, Colonel.

23 LIEUT. COLONEL DALSTE: I finished my questions,
24 Mr. President. I am still waiting for the answer of
25 the witness.

RINGER

DIRECT

1 A I cannot remember any other particular
2 bad case.

3 MR. LEVIN: Mr. President.

4 THE PRESIDENT: Mr. Levin.

5 MR. LEVIN: There is no cross-examination
6 of this witness.

7 THE PRESIDENT: The witness is released.

8 Is there any re-examination -- there would
9 not be, of course.

10 The witness is released on the usual terms.

11 (Whereupon, the witness was excused.)

12 THE PRESIDENT: What is next?

13 LIEUT. COLONEL DAMSTE: Mr. President, I
14 would like to proceed with the area of Java.

15 I offer prosecution document 5681 as an
16 exhibit, being my synopsis about the area of Java.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 5681 will receive exhibit No. 1703.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 1703 and received in evidence.)

23 THE PRESIDENT: Yes.

24 LIEUT. COLONEL DAMSTE: (Reading)

25 "The Occupation by the Japanese Army; from

1 about 1 March 1942 until 2 September 1945, after the
2 Japanese surrender.

3 "I. PRISONERS OF WAR:"--

4 MR. LEVIN: Mr. President.

5 THE PRESIDENT: Yes, Mr. Levin.

6 MR. LEVIN: I desire to object to the first
7 paragraph of this exhibit on the grounds it again
8 offends the rule of the Court, and that it is argu-
9 mentative and a summation of evidence, and that it
10 violates the rule laid down by the Court in connection
11 with the use of the summaries in lieu of the statements
12 themselves.

13 THE PRESIDENT: When we allowed a synopsis
14 we expected a precis of the evidence and not a judge-
15 ment on that evidence. The statement to which Mr.
16 Levin refers appears to be very objectionable. You
17 should read the affidavit on which it is based first
18 so that we may form our own opinion.

19 LIEUT. COLONEL DAMSTE: As our affidavits
20 mentioned between "a" and "c" the prosecution enters
21 document 5778 of the prosecution for identification
22 and the excerpt therefrom as an exhibit.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 5778 will receive exhibit No. 1704 for identification

1 only. The excerpts therefrom, bearing the same docu-
2 ment number, will receive exhibit No. 1704-A.

3 (Whereupon, the document above
4 referred to was marked prosecution's
5 exhibit No. 1704 for identification; the
6 excerpt therefrom being marked prosecution's
7 exhibit No. 1704-A and received in evidence.)

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1 LIEUT. COLONEL DAMSTE: I will read the
2 statement, that is, page 2:

3 "Around March 29, 1942, as a prisoner of
4 war of the Japanese, I was in the M.U.L.O. -
5 school building, corner Sumatrastraat/Javastraat,
6 BANDOENG. Several medical officers had been
7 sheltered there. It was known to us that there
8 must be unburied bodies along the roads of action.
9 Further it had come to our ears, via a soldier in
10 the military hospital, that a mass execution had
11 taken place near the turnpike on the road to the
12 Tanghoeban Prahoe.

13 "We, officers, urged Colonel Van Manen
14 to go and look for these bodies; after much trouble
15 Colonel Van Manen obtained at last, after three
16 weeks, permission from the Japanese authorities to
17 send a group of medical officers and subordinates
18 with salvage tools. This group consisted of some
19 thirty men under the leadership of Doctor Heystek.

20 "On March 29, 1942, the medical officers,
21 Doctor Wolthuis and I arrived at a quinquina planta-
22 tion, situated at 300 meters from the principal
23 road from Lembang to Soebang. Going towards Soebang
24 left from the road and about 1 km. past the bifurca-
25 tion 'turnpike'. There I saw in an uncovered spot

1 in young quinquina plants in a rectangular field of
2 200 x 75 meters a great number of bodies in groups.
3 These proved to be bodies of soldiers, in a far
4 state of decomposition. On a closer view I noticed
5 that these bodies were in groups of three or five
6 people; these groups were bound together with puttees
7 and ropes. I saw that on many corpses the hands
8 were bound on the back, also with puttees, and that
9 from nearly all bodies fingers had been cut off.

10 "No rings were found on the bodies. Be-
11 tween the groups and the bodies themselves I saw
12 several opened food tins. Then in collaboration
13 with Doctor Wolthuis, each with a crew of subordin-
14 ates we started on the identification of the bodies.
15 Many bodies still had identity plates, which we
16 collected, as well as the remaining personal prop-
17 erties, like a few pocketbooks, paybooks, and so
18 forth.

19 "During my internment I met two soldiers,
20 survivors of the detachment of Lieutenant Postuma.
21 In 1943, I do not remember the exact date, I spoke
22 in the 15th Battalion, Bandoeng, with a soldier,
23 which as I remember vaguely was called De Jong, of
24 Dutch nationality, about thirty years of age, pro-
25 fessional soldier. This person told me that he had

1 belonged to the detachment of Postuma and that,
2 after a battle, he and the detachment had been
3 made prisoner at the Tjiater. They had been
4 brought together in a group of 70 men and put under
5 guard. In the beginning there was no evidence of
6 evil intentions on the part of the Japanese. They
7 had even received cigarettes from the Japanese.
8 After a few hours they had noticed that the frame
9 of mind among the guards became nervous. Machine
10 guns were installed by the guards and the soldiers
11 tied together in groups with puttees. This binding
12 had been done rather hard-handedly. All had realized
13 that the end had come. One of the soldiers prayed
14 for all. Then they had been led to an open field
15 and had been machine gunned. The soldier in question
16 told me further, that he had received a few shots
17 in his legs. After all groups had been machine
18 gunned and were lying on the field, Japanese soldiers
19 came with their bayonets along the field and went
20 between the victims. My informant declared that he
21 had pretended to be dead and when the Japanese had
22 gone he had succeeded in disengaging himself from
23 his group and, after difficult wanderings had reached
24 the main road. From there he was taken to Bandoeng
25 in a passing Japanese truck, where he was accommodated

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23 his group and, after difficult wanderings had reached
24 the main road. From there he was taken to Bandoeng
25 in a passing Japanese truck, where he was accommodated

1 in the hospital. After his recovery he had been
2 interned in the camp's 'Lands Opvoedings Gesticht'
3 at Bandoeng. From there he was transferred in 1943
4 as a former soldier to the 15th Battalion, Bandoeng;
5 where he is now I don't know. In the 10th Battalion,
6 Batavia, I met in 1944, but I do not remember the
7 correct date, a second soldier surviving from the
8 above mentioned detachment. This soldier, age also
9 about 30, was a Eurasian. He told me the following:

10 "I was orderly to Lieutenant Postuma. Our
11 detachment was taken prisoner at Tjiater, after a
12 hard battle, even a hand-to-hand fight. I remember,
13 for instance, that a European soldier made terrible
14 havoc among the Japanese with his klewang. When
15 Lieutenant Postuma decided to lay down arms, we all
16 regretted it very much. After being apprehended I
17 saw that that European soldier was thoroughly ill
18 treated.

19 "Lieutenant Postuma had given us the order
20 not to tell who was the commanding officer of our
21 detachment, because he feared that the Japanese
22 would interrogate him concerning the position of the
23 Dutch troops. The Japanese put us together with 70
24 soldiers in an open field and later we were tied
25 together in groups of three or five with puttees and

1 in the hospital. After his recovery he had been
2 interned in the camp's 'Lands Opvoedings Gesticht'
3 at Bandoeng. From there he was transferred in 1943
4 as a former soldier to the 15th Battalion, Bandoeng;
5 where he is now I don't know. In the 10th Battalion,
6 Batavia, I met in 1944, but I do not remember the
7 correct date, a second soldier surviving from the
8 above mentioned detachment. This soldier, age also
9 about 30, was a Eurasian. He told me the following:

10 "I was orderly to Lieutenant Postuma. Our
11 detachment was taken prisoner at Tjiater, after a
12 hard battle, even a hand-to-hand fight. I remember,
13 for instance, that a European soldier made terrible
14 havoc among the Japanese with his klewang. When
15 Lieutenant Postuma decided to lay down arms, we all
16 regretted it very much. After being apprehended I
17 saw that that European soldier was thoroughly ill
18 treated.

19 "Lieutenant Postuma had given us the order
20 not to tell who was the commanding officer of our
21 detachment, because he feared that the Japanese
22 would interrogate him concerning the position of the
23 Dutch troops. The Japanese put us together with 70
24 soldiers in an open field and later we were tied
25 together in groups of three or five with puttees and

1 rope. Thereupon we were machine gunned by the
2 Japanese. I was tied fast to the group of
3 Lieutenant Postuma; when we were machine gunned
4 the lieutenant received a shot in the back of his
5 head. He did not die at once and asked me not to
6 leave him. A little later the lieutenant died. I
7 was not fatally wounded myself, succeeded in dis-
8 engaging myself and to reach the main road. Then I
9 landed in the Bardoeng hospital. What his name is
10 and where he is now, I don't know."

11 THE PRESIDENT: If that affidavit is true,
12 what you have said about the episode is quite correct
13 but, nevertheless, we do not want your assistance
14 along those lines. We can form our own conclusion
15 so we will disregard what you said and uphold the
16 objection.

17 Apparently you intended to read the last
18 affidavit because the interpreters were able to
19 translate it simultaneously. Do you intend to read
20 the others?

21 LIEUT. COLONEL DAMSTE: I intend to read
22 No. 5779 after introducing it.

23 The prosecution enters document No. 5779
24 for identification and the excerpt therefrom as an
25 exhibit.

1 I may point out, Mr. President, that I
2 had to change the sequence because of the fact of
3 the objection of the defense because "a" and "c"
4 deal with the fact that the prisoners of war were
5 not immediately murdered.

6 THE PRESIDENT: We do not quite appreciate
7 why you should do that, Colonel, but probably you
8 have a good reason.

9 LIEUT. COLONEL DAMSTE: I prefer to read
10 my synopsis in the sequence it was planned.

11 THE PRESIDENT: Document No. 5779 is
12 admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 5779 will receive exhibit No. 1705 for identifi-
15 cation only and the excerpt therefrom will receive
16 exhibit No. 1705-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 1705 for identification only; the excerpt
20 therefrom being marked prosecution's exhibit
21 No. 1705-A and received in evidence.)

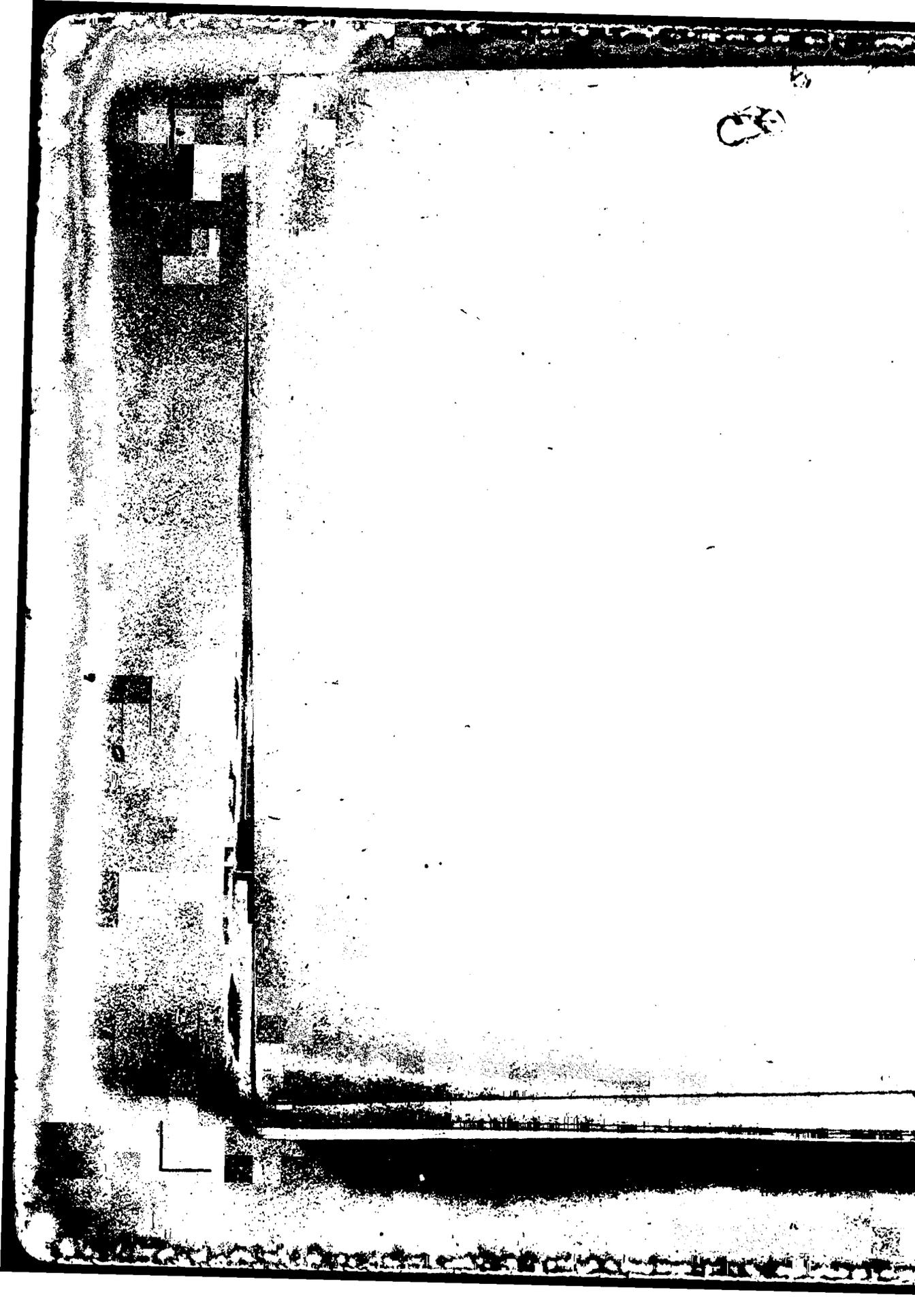
22 LIEUT. COLONEL DAMSTE: With the Court's
23 permission I would like to read the greater part of
24 this affidavit. Before doing this I have to make a
25 correction. For unknown reasons--

1 THE PRESIDENT: What is the correction,
2 Colonel?

3 LIEUT. COLONEL DAMSTE: For unknown reasons
4 the first seven lines of the statement of the depon-
5 ent Moes have not been translated into Japanese.
6 However, the court interpreter has been informed
7 and has made the Japanese translation beforehand
8 so at the same moment that I will read the seven
9 lines in English the simultaneous translation of
10 the Japanese will be read over the IBM.

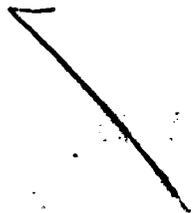
11 THE PRESIDENT: We will hear the reading
12 of this document on Thursday. We will adjourn
13 until half-past nine on Thursday morning.

14 Whereupon, at 1155, an adjourn-
15 ment was taken until Thursday, 26 December
16 1946 at 0930.)
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26 DECEMBER 1946

I N D E X

Of

WITNESSES

Prosecution's Witnesses

Page

Leenheer, Cornelis C.,

13733

Direct by Lieutenant Colonel Damste

13733

I N D E X

Of

EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5777	1706		Report by Captain Leyder, R.N.I.A. dated 11 September 1945 re the "Kalidjati-Mass-Murder" (Synopsis of Jave)	13620	
5777	1706		Excerpt therefrom		13620
5735	1707		Affidavit of P.G. DeVries	13621	
5735	1707-A		Excerpt therefrom		13621
5780	1708		Report of Sergeant C. Vijl-brief, R.N.I.A.	13621	
5780	1708-A		Excerpt therefrom		13621
5776	1709		Affidavit of Major-General Hervy Degge Wilnot Sitwell, MC		13622
5789	1710		Affidavit of Flying Officer R. P. Bullcock		13624
5787	1711		Affidavit of Lt. Col. Cyril Wallace Maisey of the Royal Army Medical Corps		13624
5788	1712		Affidavit of the same Dr. Maisey re L.O.G. Camp, Bandoeng		13629

I N D E X

of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5781	1713		Affidavit of G. J. Dissevelt, 1st Lieutenant, R.N.I.A.	13631	
5781	1713-A		Excerpt therefrom		13631
5782	1714		Report of Major P. Doornbos, R.N.I.A.	13634	
5782	1714-A		Excerpt therefrom		13634
5783	1715		Statement of Dr. F.H. Ter- hæge, Officer IInd, R.N.I.A.		13634
5784	1716		Report of Medical Officer F.M. Vonk, R.N.I.A..	13635	
5784	1716-A		Excerpt therefrom		13635
5785	1717		Statement of F.J. Reemer, R.N.I.A.	13636	
5785	1717-A		Excerpt therefrom		13636
5786	1718		Statement of Schoolteacher C. Broertjes	13636	
5786	1718-A		Excerpt therefrom		13637
5767	1719		Affidavit of Mrs. Alida Horst (nee Middelkamp)	13638	
5767	1719-A		Excerpt therefrom		13638
5762	1720		Report of J.C. Reinders, civilian internee	13644	

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5762	1720-A		Excerpt therefrom		13644
5763	1721		Sworn statement of Police Officer Gerhardus De Lang		13646
5765	1722		Affidavit of Mrs. A. M. Droog, re. Women's Camps	13646	
5765	1722-A		Excerpt therefrom		13647
5766	1723		Sworn Statement of Miss J.P. Risselada		13648
5769	1724		Affidavit of Mrs. M. P. Haverkamp	13650	
5769	1724-A		Excerpt therefrom		13650
5770	1725		Affidavit of Mrs. J. Beelman, (nee Van Ballegooyen)	13652	
5770	1725-A		Excerpt therefrom		13652
5709	1726		Burma-Siam Railway - Coolie Labour		13656
5710	1727		ATIS Report, Australian Division South East Asia Command re Japanese Reports on Javanese Laborers at the Brunel Oil Refinery in Borneo and another on recruiting laborers at Djoc Jakarta	13657	
5710	1727-A		Excerpts therefrom		13657
5700	1728		Affidavit of ex-Sergeant Doelahmaro	13658	
5700	1728-A		Excerpt therefrom		13658

I N D E X

Of

EXHIBITS

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5701	1729		Affidavit of Kasr Bin Sentami	13659	.
5701	1729-A		Excerpt therefrom		13659
5702	1730		Affidavit of Sanrawi Bin Wiriasaja	13659	
5702	1730-A		Excerpt therefrom		13659
5706	1731		Affidavit of Parman Bin Djotarocno	13660	
5706	1731-A		Excerpt therefrom		13660
5712	1732		Affidavit of Selamat Bin Joe-noes	13662	
5712	1732-A		Excerpt therefrom		13662
5703	1733		Affidavit of Achmad Bin Ketajoeda	13663	
5703	1733-A		Excerpt therefrom		13663
5704	1734		Affidavit of Goedel, (Seller of Fried Meats on Sticks)	13664	
5704	1734-A		Excerpt therefrom		13664
5705	1735		Affidavit of Boejong, alias Tawahir	13667	
5705	1735-A		Excerpt therefrom		13667
5707	1736		Affidavit of Rebo	13668	
5707	1736-A		Excerpt therefrom		13668

I N D E X

Of

EXHIBITS

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5711	1737		Affidavit of Tehir	13668	
5711	1737-A		Excerpt therefrom		13669
5723	1738		Affidavit of F. H. von Meijenfeldt	13670	
5723	1738-A		Excerpt therefrom		13670
5724	1739		Affidavit of Amat Nawi	13671	
5724	1739-A		Excerpt therefrom		13671
5728	1740		Affidavit of Goenoeng, Nica		13671
5714	1741		Affidavit of Paiman, alias Mangareng	13672	
5714	1741-A		Excerpt therefrom		13672
5726	1742		Affidavit of Abdul Madjid	13673	
5726	1742-A		Excerpt therefrom		13673
5722	1743		Affidavit of Medali	13673	
5722	1743-A		Excerpt therefrom		13673
5708	1744		Affidavit of Koper		13674
5715	1745		Visual evidence (4 photographs) of Seketer Camp near Singapore by Army Film and Photo Section, SEAC		13674

I N D E X

Of

EXHIBITS

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Idcnt.</u>	<u>In Evidence</u>
5731	1746		Survey of results of thousands of victims of the Military Police as given by the Head of the War Crimes Section of N.E.F.I.S.		13675
5746	1747		Affidavit of Dr. H. E. Boissevain, Major of Semarang	13676	
5746	1747-A		Excerpt therefrom		13676
5745	1748		Statement of Dental Student W.F. Wijting	13681	
5745	1748-A		Excerpt therefrom		13681
5748	1749		Reports of Major A. Zimmerman, R.N.I.A. re methods of Kempei-torture at Buitenzorg	13682	
5748	1749-A		Excerpt therefrom		13682
5747	1750		Statement of Lie Bong Giok	13683	
5747	1750-A		Excerpt therefrom		13683
5750	1751		Statement of Professor, Doctor Engineer Egvert de Vries	13685	
5750	1751-A		Excerpt therefrom		13685
5751	1752		Detailed Report of Dr. Flachs, a Swiss Engineer, on Kempei-Tai at Bandoeng	13687	

I N D E X

Of

EXHIBITS

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5751	1752-A		Excerpt therefrom		13687
5754	1753		Affidavit of Mrs. H.E. Engeln re methods at Soerabaia Kempei-Tai		13694
5741	1754		Affidavit of Mrs. A. D. van Hook	13695	
5741	1754-A		Excerpt therefrom		13695
5752	1755		Sworn Statement of Mrs. S.H.J. Idenburg, (nee van de Poll)	13696	
5752	1755-A		Excerpt therefrom		13696
5743	1756		Affidavit of F. H. Loupetty	13697	
5743	1756-A		Excerpt therefrom		13697
5744	1757		Affidavit of Simon Pattinama	13698	
5744	1757-A		Excerpt therefrom		13698
5733	1758		Affidavit of YAMAMOTO, Moichiro	13700	
5733	1758-A		Excerpt therefrom		13700
5734	1759		Statement of Dr. Ch. O. van der Plas	13700	
5734	1759-A		Excerpt therefrom		13700
5756	1760		Statement of Kempei Major KATSUMURA	13701	
5756	1760-A		Excerpt therefrom		13701

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5732	1761		Summary of Prison Conditions in Java and Madura by Charles Jongeneel, Captain, R.N.I.A.		13702
5740	1762		Statement of Brigadier Arthur Seaforth Blackburn		13706
5758	1763		Statement of J. Schim van der Loeff		13709
5759	1764		Description and Text of the film entitled "Nippon Presents"		13711

Thursday, 26 December, 1946

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,

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The Tribunal, same as before with the
HONORABLE JUSTICE D. JARANILLA, Member
of the Philippines and HONORABLE
Member from the Republic of China,

Prosecution Section, same as before.
Defense Section, same as before.

Except OKAWA, Shumei, who is
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Japanese and Japanese
was made by the

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ref

1 Thursday, 26 December, 1946

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4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with the
14 exception of: HONORABLE JUSTICE D. JARANILLA, Member
15 from the Republic of the Philippines and HONORABLE
16 JUSTICE JU-AO MEI, Member from the Republic of China,
17 not sitting.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 The Accused:

21 All present except OKAWA, Shumei, who is
22 represented by his counsel.

23 - - -

24 (English to Japanese and Japanese
25 to English interpretation was made by the
Language Section, IMTFE.)

1 Thursday, 26 December, 1946

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
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13 For the Tribunal, same as before with the
14 exception of: HONORABLE JUSTICE D. JARANILLA, Member
15 from the Republic of the Philippines, not sitting.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

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20 represented by his counsel.

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23 to English interpretation was made by the
24 Language Section, IMTFE.,
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3
4 THE PRESIDENT: Colonel Damste.

5 LIEUT. COLONEL DAMSTE: Mr. President,
6 Members of the Tribunal, I was about to read the
7 prosecution document 5779, exhibit No. 1705-A. I
8 will read the statement of Moes.

9 "On March 6, 1942, around 6 o'clock, I
10 was at Lembang, as sergeant of the 9th Brigade, be-
11 longing to the 3rd Section of the 1st Company Soe-
12 bang. Commander of the Section was Sergeant Major
13 MEEUWSE. The section of soldiers, consisting of some
14 35 men, was lying on an incline. At that moment we
15 were shot at from the front by Japanese and behind
16 us there were Japanese tanks. Suddenly I saw behind
17 me a white towel floating on a stick. We fired in
18 the direction of the Japanese assailants, but at the
19 sight of the white flag we all and also the Japanese
20 stopped firing. I do not know who had put up this
21 flag. We laid down our equipment and rifles and then
22 walked over to the enemy with hands up. They re-
23 ceived us in a friendly spirit, shook hands and dis-
24 tributed chocolate and cigarets. The 2nd section of
25 the 1st Company was to the West of us in the same

1 field. The people of this section did not know and
2 could not know that the 3rd section had surrendered
3 and continued to fire. Two of us then went over to
4 them, making known the situation, after which they al-
5 so stopped fire and joined us. Some wounded had re-
6 mained behind on the grounds and we requested the Jap-
7 anese soldiers to be allowed to fetch them. Together
8 with five other soldiers of our section we went over
9 the ground to look for those wounded. While trans-
10 porting one of the wounded, a Japanese soldier, sitting
11 in a tree, was firing at us with an automatic weapon,
12 causing the death of the wounded and two of our sol-
13 diers. Names of the victims and perpetrators are un-
14 known to me. After a stay of about an hour there with
15 the enemy, a Jap. officer gave the order that we had
16 to march in goose-march behind some Japanese soldiers.
17 Thus we were taken from covered ground to a plain.
18 There we had to sit down and the Eurasian boys were
19 separated from the thoroughbred Europeans. Then we
20 were searched, while the Japanese soldier took away
21 all our possessions, like fountain pens, watches,
22 money, etc., even our identity disks and military
23 booklet. There was a Jap. soldier who talked Dutch
24 and who interrogated us one after the other, like:
25 name, age, function, from where we came, where we

1 came, where we wanted to go and where was the road to
2 Bandoeng. During this interrogation a Japanese plane
3 flew over us. From this plane a newstube was dropped,
4 which was taken by one of the Japanese. The pre-
5 sumed commander looked through the papers contained
6 in the tube and then started to shout at his infer-
7 iors, from which I understood that he was giving or-
8 ders. At once the Japanese soldiers came to us,
9 telling that we must take off our puttees. After
10 having complied with this order we had to keep our
11 wrists crossed behind our back. Our wrists were
12 fettered with the puttees and we were tied together
13 in groups of three. The groups were lined up and
14 again I heard the commander in question shouting a
15 presumed order. Then I saw and heard that we were
16 shot at from a machinegun standing some 10 meters
17 nearly opposite. I felt I was shot in my pelvis,
18 fell down and noticed that the two fellow-victims
19 tied to me fell over me. I think they were dead at
20 once. I became unconscious. This was only for a
21 short time, for when I regained consciousness I still
22 heard the machinegun firing. I heard that several
23 people called in Malay: "Have pity and kill me",
24 and heard them praying, groaning and calling for help.
25 When the firing was stopped some 25 or 30 Japanese

1 soldiers made a rush for us with fixed bayonets. I
2 pretended to be dead, but I looked for a while at the
3 activities of the Japanese soldiers and saw that they
4 made a charging movement in the direction of the sol-
5 diers lying on the ground still groaning and scream-
6 ing. The screaming and groaning of the victims
7 grew less and after a moment I did not hear the vic-
8 tims any longer. I heard somebody walking behind me
9 and lost consciousness. I do not know how long I re-
10 mained unconscious, but I estimate it to be about 3
11 hours. I heard nothing and therefore called loudly
12 'Have they gone?' After calling three times someone
13 called back: 'Yes, they are gone.' I then unbound
14 my wrists. When my hands were loose and I sat up, I
15 noticed that my clothing was wet with blood on my
16 breast. Upon investigation I found that I had a
17 bleeding wound on the right side and one on the left
18 side of my breast. I presumed then that I had been
19 transfixed with a bayonet by a Japanese. I wanted to
20 stand up but found that this was impossible and I
21 discovered that I had two bullet-wounds in my right
22 groin! I crawled on hands and knees to the man who
23 had answered me. This appeared to be JONKERS, well-
24 known to me, also of our section. We found that he
25 had been hit by bullets in his legs. I untied his

1 wrists. I saw some 80 soldiers, belonging to the
2 2nd and 3rd sections, lying on the ground tied to-
3 gether in groups of three. I saw that from some of
4 them the eyes had been put out, the head had been cut
5 off, the abdomen pricked open, etc. After having un-
6 tied Jonkers we both crawled into the shrubbery. I
7 had severe pains, but the bleeding stopped. Until
8 March 7, 1942, around 1400 o'clock, we remained in the
9 shrubbery, then we stumbled off together. We faltered
10 around the field for three days, and after many pri-
11 vations, we arrived at the big communication road
12 from Soebang to Lembang."

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1 LIEUT. COLONEL DANSTE: I resume my synopsis.
2 I introduce the document of the prosecution No. 5777
3 for identification. I resume my synopsis of Java
4 and enter document No. 5777 for identification and
5 the excerpt therefrom as an exhibit.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 5777 will receive exhibit No. 1706 for identi-
9 fication only; and the excerpt therefrom will receive
10 exhibit No. 1706-A.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1706 for identification; and the excerpt
14 therefrom was marked prosecution's exhibit
15 No. 1706-A and received in evidence.)

16 LIEUT. COLONEL DANSTE: The investigation
17 report by Captain LEYDER, R.N.I.A., prosecution
18 document 5777, proves that several prisoners of
19 war were murdered at Kali Djati, West Java.

20 The prosecution enters document 5735 for
21 identification and the excerpt therefrom as an
22 exhibit.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 5735 will receive exhibit No. 1707 for

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1 identification only; and the excerpt therefrom, with
2 the same document number, will receive exhibit
3 No. 1707-A.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1707 for identification; and the excerpt
7 therefrom was marked prosecution's exhibit
8 No. 1707-A and received in evidence.)

9 LIEUT. COLONEL DAMSTF: From the affidavit
10 of P. G. DE VRIES, Prosecution Document 5735, is
11 taken the account of the murder of about 20 prisoners
12 of war, being R. A. F. and R. A. A. F. personnel
13 who were patients in hospital.

14 The prosecution enters document 5780 for
15 identification and the excerpt therefrom as an exhibit.
16

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 5780 will receive exhibit No. 1708 for identification
20 only; and the excerpt therefrom, with the
21 same document number, will receive exhibit No. 1708-A.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1708 for identification; and the excerpt
25 therefrom was marked prosecution's exhibit

1 No 1708-A and received in evidence.)

2 LIEUT. COLONEL DAMSTE: The report of
3 Sergeant C, VIJLBRIEF, R.N.I.A., prosecution
4 document 5700, shows that several prisoners of war
5 were murdered at Kertosono, East Java.

6 The prosecution enters document 5776
7 as an exhibit.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 5776 will receive exhibit No. 1709.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1709 and received in evidence.)

14 LIEUT. COLONEL DAMSTE: At the time of
15 surrender special consideration was given to en-
16 suring the legal status of prisoners of war. Major
17 General H. D. W. SITWELL, G. O. C. British troops
18 in Java, obtained a specific assurance that the
19 provisions of the Geneva Convention 1929 re prisoners
20 of war, would be applied. This assurance was never
21 implemented and the treatment accorded to prisoners
22 of war was in complete contradicition to the Convention.
23 At a later date the General was told that the Japanese
24 would apply the rules of the Convention only in so far
25 as it should suit them to do so. This is made clear

1 in his affidavit, prosecution document 5776.
2 Interrogations under threats, beatings, torture,
3 humiliations, bad food, bad sanitary conditions were
4 the methods applied at the Japanese General Head-
5 quarters, established at Bandung, West Java. Briga-
6 dier BLACKBURN testified on these matters to the
7 same effect on November 29th and December 2nd, 1946,
8 before this Tribunal.

9 3. Camps.

10 Prisoners of war were concentrated in
11 various camps situated all over Java. Most of these
12 camps became notorious on account of the bad treat-
13 ment. From the very beginning conditions were poor
14 and the Japanese never did anything to ameliorate
15 them in any way notwithstanding repeated protests
16 and requests. On the contrary, conditions grew
17 worse. The prosecution does not intend to give evi-
18 dence about each and every camp but will give a
19 picture of the general conditions by introducing
20 various documents.

21 The prosecution enters prosecution document
22 5789 as an exhibit.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 5789 will receive exhibit No. 1710.

1 in his affidavit, prosecution document 5776.
2 Interrogations under threats, beatings, torture,
3 humiliations, bad food, bad sanitary conditions were
4 the methods applied at the Japanese General Head-
5 quarters, established at Bandung, West Java. Briga-
6 dier BLACKBURN testified on these matters to the
7 same effect on November 29th and December 2nd, 1946,
8 before this Tribunal.

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10 Prisoners of war were concentrated in
11 various camps situated all over Java. Most of these
12 camps became notorious on account of the bad treat-
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14 and the Japanese never did anything to ameliorate
15 them in any way notwithstanding repeated protests
16 and requests. On the contrary, conditions grew
17 worse. The prosecution does not intend to give evi-
18 dence about each and every camp but will give a
19 picture of the general conditions by introducing
20 various documents.

21
22 The prosecution enters prosecution document
23 5789 as an exhibit.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document
No. 5789 will receive exhibit No. 1710.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1710 and received in evidence.)

4 LIEUT. COLONEL DAMSTE: The affidavit of
5 Flying Officer R. P. BULLCOCK, prosecution document
6 5780, regarding conditions at:

7 Jaarmarktcamp at Sourabaya, (East Java):
8 bad accomodation, sanitation and food, inadequate
9 provision for health and lack of medical care, com-
10 pulsory labour on military objects, exhausting labour,
11 cruel corporal punishment causing unconsciousness and
12 physical injury, compulsory labour for sick people.

13 Lyceumcamp, Sourabaya: General conditions
14 similar with the addition of overcrowding.

15 Cycle Camp, Batavia: Cruel beatings -- unto
16 death.

17 Bandung: Severe beatings.

18 The prosecution tenders document 5787 as
19 an exhibit.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 5787 will receive exhibit No. 1711.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1711 and received in evidence.)

1 LIEUT. COLONEL DAMSTE: The affidavit of
2 Lieutenant Colonel C. W. MAISEY, Royal Army Medical
3 Corps, prosecution document 5787, showing conditions
4 in the prisoner of war camp at Glodok prison, Batavia;
5 ccnditions even worse than those at Sourabaya especial-
6 ly as regards medical care.

7 I will read this document with the Court's
8 permission.

9 "I was taken prisoner by the Japanese on
10 March 8, 1942, in Java and I arrived at the prisoner
11 of war camp known as Boie Glodok on the 10 April 1942.
12 I stayed in this camp until May 28.

13 "During my stay in this camp I was the senior
14 medical officer of the camp. I would describe the
15 general conditions in this camp as very bad; it was very
16 overcrowded, sanitary arrangements were quite inade-
17 quate, and the food was bad and inadequate. The main
18 food consisted of rice, and this rice was in a very
19 bad condition; it was full of maggots and weevils.
20 There was at this time plenty of good rice available
21 but the Japanese authorities would not supoly us with it.

22 "The medical arrangements were disgraceful;
23 although there were plenty of medicines available in
24 the camp the Japanese refused to allow the doctors to
25 make use of them. For example they only supplied us

1 with twenty aspirin tablets which they said were to
2 last us for a week although there were over a thousand
3 patients suffering from very high fever. Also they
4 refused to supply us with malarial stain to enable
5 us to diagnose malaria, although this serum could have
6 been obtained from the chemists' shops within fifty
7 yards of the camp. As a result of the lack of medical
8 supplies the prisoners suffered considerably and were
9 reduced to a weakened condition.

10 "The hygenic conditions in this camp were ap-
11 palling. The Japanese authorities had issued an order
12 that no refuse was to be taken out of the camp. As a
13 result there was a large quantity of food refuse,
14 particularly mouldy rice, which the prisoners could
15 not eat and this resulted in a large number of flies.
16 I pointed out to the Japanese that this would result
17 in an out-break of dysentery. After about three weeks
18 of repeated requests by myself and Group Captain Noble,
19 the Japanese allowed this refuse to be taken out of
20 the camp, but by this time the damage had been done,
21 and there was an out-break of dysentery, which, after
22 I left the camp became very severe.

23 "Sometime about the last week in April or
24 the first fortnight in May three Royal Air Force
25 prisoners of war made an attempt to escape. I under-

1 stand that their plan was to steal an aeroplane from
2 an aerodrome near the camp where they were working.
3 I understand that these prisoners were caught by the
4 Japanese and executed. The Japanese authorities told
5 Group Captain Noble the senior British Officer, that
6 they had been shot for a more serious offence than
7 trying to escape. They did not specify what this
8 offence was.

9 "During the first week in May a young Royal
10 Air Force prisoner had acute intestinal obstruction
11 which necessitated an immediate operation. The Japa-
12 nese refused to grant any facilities either for him
13 to be moved to hospital or for instruments to be pro-
14 vided so that he could be operated on in the camp. As
15 a result this prisoner died. This was a typical ex-
16 ample of the attitude of the Japanese towards the sick
17 prisoners and their refusal to provide facilities which
18 were readily available.

19 "In my opinion the Japanese who were respon-
20 sible for the ill-treatment and bad conditions of
21 prisoners of war in this camp were the Commandant
22 of the camp, the so-called doctor and the Japanese who
23 were in command of Batavia. I do not know the names
24 of any of these Japanese. I describe the Japanese
25 doctor as follows: age about 30; height 5'11"; very

13,628

1 well built; black hair; very smart appearance."
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1 LIEUT. COLONEL DAMSTE: The prosecution
2 enters document No. 5788 as an exhibit.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5788 will receive exhibit No. 1712.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1712 and received in evidence.)

9 LIEUT. COLONEL DAMSTE: The affidavit of
10 the same Doctor MAISEY, prosecution document 5788,
11 regarding L. O. G. camp, Bandung about similar com-
12 plaints.

13 These affidavits show that the greater part
14 or all offences mentioned in sections 1 through 8, 9
15 and 10 of Appendix D of the Indictment were committed.

16 MR. BLEWETT: If the Court please, it seems
17 to the defense that that is a matter for the Court
18 to determine.

19 THE PRESIDENT: Well, Mr. Blewett, to save
20 time and to save you having to object, I assure you
21 we will disregard everything of that nature.

22 MR. BLEWETT: I shall refrain therefore, sir.

23 THE PRESIDENT: At the same time I should say
24 your objections are well warranted.

25 LIEUT. COLONEL DAMSTE: 4. Transport.

1 A circumstance which aggravated the bad
2 conditions was the constant and unnecessary reshuffling
3 of prisoners of war. Most of them were moved from
4 one camp to another and during the war years tens
5 of thousands were sent away from Java. For example,
6 of Dutch prisoners alone about 14,000 were sent to
7 the Burma-Siam railroad, 7,800 to Japan, 1,000 to
8 Ambon, 2,000 to Flores. This appears in prosecution
9 document 5737, exhibit 1677, already introduced.

10 As this transport of prisoners of war by
11 sea was never communicated in advance to the Allies,
12 the ships used were exposed to Allied attack. At
13 least five ships were torpedoed, about 2,700 Dutch
14 prisoners of war suffered shipwreck of whom 1,900 were
15 drowned, while the survivors were left in a worse
16 position than before, not only from the effects on
17 their physical condition, but also from the continuing
18 effects of the loss of clothing and personal belongings,
19 as will be shown hereafter.

20
21 5. Executions.

22 Recaptured escapees were, in most cases,
23 executed without trial, although the Convention allows
24 only disciplinary measures and not even court-martial
25 punishment in such cases. As, in the first months
after the capitulation such executions took place in

1 several places throughout Java, it is inferred that
2 they were the result of a special order.

3 Most of the executions were carried out by
4 methods of revolting cruelty -- by bayoneting the
5 victims thus ensuring a most painful death after
6 protracted agony. Moreover, fellow-prisoners had to
7 be present and witness these barbarous executions.

8 Executions of this nature are described in
9 the following affidavits.

10 The prosecution enters document 5781 for
11 identification and the excerpt therefrom as an exhibit.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 5781 will receive exhibit No. 1713 for identi-
15 fication only; and the excerpt therefrom will receive
16 exhibit No. 1713-A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1713 for identification; and the excerpt
20 therefrom was marked prosecution's exhibit
21 No. 1713-A and received in evidence.)

22 LIEUT. COLONEL DAMSTE: 1st Lieutenant G. J.
23 DISSEVELT, R.F.I.A.: execution of three Dutch prisoners
24 of war at L. O. G. camp, Bandung, April, 1942.

25 With the Court's permission I will read a part

1 of it at page 3, the second new paragraph.

2 "Capt. 'KAWAKATSU' delivered a speech to
3 these officers, which he ordered me to translate;
4 this speech amounted to the following: these three
5 military had committed a serious transgression, by
6 attempting to escape, for which they had to atone now.
7 The Dutch officers present were held responsible for
8 this transgression, because owing to laxity they had
9 not been able to prevent the escape.

10 "The victims were then blindfolded and by
11 orders of 'KAWAKATSU' 6 Japanese soldiers fell out
12 and took up their positions: two in front of each
13 victim, rifle in hand with fixed bayonet.

14 "As I understood from 'KAWAKATSU's' words
15 and from the preparations made that an execution
16 would take place after all, I went up to Capt. 'KAWA-
17 KATSU' and asked him whether it would be permitted
18 to take down the last wishes of the 3 military. After
19 he had given his consent I went up to them and took
20 down in a note-book their names and the names of their
21 nearest relatives.

22 "Afterwards I passed these data on to Lt.
23 Col. 'POULUS'. Their names were: 'HIELKEMA', 'MERKUS'
24 and 'KARSSSENS' (possibly not spelled in the right way).
25 The first two were of the K.N.I.L., the third was a

1 militia sailor. 'KARSSSENS' asked the favour of dying
2 unblindfolded. This request, passed on to 'KAWAKATSU'
3 by me, was granted by him and the bandage was taken
4 off.

5 "Thereon 'KAWAKATSU' gave the order to com-
6 mence and the Japs started jumping to and fro to take
7 up the required position. 'KARSSSENS' exclaimed, 'Long
8 live the Queen', and the Japs commenced bayoneting
9 their victims, which went on for some time. One Dutch
10 officer (Dr. 'LAMPE') could not bear the slaughter,
11 and collapsed, much to the amusement of some Japanese
12 officers. After some time the victims, covered with
13 wounds, were hanging limply on the barbed wire.

14 'KARSSSENS' probably died quickly but one of the two
15 soldiers drew up his tortured body covered with bleed-
16 ing wounds, and said 'I am not yet dead, I am still
17 alive.' Hereon the slaughter recommenced until the
18 Jap was satisfied. We were ordered to return to the
19 barracks and on leaving the grounds I saw a Japanese
20 officer go up to the 3rd victim (not 'KARSSSENS', nor
21 the man who had stood up during his agony) and shoot
22 him through the head with his revolver. Evidently
23 this man had not yet died."
24
25

1 LIEUT. COLONEL DAMSTE: The prosecution
2 enters document 5782 for identification and the
3 excerpt therefrom as an exhibit.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5782 will receive exhibit No. 1714 for identi-
7 fication only; and the excerpt therefrom will receive
8 exhibit No. 1714-A.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1714 for identification; and the excerpt
12 therefrom was marked prosecution's exhibit
13 No. 1714-A and received in evidence.)

14 LIEUT. COLONEL DAMSTE: Major P. DOORNBOS,
15 R.N.I.A.: execution of two Dutch prisoners of war
16 at 4th-9th Battalion Camp, Tjimahi, West Java, May
17 1942.

18 The prosecution enters document 5783 as an
19 exhibit.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 5783 will receive exhibit No. 1715.
23

24 (Whereupon, the document above re-
25 ferred to was marked prosecution's exhibit
No. 1715 and received in evidence.)

1 LIEUT. COLONEL DAMSTE: Medical officer.
2 B. H. TERHEEGE, R.N.I.A.: execution of six Indonesian
3 prisoners of war at 6th Battalion Camp, Tjimahi,
4 May, 1942. This Doctor was summoned to administer
5 the coup-de-grace to one of the victims of an
6 attempt at execution, who was in agony.

7 The prosecution enters document 5784 for
8 identification and the excerpt therefrom as an
9 exhibit.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 5784 will receive exhibit No. 1716 for identi-
13 fication only; and the excerpt therefrom will receive
14 exhibit No. 1716-A.

15 (Whereupon, the document above re-
16 ferred to was marked prosecution's exhibit
17 No. 1716 for identification; and the excerpt
18 therefrom was marked prosecution's exhibit
19 No. 1716-A and received in evidence.)

20 LIEUT. COLONEL DAMSTE: Medical Officer F.
21 M. VONK, R.N.I.A.: execution of two Dutch prisoners
22 of war at Agricultural School Camp, Sukabumi, West
23 Java, May 1942.

24 The prosecution enters document 5785 for
25 identification and the excerpt therefrom as an exhibit.

1 THE PRESIDENT: Admitted on the usual terms.
2 CLERK OF THE COURT: Prosecution's document
3 No. 5785 will receive exhibit No. 1717 for identifi-
4 cation only; and the excerpt therefrom will receive
5 exhibit No. 1717-A.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1717 for identification; and the excerpt
9 therefrom was marked prosecution's exhibit
10 No. 1717-A and received in evidence.)

11 LIEUT. COLONEL DAMSTE: Ensign F. J. REEMER,
12 R.N.I.A.: Execution of three Dutch and three Indo-
13 nesian prisoners of war at Djati Nangor, Central
14 Java, 31 March 1942.

15 The prosecution enters document 5786 for
16 identification and the excerpts as an exhibit.

17 THE PRESIDENT: Admitted on the usual terms.
18 CLERK OF THE COURT: Prosecution's document
19 No. 5786 will receive exhibit No. 1718 for identifi-
20 cation only; and the excerpts therefrom will receive
21 exhibit No. 1718-A.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1718 for identification; and the excerpts
25 therefrom were marked prosecution's exhibit

1 No. 1718-A and received in evidence.)

2 LIEUT. COLONEL DAMSTE: Schoolteacher C.
3 BROERTJES: execution of three Dutch prisoners of
4 war at K.B.S. Camp, Djoejakarta, Central Java, May
5 1942.

6 Lieutenant Colonel MAISEY: execution of
7 three British prisoners of war from Glodok Camp,
8 Batavia, April 1942, prosecution document 5787
9 already introduced.

10 I will omit the next page and strike that
11 "6. General Policy", and go over to page 7, "Civilians."
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II. Civilians.

The position of civilians has already been mentioned in Exhibit No. 1351, the statement of the witness Major de Weerd, R.N.I.A., to which the prosecution refers.

The prosecution enters document 5767 for identification and the excerpt therefrom as an exhibit.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 5767 will receive exhibit No. 1719 for identification only, and the excerpts therefrom will receive exhibit No. 1719A.

(Whereupon, prosecution document No. 5767 was marked prosecution's exhibit No. 1719 for identification, the excerpts therefrom being marked prosecution's exhibit No. 1719A and received in evidence.)

LIEUT. COLONEL DAMSTE: At Tjepoc, Central Java, the main oil center of Java, the invading Japanese murdered some Dutch civilians, among whom Mr. Horst, the Assistant Resident (the highest local civil servant), apparently as a revenge because of the destruction of the oilfields; therefore the same as happened when the Japanese entered the oil town of Balikpapan, Borneo, as stated in the former phase of the trial in

1 exhibit 1341. The women were repeatedly raped, with
2 approval of the commanding officer, as appears from the
3 affidavit of Mrs. A. Horst -- nee Middelkamp -- prosecu-
4 tion document 5767.

5 With the Court's permission, I will read a
6 part of that, at page 2, top:

7 "As early as that very evening, about an hour
8 after their arrival, the whole group, except for van
9 Bakerghem who had to remain behind in the Kabupaten,
10 came to our local bazaar. In the Kabupaten each of the
11 evacuees was first asked his or her name and where he
12 or she had been born. Van Bakerghem was the only one
13 (of the men) who had been born in Holland. The Regent
14 of Blora was telling the Inspector of Police Vogelsang
15 what happened afterwards, that the Japanese had said
16 that since van Bakerghem was a thoroughbred Dutchman,
17 he had to die. Van Bakerghem fell on his knees and
18 pleaded for mercy, whereupon his head was cut off.
19 About a fortnight later Vogelsang, who had meanwhile
20 returned to Blora, told me all this and said that the
21 Regent had also been present at the execution.

22 "In the market that day we still knew nothing;
23 but we felt that there was something menacing afoot.
24 On that Thursday, 5 March 1942, we remained in a large
25 room all together. The Japanese then appeared mad and

1 wild.

2 "That night the father-in-law and mother-in-
3 law of Salzmann, who were of Ambonese origin, were taken
4 away from us and fearfully maltreated. Their two
5 daughters, too, of about fifteen and sixteen had to go
6 with them and were maltreated.

7 "The father and mother returned the same night,
8 fearfully upset, the girls only returned on Friday
9 morning, and had been raped by the Japanese.

10 "I remained with my son Lucas. We were locked
11 in a godown for a quarter of an hour, and were then
12 allowed to return to our own house.

13 "When we came out, through a trellis I saw
14 standing in the room of another godown: my husband,
15 Dr. Dietzel, Mebus, and Kruyse. I was driven past
16 with a bayonet.

17 "Lucas and I went to our house which was
18 packed with Japanese. After about half an hour the
19 same three Japanese appeared who had taken our men to
20 the 'inn'. I asked one of the Japs, who was waving
21 about Dr. Dietzel's stethoscope, where my husband was.
22 The answer was: 'Dead, I killed him' and he made a
23 gesture that was unmistakeable. When I saw the Jap
24 waving the stethoscope I immediately had the feeling:
25 'now the doctor is no longer alive.' The Jap said

1 that he had killed all four.

2 "That Friday I went to the others in the
3 emergency hospital. There things were in a terrible
4 state of hysteria. In order not to make matters worse,
5 I made no mention about what had happened there. Later
6 this was told by the Regent.

7 "I have not yet mentioned that on Saturday
8 afternoon, 7 March 1942, the Japanese soldiers (odd
9 soldiers) had appeared in the emergency hospital where
10 the women and children were seated together. The
11 ladies were here raped by the Japanese, in which con-
12 nection it should be mentioned that this happened
13 where the children were not present. These ladies were
14 myself, Mrs. Bernasco, Mrs. Mebus, Mrs. Dietzel, Mrs.,
15 de Graaf, Mrs. van Bakergem, Mrs. Verbeek, Mrs.
16 Warella.

17 "This occurred from 7 to 17 March 1942;
18 generally the Japs came at night, but by way of excep-
19 tion also during the day. It was a mass, continuous
20 merciless rape. The first afternoon that this happened,
21 as mentioned, three enlisted men came, and everything
22 took place under threat. After this happened, we
23 managed to tell the Chinese doctor Liem. He went to
24 the Commandant, whereupon that afternoon, Mrs. Dietzel,
25 myself and one or two others had to appear before the

1 Commandant. The Commandant said that we would be given
2 an opportunity to point out the Japs who had miscon-
3 ducted themselves, and that they would be shot dead
4 before our very eyes.

5 "However, nothing happened and after an hour
6 we were sent back to the emergency hospital.

7 "That evening, at 8 o'clock, we were trans-
8 ferred to a classroom in a school near by. According
9 to what we were told, this was done for our own safety,
10 since the Japs would not come there.

11 "Between ten and twelve o'clock that night,
12 when we were all asleep, a whole mass of Japanese
13 soldiers entered with the abovementioned commandant
14 at the head. The commandant sat on a table in our
15 classroom and then watched how each of the women was
16 dragged away, one by one, to be raped. He himself did
17 not join in this."

18 A. Civilian Internees.

19 1. Internment.

20 The arrest of civilians started immediately
21 after the capitulation; by April 1942 practically all
22 Dutch officials had been interned except some who
23 occupied minor positions and a few "indispensables."
24 Dutch non-officials were arrested soon afterwards and
25 interned with the exception of those Dutch who had been

1 born in the Netherlands Indies.

2 A few months after the surrender of Java the
3 Internment of women and children began. Children, born
4 in Java, were also interned if the parents were interned.
5 Confinement was in special areas which soon became
6 overcrowded. Later on prisons, penitentiaries, coolie
7 camps, farms, convents, native quarters, etc., were
8 used.

9 Boys at the age of thirteen were considered
10 adults and sent to Men's Camps; boys at the age of
11 eleven, sometimes as young as nine, were often separated
12 from their mothers and sent to so-called Boys' Camps.
13 Education was forbidden in all internment areas, women
14 and children were forced to work at hard labor for long
15 hours under a tropical sun at menial tasks.

16 2. Conditions.

17 In both Men's and Women's Camps conditions
18 were inhuman, nearly the same as in prisoner of war
19 camps. This appears from a series of affidavits.

20 The prosecution enters document 5762 for
21 identification and the excerpts therefrom as an exhibit.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 5762 will receive exhibit No. 1720 for identifica-
25 tion only, and the excerpt therefrom will receive

1 exhibit No. 1720A.

2 (Whereupon, prosecution's document
3 No. 5762 was marked prosecution's exhibit
4 No. 1720 for identification, the excerpts
5 therefrom being marked prosecution's exhibit
6 No. 1720A and received in evidence.)

7 LIEUT. COLONEL DAMSTE: The report of J. C.
8 Reinders Folmer gives a general picture of Men's
9 Camps. He was a former bank manager and honorary
10 consul for the Netherlands in Tokyo. As he was familiar
11 with the Japanese he acted as camp interpreter; prose-
12 cution document 5762. In L.O.G. Camp, Bandoeng, beat-
13 ings were frequent, food was insufficient in quantity
14 and bad in quality; sanitary conditions were bad and
15 entertainment and divine services were forbidden; no
16 correspondence, even with relatives, was allowed.

17 In Beros Camp, Tjimahi, conditions deteriorated
18 as soon as the Japanese Army took over the administra-
19 tion of the civilian camps. The food was poor -- about
20 one thousand calories daily -- and the prisoners only
21 managed to keep alive by buying supplementary food with
22 the proceeds of the sale of all their valuables. Rats
23 and dogs were reserved and cooked for the more serious
24 cases among the patients in the hospital in order to
25 provide them with at least some meat. Medicines were

1 inadequate and poorly supplied through, after the
2 Japanese surrender it was proved that ample supplies
3 had been available all the time.

4 Red Cross parcels were distributed only twice
5 and then after the Japanese had stolen part of the
6 contents and by the method of issuing prevented the
7 internees from obtaining full value from the gifts
8 by ordering all tins and containers to be emptied
9 immediately. Reprisals and collective punishments
10 were inflicted. Children of eleven and twelve were
11 separated from their mothers. Of a sum of money --
12 75 guilders for each one of a group of British sub-
13 jects -- sent by the Holy See, only about one-third
14 was ever paid. The complaints made by the Japanese
15 against the internees were remarkable: the prisoners'
16 attitude was bad; they were not humble enough; they
17 were arrogant and conceited; their etiquette was wrong
18 or they had no etiquette at all; their hearts were
19 not sincere and their thoughts, as appeared from their
20 faces, were insulting to the Imperial Japanese Army;
21 disobedience was stamped on their faces. This attitude
22 on the part of the Japanese was the background of all
23 the corporal punishment inflicted for the most trivial
24 offenses and even for no offenses at all. Nevertheless,
25 conditions were better than they were in other islands

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13 jects -- sent by the Holy See, only about one-third
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18 or they had no etiquette at all; their hearts were
19 not sincere and their thoughts, as appeared from their
20 faces, were insulting to the Imperial Japanese Army;
21 disobedience was stamped on their faces. This attitude
22 on the part of the Japanese was the background of all
23 the corporal punishment inflicted for the most trivial
24 offenses and even for no offenses at all. Nevertheless,
25 conditions were better than they were in other islands

1 and a Japanese Red Cross official was said to have
2 expressed anger at the relatively favorable conditions
3 in Java.

4 The prosecution enters document 5763 as an
5 exhibit.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 N. 5763 will receive exhibit No. 1721.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1721 and received in evidence.)

12 LIEUT. COLONEL DAMSTF: According to the
13 affidavit of Police Officer G. De Lang, about 1500
14 deaths occurred in the Tjimahi Camps, due to malnutri-
15 tion, stomach complaints and lack of medicines.

16 The prosecution enters document 5765 for
17 identification and the excerpt therefrom as an exhibit.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 5765 will receive exhibit No. 1722 for identifica-
21 tion only, and the excerpts therefrom will receive
22 exhibit No. 1722A.

23 (Whereupon, prosecution's document
24 No. 5765 was marked prosecution's exhibit
25 No. 1722 for identification, the excerpts

1 therefrom being marked prosecution's exhibit
2 No. 1722A and received in evidence.)

3 LIEUT. COLONEL DAMSTE: Regarding Women's
4 Camps, evidence is presented by the affidavit of
5 Mrs. A. M. Droog -- nee Hartgriulo, prosecution
6 document 5765; transport of patients was conducted
7 by brutal methods; forced labor by 2,000 women, 1,200
8 children under eleven years of age, 900 boys between
9 eleven and thirteen, even mothers of small and sick
10 children and women over fifty were compelled to work;
11 500 women and 625 boys were detailed for extra heavy
12 work; consequently the state of health deteriorated
13 in a marked degree.

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1 LIEUT. COLONEL DAMSTE: The prosecution offers
2 document 5766 as an exhibit.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5766 will receive exhibit No. 1723.

6 (Whereupon, prosecution's document
7 No. 5766 was marked prosecution's exhibit No.
8 1723 and received in evidence.)

9 LIEUT. COLONEL DAMSTE: This document needs
10 correction insofar as the date, name and signature
11 of the interrogator have not been processed in English.
12 This reads: "I certify that I duly translated the
13 above to the witness in her own language prior to her
14 signature which appears above. Signed (illegible)
15 Translator. Sworn before me (illegible) Major,
16 No. 4 War Crimes Investigation Team, South East Asia
17 Command. This tenth day of April Nineteen Hundred and
18 Forty Six. Detailed to examine the above by the Com-
19 mander in Chief, Allied Landforces South East Asia.
20 (Authority: ALFSEA Administrative Instruction No. 1
21 paragraph 7)". That is the correction.

22 THE INTERPRETER: Mr. Prosecutor, do you have
23 the English version of the correction made now?
24

25 THE MONITOR: What document did you read from?

 LIEUT. COLONEL DAMSTE: This was the correction.

1 THE MONITOR: I realize that, sir. But what
2 correction, on what document?

3 LIEUT. COLONEL DAMSTE: On document 5766.

4 THE MONITOR: Is that the first page or the
5 second page?

6 LIEUT. COLONEL DAMSTE: It is at the end.

7 THE MONITOR: I see. Would you please spec-
8 ify? It is not in the leading sentence of the brief.
9 We just follow the brief. We cannot listen to you
10 first and then read it. We have to read it at the
11 same time. Please specify before you make any devia-
12 tion from that synopsis, please.

13 LIEUT. COLONEL DAMSTE: This is a correction
14 that I have to make because it is not in the synopsis,
15 but the words--

16 THE PRESIDENT: Let the translators know
17 beforehand of any proposed correction.

18 LIEUT. COLONEL DAMSTE: This is only a correc-
19 tion for the English text and not for the Japanese text,
20 because it is in the Japanese text.

21 THE PRESIDENT: Well, they were taken by sur-
22 prise at all events.

23 LIEUT. COLONEL DAMSTE: The affidavit of
24 Miss J. P. Risselada, prosecution document 5766,
25 gives information about Banjobiroe Camp, Ambarawa,

1 Central Java. Food - ninety grams of rice daily -
2 was poor, mass punishments of a very cruel nature
3 were inflicted in a cruel way.

4 The prosecution enters document 5769 for
5 identification, and the excerpt therefrom as an
6 exhibit.

7 THE PRESIDENT: Admitted on the usual
8 terms.

9 CLERK OF THE COURT: Prosecution's docu-
10 ment No. 5769 will receive exhibit No. 1724 for
11 identification only, and the excerpt therefrom will
12 receive exhibit No. 1724-A.

13 (Whereupon, prosecution's docu-
14 ment No. 5769 was marked prosecution's ex-
15 hibit No. 1724 for identification, the ex-
16 cerpt therefrom being marked prosecution's
17 exhibit No. 1724-A and received in evidence.)

18 LIEUT. COLONEL DAMSTE: The affidavit
19 of Mrs. M. P. Haverkamp, prosecution document 5769,
20 refers to conditions in Karang Pana's Camp, Semar-
21 ang, Central Java. In order, as they said, to
22 check an outbreak of infantile paralysis, the Jap-
23 anese housed 125 old men with the women and their
24 grown-up daughters in an overcrowded chapel; beat-
25 ings occurred regularly; children older than nine

1 years were sent away; all the heavy work, to
2 which an insufficient number of workers was al-
3 lotted, had to be done by the women; food was very
4 scanty in amount.

5 The same affidavit describes conditions
6 in the overcrowded Lampersarie Camp, Semarang.
7 This was located in a cleared native quarter of
8 the town; outdoor work for women was compulsory;
9 young girls had to carry heavy rice bags for more
10 than five hundred yards; collective punishments
11 occurred; torture was inflicted on one occasion,
12 continuing for seven days.

13 The prosecution enters document 5770
14 for identification, and the excerpt therefrom as
15 an exhibit.

16 THE PRESIDENT: Admitted on the usual
17 terms.

18 CLERK OF THE COURT: Prosecution's document
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1 No. 5770 will receive exhibit No. 1725 for identifica-
2 tion only. The excerpt therefrom will receive exhibit
3 No. 1725-A.

4 (Whereupon, prosecution's document
5 No. 5770 was marked prosecution's exhibit No.
6 1725 for identification, the excerpt therefrom
7 being marked prosecution's exhibit No. 1725-A
8 and received in evidence.)

9 LIEUT. COLONEL DAMSTE: Cases of rape and
10 forced prostitution of women and girls at Moentilan,
11 Central Java, are related by Mrs. Beelman-nee Van
12 Ballegooyen in her affidavit, prosecution document
13 5770. The rape and forced prostitution were arranged
14 by Kempei officials, doctors examined the victims
15 before they were raped.

16 Visual evidence will be presented by showing
17 the film "Nippon Presents," prosecution document
18 5759, in connection with the affidavit of Major J.
19 Schim Van Der Loeff, R.N.I.A., prosecution document
20 5758, who discloses facts as to the origin of this
21 film, and with an affidavit of Brigadier Blackburn,
22 prosecution document 5740, who as a witness already
23 gave evidence regarding the origin and character of
24 this film, before this Tribunal on December 2, 1946.
25 The Japanese Propaganda Department made a film,

1 "Australia Calling," in which Australians and Dutch
2 prisoners of war as well as Dutch civilian internees
3 were forced to play a part under severe threats.

4 The film depicts internees living in almost
5 luxurious surroundings and conditions, but it was all
6 faked. The purpose of the film was to weaken Aus-
7 tralian morale, but the Japanese never succeeded in
8 getting the picture shown in Australia. The film was
9 seized after the Japanese surrender. Some of those
10 who were obliged to take part in it have given the
11 true story of the fake, and several cuttings of films
12 made by Allied cameramen a few weeks after the Japanese
13 surrender have been put in to show the real conditions
14 in prisoner of war and civilian internees' camps in
15 Java in order to show the contrast between the actual
16 facts and the faked presentation.

17 This evidence will be presented at a proper
18 time subject to the Court's permission. Then I will
19 read the mentioned affidavits.

20 THE PRESIDENT: I understand the Members of
21 the Tribunal are prepared to witness this film. When
22 will it be ready?

23 LIEUT. COLONEL DAMSTE: I propose this after-
24 noon, sir.

25 THE PRESIDENT: This seems to be satisfactory.

1 LIEUT. COLONEL DAMSTE: Because in the after-
2 noon it is much darker, and we cannot black out that
3 window.

4 THE PRESIDENT: I understand from you it
5 will take about forty-five minutes?

6 LIEUT. COLONEL DAMSTE: It will be a bit
7 more, sir, because--

8 THE PRESIDENT: Well, we will take it after
9 the second recess in the afternoon -- after the after-
10 noon recess.

11 LIEUT. COLONEL DAMSTE: Extermination: The
12 attitude of the Japanese towards International Law
13 is clearly shown in the plans made by them for the
14 destruction of prisoners of war and civilian internees
15 in the event of an approach by Allied forces. In such
16 an event, pre-arranged disturbances would take place
17 as a pretext for wholesale murder. Proof of these
18 murder plans will be presented at a later stage in
19 connection with similar plans drawn up in other areas.

20 B. Non-interned population. 1. Romusha:
21 Forced labor to further the war aims of the conquerors
22 was one of the benefits of the Greater East Asia Co-
23 prosperity Sphere established by the Japanese. This
24 labor consisted of digging trenches, constructing
25 air raid shelters and other military works, making

1 roads and railways, working in oilfields, coal mines,
2 et cetera. Javanese youths in particular were con-
3 scribed for such work. It was called voluntary
4 labor but was in fact compulsory. The conscription
5 of Romusha was carried out by a series of round-ups
6 through the medium of the village chiefs. The
7 laborers were held in custody and were treated in
8 the same way as prisoners of war and even worse.

9 The Romusha were sent all over South East
10 Asia: Sumatra, Borneo, Celebes, Amboyna, and even as
11 far as Malaya, Burma, Siam and the Philippines.

12 The sea voyages were usually made in small,
13 open coasting vessels, and often lasted for several
14 weeks. Food and drink were never adequate, and there
15 were frequent deaths during these trips.

16 The work demanded, under brutal and severe
17 discipline, beatings and other cruel corporal punish-
18 ments, was virtual hard labor. Food was totally inade-
19 quate, with the result that beriheri, pellagra, trop-
20 ical ulcers were rife. General surroundings, housing
21 and sanitary conditions were filthy and unhealthy
22 leading to dysentery, malaria and scabies. Medical
23 treatment and hospitalization were either non-existent
24 or so poor as to offer no chance of arresting the
25 course of an illness, or preventing the spread of

1 contagious diseases. No care was taken of the dead,
2 and this constituted a callous infringement on the
3 "adat", the religious customs of the natives.

4 These facts appear abundantly in a series
5 of affidavits of victims who survived and will be
6 introduced presently.

7 In all, some 270,000 natives were sent away.
8 Only 70,000 have ever been recovered since the war
9 ended. The prosecution refers to pages 37 and 38
10 of exhibit 1351.

11 The prosecution enters document 5709 in
12 evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 5709 will receive exhibit No. 1726.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1726, and was received in evidence.)

19 LIEUT. COLONEL DAMSTE: The rough estimate
20 of the Judge Advocate General at Singapore is that
21 of the Komusha employed on the construction of the
22 Burma-Siam Railway, about 80,000, of whom a large
23 number were Javanese, died.

24 The prosecution enters document 5710 for
25 identification, and the excerpt therefrom as an

1 exhibit.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 5710 will receive exhibit No. 1727 for identifi-
5 cation only. The excerpt therefrom will receive
6 exhibit No. 1727-A.

7 (Whereupon, prosecution's document
8 No. 5710 was marked prosecution's exhibit
9 No. 1727 for identification, the excerpt
10 therefrom being marked prosecution's exhibit
11 No. 1727-A and was received in evidence.)

12 LIEUT. COLO. EL DABSTE: A.T.I.S. report,
13 Australian Division South East Asia Command, prosecu-
14 tion document 5710, containing Japanese reports on
15 Javanese laborers at the Brunei Oil Refinery in
16 Borneo, and another on the recruiting of laborers at
17 Djoc Jakarta, gives the numbers of deceased, sick and
18 deserters. From these reports a clear impression of
19 conditions may be obtained.

20 The prosecution desires to emphasize the
21 terrible conditions which the native populations of
22 Java, docile and fatalistic, and less resistant than
23 Westerners, were forced to endure.

24 The prosecution enters document 5700 for
25 identification, and the excerpts as an exhibit.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 5700 will receive exhibit No. 1728 for identifica-
4 tion only. The excerpts therefrom will receive ex-
5 hibit No. 1728-F.

6 (Whereupon, prosecution's document
7 No. 5700 was marked prosecution's exhibit No.
8 1728 for identification, the excerpts therefrom
9 being marked prosecution's exhibit No. 1728-A
10 and was received in evidence.)

11 LIEUT. COLONEL DAMSTE: Doelahmaro, ex-
12 Sergeant K.A.I.A., was ordered to leave his home,
13 and along with 1700 others was sent to Djurong Camp
14 near Singapore. Conditions there were appalling.
15 Bad and insufficient food caused beriberi. Of the
16 1700 who went there with Doelahmaro only 600 sur-
17 vived at the end of the war. The remainder had died
18 or run away.

19 Prosecution enters document 5701 for iden-
20 tification, and the excerpt therefrom as an exhibit.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 5701 will receive exhibit No. 1729 for identifi-
24 cation only, and the excerpt therefrom will receive
25 exhibit No. 1729-A.

1 (Whereupon, prosecution's document
2 No. 5701 was marked prosecution's exhibit
3 No. 1729 for identification, the excerpt
4 therefrom being marked prosecution's exhibit
5 No. 1729-A and was received in evidence.)

6 LIEUT. COLONEL DAMSTE: Kasa Bin Santami
7 was ordered to work for the Japanese and sent to
8 Pulau Sekidjang near Singapore. Beatings, especially of
9 those who reported sick, were a common occurrence.
10 Even torture was inflicted. During one year's stay
11 in this camp 500 out of a total of 750 died.

12 The prosecution enters document 5702 for
13 identification, and the excerpts therefrom as an ex-
14 hibit.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 5702 will receive exhibit No. 1730 for identifi-
18 cation only, and the excerpts therefrom will receive
19 exhibit No. 1730-A.
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21 (Whereupon, prosecution's document
22 No. 5702 was marked prosecution's exhibit
23 No. 1730 for identification, the excerpts
24 therefrom being marked prosecution's exhibit
25 No. 1730-A, and was received in evidence.)

LIEUT. COLONEL DAMSTE: Sanrawi was also at

1 Pulau Sekidjong. Between 200 and 300 died out of his
2 group of 500. Cases of severe torture, unto death,
3 occurred.

4 The prosecution enters document 5706 for
5 identification, and the excerpts as an exhibit.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 5706 will receive exhibit No. 1731 for identifi-
9 cation only, and the marked excerpts therefrom will
10 receive exhibit No. 1731-A.

11 (Whereupon, prosecution's document
12 5706 was marked prosecution's exhibit No.
13 1731 for identification, the excerpts there-
14 from being marked prosecution's exhibit No.
15 1731-A, and was received in evidence.)

16 THE PRESIDENT: Colonel Damste, you said
17 you proposed to read some script with this picture
18 that is to be shown immediately after the mid-
19 afternoon recess. You may read any translation of
20 any Japanese script which you could show was part of
21 their picture. Do you propose to do any more than
22 that?
23

24 LIEUT. COLONEL DAMSTE: I was prepared to
25 read the description and the text of the film as it
is shown. The text is in English.

1 THE PRESIDENT: Whose contribution will that
2 be?

3 LIEUT. COLONEL DAMSTE: The text and the
4 description of the text as far as necessary as to
5 understand the film.

6 THE PRESIDENT: It will not be objectionable
7 so far as it merely refers to places and times, but
8 it may be beyond that. It depends on the attitude of
9 the defense.

10 MR. LEVIN: Mr. President.

11 THE PRESIDENT: Mr. Levin.

12 MR. LEVIN: If the text is to include more
13 than time and places, or a description, or an inter-
14 pretation, we would object to it, because, of course,
15 that would be a matter of conclusion for the Court.

16 THE PRESIDENT: It could extend beyond time
17 and place and still be confined to, of course, matters
18 of fact. But we are not so sure. We will think it
19 over. But any statement of fact should be proved in
20 the usual way.

21 We will recess for fifteen minutes.

22 (Whereupon, at 1045, a recess was
23 taken until 1100, after which the proceedings
24 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Colonel Damste.

4 LIEUT. COLONEL DAMSTE: Parman Bin Djotaroeno
5 was also ordered to work for the Japanese and sent
6 to Pulau Sekidjang. 17 died out of his own group
7 of 30 and in a year 140 coolies out of 490 died. The
8 usual conditions existed, namely, bad food, bad
9 medical facilities and beatings.

10 The prosecution enters document 5712 for
11 identification and the excerpts as an exhibit.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 5712 will receive exhibit No. 1732 for identific-
15 ation only. The excerpt therefrom will receive exhibit
16 No. 1732-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 1732 for identification; the excerpts
20 therefrom being marked prosecution's exhibit
21 No. 1732-A and received in evidence.)

22 LIEUT. COLONEL DAMSTE: Selemat Bin Joences
23 witnessed the torture of a collie at Pulau Sekidjang.
24 The collie was wrapped in a mat which was then set on
25 fire. After this the victim suffered further ill-

1 treatment. This torture was inflicted by a Japanese
2 doctor. The victim died.

3 The prosecution enters document No. 5703
4 for identification and the excerpts as an exhibit.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5703 will receive exhibit No. 1733 for identific-
8 ation only. The excerpt therefrom will receive exhibit
9 No. 1733-A.

10 (Whereupon, the document above
11 referred to was marked prosecution's ex-
12 hibit No. 1733: for identification; the
13 excerpts therefrom being marked prosecution's
14 exhibit No. 1733-A and received in evidence.)

15 LIEUT. COLONEL DAMSTE: Achmad Bin Ketajoeda
16 was detailed to work at Kampong Baroe, Singapore.
17 Here only 1,000 among 2,000 coolies were physically
18 able to work. 4 or 6 died every day. Nevertheless
19 heavy work under harsh discipline was enforced. At
20 Palau Bokoamto, near Singapore the coolies were
21 prevented from taking shelter during an Allied air
22 raid. As a result many were killed.

23 The prosecution enters document 5704 for
24 identification and the excerpts as an exhibit.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document
2 No. 5704 will receive exhibit No. 1734 for identific-
3 ation only. The excerpt therefrom will receive exhibit
4 No. 1734-A.

5 (Whereupon, the document above
6 referred to was marked prosecution's exhibit
7 No. 1734 for identification; the excerpts
8 therefrom being marked prosecution's exhibit
9 No. 1734-A and received in evidence.)

10 LIEUT. COLONEL DAMSTE: Goedel gives a
11 description of his experiences which the prosecution
12 desires to read because it provides an average
13 picture. (Reading):

14 "Can you give any information regarding
15 acts of violence committed against yourself or others,
16 which you witnessed:

17 I am a Javanese from the hamlet of Rapiah near Solo.
18 About 18 months ago I was told to appear before our
19 village headman who told me that I had to go and work
20 for the Japanese for 7 weeks at Klaten. Instead of
21 that I was put on the train with about 1000 men and
22 taken to Batavia, where I remained for 15 days at
23 Klender. There we were imprisoned in a camp where
24 we were guarded by Japanese and were not allowed to
25 go out. There were a few, I no longer recollect

1 their names, who tried to run away, but they were
2 nearly beaten to death by the Japanese.

3 After our stay at Klender we were driven to Tandjoeng
4 Priok and driven aboard a ship. Then we sailed direct
5 to Singapore, where I was taken to the camp in
6 Henderson Road, at which I have remained since, and
7 still am. For food we got there a little rice mixed
8 with maize and a kind of sweet potato. There were
9 very many sick, above all with dysentery, beriberi
10 and tropical ulcers; there was also a great deal of
11 malaria. There was no quinine or any other medicines;
12 the sick were given a watery medicine, that never
13 had any effect. There were no bandage appliances.
14 This camp was a transit camp where all Javanese came,
15 who were transported from here to other destinations.
16 The sick were consequently left behind here. Very
17 many people died here; every day certainly 15 to 20
18 people died. I do not know how many died in toto,
19 but certainly estimate the number at about 2000. The
20 dead were left lying for about two days, and were then
21 taken away on a motor truck; I do not know where. There
22 were frequent beatings here by the Japanese, if they
23 had any comments about the work. About eight months
24 ago I was accused of stealing a blanket, with which
25 I had nothing whatever to do. The Japanese soldier

1 IRAKOBO bound a rope round my neck and left me
2 suspended like that for a night. The following morning
3 at seven o'clock the Japanese soldiers KIMOTO and
4 IRAKOBO began to maltreat me. These Japanese also
5 forced each of 260 Javanese to give me a few blows
6 with a leather strap. Without respite I was thrashed
7 by them with their leather shoes, which maltreatment
8 lasted until eleven o'clock. Thereafter my arms and
9 my legs were bound, and my head was put into a basin
10 of water, whereby I was half drowned. After half an
11 hour they stopped this, and tied me securely to the wall
12 of one of the barracks, where I stood bound for a
13 week. I was then full of wounds; I had three bleeding
14 wounds on my back, made by IRAKOBO with a native knife.
15 My left foot displayed a big bloody wound made by
16 IRAKOBO with a piece of iron.
17 "N.B. witness shows me, the interrogator, the distinctly
18 visible scars of these wounds, as well as scars on
19 the fore-arms resulting from the wounds received through
20 his bonds).
21 I was covered with blood all over my body, and stood
22 bound like that for a whole week, without being cleaned
23 or my wounds being tended.
24 All this time I only got a little rice porridge to eat
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1 twice a day. When after a week I was unbound, all
2 my limbs and my body was badly swollen. I was then
3 no longer in a condition to make any movement what-
4 soever, and had to be carried to my sleeping place by
5 others. Only after a month was I in a position to
6 move about a little again, and slowly made a complete
7 recovery. I have retained no lasting injury as the
8 result of this maltreatment."

9 The prosecution enters document 5705 for
10 identification and the excerpt as an exhibit.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 No. 5705 will receive exhibit No. 1735 for identifica-
14 tion only. The excerpt therefrom will receive exhibit
15 No. 1735-A.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1735 for identification; the excerpts
19 therefrom being marked prosecution's exhibit
20 No. 1735-A and received in evidence.)

21 LIEUT. COLONEL DAMSTE: Boejong alias Tawahir
22 describes among other cases of ill-treatment at Pulau
23 Damar near Singapore, how a coolie was buried alive
24 after severe corporal punishment.

25 The prosecution enters document 5707 for

1 identification and the excerpts as an exhibit.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 5707 will receive exhibit No. 1736 for identifica-
5 tion only. The excerpt therefrom will receive exhibit
6 No. 1736-A.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1736 for identification; the excerpts
10 therefrom being marked prosecution's exhibit
11 No. 1736-A and received in evidence.)

12 LIEUT. COLONEL DANFTE: Rebo was forced to
13 work at Tandjong Pinang, near Singapore. He depicts
14 a very serious case of torture resulting in death.
15 In 9 months 400 out of 750 coolies died.

16 The prosecution enters document 5711 for
17 identification and the excerpts as an exhibit.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 5711 will receive exhibit No. 1737 for identifica-
21 tion only. The marked excerpt therefrom will receive
22 exhibit No. 1737-A.

23 (Whereupon, the document above
24 referred to was marked prosecution's exhibit
25 No. 1737 for identification; the marked excerpts

1 therefrom being marked prosecution's exhibit
2 No. 1737-A and received in evidence.)

3 LIEUT. COLONEL DAMATE: Tahir testifies to
4 the torturing of a Chinese coolie, at Pulau Batang,
5 near Singapore. The coolie was beaten until one of
6 his thighbones was broken. He received no medical
7 treatment; his fellow-coolies were forbidden to help
8 him; he was buried with only his head above the ground;
9 later he was thrown into the sea while possibly still
10 alive.
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1 The prosecution offers document 5723 for
2 identification and the excerpts as an exhibit.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5723 will receive exhibit No. 1738 for identifi-
6 cation only; the excerpt therefrom will receive
7 exhibit No. 1738-A.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 1738 for identification only; the excerpt
11 therefrom being marked prosecution's exhibit
12 No. 1738-A and received in evidence.)

13 LIEUT. COLONEL DAMSTE: Dachlan, then a
14 youth of eighteen, was sent to Macassar, Celebes.
15 Four coolies, out of the total of 400 on board, died
16 during the trip.

17 The prosecution offers document 5724 for
18 identification and the excerpts as an exhibit.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 5724 will receive exhibit No. 1739 for identifica-
22 tion only; the excerpt therefrom will receive exhibit
23 No. 1739-A.

24 (Whereupon, the document above
25 referred to was marked prosecution's exhibit

1 No. 1739 for identification only; the excerpt
2 therefrom being marked prosecution's exhibit
3 No. 1739-A and received in evidence.)

4 LIEUT. COLONEL DAMSTE: Amat Nawi, then
5 fifty-five years of age, was sent as the leader of
6 100 fellow villagers, part of a draft of 1500
7 coolies, to Moena, Celebes. Five hundred died in
8 a year. Of his own group only sixty survived.

9 The prosecution enters document 5728
10 as an exhibit.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 No. 5728 will receive exhibit No. 1740.

14 (Whereupon, the document above
15 referred to was marked prosecution's exhibit
16 No. 1740 and received in evidence.)

17 LIEUT. COLONEL DAMSTE: Goenoeng was sent
18 to Balikpapan where conditions among the 1500
19 coolies were the same as everywhere else in Romusha
20 camps.

21 The prosecution enters document 5714 for
22 identification and the excerpts as an exhibit.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 5714 will receive exhibit No. 1741 for identifi-

1 cation only and the excerpt therefrom will receive
2 exhibit No. 1741-A.

3 (Whereupon, the document above
4 referred to was marked prosecution's exhibit
5 No. 1741 for identification only; the excerpt
6 therefrom being marked prosecution's exhibit
7 No. 1741-A and received in evidence.)

8 LIEUT. COLONEL DANSTE: Paiman was sent
9 to Singapore. During the voyage, which lasted a
10 week, thirty persons died and other sixteen died on
11 the wharf. In the period of two and a half years
12 preceding the Japanese capitulation at least a
13 thousand died. The corpses were not buried immed-
14 iately but were carried by friends and acquaintances
15 outside the camp into an open field where, wrapped
16 in mats, they were laid in the open air for a few
17 days from where lorries carried them away.

18 The prosecution enters document 5726 for
19 identification and the excerpts as an exhibit.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 5726 will receive exhibit No. 1742 for identifi-
23 cation only and the excerpt therefrom will receive
24 exhibit No. 1742-A.

25 (Whereupon, the document above

1 referred to was marked prosecution's exhibit
2 No. 1742 for identification only; the excerpt
3 therefrom being marked prosecution's exhibit
4 No. 1742-A and received in evidence.)

5 LIEUT. COLONEL DAMSTE: Abdul Mazid made a
6 forced trip through the archipelago and was ordered
7 to work under miserable conditions at Singapore,
8 Halmaheira (Moluccas), Macassar and Singkang
9 (Celebes).

10 The prosecution enters document 5722 for
11 identification and the excerpts as an exhibit.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 5722 will receive exhibit No. 1743 for identifi-
15 cation only and the excerpt therefrom will receive
16 exhibit No. 1743-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 1743 for identification only; the excerpt
20 therefrom being marked prosecution's exhibit
21 No. 1743-A and received in evidence.)

22 Madali was even sent to Manila as well as
23 to Singapore and Menado (Celebes).

24 The prosecution enters document 5708 as an
25 exhibit.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 5708 will receive exhibit No. 1744.

4 (Whereupon, the document above
5 referred to was marked prosecution's exhibit
6 No. 1744 and received in evidence.)

7 LIEUT. COLONEL DAMSTE: Koper, then seven-
8 teen years of age, was ordered for coolie labor
9 and eventually sent to Tjimpon, Siam, where approx-
10 imately thirty percent of the total number of
11 Romusha died.

12 The prosecution enters document 5715
13 as an exhibit.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 5715 will receive exhibit No. 1745.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 1745 and received in evidence.)

20 LIEUT. COLONEL DAMSTE: The prosecution
21 desires to provide visual evidence by introducing
22 four photographs taken at Seletar Camp near Singapore
23 by Army Film and Photo Section, S.E.A.C., in connec-
24 tion with the letter of the said Section dated 19
25 September 1945.

1 Kempei Tai.

2 The Japanese measures of terrorization
3 have already been mentioned by Major de Weerd,
4 exhibit 1351, passim.

5 The prosecution enters document 5731 as
6 an exhibit.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 5731 will receive exhibit No. 1746.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 1746 and received in evidence.)

13 LIEUT. COLONEL DAMSTE: No discrimination
14 was made as to race or sex. Thousands became victims
15 of the military police. A general survey of the
16 results was given by the head of the War Crimes
17 Section of N.E.F.I.S. (Netherlands Forces Intel-
18 ligence Service) at Batavia, prosecution document
19 No. 5731 showing that 439 persons were sentenced to
20 death and executed by court martial, Java; however,
21 this number does not include many death sentences
22 pronounced by local Kempei Tai and death sentences
23 against 38 persons from Kesilir Camp. One thousand
24 one hundred seventy-five persons were punished by
25 court martial, Java, sentences varying between one

1 year and lifelong imprisonment. It further appears
2 that 304 persons died in jail before being sentenced
3 as a result of torture and bad conditions.

4 The prosecution enters document 5746 for
5 identification and the excerpts as an exhibit.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 5746 will receive exhibit No. 1747 for identifi-
9 cation only and the marked excerpt therefrom will
10 receive exhibit No. 1747-A.

11 (Whereupon, the document above
12 referred to was marked prosecution's exhibit
13 No. 1747 for identification only; the excerpt
14 therefrom being marked prosecution's exhibit
15 No. 1747-A and received in evidence.)

16 LIEUT. COLONEL DANSTE: Inhuman treatment
17 of the utmost brutality was applied systematically
18 and methodically, all over Java, not only at Kempei
19 Tai headquarters but also in prison and even during
20 trials in the courtroom. Evidence of appalling
21 torture and ill-treatment is contained in the follow-
22 ing series of affidavits and statements:

23 Doctor H. E. Boissevain, mayor of Semarang,
24 describes in his sworn statement the ill-treatment
25 by Semarang and Batavia Kempei Tai, not only the

1 tortures and the bad accommodation at the Kempei-
2 quarters, but also the way in which a court martial
3 trial was conducted.

4 With the permission of the Court I will
5 read some parts of this affidavit.

6 Page 9, in the middle:

7 "In the afternoon, however, they asked me
8 with whom I had plotted against Japan and what es-
9 pionage I had accomplished so far. As I denied
10 having served as a spy, KANEKO beat me with a bamboo
11 stick, alternately with a leather dogwhip, on my
12 back; and the interpreter constantly pommelled my
13 arms and shoulders with a ruler. After a three
14 hours' trial I was just able to walk back to my
15 cell and took a bath in the open space before the
16 cells. As I undressed, there arose a common cry of
17 painful astonishment at the sight of my back and
18 shoulders, which were beaten black and blue. After
19 the bath I had to cling to a little wall in order
20 not to break down altogether. Then I was carried away
21 by two guardians to a separate cell. Ever since that
22 date (October 9, 1943) until my sentence (January 31,
23 1945) I had to endure solitary confinement.

24 "The next day the trial was continued,
25 KANEKO and KATSUMA clamoring terribly, and the blue

1 spots turned to wounds, because every denial was
2 answered with thrashings and lashes on the head,
3 back and arms, blows with the fists in the face
4 and kicking with the heavy military boots against
5 the ribs and shins. They scorched with burning
6 cigarettes and applied electric current that made
7 one bounce and dance like a frog, screaming until
8 one fainted; all this in order to get their much
9 desired confessions. These methods of trial were
10 so barbarious, the treatment so brutal, so beastly
11 and so void of any humanity, that the physical
12 tortures and moral agonies are beyond description.
13 The traces of this treatment are still to be seen
14 on my face and all over my body.

15 "When this trial has lasted for about one
16 week, and I was still denying the fantastic charges,
17 KANEKO thrashed me, purposely, for such a long time
18 until I fell down unconscious, while he added to
19 the last blows the words: 'Oppas, bawak di kamar
20 sakit' (Guardian, carry him to the hospital).

21 "I awoke in the hospital of the jail,
22 lying on a crib strained with canvas. My wounds
23 were doctored by fellow prisoners with iodine, but
24 not dressed. My dirty, bloody clothes stuck to my
25 body and the crib swarmed with vermin.

1 "There I lay for some weeks and the
2 trial went on daily. Nearly every day I was
3 called for trial; between two assistant-nurses I
4 was dragged to the torture chamber, being unable
5 to walk myself. I could hardly rise from my crib
6 and, clinging to the other cribs, had to drag myself
7 forward to the W.C. and washing place."
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1 Page 11, the first marked excerpt:

2 "KANEKO succeeded in bringing me sometimes
3 to a state of semi-unconsciousness and apathy by
4 thrashings, kicking, hanging on the arms which were
5 tied backwards, driving an electric current through
6 my body; once he tried to break one of my wrists by
7 means of a large wooden pair of pincers (the traces
8 are still visible on my left wrist). So there were
9 moments when I admitted the most fantastic charges.
10 But when some days afterwards, being in a better
11 physical and spiritual condition, I was interrogated
12 anew about it, I denied, of course, to be guilty. The
13 ill treatment at last went so far and I got exhausted
14 to such a degree, that one day (October 1943) two
15 Kempei men, who were visiting the jail hospital, saw
16 me lying there and ordered to transport me to the
17 central city hospital by ambulance."

18 Then I go over to page 15, the first para-
19 graph:

20 "When the trial had lasted for more than 14
21 months and KANEKO had written volumes about it and
22 copied them again and again, the official reports
23 being made still more 'convincing,' without having
24 succeeded in getting a story acceptable to normal
25 logic, this 'case' apparently began to bore the

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21 months and KANEKO had written volumes about it and
22 copied them again and again, the official reports
23 being made still more 'convincing,' without having
24 succeeded in getting a story acceptable to normal
25 logic, this 'case' apparently began to bore the

1 Kempetai Head Office in Batavia! In the early part
2 of December 1943 they sent about six Kempei men from
3 the H.Q. to us, who, after repeated interrogation,
4 closed the trial. They made much reduced official
5 reports in the Japanese language and characters,
6 which we could not read but were nevertheless com-
7 pelled to sign, without being told the contents.
8 Afterwards these reports turned out to be our 'con-
9 fessions,' in which we were charged with the queerest
10 facts, like using grandmothers for the role of
11 seducers of soldiers to find out their secrets, as
12 mentioned above."

13 Prosecution enters document 5745 for identi-
14 fication and the excerpts as an exhibit.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 5745 will receive exhibit No. 1748 for identifi-
18 cation only; the excerpts therefrom will receive
19 exhibit No. 1748A.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1748 for identification; the excerpts
23 therefrom were marked prosecution's exhibit
24 No. 1748A and received in evidence.)

25 LIEUT. COLONEL DAMSTE: Dental student

1 W. F. WIJTING, in his statement relates his experi-
2 ences at Batavia Kempeitai, ironically located in
3 the Court of Justice, and also gives a description
4 of a trial. Prosecution document 5745.

5 The prosecution enters document 5748 for
6 identification and the excerpts as an exhibit.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 5748 will receive exhibit No. 1749 for identifi-
10 cation only; the excerpts therefrom will receive
11 exhibit No. 1749A.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 1749 for identification; the excerpts
15 therefrom were marked prosecution's exhibit
16 No. 1749A and received in evidence.)

17 LIEUT. COLONEL DAMSTE: Major A. ZIMMERMAN,
18 R.N.I.A., reports of the methods of Kempei-torture at
19 Buitenzorg, showing a certain specialization and a
20 highly developed grade of skill on the part of the
21 torturers. There were specialists in hanging, in
22 kidney-beating, in the watertest, and torture by
23 electricity. This report contains a survey of the
24 ill-treatment of 22 of his fellow-prisoners. Prose-
25 cution document 5748.

1 The prosecution enters document 5747 for
2 identification and the excerpts as an exhibit.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution document
5 No. 5747 will receive exhibit No. 1750 for identifi-
6 cation only; the excerpts therefrom will receive
7 exhibit No. 1750A.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1750 for identification; the excerpts
11 therefrom were marked prosecution's exhibit
12 No. 1750A and received in evidence.)

13 LIEUT. COLONEL DAMSTE: With the Court's
14 permission I will read a part of it that is on page
15 3, the first marked paragraph:

16 "In the afternoon the examination was re-
17 sumed. BANG wanted to know if I knew any people in
18 Buitenzorg, such as Bakhuis, etc. I said that I
19 knew nobody in Buitenzorg upon which statement BANG
20 took a bamboo pole about three inches thick with
21 which he started to beat me wherever he could:
22 hands, face, heatc, etc. After the bamboo was broken
23 into ribbons, he put it into water and went on beat-
24 ing me with it, which caused terrific pain and wounds.
25 Later on, in another examination, the bamboo was re-

1 placed by an iron rod, and a rubber trunk." I sup-
2 pose this must be "truncheon."

3 "This kind of examination went on for many
4 days. Day after day I was beaten by BANG. Every day
5 I was taken from my cell twice, sometimes even three
6 times, questioned on my relations and friends in
7 Buitenzorg. To prevent monotony he gave me electri-
8 zation. I could not exactly count the number of
9 times that I was given electrization, but if I am
10 not gravely mistaken it was altogether 39 times.

11 "I was questioned upon almost everything:
12 my relations with Bakhuis, with Wernink (Van Dam)
13 with allied spies, spies from Chungking, in Batavia
14 and Buitenzorg. I was shown three photographs of
15 Chungking spies who were working in the Netherlands
16 East Indies and when I denied having ever seen them,
17 I was promptly given another thrashing.

18 "When BANG did not succeed in getting any-
19 thing out of me, he gave me the water-test. This was
20 done by BANG, assisted by TAMMINI and two other Japs,
21 whose names I do not know. I was tied to the bench
22 with my hands cuffed on my back. At a certain
23 moment my agony was such that I broke the handcuffs.
24 A Jap stepped on my belly and tried to stamp so long
25 that the water came out of my mouth. When he suc-

1 ceeded, they started to jeer at me and burned me
2 with their glowing cigarette-ends."

3 The prosecution enters document 5750 for
4 identification and the excerpts as an exhibit.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document
7 5750 will receive exhibit No. 1751 for identification
8 only; the excerpts therefrom will receive exhibit No.
9 1751A.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1751 for identification; the excerpts
13 therefrom were marked exhibit No. 1751A
14 and received in evidence.)

15 LIEUT. COLONEL DAMSTE: Professor, Doctor
16 Engineer E. DE VRIES, testifies that he was tortured
17 first at Buitenzorg. He estimates his first interro-
18 gation as probably the kindest that was ever ex-
19 perienced at Buitenzorg, although he suffered
20 several beatings and the watertest. Others were
21 treated in a very bad way: Captain WERNINCK was
22 tortured 47 times; 14 times he was beaten into un-
23 consciousness. The Reverend JENS died the day after
24 having been tortured. The Indonesian doctor KAYADOE
25 was killed while under torture due to lack of skill

1 of the torturer. At Semarang Professor DE VRIES
2 suffered the watertest 22 times during a period of
3 2 months, and his interrogation amounted to 500
4 hours in toto. Prosecution document 5750.
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1 The prosecution offers document No. 5751
2 for identification, and the excerpts as an exhibit.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution document
5 No. 5751 will receive exhibit No. 1752 for identifi-
6 cation only; the excerpts therefrom will receive
7 exhibit No. 1752-A.

8 (Whereupon, the document above re-
9 ferred was marked prosecution's exhibit No.
10 1752 for identification only, and the excerpts
11 therefrom were marked prosecution's exhibit
12 No. 1752-A and received in evidence.)

13 LIEUT. COLONEL DAMSTE: Dr. R. Flachs, a Swiss en-
14 gineer, gives a detailed report on Kerpoitai at Bandung,
15 showing especially the prison conditions. With the
16 Court's permission, I will read some parts of it on
17 page 8, the last paragraph:

18 "During the first 35 days the calories, con-
19 tained in the food and calculated scientifically and
20 optimistically, did not exceed 650, instead of the
21 1560 required. During the second period, during
22 which the relatives contributed payments, they
23 amounted to maximum 1120, fats and albumen being
24 still practically missing."

25 I go over to page 9, the first marked

1 paragraph:

2 "C. Hygiene: For all the prisoners, who
3 finally amounted to about 100 in number, only one
4 latrine and a tap for water was in existence. This
5 tap was fixed at a height of about 1 meter and served
6 as a shower. The condition of the latrine was filthy
7 beyond description and the stench unbearable, espe-
8 cially after an outbreak of dysentery. The prisoners
9 were only allowed to make use of the latrine one by
10 one. Assuming a person needs only 6 minutes then the
11 time required by all the prisoners would be 600 minutes
12 or 10 hours. Permission to use the W. C. and facili-
13 ties were however granted from 8 o'clock a. m. till 8
14 p. m., so that while allowing the ladies a little more
15 time, each prisoners could use the W. C. only once in
16 24 hours. It is unimaginable what the feeling, under
17 these abominable conditions must have been amongst those
18 sick with dysentery, not mentioning the great danger
19 of contamination in the cells. Especially those who
20 were unable to obtain any change of clothing were in
21 imminent danger of contamination and there were many.
22 Owing to undernourishment and loss of blood due to
23 dysentery they were so weakened, that, against the
24 principle of the place, some at least were brought to
25 the hospital, where many died of the consequences of

1 the sickness and their generally enfeebled constitu-
2 tion."

3 will read from page 10, "E. Police
4 Investigations":

5 "E. Police Investigations: All the
6 prisoners, including myself, who were arrested on
7 the 2nd of June, were given numbers. Mine was No. 30.
8 Three days after the arrest, the first, with No. 51,
9 was called out. This was done by an accomplice who
10 called out the number from a chit signed by a police
11 officer. No. 51 was equally convinced of his inno-
12 cence as the others and presumed that after short
13 investigation he would be set at liberty. He left
14 the cell at 10 a. m. and failing to return by 6 in
15 the evening everybody presumed that he had been re-
16 leased. An hour later however he appeared with
17 blood-congested face and hardly able to stand upright.
18 Two Nippon Officers (1 & 2) and two Indonesian offi-
19 cers (one, No. 3) had manhandled him at the same time.
20 In such pitiable condition was he that he was unable
21 to speak and we consequently heard of his martyrdom
22 only next day, by which time No. 19 had also been
23 called up. It would lead too far to enumerate
24 separately each case and I shall here only describe
25 the way the interrogations were conducted and the

1 kind of persuasions used.

2 "On being called up, the prisoner was asked:
3 'Why have you been arrested?' to which most of the
4 prisoners replied, that they did not know. This was
5 usually followed by a flogging, varying from 50-300
6 strokes. The instruments used for this torture I
7 shall describe below. "ere the prisoners still
8 obstinate, e. i., did not confess, then further
9 corporal punishment was inflicted. These punish-
10 ments can be classified as follows:

11 "a) 'The art of flogging.'" In this, a great
12 variety was shown, starting with a single stick, then
13 a rattan varying in thickness; followed a flogging
14 whip with leather thongs the ends of which were
15 weighted with metal balls. About the meanest instru-
16 ment however was the whip, the leather thongs of which
17 were provided with iron hooks, which simply tore the
18 flesh to bits. To deaden the cries of the tortured
19 prisoners, the worst illtreatments took place in a
20 cellar, which was also used as an airraid shelter by
21 the police. The prisoner was usually tied to a post
22 or manacled in a sitting position, to prevent him
23 from attacking the police, which sometimes occurred
24 in the beginning, when a prisoner went frantic under
25 the punishment given to him.

1 "b) The next punishment was by 'electric
2 current.' Ordinary alternating current of 110 volt
3 was used, one terminal being fixed f. i. with a
4 clamp to the leg and the other left free. In the
5 case of the men the second terminal was connected with
6 the arm, or if still no confession was forthcoming
7 to the nostrils. With the women the second terminal
8 was sometimes applied to the nipple of the breast.

9 "c) The third degree of punishment was
10 'suffocation by immersions. A towel was fixed under
11 the chin and drawn over the face. Then many buckets
12 of water were poured into the towel so that the water
13 gradually reached the mouth and rising further
14 eventually also the nostrils, thus preventing him
15 from breathing, which resulted in his becoming uncon-
16 scious and collapsing like a person drowned. This
17 procedure was sometimes repeated 5 - 6 times in suc-
18 cession. Did the prisoner not confess, he was mostly
19 led back to the cell to pass the night in his wet
20 clothes.

21 "d) The next punishment consisted of the
22 bandaging together of the fingers with a stick put
23 between each, which were also fastened together and
24 could be further tightened by means of a rope. This
25 punishment, it appears, produced unbearable pains and

1 the fingers remain for days very swollen and cannot
2 be used for some time.

3 "e) Another punishment with which one of
4 the inmates of my cell was threatened, is the shaving
5 of the head, after which a number of cuts are in-
6 flicted on the head with a razor. These wounds are
7 then treated with tincture of iodium.

8 "f) Putting out cigarettes and cigars on
9 all parts of the body is a very common punishment.
10 The prisoner is usually asked, whether he wants a
11 cigarette and whether his reply is 'Yes' or 'No'
12 burning cigarettes or cigars are put out behind his
13 ears, on the nose, in the face and other parts of the
14 body. This usually results in festering wounds, which
15 cause the so punished intense pain.

16 "g) The most recalcitrant, who even after
17 all these punishments failed to confess, had f. i.
18 the finger broken. I have personally set the dis-
19 located and broken finger of a fellow prisoner.

20 "h) One of the meanest punishments were
21 the kicks given with hobnailed military boots into
22 the soft parts of the body while the prisoner was
23 sitting bound on the floor. Internal bleeding was
24 mostly the result. I have seen fellow prisoners,
25 who for weeks passed blood and also suffered from

1 severe bleeding of the stomach.

2 "i) To remain standing for 4 days and
3 nights without food and drink and to be thrashed
4 every four hours by an accomplice was another penalty.

5 "k) The 2 Nipponers (1, 2), chief of the
6 police and his assistant took a special delight in
7 indulging in Judo (Jujutsu - Jap. wrestling). A
8 fellow prisoner, 50 years old, related how he was
9 catapulted from one corner of the room to another,
10 just like a ball and that only by the greatest
11 dexterity and luck did he contrive to fall so. that
12 no damage was done to arms, legs and neck. For a
13 whole year afterwards he still had pains in his chest
14 and recalls with trepidation, what these two well-
15 nourished creatures had done to a famished man, who
16 was thrown about till he finally became unconscious."

17 And then on page 18, the first paragraph:

18 "C. Punishment. At 'Bantjeuj' there were
19 also a few men of the Kempei dai Nippon and some
20 Indonesian officers appeared occasionally for interro-
21 gations. Apart from the means of torture already
22 described and used by the police, they showed here
23 a partiality for 'hanging.' The same prisoner whose
24 finger had been broken by the police, was hanged
25 by his neck till he was unconscious, then taken down,

1 revived with water and then hanged again. This was
2 done five times in succession. This same man, who
3 had been beaten nearly to death on several occasions
4 and had suffered so much by other tortures already,
5 was absolutely tired of life. Finally he was forced
6 to drink the water of the latrine, so that he promptly
7 contracted bacillary dysentery."

8 The prosecution enters document 5754 as an
9 exhibit.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution document
12 No. 5754 will receive exhibit No. 1753.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1753 and received in evidence.)

16 LIEUT. COLONEL DAMSTE: Mrs. H. E. Engelen,
17 in her affidavit, gives a description of the methods
18 of Sourabaya Kempeitai, prosecution document 5754,
19 showing that the torturers made no discrimination
20 according to sex.

21 The Kempeitai at Batavia in particular
22 showed the most inhuman treatment. They selected
23 their victims by preference from among the wives of
24 the highest officials and leading businessmen.
25 Examples of the ill-treatment and torture appear

1 from the following affidavits:

2 The prosecution enters document 5741 for
3 identification, and the excerpts as an exhibit.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5741 will receive exhibit No. 1754 for identi-
7 fication only; and the excerpts therefrom will receive
8 exhibit No. 1754-A.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1754 for identification, and the excerpts
12 therefrom were marked prosecution's exhibit
13 No. 1754-A and received in evidence.)

14 LIEUT. COLONEL DAMSTE: Mrs. A. D. Van Hook,
15 wife of the present Lieutenant Governor-General of
16 the Netherlands Indies who had played an active part
17 in the fruitless so-called economic negotiations be-
18 tween the Netherlands and Japan in 1940-1941,
19 prosecution document 5741. With the Court's permission
20 I will read this short affidavit.

21 "In the Kenpei, Batavia (Building of the
22 University of Law), on July 21, 1942, after an
23 interrogation, I had to sit down in the Japanese way
24 on five sharp little beams, most similar to foot-
25 scrapers, so that I came to sit with my shins on the

1 sharp edge. --- I sat there from about 11 a. m. to
2 4 p. m. without food and drink. This was repeated
3 the next day from approx. 2 p. m. until 5 p. m. ---
4 The next morning the water torture was applied to me,
5 twice in succession. This lasted one hour. The
6 afternoon of the next day they applied the water
7 torture to me once more."

8 The prosecution enters document No. 5742
9 for identification only and the excerpts as an exhibit.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 5742 will receive exhibit No. 1755 for identi-
13 fication only, and the excerpt therefrom will receive
14 exhibit No. 1755-A.

15 (Whereupon, the document above re-
16 ferred to was marked prosecution's exhibit
17 No. 1755 for identification, and the excerpts
18 therefrom were marked prosecution's exhibit
19 No. 1755-A and received in evidence.)

20 LIEUT. COLONEL DAMSTE: Mrs. S. M. J. Idenburg,
21 wife of the Chief of Cabinet of the Governor-General
22 before the war, prosecution document No. 5742.

23 The prosecution enters document No. 5743,
24 the affidavit of F. H. Loupatty, for identification,
25 and the excerpts as an exhibit.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 5743 will receive exhibit No. 1756 for identifi-
4 cation only, and the excerpts therefrom will receive
5 exhibit No. 1756-A.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1756 for identification, and the excerpts
9 therefrom were marked prosecution's exhibit
10 No. 1756-A and received in evidence.)

11 LIEUT. COLONEL DAMSTE: The prosecution
12 also enters the affidavit of S. Pattinama, document
13 No. 5744, for identification, and the excerpts as an
14 exhibit.

15 THE PRESIDENT: Admitted on the usual terms.
16 This is a lengthy document, if you are going
17 to read any of it.

18 LIEUT. COLONEL DAMSTE: I will read no more
19 documents, sir.

20 CLERK OF THE COURT: Prosecution's document
21 No. 5744 will receive exhibit No. 1757 for identifica-
22 tion only, and the marked excerpts therefrom will re-
23 ceive exhibit No. 1757-A.

24 (Whereupon, the document above re-
25 ferred to was marked prosecution's exhibit

1 No. 1757 for identification, and the excerpts
2 therefrom were marked prosecution's exhibit
3 No. 1757-A and received in evidence.)

4 THE PRESIDENT: Perhaps you should be
5 ready to show your picture as soon as you finish
6 this synopsis. That may be before the mid-afternoon
7 recess. The Tribunal may decide to take the picture
8 when you finish the synopsis; I do not know. I will
9 have to consult my colleagues about that.

10 We will adjourn until half-past one.

11 (Whereupon, at 1200, a recess was
12 taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess,
at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Colonel Damste.

LIEUT. COLONEL DAMSTE: Mr. President, and
Members of the Court.

F. H. Loupatty and S. Pattinama give a
description of their own sufferings and also of the
nauseating torture and ill-treatment of Mrs. Van
Waveren, wife of the associate director of the Java
Bank, the official circulation bank. This is probably
the most inhuman case. Mrs. Van Waveren died after
unremitting torture under the most miserable conditions.

The prosecution enters document 5733 for iden-
tification, and the excerpts as an exhibit.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document
No. 5733 will receive exhibit No. 1758 for identifica-
tion only. The excerpt therefrom will receive exhibit
No. 1758-A.

(Whereupon, prosecution's document
No. 5733 was marked prosecution's exhibit

1 No. 1758 for identification; and the excerpt
2 therefrom, bearing the same document number,
3 was marked prosecution's exhibit No. 1758-A
4 and received in evidence.)

5 LIEUT. COLONEL DAMSTE: The prosecution enters
6 document 5734 for identification, and the excerpts as
7 an exhibit.

8 THE PRESIDENT: What is the last exhibit about?
9 You haven't a word of explanation.

10 LIEUT. COLONEL DAMSTE: The explanation will
11 be given, Mr. President.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 5734 will receive exhibit No. 1759 for identifica-
15 tion only. The excerpt therefrom, bearing the same
16 document number, will receive exhibit No. 1759-A.

17 (Whereupon, prosecution's document
18 No. 5734 was marked prosecution's exhibit
19 No. 1759 for identification; and the excerpt
20 therefrom, bearing the same document number, was
21 marked prosecution's exhibit No. 1759-A and
22 received in evidence.)

23 LIEUT. COLONEL DAMSTE: A special case is that
24 of the execution of about nineteen civilians at Soura-
25 baya, more than a week after the Japanese surrender,

1 with the knowledge of Major General YAMAMOTO, the
2 Gunseikan (Governor General) of Java at that time, as
3 appears from his affidavit, prosecution document 5733,
4 in connection with the affidavit of Lr. Ch. O. Van Der
5 Plas, representative of the Netherlands Indies Govern-
6 ment, prosecution document 5734.

7 The prosecution enters document 5756 for iden-
8 tification, and the excerpts as an exhibit.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 5756 will receive exhibit No. 1760 for identifi-
12 cation only. The excerpt therefrom will receive
13 exhibit No. 1760-A.

14 (Whereupon, prosecution's document
15 No. 5756 was marked prosecution's exhibit
16 No. 1760 for identification. The excerpt
17 therefrom, bearing the same document number,
18 was marked prosecution's exhibit No. 1760-A.
19 and received in evidence.)

20 LIEUT. COLONEL DAMSTE: Major KATSUMURA,
21 operations officer of the Java Kempeitai Headquarters,
22 Batavia, gives a survey of Kempei activity, admitting
23 execution without trial in the so-called "Ki" (or
24 "Koo") case, in which 239 persons were executed in
25 strict secrecy; prosecution document 5756, Javint 3106/1.

1 In order to settle the case as soon as possible,
2 this case was dealt with on the spot. The investiga-
3 tion officer decided whether to inflict the death
4 sentence and his decision was approved by the higher
5 officials on the authority of the commander-in-chief
6 after examination by the staff officer for Kempei
7 affairs at army headquarters.

8 The prosecution enters document 5732 as an
9 exhibit.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 5732 will receive exhibit No. 1761.

13 (Whereupon, the document above
14 referred to was marked prosecution's exhibit
15 No. 1761, and was received in evidence.)

16 LIEUT. COLONEL LAMSTE: Apart from the
17 treatment at Kempeitai headquarters and local Kem-
18 peitai units the normal prisons were places of terror
19 and misery as well. The prison conditions were almost
20 beyond description and may easily be understood from
21 the summary given by the head of War Crimes Section of
22 N.E.F.I.S., prosecution document 5732. This summary
23 deals with only 38 out of the 104 prisons in Java and
24 Madura, according to the lists provided by the
25 Japanese authorities. However, although not all

1 deaths which occurred during the occupation have been
2 recorded, these lists mention that in the 38 prisons
3 1717 persons died; only in 154 cases was the cause
4 of death stated.

5 The average death rate in the Netherlands
6 Indies prisons in 1940 was 1.8 per cent.

7 The Tjipinang prison, near Batavia, not
8 included in the above 38, had a death rate of 4 per
9 cent in the period May 1, 1943, till May 1, 1944, but
10 of 5 $\frac{1}{2}$ per cent in the period May 1, 1944, till May 1,
11 1945; that is, 2257 deaths in an average prison
12 population of 4400. The deterioration of conditions
13 in this prison is clear from the fact that the monthly
14 death rate increased in the last year from roughly
15 1 per cent to 10 per cent.

16 The already introduced affidavit of Professor
17 de Vries, prosecution document 5750, exhibit 1751-A,
18 contains at the end some particulars about Tjipinang
19 prison: out of 4,000 inmates 500 were confined in
20 the so-called "death ward," of whom only a Chinese
21 and the deponent himself survived; malnutrition and
22 diarrhea for which no medicines were supplied. were
23 the main causes of death.

24 The prosecution herewith completes the
25 synopsis regarding the Japanese conventional war

1 crimes and their crimes against humanity committed
2 in Java against the native population and the Allied
3 citizens and service personnel in this island.

4 THE PRESIDENT: Have you another synopsis
5 that you can finish before the mid-afternoon recess?

6 LIEUT. COLONEL DAMSTE: I could read the
7 Sumatra synopsis, but all the documents are upstairs
8 in my office, Mr. President.

9 THE PRESIDENT: Does this picture about to
10 show relate to Java?

11 LIEUT. COLONEL DAMSTE: Yes, sir, it does.

12 THE PRESIDENT: The English text of the
13 sound picture should appear in the transcript.
14 Separated from the picture it may not be worth much,
15 but we will have no record at all of it unless it
16 does appear.

17 LIEUT. COLONEL DAMSTE: I do not know whether
18 the text of the picture can be taken down when it
19 is shown.

20 THE PRESIDENT: Well, it had better be
21 recorded at some time or other.

22 LIEUT. COLONEL DAMSTE: We could have a
23 separate recording of the film again, or the sound
24 track of the film again for the reporter, Mr. President.
25

1 THE PRESIDENT: We want the reporters to
2 record only what happens in court before us.

3 LIEUT. COLONEL DAMSTE: To prevent all
4 difficulty we have made a description in text be-
5 forehand for that purpose.

6 THE PRESIDENT: Well, you may read the --
7 It should really be recorded as it is stated, but
8 I understand there is an English sound film. Is
9 that so?

10 LIEUT. COLONEL DAMSTE: It is an English
11 sound film, sir.

12 THE PRESIDENT: All that we hear in this
13 court should be recorded by our shorthand report-
14 ers, or our court reporters, and it should be
15 recorded as we hear it. I don't think it will be
16 beyond the ability of the court reporters to record
17 it as it is stated in the sound script, or the sound
18 picture. I would like to know what the court re-
19 porters think about that. If the reporter has the
20 English translation she may check it as it is
21 recorded on the sound picture. You may proceed to
22 show the picture now, Colonel.

23 LIEUT. COLONEL DAMSTE: May I add some-
24 thing, Mr. President? It took about three or four
25 sessions to note down the script from the film, so

1 it is not an easy job. On the other hand, I have no
2 objection to give the film to the defense to compare
3 this text, the script we have made, with the film itself.

4 THE PRESIDENT: Mr. Blewett.

5 MR. BLEWETT: If the Court please, during
6 the progress of the picture certain comments are
7 made from time to time by an unseen speaker. It seems
8 to us that unless the person is identified that the
9 Court should disregard those remarks.

10 THE PRESIDENT: We will disregard everything
11 not proved in the usual way.

12 LIEUT. COLONEL DAMSTE: The prosecution
13 enters document 5740 as an exhibit.

14 THE PRESIDENT: What is that document?

15 LIEUT. COLONEL DAMSTE: Statement of
16 Brigadier Blackburn.

17 THE PRESIDENT: It is an affidavit, or a
18 sworn statement. Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's docu-
20 ment No. 5740 will receive exhibit No. 1762.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1762 and received in evidence.)

24 LIEUT. COLONEL DAMSTE: With the Court's
25 permission I will read it.

1 Statement: "The film 'Nippon Presents'
2 has been made from an original in Java during the
3 Japanese occupation by Japanese cameramen under
4 Japanese direction made film, which original film I
5 believe was intended to give a faked impression of
6 the treatment by the Japanese of their prisoners of
7 war and of women internees. English, Australian
8 and Dutch prisoners of war and British and Dutch
9 women and children were forced to play an act in
10 this film in the way as is described by me in the
11 introduction of the film 'Nippon Presents'.

12 "The original film was captured after the
13 liberation of Batavia, as I am informed and verily
14 believe, and brought to Australia, where some of
15 the players, who survived the ordeal of the Japan-
16 ese camps, gathered at the instigation of the
17 Netherlands Indies Film Unit to give an idea of the
18 real occurrences and conditions in prisoner of war
19 and women's camps in Java. This is to certify that
20 the statements made by me and the other actors in
21 the Australian part of the film 'Nippon Presents',
22 i.e. the parts made in Australia after the libera-
23 tion, are given according to the truth as I and my
24 co-actors experienced such truth ourselves.

25 "I am informed and verily believe that the

1 shots which were interolated in Australia have
2 partly been taken from other Japanese films (not
3 intended to fake the real condition, but meant to
4 show the Japanese public the might of the Japanese
5 forces) and for the other part of the films, which
6 were made by Allied cameramen of the camps at
7 Batavia after the liberation, when conditions in
8 these camps had already been slightly bettered.
9 These last shots are not faked but given according
10 to the truth as conditions were in the end of
11 September, 1945."

12 THE PRESIDENT: The Tribunal may decide
13 to disregard the whole of that part taken in
14 Australia. That is to say, the part not made by
15 the Japanese. I don't know. I should say the
16 part -- they may decide to reject it all except
17 the part made by the Japanese and the part made on
18 the spot just after the surrender. It is extremely
19 doubtful how far we should be interested in those
20 parts made in Australia.

21 LIEUT. COLONEL DAMSTE: The prosecution
22 enters document 5758 as an exhibit.

23 THE PRESIDENT: What is it?

24 LIEUT. COLONEL DAMSTE: It is a statement
25 of Major Schim Van Der Loeff.

1 THE PRESIDENT: Admitted on the usual
2 terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 5758 will receive exhibit No. 1763.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1763 and received in evidence.)

8 LIEUT. COLONEL DAMST: (Reading) "In mid
9 September 1945 I arrived in Batavia in the suite of
10 Admiral Patterson as Captain RNIA (reserve), in
11 charge of a detachment of Netherlands Indies Govern-
12 ment Information Service (NIGIS), including several
13 film operators.

14 "Shortly after our arrival we captured
15 several Japanese propaganda films, made by the
16 Japanese in Java during the Japanese occupation.
17 Amongst these films was a film named 'Australia
18 calling'.

19 "Afterwards I have read SEATIC transla-
20 tion reports JAVINT No. 3132/2 (translation of
21 statement by Capt. YANAGAWA, dated 14 Dec 1945),
22 from which I learned that said film was made from
23 June to mid September 1943 under the direction of
24 Capt. YANAGAWA of the 'BEPPAN' (Special Intelli-
25 gence Section of HQ 16th Army) as Chief Producer

1 and that the film was meant to deal with the daily
2 life of prisoners of war with the purpose of creat-
3 ing anti-war spirit in Australia.

4 "After many discussions it was decided by
5 the NIGIS to send this film to Australia, to try and
6 collect there the same (ex prisoners of war) players
7 whom the Japanese had forced to play in the film
8 and to insert in the Japanese film cuts from films
9 which showed the real conditions under which the
10 prisoners of war and internees had been living
11 under the Japanese occupation. For these cuts
12 were used the film reels which the film operators
13 from NIGIS and from other film detachments had taken
14 on their arrival in the middle of September, 1945,
15 in Java, especially in the prisoner of war camps in
16 the Xth Battalion barracks in Batavia, in the
17 prisoner of war hospitals 'Mater Dolorosa' and
18 'St. Vincentius' in Batavia, and in the women
19 internment camps 'Tjideng' and 'kampong Makassar'
20 in Batavia.

21 "Also were used some cuts from captured
22 Japanese newsreels, giving the 'glorious victory'
23 of the Japanese and to show off their prisoners
24 of war at the beginning of the war.

25 "In this way the new film 'Nippon presents'

1 was made. I can state definitely that the cuts
2 which have been inserted into the original Japanese
3 film have not been faked like the Japanese film was,
4 but show the real conditions in the prisoner of war
5 and women camps in Batavia as I have seen them
6 myself in the middle of September 1945."

7 The prosecution enters document 5759, being
8 the description and text of the film "Nippon Presents,"
9 as an exhibit.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 5759 will receive exhibit No. 1764.

13 ("Hereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1764 and received in evidence.)
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1 MR. BROOKS: I was trying to clarify, if
2 the Court please, what film is being shown here,
3 whether it is a Japanese film "Australia Calling",
4 or a new film presented by the cuts and excerpts
5 by the Australians called "Nippon Presents."

6 THE PRESIDENT: I think it would be extremely
7 dangerous for us to act on the document last tendered.
8 For the purposes of the Australian part of the
9 picture a number of wholly fictitious conversations
10 appear to have been introduced. That is not the
11 kind of evidence that a court acts on.

12 MR. BROOKS: The objection I was making,
13 your Honor, was that the original Japanese is not
14 being shown, the "Australia Calls", which I was under
15 the impression was being shown, that this is an
16 excerpt from that with additions; and it is objected
17 to on the ground that it would have no probative
18 value for this Court.

19 THE PRESIDENT: Objection or no objection,
20 no court could safely act on this type of evidence
21 in the last document tendered.

22 LIEUT. COLONEL DAMSTE: Prosecution tenders
23 the four film reels in evidence.

24 MR. BROOKS: If the Court please, I want to
25 object to the introduction of any film reels that

1 have been cut and deleted by this Australian film
2 company. If they are the original films, "Australia
3 Calling" as translated, we would have no objection
4 to that. We just received these documents at noon.
5 We have not had a chance to go over all of this
6 material. The objection is made, and further ob-
7 jection may be made later.

8 THE PRESIDENT: Will the film include
9 pictures taken in the prison camps immediately after
10 the surrender of the Japanese?

11 Well, it will not be necessary for you to
12 rely on the pictures taken in Australia.

13 LIEUT. COLONEL DAMSTE: I may explain --

14 THE PRESIDENT: You would be very wise not
15 to show the Australian section.

16 LIEUT. COLONEL DAMSTE: It was not up to me
17 to cut the film because it was entrusted to us as
18 four reels; and so we show the four reels as we have
19 received them.

20 THE PRESIDENT: You say you must show the
21 Australian picture with the Japanese? You must be
22 able to distinguish one from the other so that if
23 we decide to see the picture, we will be able to know
24 what is the Japanese picture and what the Australian.

25 LIEUT. COLONEL DAMSTE: I think the film is

1 quite clear about that, Mr. President.

2 THE PRESIDENT: I want it to be thoroughly
3 understood hereafter how we appreciated this picture.

4 Yes, proceed to show the picture.

5 CLERK OF THE COURT: Prosecution's document,
6 being four films, will be given exhibit No. 1765-A,
7 B, C and D respectively.

8 (Whereupon, the above-mentioned four
9 reels of film were respectively marked
10 prosecution's exhibit No. 1765-A, B, C and D,
11 and received in evidence.)

12 (Whereupon, the motion picture was
13 shown.)

14 Written English Introduction on Screen: (Reel One)

15 "NIPPON PRESENTS"

16 "Early in the Pacific War the Japanese who
17 had over-run Java made a film for screening in a
18 conquered Australia to show how well they treated their
19 prisoners. This Japanese film fell into Allied hands.
20 English, Australian and Dutch prisoners of war and
21 internees were forced to play parts in it. Many of
22 these prisoners are now dead, victims of starvation,
23 ill treatment and disease. Some survived and a few
24 of them have been brought together here to tell volun-
25 tarily and under a compelling sense of duty the true

1 story of how the Japs made this film. To expose this
2 victorial evidence provided by the Japanese themselves
3 of the inhuman duplicity of their gaolers, you are
4 now to see this Japanese film and on the screen and
5 in the audience will be some of the survivors. They
6 are:

7 (UNSEEN NARRATOR:) "Introducing:

8 "Brigadier Blackburn, Victoria Cross, AIF

9 "Wing Commander Davis, RAF

10 "Squadron Leader Shepard, RAF DCC

11 "Group Captain Noble, RAF

12 "Captain Dr. Kingma, RNIA

13 "Mrs. E. J. Johnson, Dutch born English woman

14 "Flight Officer Thomas, RAAF

15 "Private McNab, RAN

16 "Private Hickfield, AIF

17 "Private Reed, AIF

18 "Private Willard, AIF

19 "Captain Ellison, AIF

20 "Sergeant Harrison, AIF and

21 "Annemieke."

22 (BRIGADIER BLACKBURN): "Well, gentlemen, you
23 have once again seen this Japanese picture in which
24 you played a part. We will now show it to the public
25 but not as the Japanese intended. The Japanese film

1 will be shown as they made it and as you have seen
2 it but after each sequence will appear the truth --
3 scenes taken by Allied cameramen immediately after
4 the liberation of Java. You will recognize most
5 of these scenes and as the film unfolds your own
6 comments will tell the true story.

7 "I have had full reports from Wing Commander
8 Davis and others that the Japanese had forced you
9 to make this film and that officers and men chosen
10 had refused to take part in it. I know that you
11 resisted to the limit; I know that they denied you
12 food but still you did not yield. I know that then
13 these cunning devils, the Japanese, applied the only
14 form of pressure which could ever make you yield.
15 They informed you that unless you gave way and took
16 part in the film, they would reduce the food ration
17 to every man in camp and refuse any medical supplies.
18 I know that your medical officers informed you that
19 if they did that, many of the prisoners under your
20 command would die. I know that at one stage, you,
21 Wing Commander Davis, were threatened with death if
22 you did not give permission to the members of your
23 camp to take part."

24 (COMMANDER DAVIS): "Yes, sir, that is quite
25 correct,"

1 (BRIGADIER BLACKBURN): "I have investigated
2 the whole matter fully and I know, gentlemen, that
3 you have nothing to be ashamed of, that you were
4 prepared to resist, ever under the threat of death,
5 so long as it only concerned you yourselves. These
6 officers and men have been troubled in their mind
7 about having had to take part in the preparation of
8 this Japanese film. I told them they need not be
9 so troubled. They put on an epic of heroic resistance;
10 they gave way only to save the lives of their com-
11 rades. determined to make as many difficulties as
12 possible and to turn the whole thing into a farce
13 if they could.

14 (COMMANDER DAVIS): "I discussed it with
15 the other officers and men. It was clear what the
16 Japanese had in mind but we thought that the reduction
17 of food and refusal of medicines would cause the deaths
18 of many of our comrades, so we had to go on. The
19 Japanese had to go over the personnel of the camp
20 with a fine tooth comb to find enough fit men for
21 the film. It was a tough job too. At least one camp
22 was on starvation punishment for some trivial offense.
23 The scanty rags of thousands were raked over and
24 repaired to furnish a sufficient wardrobe to make
25 the chosen men look decent and some of them even got

1 a banana to eat."

2 (BRIGADIER BLACKBURN): "So now, we will
3 see the Japanese film and against its lies the
4 real thing unfaked."

5 (UNSEEN NARRATOR): "Japanese cameramen
6 made this film but this shot is intended to give
7 the impression that our troops made it themselves,
8 men who would be more at home shooting with a Bren
9 gun than with a camera. Look at them, even the
10 ducks were forced to act.

11 "Ironical, isn't it, while these men of
12 ours were in this fake library and surgery, disease
13 and sickness were riot throughout the camp but the
14 Japs refused to supply the medicines which they
15 were holding ---

16 "And as for the pleasant chat between old
17 friends, it lasted as long as it took the cameramen
18 to shoot the scene.

19 "Food, the thing we dreamt and talked about,
20 succulent beef, steaming bread. No, this is not the
21 kitchen of a prison camp in Java. These scenes were
22 taken in the kitchen of the luxury hotel des Irides in
23 Batavia, the Japanese headquarters. One day a few
24 Australians were taken out in the belief they were
25 going on a work detail, but were instead taken into

1 the hotel kitchens. It was a rare sight for them.
2 They saw the food, handled it, smelled it, but that
3 was all -- the Japanese ate it.

4 "Food eaten by the prisoners was little
5 better than garbage prepared in filthy conditions.
6 (REEL 2) "You will now see how the Japanese would
7 have you believe the women lived in their camp."

8 (CHILDREN SINGING): "Ring around the rosy,
9 pocket full of posies, ki chu, ki chu, all fall down."

10 (WOMEN TALKING): "Thank goodness, that's
11 finished.

12 "Excuse me, I am going up to Mrs. Marsh with
13 this dress. I won't be long.

14 "Faye, come here.

15 "Fine weather today.

16 "I think the clothes will dry quickly.

17 "Would you like some tea?

18 "No, thank you, not today, some other time.

19 "It certainly is hard on me.

20 "What are you worrying about?

21 "Well, when I came into this camp I did think
22 I would be able to lose weight, instead of that I
23 have been putting it on daily.

24 "What are you talking about?

25 "Oh, it's (unintelligible), talking about her

1 figure again

2 "Hello, everybody, I finished this frock,
3 Mrs. Snipe.

4 "Oh, thanks, it's very pretty.

5 "You did it so quickly.

6 "Well, you wanted it in a hurry. Come,
7 let's try it on Joyce and see how it fits. Come
8 on, Joyce, show everybody your nice new dress.

9 "Do you like these records?

10 "(unintelligible) can't get records any more,
11 so from now on we cannot play any more."

12 (MRS. JOHNSON): "For the first few months
13 conditions were really not so bad in our camp.
14 It was pleasantly placed, the food was good enough,
15 and we had reasonable enough freedom. We lived in
16 fact in a fool's paradise. When the Japs had made
17 the scenes you have just seen, well, that was the
18 end. We were whisked off to the germ-laden, rat-
19 infested, filthy, slummy, bugbreeding slums you see
20 of Batavia, a forlorn mess of modern misery, of brutal
21 beatings and indignities, of degrees of fever, weevils,
22 lice, weevily rice, and utter hopelessness. That is
23 what Java meant to us from then on."

24 (UNSEEN SPEAKER): Look at this little girl,
25 where she gets the drinking water!

1 "And now Ninpon presents some delightful
2 bathing scenes. Two hours the Japs spent taking
3 these lovely bathing scenes. This was the only
4 swim these boys had -- two hours during three and
5 a half years of monotonous misery.

6 "For the fishing, eleven men were given
7 sticks with string to dangle in the water. That was
8 all the fishing they got.

9 (WING COMMANDER DAVIS): "Allow me to intro-
10 duce you to a camp's bathroom and showers. Look,
11 no wonder that ulcers and skin diseases got most
12 of us.

13 (RADIO): "The report of enemy losses in our
14 previous announcement regarding the Third Solomon
15 Sea Battle is revised as follows: Sunk: 2 battle-
16 ships, 11 cruisers, 3 or 4 destroyers, and 1 transport.
17 Heavily damaged: 1 battleship, 3 cruisers, 6 or 7
18 destroyers and 3 transports."

19 (PRISONER OF WAR OFFICERS): "Hey, there,
20 what about a cup of tea?

21 "Thank you, we sure will.

22 "Hello.

23 "Just got the news on the radio too.

24 "Pretty warm.

25 "Yes, it's warm all right.

1 "Thank you, Jack.

2 "Thanks.

3 "No, thanks.

4 "Hello, my friend, well, what's the news?

5 (SQUADRON LEADER SHIPARD): With reservations
6 it was quite a news from Japan.

7 "Pretty tough on us when we hear that the
8 American propaganda broadcast says most of us have
9 been killed.

10 "Yes, it's sure hard on us.

11 "Even as I heard the radio I realized the
12 whole thing was faked. I was obviously listening
13 to a voice transmitted from the nearby room. We
14 had no radio in camp. After 1942 all religious
15 services, concerts and educational lectures were for-
16 bidden."

17 (PRISONERS OF WAR): "War surely makes live
18 men dead, dead men alive.

19 "I'll make no money business, as long as
20 my wife knows I'm alive, things will be all right.

21 "I can even see her.

22 "What do you think of this, very nice, isn't
23 it?
24

25 "Do you think she'll appreciate that?

"Well, maybe my taste is not the best, but I

1 am sure she'll appreciate the gesture. She's an
2 A-1 lass. That is proved by her letters.

3 "There he goes again -- you married me.

4 "However, I was quite pleased to get a letter
5 from home - - - it was an enjoyable moment. In the
6 letter she said she was busy training for air raid
7 guard. (one line unintelligible.)

8 "By the time we get back I wonder what will
9 have become of our homes.

10 "I sure would like to get home to try my
11 luck at Pennington again.

12 "Well, you won't see me there, for once I
13 am camping on the girl friend's doorstep.

14 "Yes, me too.

15 "I am going to make my wad then I will settle
16 down on a nice little farm.

17 "Yes, the sooner it is the better.

18 (SQUADRON LEADER SHEPARD): Conditions of
19 living declined as time went on until it was quite
20 plain that we were of no account to the Japs. Inter-
21 national agreements and humanitarian principles meant
22 nothing to them. Most of us lucky enough to survive
23 have suffered in health due solely to the conditions
24 under which we were forced to live. Had the Japanese
25 taken the slightest interest in our welfare, many of

1 our comrades would have been alive today.

2 (UNIDENTIFIED SPEAKER): "One two, one two --

3 "Even this carefree happy game of tennis was
4 merely another prisoner's drill under the orders of
5 a guard.

6 (PRIVATE REED): "By Jove, Mick, you made
7 the most of that funny face of yours. Remember when
8 you used to imitate the cuckoo bird and had the
9 Nips running around the camp looking for the bird?
10 Can you still do it?" (Laughter)

11 (PRIVATE MICKFIELD): "I still can." (demon-
12 strating cuckoo bird imitation.)

13 (FLIGHT OFFICER THOMAS): "What about the
14 fancy cricket match I umpired? We certainly pulled
15 their legs that time. They didn't know we were making
16 up our own rules as we went along. I gave batsmen
17 out whenever I felt like it and the boys played up
18 to it. Never was a cricket played as we played it
19 that day.

20 (PRISONER OF WAR): "How is that?"

21 "Out!"

22 END OF REEL TWO
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REEL 3

UNSEEN SPEAKER: "Sure, we picked men had our fun that day but a few months later not many of us were even able to lift a cricket bat, let alone run, but let Dr. Kingma who was also interned tell you about it."

UNSEEN SPEAKER: "Far from being able to play cricket or any other games, these poor men suffered from all the diseases resulting from starvation; beri-beri was only one of them. The hospital scenes you are about to see were faked from beginning to end. The Japanese took a group of Australians to this hospital in Batavia. Tragic to think that the men who posed for this mock treatment were then still healthy, while the really sick men in the camps could not get the treatment and the drugs they so urgently needed."

NUN: "How are you today?"

PATIENT: "Fine, thank you."

DR. KINGMA: "Pretty, wasn't it? In fact, ideal. Yes, but the truth was quite different, In the prisoner of war hospital where I worked as a doctor the Japanese stole the X-ray plant, the radium and surgical instruments. How the hospitals really were, well, look for yourself."

1 UNSEEN SPEAKER: "This delightful mountain
2 resort used by the Japanese Officers of the High Com-
3 mand was chosen as an occasion for the scenes of this
4 Japanese film.

5 "One day the Australian camp was gone over
6 for men who still looked fit enough to act the part
7 of happy sportsmen. They were told to be happy, that
8 they could play billiards, swim, drink beer, play golf,
9 and eat good food."

10 "Actually they did have a swim and played
11 a game of billiards."

12 GOLFER: " (Unintelligible)this sure
13 keeps me fit."

14 DAVIS: Happy sportsmen indeed and then back
15 to the barbed wire, the heat, the dirt, the weariness
16 and worst of all to be herded and hounded by Japanese
17 scum."

18 UNSEEN SPEAKER: "Some of these particular
19 scenes are from captured Japanese news reels made
20 before the liberation of parts outside Java; they were
21 exhibited with gloating pride through the one time
22 Japanese Empire."

23 SPEAKER UNSEEN: "You are about to see one of
24 the most unnatural of all scenes -- a faked reunion of
25 Dutch prisoners and their sweethearts, wives, and

1 children. Those who attempted to embrace in a natural
2 way were pulled apart by guards and made to embrace to
3 order in front of the camera."

4 (Scene showing family. Dialogue in language
5 other than English.)

6 "Hey folks, come here."

7 ANNEMIEKE: "I am Dutch. My name is Annemieke.
8 Mammy and I were in a camp in Java. But it wasn't
9 really like that; it was more like this, only sometimes
10 much worse."

11 ANNEMIEKE: "I wasn't very naughty and I
12 helped mammy as much as I could."

13 (Scene showing man writing letter.)

14 McNAB: "They gave me pen and paper and told
15 me to write a letter. I started to write but not what
16 I was thinking. An English speaking Japanese girl
17 spoke the words you will hear and which I was supposed
18 to be writing, but if I had been free to express
19 myself this is what I would have described."

20 UNSEEN WOMAN: "Today is Visitor's Day --
21 a day of joyful anticipation for the Dutch soldiers
22 and a day of sorrow for us as we have no one to call
23 on us. Nevertheless, looking at the happy families
24 and sweethearts reunited in an atmosphere of love and
25 happiness brings me closer to you in thought. As I

1 sit writing I recall the happy times we had together.
2 My first hour home will be (unintelligible). My
3 thoughts are of home and you, of kangaroos and lovely
4 beaches ---- here amidst an atmosphere of ---- I wonder
5 what you are doing now. Everything can be bearable as
6 every facility is given us, but without you it is like
7 a vain effort to keep body and soul together. My one
8 wish is to get home and to you where nothing can make
9 me leave you again."

10 McNAB: "Even my tears were faked. They
11 poured some kind of stuff in my eyes to make them
12 water. Pretty powerful stuff, too, as I didn't stop
13 crying for days."

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REEL 4.

1 SPEAKER UNSEEN: "Rich for a couple of min-
2 utes. Only the first two envelopes contained money,
3 which had to be given back, of course. The others
4 were just padded."

5 HARRISON: "The best beer I ever had. Remem-
6 ber the way I swigged the last of that? Another bot-
7 tle, and before they could stop me, that went too."

8 REED: Yes, I remember. And after seeing
9 where it went I saw an ugly look on the Nip's face,
10 so I scrambled."

11 HARRISON: "That was your day, all right.
12 You also had that big steak. I only smelled it."

13 REED: By gum, that was good. One of the
14 Nips asked me if I could eat a feed. I told him I
15 could eat two feeds instead of one. They took me in
16 there and fed me a bite of steak and said: 'Eat it as
17 if you enjoy it.' Well, I did not - - - I tried to
18 tell the camera with my eyes what was going on. I
19 hope you got me. Anyway, I seemed to make a pretty
20 good job of it, at least the Nip said 'Goto' which
21 means 'very good', and let me finish the lot."

22 "How are you, Doc?"

23 "How much are these films?"

24 "How much for this sale?"

25

1 "Reminds me, I will have a toothbrush, too."

2 "Cheerio."

3 SPEAKER UNSEEN: "The beer you see on the
4 tables was tea. Tubby Reed and I had the only real
5 beer."

6 SPEAKER UNSEEN: "Yes, it was a lucky day
7 for a few. The rest of the prisoners carried on with
8 their usual starvation rations."

9 (Scene in women's dress shop.)

10 "Good afternoon."

11 "Gray, do you think this will fit my kid?"

12 "What, the big one?"

13 "No, the new one."

14 "How many have you got?"

15 "Five."

16 "Five? Oh, no!"

17 "Yes."

18 CAPTAIN ELLISON: "I was one of the men
19 you have just seen strolling through the streets of
20 Bandoeng. The joke is, my friend, Gracie Allen, who
21 was buying the frock certainly had a daughter, but
22 she was 18 years of age. We had no money so they
23 gave us a fistful of Japanese invasion money, which
24 they took from us immediately after the transaction.
25 The two shop girls were Dutch internees dressed up

1 for the occasion and given special hairdo. During
2 the whole of this farce our guards with fixed bayonets
3 followed us just outside of camera range. Finally
4 they replaced our prisoner of war badges and hustled
5 us back behind the barbed wire."

6 (Scene behind barbed wire enclosure.)

7 NOBLE: "At dawn one day 500 of us were
8 assembled in the hospital grounds where a large cross
9 had been placed, its base inscribed 'Lest We Forget.'
10 When General SAITO and his staff came on, a religious
11 ceremony commenced. It was impressive. We began to
12 think that the Nips must have a grain of decency in
13 them after all. But when General SAITO read his
14 speech, and the cameramen shooting, and then re-reading
15 it to let them get close-ups and we saw the shoddy
16 cardboard cross swaying in the wind, and we realized
17 that the barbed wire had been camouflaged with broken
18 branches, and the machine guns trained on us were hid-
19 den in the distance, then we tumbled to the farce it
20 was. The reverence with which we Christians observe
21 our faith became no more than a mockery and an insult
22 to our fallen comrades."

23 (Scene showing Memorial Service.) English
24 inscription on screen:

25 "We treat well our enemy soldiers We

1 protect them May their spirits rest in peace in
2 Heaven."

3 (Scene showing burial ground.)

4 SPEAKER UNSEEN: "Only under compulsion
5 after the liberation did the Japanese provide even
6 the simplest of burial decencies for our comrades
7 who did not survive. Those we won't forget."

8 THE PRESIDENT: We will recess for fifteen
9 minutes.

10 (Whereupon, at 1450, a recess was
11 taken until 1505, after which the proceedings
12 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Colonel Damste.

4 LIEUT. COLONEL DAMSTE: Mr. President, I
5 ask permission to call Major Leenheer to the
6 witness stand.

7 - - - -

8 C O R N E L I S C . L E E N H E E R, called as a
9 witness on behalf of the prosecution, having
10 first been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY LIEUTENANT COLONEL DAMSTE:

13 Q Your name is Cornelis C. Leenheer?

14 A Yes, sir; that is correct.

15 Q What is your nationality?

16 A Dutch.

17 Q Do you prefer to speak in Dutch?

18 A Yes, sir, I will try.

19 THE PRESIDENT: His English seems to be
20 quite good.

21 Q In English?

22 A Yes, sir.

23 Q You are a major in the British Army?

24 A I am a civilian attached to the British
25 Army, officer's status of the rank of major.

LEENHEER

DIRECT

1 Q What was your occupation prior to the war,
2 Major?

3 A I was an employee of the United States
4 Rubber Company in Kisaran, Sumatra, Dutch Indies.

5 THE PRESIDENT: Speak close to the micro-
6 phone, witness.

7 Q And what was your duty?

8 A I was an agricultural assistant.

9 Q What were your principal duties?

10 A Control of native labor, welfare, adminis-
11 tration and welfare of the laborers.

12 Q Where were you at the time of the surrender
13 of Sumatra?

14 A I was on guard duty in the protection camp
15 at Lawesegalagala in Atjeh Province, Sumatra.
16 It was a protection camp of the wives and children
17 of the native soldiers.

18 Q Did you resume your normal occupation after
19 that?

20 A Yes, I did.

21 Q Were you interned by the Japanese afterwards?

22 A Yes, I was interned on the 17th of March,
23 1943.

24 Q In which camps were you confined until the
25 Japanese surrender?

LEENHEER

DIRECT

1 A I was first interned in Sungei Sengkol
2 Camp in the Medan area and on the first of
3 October, 1944, we were transferred to Si Rengo Rengo
4 in the Rantau Prapat area. The Rantau Prapat
5 area was about two hundred miles from the capital
6 of Sumatra, Medan, situated in the southern part
7 of north Sumatra.

8 Q Did you have any special occupation in
9 the camps?

10 A I worked in the kitchen for about two
11 years and the last year also woodchopper. Kitchen
12 people worked on two jobs because the rest were
13 too weak to work.

14 Q What did you do after your release?

15 A After my release from the camp on the 31st
16 of October, 1945, I went back to Medan and on the
17 21st of January, 1946 I joined the No. 4 War Crimes
18 Investigation Team in Medan under Colonel Read-Collins.

19 Q What was your duty at Medan?

20 A Administration of the war crimes investi-
21 gation interrogations.

22 Q What persons did you interrogate?

23 A I interrogated Japanese suspects. I
24 interrogated officials of the Japanese Army at their
25 headquarters at Bindjei, and some internees.

LEENHEER

DIRECT

1 Q Did you read reports on all civilian
2 internment camps of internees?

3 A Yes, I did.

4 Q You think you have a comprehensive knowledge
5 of conditions in such camps?

6 A Yes, I think so.

7 Q Do you have any notes on those camps made
8 at that time or shortly afterwards?

9 A Yes, I have some.

10 Q What was the attitude of the Japanese head-
11 quarters regarding your investigations?

12 A They seemed quite cooperative but very un-
13 satisfactory. The reasons for the unsatisfactory
14 results were, as far as they gave us, that all the
15 documents, the original documents, were burned on the
16 15th of August, 1945, after an order by the Southern
17 Expeditionary Corps.

18 Q When did you leave Sumatra?

19 A I left Sumatra on the 11th of September,
20 1946.

21 Q And then you came to Tokyo?

22 A Yes, sir.

23 Q And what is your position here?

24 A I am connected with the British minor war
25 crimes here in Tokyo.

Q Is that Legal Section of the Supreme Command

LEENHEER

DIRECT

1 for the Allied Powers?

2 A Legal Section, SCAP; yes, sir.

3 Q What happened to your family when you were
4 interned?

5 A My wife was already interned on the 17th
6 of July, 1942 in the Tandjong Balai Camp after having
7 been confined to the house for about four months.
8 She stayed in Tandjong Balai Camp until May, 1945,
9 and was then transferred to the Rantaau Prapat area,
10 Aek Pamin'ko Camp. We didn't see each other from
11 the 17th of July, 1942 up till September, 1945.

12 Q Was there any communication by letter?

13 A No, never.

14 Q I asked you about your family; you have no
15 children?

16 A Yes, sir; two at that time. They were
17 interned too.

18 Q Have you any idea how many civilians were
19 interned in Sumatra and of what nationality they were?

20 A Between about twelve and thirteen thousand,
21 of which about three hundred British, a few Americans,
22 some Czechs, Belgians and a majority Dutch.

23 Q How many civilian internment camps existed
24 in Sumatra during the war?

25 A There have been about seventy but towards the

LEENHEER

DIRECT

1 end in the last year there were three areas. The
2 north Sumatra area consisted in Rantaau Prapat; the
3 middle Sumatra area, Bangkinang Camp; and the south
4 Sumatra area, Pungkal Pinang Camp.

5 Q Were there many shufflings of internees?

6 A Yes.

7 Q Reshufflings?

8 A Yes, there were very many.

9 Q What was the result of reshufflings? I mean
10 to the belongings.

11 A Well, every time after every reshuffling
12 we lost something again. We came into the camp with
13 a small amount of luggage.

14 Q Did general conditions differ in different
15 camps?

16 A Yes, they differed in this way, that the
17 conditions in every new camp were worse than in the
18 former one.
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1 Q What methods of transportation were used in
2 the moving of civilians in Sumatra?

3 A I, myself, was transferred only by train,
4 but the other means which were used in Sumatra were
5 trucks, tranways, trains, ships. When our camp was
6 transferred from Sungei Sengkel to Si Rengo Rengo
7 Camp, we had to break up at five o'clock in the morn-
8 ing. We had to walk about five miles through the
9 mud with our belongings to this station where we were
10 put onto the train. Our car was a half-open cattle
11 wagon the size of which was about 7 by 30 feet.
12 Every wagon contained 50 men. The first part of the
13 trip took 12 hours. We arrived at Kisaran about
14 eight o'clock at night, where we got our first meal
15 of the day. We also got our first opportunity to
16 relieve ourselves there. We were exposed the whole
17 night to the rain and to mosquitoes. We stayed over
18 night in that station, and the next day we went home
19 to Rantaan Prapat. During the daytime we were exposed
20 to the sparks of the engine. The engine was a wood
21 burner. It gave out many sparks, and many people
22 suffered of burn wounds.

23 When we arrived at Rantaan Prapat at about
24 five o'clock in the evening we were told that we
25 would have to walk another five miles to the camp.

LEENHEER

DIRECT

1 When we protested to the Japanese officer in charge,
2 being Colonel SADA -- Colonel SADA was the chief of
3 the internment camp office in Sumatra. We asked for
4 trucks, anyhow, for the sick and the luggage. The
5 only answer was that he told the Japanese and the
6 Indonesian guards to get us on the move, and they
7 got us on the move with their rifle butts and sticks.
8 The sick and the old who couldn't go on during the
9 march were left behind, with one of us with them,
10 luggage being carried with the others. They were
11 later on picked up by Japanese trucks who were avail-
12 able after all. I have some notes on the transport
13 of 2,200 women and children from Padang Camp to
14 Padang Jail, which is part of a sworn statement.

15 Am I allowed to read this, Mr. President?

16 THE PRESIDENT: Only if you cannot recollect
17 without the notes. Can you not recollect the substance
18 of what happened without reading your notes?

19 THE WITNESS: Well, I was not present myself,
20 but I can recollect something about it.

21 Two thousand, two hundred women and children
22 were told in the morning that they had to move to the
23 jail in Padang over a distance of about one kilometer.
24 No transport was allowed. They were dragging and
25 pushing luggage over the road. The commander,

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1 Lieutenant TSUKABAYASHI, rode up the road, up and
2 down in a car, and laughing all the time. They were
3 crowded in the jail, which was originally meant for
4 600 criminals. Out of 2,200, many of them could not
5 find a place for the first two or three nights.
6 They had to sleep in the open, in the rain and in the
7 mosquitoes. The reasons given for this transfer was,
8 according to the Japanese, that the whole camp had to
9 be used by the military troops. According to the
10 camp leaders, however, it was meant as a punishment
11 for the consistent refusal of supplying girls for
12 the Japanese canteens.

13 THE PRESIDENT: What were the girls to do
14 in the canteens?

15 THE WITNESS: Will you repeat your question,
16 sir?

17 (Whereupon, the last question was read
18 by the official court reporter.)

19 THE WITNESS: There was no explanation given
20 what the girls had to do.
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1 BY LIFUT. COLONEL DANSTE (Continued):

2 Q What kind of accommodation was provided
3 for the internees in your camp?

4 A In Si Pengo Rengo Camp we had specially
5 built huts with a space of about two feet by seven
6 for each person -- two feet by seven feet for each
7 person. There was a so-called double decker -- that
8 means that there was one row over the other on the
9 height of about five feet. Every hut contained 220
10 people. They were built of wood and dry grass.

11 Q Were they well maintained?

12 A The maintenance was very bad, and they were
13 originally built very bad. After the first heavy rain
14 slushes in the rainy season, seven out of nine were
15 leaning over, and they had to be propped up; and the
16 first one collapsed a few days after the surrender.

17 Q What was the nature of the camp surroundings?

18 A The camps which were situated in the rubbery
19 states had plenty of shadow trees. But the camp
20 like Si Rengo Rengo had no trees at all. It was
21 situated in a valley which consisted only of alpha
22 grass. During the daytime the internees, when they
23 wanted some shadow, had to stay in the huts.

24 Q How about sanitation?

25 A Sanitation in most of the camps was un-

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1 satisfactory. Whatever buildings were used, the
2 buildings were never meant for the amount of people
3 which were always crowded in those buildings. So,
4 sanitation, the lavatories and water supply was
5 always short. Even in the new-built camp like Si
6 Rengo Rengo, there were only twenty lavatories for
7 two thousand people. They were made only as holes
8 in the ground and were absolutely unsatisfactory.
9 They were rebuilt by the internees themselves. Water
10 supply was in most camps from rivers or wells. Si
11 Rengo Rengo had only a big river to get the water
12 out. The rivers in Sumatra always muddy; the water
13 was muddy, too.

14 Q Was medical attention provided?

15 A Yes, in the form of a medical orderly who
16 didn't know anything about medical matters. But
17 every camp had its own Allied doctor. When, as at
18 sometimes, it was necessary to remove a patient to the
19 hospital for some urgent operation, the Allied doctor
20 had to ask the medical orderly for his consent.

21 Q What about hospitals?

22 A The hospitals were in the same state as the
23 ordinary camp buildings. Every camp had a special
24 barrack which was too small and too badly built to
25 give it the name of a hospital. Especially when the

LEENHEER

DIRECT

1 epidemic broke out, they could contain only about
2 twenty per cent of the sick people, and the rest¹
3 had to stay in their own barracks.

4 Q Were medical instruments provided?

5 A No. They were not provided, but some of
6 the doctors succeeded in smuggling their own instru-
7 ments with them.

8 Q What were the most frequent diseases that
9 needed medical treatment?

10 A Malaria, dysentery, tropical ulcers.

11 Q Were medical supplies provided: drugs and
12 dressings?

13 A Yes. They were provided but very scarce.
14 I give you an example: In Si Fengo Rengo Camp we
15 received 1500 hundred pills of quinine for two
16 months supply. They were pills of one-third gram
17 which gave you five hundred grams of quinine. There
18 is two hundred fifty grams a month for over two
19 hundred malaria patients, I mean with malaria
20 patients -- two hundred malaria patients who had an
21 attack. There were over six hundred out of the two
22 thousand in the camp who were suffering from
23 malaria. I, myself, had malaria, and I had to wait
24 eleven attacks or twenty-two days before I got one
25 gram of quinine. There were never any drugs pro-

LEENHEER

DIRECT

1 vided for the dysentery. We had a big epidemic of
2 dysentery in June and July, 1945. The only treat-
3 ment given was then, you were taken to the hospital,
4 and everybody hoped that it would stop.

5 Q What about dressing of wounds?

6 A For dressing of wounds we used old rags and
7 kind of rags made from banana trees.

8 Q Were the Japanese short of medical sup-
9 plies?

10 A After the war, after the surrender was
11 announced, big supplies of quinine and other drugs
12 were sent to the camps. Huge stores of supplies --
13 all kind of medical supplies -- were found in the
14 supply depots in Medan and Seantar after the war.

15 Q Japanese stuff?

16 A Japanese and pre-war stuff. Quinine was,
17 according to the doctors, sufficient for a normal
18 supply of the Sumatra population for about two years.

19 Q Were any of Red Cross medicines supplied?

20 A Only once there were Red Cross medicines
21 supplied but, according to the doctors, of very
22 insignificant --

23 THE PRESIDENT: We will adjourn until half-
24 past nine tomorrow morning.

25 (Whereupon, at 1600, an adjourn-

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ment was taken until Friday, 27 December
1946 at 0930.)

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27 DECEMBER 1946

I N D E X

Of

WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
Leenheer, Cornelis C. (resumed)	13748
Direct by Lieutenant Colonel Damste (cont'd)	13748
Cross by Mr. Logan	13758
" " Mr. Levin	13773
" " Mr. SHIMANOCHI	13774
Redirect by Lieutenant Colonel Damste	13779
(Witness excused)	13780

I N D E X

Of

EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
	1765-A 1765-B 1765-C 1765-D		Four (4) Reels of Film entitled "NIPPON PRESENTS" (Moving Picture shown)		13714
5685	1766		Synopsis of Evidence - Sumatra		13781
5617	1767		Interrogation of Ernest Alexander Lloyd re atrocities against Australian Nurses	13781	
5617	1767-A		Excerpt therefrom		13781

27 DECEMBER 1946

I N D E X
Of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
Leenheer, Cornelis C. (resumed)	13748
Direct by Lieutenant Colonel Damste (cont'd)	13748
Cross by Mr. Logan	13758
" " Mr. Levin	13773
" " Mr. SAMMONJI	13774
Redirect by Lieutenant Colonel Damste	13779
(Witness excused)	13780

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
	1765-A				
	1765-B				
	1765-C		Four (4) Reels of Film		
	1765-D		entitled "NIPPON PRESENTS"		13714
			(Moving Picture shown)		
5685	1766		Synopsis of Evidence - Sumatra		13781
5617	1767		Interrogation of Ernest		
			Alexander Lloyd re atrocities		
			against Australian Nurses	13781	
5617	1767-A		Excerpt therefrom		13781

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5619	1768		Sworn Statement of Melkianus Latuperissa, Sergeant 1st Class of the N.I. Red Cross	13783	
5619	1768-A		Excerpt therefrom		13783
5604	1769		Sworn Statement of Wing Commander Patrick S. Davis	13784	
5604	1769-A		Excerpt therefrom		13784
5601	1770		Sworn Statement of Private Wilhelm Hagedoorn, R.N.I.A.	13790	
5601	1770-A		Excerpt therefrom		13790
5623	1771		Sworn Statement of Karel Hendrik Emile Krijgsman		13791
5646	1772		Affidavit of Mrs. A. E. Prins, (nee Rohrborn)	13796	
5646	1772-A		Excerpt therefrom		13796
5716	1773		Affidavit of Amir Bin Sarodin	13809	
5716	1773-A		Excerpt therefrom		13809
5625	1774		Affidavit of L. G. Emmels	13811	
5625	1774-A		Excerpt therefrom		13811
5635	1775		Sworn Statement of A. Suyker	13812	
5635	1775-A		Excerpt therefrom		13812

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5636	1776		Sworn Statement of J.C. Teerlink	13813	
5636	1776-A		Excerpt therefrom		13813
5632	1777		Sworn Statement of Doctor Lo Djien Sioe	13814	
5632	1777-A		Excerpt therefrom		13814
5634	1778		Affidavit of F.R. Kramer	13820	
5634	1778-A		Excerpt therefrom		13820
5682	1779		Synopsis of Evidence - Timor and Lesser Sunda Islands		13821
5571	1780		Affidavit of Australian Private R.B. Crow	13821	
5571	1780-A		Excerpt therefrom		13821
5573	1781		Interrogation Report of Australian Army Chaplain Thomas William Bindeman	13822	
5573	1781-A		Excerpt therefrom		13822
5579	1782		Sworn Statement of Lieutenant Colonel William Watt Leggatt	13823	
5579	1782-A		Excerpt therefrom		13823
5802	1783		Affidavit of Sebastiao Graca	13824	
5802	1783-A		Excerpt therefrom		13824
5585	1784		Sworn Statement of Malkianus Augustijn		13824

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5578	1785		Report of Captain A.C.J. De Thouars, Private C.K. Brants and 1st Lieutenant H.H.J. De Vries, R.N.I.A.	13825	
5578	1785-A		Excerpts therefrom		13826
5583	1786		Affidavit of the Australian Flight Lieutenant L.I. McKenzie	13827	
5583	1786-A		Excerpt therefrom		13827
5597	1787		Affidavit of Sergeant C.H. van der Sloot	13828	
5597	1787-A		Excerpt therefrom		13828
5596	1788		Affidavit of Controller (civil servant) W.F.H. van der Plas		13834
5803	1789		Affidavit of Carlos Jose Sequeira	13834	
5803	1789-A		Excerpt therefrom		13834
5804	1790		Sworn Statement of Ernesto Simoes	13835	
5804	1790-A		Excerpt therefrom		13835
5805	1791		Affidavit of Australian F/O W.A. Beattie		13836
5806	1792		Affidavit of-Lois Antonio Numes Rodreigues	13837	
5806	1792-A		Excerpt therefrom		13837

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5594	1793		Report of Major General Y. TANAKA	13838	
5594	1793-A		Excerpt therefrom		13838
5591	1794		Statement by S. OHARA		13841
5807	1795		Statement of Chung Hai Cheng	13844	
5807	1795-A		Excerpt therefrom		13844
5684	1796		Synopsis of Evidence - Celebes		13845
5518	1797		Statement of Medical Officer Doctor Mingelen, R.W.I.A.	13846	
5518	1797-A		Excerpt therefrom		13846
5520	1798		Affidavit of Major T. ODUMURA	13846	
5520	1798-A		Excerpt therefrom		13846
5535	1799		Affidavit of Y. HAYASHI	13852	
5535	1799-A		Excerpt therefrom		13852
5532	1800		Affidavit of Captain C. TANIGUCHI	13852	
5532	1800-A		Excerpt therefrom		13852
5521	1801		Statement of Colonel Michinori NAKAMURA	13858	
5521	1801-A		Excerpt therefrom		13858
5564	1802		Statement of Japanese Colonel KOBA		13864

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5533	1803		Affidavit of Lieutenant Y. NAKAMURA	13865	
5533	1803-A		Excerpt therefrom		13865
5503	1804		Affidavit of Lieutenant Commander C.T. Cooper, R.N.	13866	
5503	1804-A		Excerpt therefrom		13866
5504	1805		Synopsis of Man-handling and Ill-treatment by the Japanese in Report of Commandant of P.O.W. Camp at Macassar	13867	
5504	1805-A		Excerpt therefrom		13867
5538	1806		Affidavit of Captain S. N. Paul, Indian Medical Service		13875

1 Friday, 27 December, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with the
14 exception of: HONORABLE JUSTICE D. JARANILLA, Member
15 from the Republic of the Philippines and HONORABLE
16 JUSTICE JU-AO MEI, Member from the Republic of China,
17 not sitting.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 The Accused:

21 All present except OKAWA, Shumei, who is
22 represented by his counsel.

23 - - -

24 (English to Japanese and Japanese
25 to English interpretation was made by the
Language Section, IMTFE.)

LEENHEER

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Colonel Damste.

4 LIEUT. COLONEL DAMSTE: Mr. President.

5 C O R N E L I S C. L E E N H E E R, called as a
6 witness on behalf of the prosecution, resumed
7 the stand and testified as follows:

8 BY LIEUT. COLONEL DAMSTE (Continued):

9 Q Major, did Japanese medical officers inspect
10 the camps?

11 A Yes, sometimes. Regarding the Chief Medical
12 Officer of the 25th Army, Colonel FUKAYA, he told me
13 that he visited Bangkinang Camp in Middle Sumatra
14 twice; that he intended to visit the other camps but
15 never did it. The officer, the medical officer in
16 charge in South Sumatra, Dr. YAMADA, told me that he
17 had to ask for permission to visit the internment
18 camps, the permission to be given by the Divisional
19 Commander. He, however, never asked for permission,
20 so he never visited the camps.

21 Q About food, would you tell us the typical
22 menu of the internees?

23 A The whole menu of the day consisted of two
24 or three meals, and the morning breakfast was two
25 ounces of rice, polished. The lunch consisted of

LEENHEER

DIRECT

1 about four ounces of corn with some vegetables.
2 The dinner consisted again of four ounces of rice
3 with some vegetables. After April, 1944, we never
4 got any meat. Two or three, four times a week we
5 got fish; and most of the times the fish was a
6 kind of an oyster which was given out at the official
7 rate, the rations scale of fifty grams, being two
8 ounces a man a day. The net weight, however, what
9 we could consume, was about three per cent, the
10 rest being shells.

11 Q So there was an official ration laid down
12 by the Japanese?

13 A Yes, there was.

14 Q And what was that, do you remember?

15 A In the beginning, in 1942, 1943, it was
16 about eighteen ounces of rice, two ounces of meat,
17 about eight ounces of vegetables, about one ounce
18 of sugar. Already in 1943 it went down to about
19 eleven ounces a day. That was bulk food, being
20 rice, corn, sago or tapioca flour.

21 Q So there was a shortage?

22 A There was always a shortage. The officer --
23 the ordnance officer in charge of the internment
24 camps told me that the shortage of ten per cent in
25 the bulk food was always officially accepted from the

LEENHEER

DIRECT

1 field supply depot, the shortage being sometimes up
2 to fifteen or twenty per cent. Vegetables, which
3 were supplied in the regular amount, sometimes were
4 about -- well, ninety per cent rotten. In November,
5 1944, I remember in our camp we got instead of seven
6 ounces of vegetables a day only one ounce. However,
7 in 1945, the vegetables situation became better
8 when we had our own vegetable gardens working, and
9 we got sweet potato leaves as our main vegetable.

10 Q You told us that you know about the welfare
11 of the laborers. Do you know, perhaps, the typical
12 menu of the native laborer in Sumatra or the estates?

13 A The ration laid down by the government for
14 the laborers in Sumatra was for the male laborer a
15 pound and half a day. This amount was supplied by
16 the concerns -- by the companies every month. Outside
17 that, the laborers had their own gardens with sweet
18 potatoes, rice once a year, corn, plenty vegetables,
19 about three to five ounces of fish or meat a day.

20 Q Did your medical men consider the caloric
21 value sufficient?

22 A No. The doctors' opinion were that the
23 caloric and the protein and the vitamin value of the
24 food was very unsatisfactory.

25 Q And what was the effect of this diet on the

LEENHEER

DIRECT

1 physical condition of the internees according to the
2 doctors?

3 A They went back in mental and physical --
4 they went back mentally and physically. They con-
5 tracted all kinds of diseases like pellagra and a-
6 vitaminosis, tropical ulcers and beri-beri.

7 Q What was the average percentage of sick
8 among the internees, do you remember?

9 A In the beginning about ten to fifteen per
10 cent. Later on it went up till forty, forty-five.

11 Q Did the camp leaders protest frequently
12 against these conditions?

13 A The camp leaders protested almost daily;
14 and there was one camp leader, Frater Hoppenbrouwers
15 in Bangkinang, who wrote during the two and half years
16 of his internment about four hundred letters without
17 any results.

18 Q Were the internees put to work?

19 A We had our own garden duties, wood chopping.
20 There was forced labor by the male internees in
21 Seantar on the aerodrome. It was in December, 1942,
22 and January, 1943. The women in Tandjong Balai Camp
23 were forced to sweep the streets of the village.

24 Q How were alleged offenses against the orders
25 dealt with?

LEENHLER

DIRECT

1 A Beatings and punishments -- corporal
2 punishments.

3 Q Also against the women?

4 A Also against the women, withholding of
5 food for two days in Tandjong Balai Camp because
6 of an alleged crime.

7 Q Were these corporal punishments ordered
8 after proper investigation?

9 A I know only about two proper investigations
10 or two investigations by the Kempeitai after an
11 alleged crime. There was one in Brastagi Camp after
12 the outbreak of the women because of lack of food.
13 The other one in Pulaubrayan Camp. In Pulaubrayan
14 Camp the women gathered near the guard room to
15 protest against the camp order. One of the guards
16 who tried to get the women away with a stick was
17 attacked by one of the women, the stick taken away,
18 and he got a sound thrashing.

19 Q In the cases without investigation did the
20 Japanese Commandant know about the brutalities and
21 did he interfere?

22 A Yes. On the whole they knew about it, and
23 they often took part in it themselves.

24 Q How did the Japanese act against the native
25 population?

LEENHLER

DIRLCT

1 A I can give you some examples of the statement
2 made by Dr. Messing who was in charge of a coolie
3 camp in Middle Sumatra. When a laborer had committed
4 a crime, he was put in the dysentery barracks until
5 he died. Another one was tied to a pole for twenty-
6 four hours and was scalded with boiling water.

7 THE PRESIDENT: What do you mean by "crime" --
8 a murder?

9 THE WITNESS: No, doing something against
10 the orders. No murder.

11 THE PRESIDENT: That would not be a crime.
12 BY LIEUT. COLONEL DAMSTE (Continued):

13 Q So there were imported coolies?

14 A They were Javanese coolies imported from
15 Java. They were used --

16 THE PRESIDENT: What sort of offense would
17 incur that punishment?

18 Read it to him.

19 (Whereupon, the official court reporter
20 read back the last question.)

21 THE WITNESS: Slackness -- well..every small
22 item -- a small -- I can't find the word at the moment --
23 everything done against the camp orders of working and
24 politeness to the Japanese.

25 BY LIEUT. COLONEL DAMSTE (Continued):

LEENHEER

DIRECT

1 Q Were internees allowed to keep valuables and
2 money?

3 A No. On the first of May, 1943, all the
4 valuables and money were taken away from the
5 internees. The money was never returned. The
6 valuables, some of them, were returned after the
7 surrender.

8 Q What was the death rate in your camp?

9 A Between about six to eight per cent in our
10 camp.

11 Q Do you know the death rate in South Sumatra?

12 A In South Sumatra 364 men died, making the
13 rate of twenty-eight per cent. In Palembang 102
14 British died, being fifty-three per cent.

15 Q Were the camps visited by high-ranking
16 Japanese officers?

17 A Yes, sometimes. I remember one visit in
18 Si Rengo Rengo Camp of General YAHAGI, the Chief of
19 Staff of the 25th Army. This happened in July, 1945,
20 and the visit was planned for General TANABE, the
21 Commander in Chief of the 25th Army; but after his
22 visit of the three women camps at Aek Pamenke he
23 was too tired, according to what General YAHAGI told
24 our camp commander.

25 Q Did General YAHAGI make a thorough inspection?

13,755

LEENHEER

DIRECT

1 A No. He walked through the camp from one
2 end to the other where all the internees were lined
3 up and walked back. He did not speak to any of
4 the internees, not even to our own camp leaders.
5 They were not allowed to address him.
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1 Q Had the camp leaders ever asked for a Red
2 Cross inspection?

3 A Yes, various times there was a request for
4 Red Cross inspections, but it was always refused.

5 Q How did the camp internees look after the
6 Japanese surrender?

7 A They looked very thin or very swollen be-
8 cause of pellagra. The children had to stand still
9 in the growth. My own boy who I didn't see for two
10 and a half years, being about ten when he left me
11 and about twelve and a half when he came back, had
12 not grown an inch.

13 Q Do you happen to know about other murders
14 or cruelties?

15 A I know of the murder of five Chinese on the
16 13th of March 1942 in Medan who were beheaded by
17 members of the Kempei Tai, their heads placed on
18 stakes and shown to the public.

19 Q How do you know?

20 A I have read the statements from eyewitnesses.
21 Another murder on the 15th of March 1942 of three
22 British civilians at Sinbolon Estate near Seantar.
23 This was told to me by a Dutch police officer who
24 was ordered to investigate the murder. He told me
25 this on the 9th of April 1942, and he made a statement

LEENHEER

DIRECT

1 sometime in 1945.

2 Q A statement to what effect?

3 A He was ordered by the Kempei Tai in Seantar
4 to find out what happened to three British civilians
5 who were murdered, and after he had found out that
6 the murder was done by some Japanese, he never heard
7 anything about it, because as far as he was concerned
8 then the investigation was closed.

9 Q Do you happen to know the names of these
10 Britishers?

11 A The names were Cameron, Bruce and Campbell,
12 all three employees of Harrison and Crossfield.

13 I know of one other murder on the 15th of
14 March 1942 of twenty-two Dutch troops who were taken
15 prisoner on the 14th of March at Tiga Rungu, about
16 thirty miles north of Seantar. After being captured
17 by the Japanese they were kept over during the night
18 and killed the next morning.

19 Q How do you know?

20 A They were people -- were soldiers of the
21 home guard who were taken prisoner just about ten
22 minutes after I went through there. We got the first
23 news about it the next morning. The next time we
24 heard about it was on the 9th of April '42. And when
25 working with No. 4 War Crimes Investigation Team we

LEENHEER

DIRECT

1 got a statement from a native eyewitness.

2 THE PRESIDENT: Has evidence already been
3 given about this incident?

4 LIEUT. COLONEL DAMSTE: No, it has not.

5 Q Have you omitted anything that might be said
6 in favor of the Japanese toward the internees in
7 Sumatra?

8 A Yes. I may say only one Japanese who was a
9 resident of Asahan Province, a civilian named KOSHI,
10 did try his best to relieve the women internees there
11 of their sufferings.

12 LIEUT. COLONEL DAMSTE: That is the end of
13 my direct examination.

14 THE PRESIDENT: Mr. Logan.

15 MR. LOGAN: If the Tribunal please.

16 CROSS-EXAMINATION

17 BY MR. LOGAN:

18 Q Major, who built Sungei Sengkol Camp?

19 A Sungei Sengkol Camp?

20 Q Yes.

21 A Sungei Sengkol Camp was build by Chinese
22 contractors and native laborers under the direction --
23 I beg your pardon, do you mean Sungei Sengkol Camp?

24 Q Yes.

25 A Sungei Sengkol Camp was built in about 1910

LEENHEER

CROSS

1 by the Arendsburg Tobacco Company. It was built as
2 a hospital and was used as a hospital up till the war.
3 It consisted of eight barracks.

4 Q So the condition you found when you arrived
5 there had existed since some time previous to your
6 arrival in that camp, is that correct?

7 A No, that is not correct, because the camp was
8 opened on the 15th of March 1943 and I arrived on the
9 17th.

10 Q I understood you to say it was built in
11 1910, didn't you? For what was it used from 1910
12 to 1943?

13 A I told you before that it was used as a hos-
14 pital by the tobacco company for the laborers of the
15 estate up till the war.

16 Q But the condition of the buildings and the
17 condition of the latrines and lavatories and so forth
18 were the same when you arrived there as what they had
19 been previously, isn't that correct?

20 A For the number of lavatories and so forth,
21 yes. But not for the condition in which the buildings
22 were because they were more or less dilapidated, having
23 grass roofs which have to be maintained every year.
24 The hospital being empty for about one year, no main-
25 tenance had been done during that time.

LEENHEER

CROSS

1 Q .. Was there any attempt made by internees to
2 fix the roofs of these barracks?

3 A Yes, there was. They asked for material for
4 the roof and when that was given the roofs were repaired
5 but that happened in 1944.

6 Q In any event, Major, this camp wasn't one
7 that was constructed by the Japanese for these
8 internees, is that correct?

9 THE PRESIDENT: That follows, Mr. Logan.

10 A That is correct.

11 Q How about the Si Rengo Rengo Camp? Was that
12 one that existed previous to the time it was used for
13 internees?

14 A Si Rengo Rengo was a hospital built for the
15 internees.

16 Q By whom was it built?

17 A As far as I know by a Chinese contractor with
18 native labor.

19 Q Were the buildings that were erected similar
20 to other buildings that were used for purposes of
21 internees during the war?

22 A They differed from the buildings I have seen
23 in Aek Pameinke Camp; some of them were erected special-
24 ly for the internees too.

25 Q Were the buildings suitable for that climate?

LEENHIER

CROSS

1 A Well, all the building -- the huts were atop,
2 which is a dried grass, are very hot at night -- during
3 the day time; they are cold at night.

4 Q Is that a typical condition for houses in
5 that climate?

6 A Yes, it is.

7 Q Did you ever see any medical officer inspect
8 either of these two camps to which you were confined?

9 A No. No, sir, I did not.

10 Q And your testimony with respect to other camps
11 is purely hearsay, isn't that so? By that I mean it
12 is what somebody else has told you.

13 A No, sir, it was what I have read from sworn
14 statements.

15 Q In any event, Major, it is something you don't
16 know of your own knowledge. You either read it or
17 heard it from somebody else, isn't that so?

18 A I can only say that I have read it from a
19 sworn statement which was officially made during my
20 work in the No. 4 War Crimes Investigation Team at
21 Medan.

22 Q We will pass that, Major. With respect to
23 food at these other camps, you don't know anything
24 about that of your own knowledge?

25 A Not from my personal experience because I wasn't

LEENHEER

CROSS

1 there.

2 Q Now, at these two camps to which you were
3 interned, did the food situation get worse as the
4 war went on?

5 A Yes, the food situation got worse especially
6 in Si Rengo Rengo because Si Rengo Rengo was situated
7 about 200 miles from the capital and from the two
8 nearest supply depot stations.

9 Q You know it to be a fact, don't you, Major,
10 that the Netherlands East Indies there isn't sufficient
11 food raised or grown there for the consumption of the
12 people that inhabit those islands?

13 A I haven't studied that problem and I cannot
14 tell you.

15 Q Well, then, perhaps you can answer this, Major:
16 In your investigation did you make any inquiries as to
17 the importation of food by means of shipping?

18 A You mean importation by the Netherlands Gov-
19 ernment or by the Japanese Government?

20 Q By either.

21 A There was rice imported from Siam and Burma
22 before the war. During the war I don't know of any
23 imports.

24 Q Didn't you think it necessary in your investi-
25 gation to determine why there was a food shortage to

LEENHEER

CROSS

1 inquire into whether or not the shipping was cut off?

2 A The Netherlands Government already started
3 before the invasion of Sumatra of growing food stuffs
4 on all the estates where possible.

5 Q That might be quite true, but my question was
6 directed to any investigation you made and, if you didn't,
7 why you didn't make it with respect to shipping being
8 cut off during the war.

9 A The investigation I made concerning shipping
10 and cutting off of food supplies was only in one case
11 that was the reason given to me for the transfer of
12 the Muntok internees to Lubuklingau.

13 Q What was the reason?

14 A The reason given to me by Major General
15 YAMAMOTO, the Chief of the Intendence of the 25th Army,
16 was lack of shipping transport -- shipping space, --
17 because the food had to come from Palembang to Muntok
18 by ship.

19 Q Did he also tell you that a number of ships
20 containing food stuffs were sunk by Allied submarines?

21 A No, he never did.

22 Q In any event, in order to alleviate this food
23 situation you were permitted to have your own vegetable
24 gardens in 1945, is that correct?

25 A We had vegetable gardens outside the camp

LEENHEER

CROSS

1 worked by the camp people.

2 Q And you got the food, the vegetables, from
3 those gardens?

4 A Yes, as I told you before we got the sweet
5 potato leaves from those gardens.

6 Q You also talked about forced labor in some
7 of these other camps. You, of course, did not person-
8 ally see that, isn't that so?

9 A That is right.

10 Q And you also talked about beatings and corporal
11 punishments in other camps, particularly this incident
12 where the women protested about camp order. You did
13 not see that either, did you?

14 A No, I did not.
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1 Q As a matter of fact, you never heard of it
2 until years after it occurred and that was only by
3 virtue of some statement you saw, isn't that true?
4

5 A No, I already heard it in the camp itself
6 during the internment.

7 Q Did you personally take any statements of
8 anybody who saw these women beaten?

9 A No, I did not.

10 Q And this statement you made about Japanese
11 commandants knowing about these thrashings and
12 taking part in them, you don't know that of your
13 own knowledge either, do you?

14 A Yes, I do. I have seen the camp commandant
15 of Sungei Sengkol thrash one of our boys.

16 Q I am asking about the thrashings to these
17 women.

18 A No, I didn't see them personally.

19 Q What rank was this commandant that thrashed
20 this boy in your camp?

21 A Sergeant.

22 Q Did you ever see any Japanese commandants
23 thrash their own soldiers?

24 A No, I did not.

25 Q Did you ever hear of it?

A No, I did not.

LEENHEER

CROSS

1 Q Now, you didn't see this incident where
2 the laborer who you say had committed a crime was
3 sent to a dysentery barrack, did you?

4 A No, as I told you it was -- I got it out
5 of a statement made by Doctor Messing, the medical
6 officer in that hospital.

7 Q Do you remember what crime this particular
8 laborer committed?

9 A No, I do not.

10 Q I suppose your answers would be the same
11 with respect to this incident of the man who was
12 tied to a post?

13 A Yes, it would be the same.

14 Q Did you compile these figures you submitted
15 of 6 and 8 per cent deaths and 28 per cent deaths
16 and 52 per cent deaths, or was that compiled by some-
17 body else and given to you?

18 A They were compiled out of the statements
19 from the camp leaders and camp doctors after the war.
20

21 Q Did you compile them or did somebody else
22 compile them for you?

23 A They were compiled already in the statements.

24 Q Was the 6 to 8 per cent of deaths in your
25 own camp also compiled by somebody else?

A No, it was compiled by myself. Those 123

LEENHEER

CROSS

1 people died within 10 months out of the 2000.

2 Q Now, when this Japanese general visited
3 your camp in July 1945, was the camp all dressed
4 up especially for this occasion?

5 A About 10 days before the visit a civilian,
6 Japanese civilian, came to camp, inspected the camp,
7 and gave the orders for cleaning of the camp because
8 the general wanted to visit the camp. Every morning
9 and every afternoon a certain number of internees
10 had to try and clean the drains and grounds better
11 than they were, supervised by the Japanese civilian.

12 Q So that when he visited the camp he saw it
13 at its best, is that right?

14 A It would be the best of the worst conditions,
15 yes, sir. The internees were specially dressed up
16 for the occasion. Everybody had to wear a shirt.

17 Q Were there shirts available for everybody?

18 A Can you repeat that question?

19 Q Were there shirts available for everybody?

20 A Everybody had some kind of shirt.

21 Q Did the commandant of that camp tell you
22 that he was trying to make an impression on the
23 general so that the general could get -- the general
24 could take back a favorable report as to conditions
25 at that camp?

LEENHEER

CROSS

1 A My idea that it was not the camp commander
2 himself who wanted to make the favorable impression,
3 otherwise he didn't need to have any special civilian
4 there to look after the work.

5 Q You are just guessing there, Major. I am
6 asking you if the commandant ever told you that?

7 A No, he never told me.

8 Q Now, with respect to the murder -- the kill-
9 ing of these 5 Chinese and 3 British civilians
10 and the 22 Dutch troops. I notice that they all took
11 place on March 13 and March 15, 1942; is that correct?

12 A That is correct, sir.

13 Q Was that at or about the time of the
14 surrender?

15 A No, sir. On the 12th of March the Japanese
16 invaded Sumatra and on the 27th of March they
17 surrendered -- the Dutch surrendered.

18 THE PRESIDENT: We will recess for fifteen
19 minutes.

20 (Whereupon, at 1045, a recess
21 was taken until 1100, after which the
22 proceedings were resumed as follows.)
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1 M/RSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Logan.

4 BY MR. LOGAN (Continued):

5 Q Major, the killing of these five Chinese,
6 three British civilians, twenty-two Dutch, occurred
7 before the surrender; isn't that so?

8 A Yes, that is right, sir.

9 Q And you didn't see any of these killings?

10 A No, I did not.

11 Q Now, with respect to the five Chinese, how
12 many statements did you see on that?

13 A At least four.

14 Q Did you personally take any statements?

15 A No, I did not.

16 Q Did you talk with any eye witnesses?

17 A No, I did not.

18 Q Did you take any statements with respect
19 to the three British civilians?

20 A I did not take the statement, but I acted
21 as an interpreter.

22 Q I understand you only made one, only took
23 one statement, and that was of a Dutch police officer;
24 is that correct?

25 A I did not take a statement.

LEENHEER

CROSS

1 Q Acted as interpreter?

2 A Acted as interpreter.

3 Q Did you act as interpreter or take any
4 statement from any other eye witnesses to the killing
5 of those three Britishers?

6 A Yes, I acted as an interpreter for taking
7 statements of two Dutch police officers.

8 Q And you have given us the substance of what
9 they told you; is that right?

10 A Yes.

11 Q Now, with respect to the twenty-two Dutch
12 troops, did you take any statements from any eye
13 witness?

14 A No, I did not.

15 Q How many statements did you see with
16 respect to the killing of these men?

17 A One statement and one report.

18 Q Did you make any investigation at all,
19 Major, on your own along the lines that these men
20 may have been killed while fighting?

21 A Yes. They were not killed while fighting
22 because they were taken prisoners, and they were
23 kept over the night in a shed.

24 Q Yes, I understand you said that, Major;
25 but I am asking you if you, yourself, made any

LEENHEER

CROSS

1 personal investigation by examination of eye
2 witnesses to determine whether or not these men were
3 killed while actually fighting?

4 A No, I did not, because it was up until I
5 left Sumatra impossible to reach the village and
6 the place where it happened.

7 Q Where are your children today, Major?

8 A Well, I had to send my boy to Switzerland
9 last year because he has -- had lost just before
10 he was interned the sight of one eye, and during
11 internment, according to the doctors because of
12 lack of protein, he got blind.

13 Q Has he recovered?

14 A He was sent to Holland and was operated on,
15 and he has about eighty per cent of his eye sight
16 back at the moment. He is, however, still suffering
17 from occupational malaria which he contracted at
18 the camp.

19 Q How is the other child?

20 A About the other child, she was two and one-
21 half when she went in the camp and about five and
22 one-half when she came out. She is quite all right
23 now.

24 Q What was the condition with respect to
25 medical supplies in these two camps to which you

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1 were confined?

2 A As I told you before, they were very scarce.

3 Q Do you know if they were available or could
4 have been obtained anywhere?

5 A I told that after the war huge stocks were
6 discovered and a huge amount of quinine was sent into
7 the camp -- Japanese and Dutch made.

8 Q Do you know where they were stored and if
9 they were stored down there during the war?

10 A There was a store in Medan, and one in
11 Seantar; and the other places in Sumatra I don't
12 know.

13 Q Do you know how long those stores had been
14 there prior to the end of the war?

15 A The Dutch stores must have been there from
16 before the war. The other stores, I don't know.

17 Q Do you know if the Japanese knew that those
18 stores were there?

19 A They were in the hands of the Japanese,
20 and there was a Japanese in charge of it.

21 Q In your investigation, Major, did you
22 ascertain how many Japanese soldiers died of sick-
23 ness and disease down there?
24

25 A No, I did not.

MR. LOGAN: That is all.

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1 MR. LEVIN: Mr. President.

2 CROSS-EXAMINATION (Continued)

3 BY MR. LEVIN:

4 Q Major, it is customary, is it not, for
5 prisoners of war to work in the kitchen?

6 A As far as I can say from statements I
7 should say it is, but I don't know from my personal
8 experience because I was not a prisoner of war.

9 Q Now, Major, when you were assigned to
10 assist in the investigation which you made, will
11 you state whether or not they assigned for investi-
12 gation only those camps or places where the reports
13 were that the internees and others had been im-
14 properly treated?

15 A No, they were for all the camps.

16 Q And in your investigation did you find any
17 reports where the Japanese had treated the internees
18 and others properly?

19 A As I told you before, the only case I know is
20 of a man who tried to do his best for the internees
21 was a resident of Asahan -- KOSHI.

22 Q You know or saw nothing in writing from any
23 high Japanese officials as to the manner or method
24 in which these men should be treated?

25 A The reports we got in writing from the

LEENHEER

CROSS

1 Japanese H. G., 25th Army, was partly from memory,
2 partly from not original copies. As I told you,
3 everything was burned, all the official documents
4 were burned after -- around the 15th of August,
5 1945, from the Southern Expeditionary Corps. That
6 also said that the internees should be treated just
7 the same as PW's.

8 MR. LEVIN: That is all.

9 THE PRESIDENT: Counsel SHIMANOUCHI.

10 CROSS-EXAMINATION (Continued)

11 BY MR. SHIMANOUCHI:

12 Q You stated, Mr. Witness, with respect to
13 the conditions of the transfer of women internees
14 from the Padang Camp to the Padang Jail on the basis
15 of an affidavit --

16 THE MONITOR: Women internees and children.

17 THE WITNESS: Yes, sir.

18 Q -- whose affidavit was it that you based
19 your report on, your comments on?

20 A It was an affidavit by Frater Hoppenbrouwers.

21 THE PRESIDENT: Who was he, a clergyman?

22 THE WITNESS: Yes, he was a Catholic
23 clergyman.

24 Q You testified, Mr. Witness, that many
25 Japanese officials were sent to Medan after the

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1 Japanese H. G., 25th Army, was party from memory,
 2 partly from not original copies. As I told you,
 3 everything was burned, all the official documents
 4 were burned after -- around the 15th of August,
 5 1945, from the Southern Expeditionary Corps. That
 6 also said that the internees should be treated just
 7 the same as PW's.

8 MR. LEVIN: That is all.

9 THE PRESIDENT: Counsel SAMMONJI.

10 CROSS-EXAMINATION (Continued)

11 BY MR. SAMMONJI:

12 Q You stated, Mr. Witness, with respect to
 13 the conditions of the transfer of women internees
 14 from the Padang Camp to the Padang Jail on the basis
 15 of an affidavit --

16 THE MONITOR: Women internees and children.

17 THE WITNESS: Yes, sir.

18 Q -- whose affidavit was it that you based
 19 your report on, your comments on?

20 A It was an affidavit by Frater Hoppenbrouwers.

21 THE PRESIDENT: Who was he, a clergyman?

22 THE WITNESS: Yes, he was a Catholic
 23 clergyman.

24 Q You testified, Mr. Witness, that many
 25 Japanese officials were sent to Medan after the

LEENHEER

CROSS

1 Japanese surrender?

2 THE MONITOR: A great quantity of drugs
3 was discovered in Medan and Seantar after the
4 Japanese surrender.

5 Q How were you able to know that there were
6 many drugs there, stocks of drugs?

7 A There was a statement from the head
8 pharmacist of the firm, Rathkamp, in Medan, who
9 made the official stock when drugs and all stores
10 were handed over by the Japanese to the Netherlands
11 officials.

12 Q Then I should like to inquire about the
13 killing of three Britishers at Sinbolon. Have you
14 found other evidence besides the statement made by
15 the Dutch police officer?

16 A No, not yet, because the circumstances
17 are also there not favorable for interrogations on
18 the spot. The Dutch police officer stated that he
19 dug up the bodies of the three Britishers after
20 about five days of the murder, and no evidence was
21 found on the bodies that they were slashed with
22 knives, but they were shot.

23 Q Was the reason why these three Britishers
24 were killed mentioned in the statement?
25

A No, sir, it was not.

LEENHEER

CROSS

1 Q Did you make an investigation on that sub-
2 ject?

3 A Yes, but the police officer wasn't present
4 during the murder; so he didn't know.

5 Q Then I shall inquire about the killing of
6 the Dutch soldiers in Salong. Have you investigated
7 into evidence in addition or besides the statement
8 that you referred to by the native?

9 A You mean the murder at Tigaroenggoe?

10 Q Yes, at Tigaroenggoe.

11 A No, as I told you before, we couldn't go to
12 the place there because of the political circumstances.

13 Q Have you ever personally investigated as to
14 the location, locale of the killing?

15 A I, myself, was at about four miles dis-
16 tance of the place where those boys were captured.
17 About 120 Dutch and Dutch native troops were con-
18 centrated in the village of Penatangraja.

19 Q Now, what I am asking you, Mr. Witness,
20 is whether or not you investigated as to the loca-
21 tion where the Dutch prisoners of war were killed?

22 A That is what I am trying --

23 THE PRESIDENT: Do you know what he means?

24 THE WITNESS: Yes, I do. That is what I
25 am coming to.

LEENHEER

CROSS

1 Q Have you investigated as to the place
2 where the Dutch soldiers were killed?

3 A The Dutch soldiers were killed along the
4 high roads from Seantar to Brastagi, about thirty
5 miles from the village of Seriboedolok, at a very
6 small village of Tigaroenggol.

7 Q Have you seen the bodies?

8 A I have not seen the bodies because I
9 couldn't go there.
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1 THE PRESIDENT: We understand it is just
2 hearsay, that he didn't see anything.

3 THE WITNESS: It is not hearsay. It is
4 from an official sworn statement by an eyewitness.

5 THE PRESIDENT: That is hearsay.

6 Q Was it indicated in the statement of the
7 native as to the reason why these Dutch troops or
8 Dutch soldiers were killed?

9 A No, it was not.

10 Q You testified, Mr. Witness, that you were
11 in the employ of a Dutch rubber company prior to
12 the war. Between what times were you in the service
13 of this company--between what dates?

14 A I was not employed by a Dutch company. I
15 was employed by the United States Rubber, an
16 American company, since 1928.

17 THE PRESIDENT: What is the point in ask-
18 ing that, Councillor?

19 MR. SHIMANOUCI: I would like to inquire into
20 the qualifications of this witness as an investiga-
21 tor.

22 Q Mr. Witness, prior to the war have you had
23 any experience either as a prosecutor or as an
24 attorney at law, a barrister?

25 A No, I have not.

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2 hearsay, that he didn't see anything.

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7 native as to the reason why these Dutch troops or
8 Dutch soldiers were killed?

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11 in the employ of a Dutch rubber company prior to
12 the war. Between what times were you in the service
13 of this company--between what dates?

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18 ing that, Councillor?

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20 the qualifications of this witness as an investi-
21 gator.

22 Q Mr. Witness, prior to the war have you had
23 any experience either as a prosecutor or as an
24 attorney at law, a barrister?

25 A No, I have not.

CROSS

1 Witness, you testified that your
2 was afflicted by disease during the
3 war internment. Was your wife also
4 suffering from some disease?
5 Your wife got -- after two years -- kidney
6 disease and couldn't work any more. After the sur-
7 gery on the first of November this year, she
8 was hospitalized for about six months.
9 What was your motive in becoming a member
10 of the medical investigation team?

11 RESIDENT: You need not answer.

12 HIMANOUCHI: That is all, sir. Thank
13

14 The witness has no more cross-examination, your
15

16 RESIDENT: Colonel Damste.

17 COLONEL DAMSTE: In redirect examina-
18 tion --

19 REDIRECT EXAMINATION

20 COLONEL DAMSTE:

21 Regarding the shipping from Palembang to Muntok
22 you mentioned that all the food for Muntok
23 came from Palembang. Is that right?
24 Was it all bulk food, like rice and corn,
25

3.

LEENHEER

CROSS

1 Q Mr. Witness, you testified that your
2 children were afflicted by disease during the
3 course of their internment. Was your wife also
4 afflicted by some disease?

5 A My wife got -- after two years -- kidney
6 trouble, and couldn't work any more. After the sur-
7 render up till the first of November this year, she
8 had been in hospital for about six months.

9 Q What was your motive in becoming a member
10 of the war crimes investigation team?

11 THE PRESIDENT: You need not answer.

12 MR. SHIMANOCHI: That is all, sir. Thank
13 you, sir.

14 There is no more cross-examination, your
15 Honor.

16 THE PRESIDENT: Colonel Damste.

17 LIEUT. COLONEL DAMSTE: In redirect examina-
18 tion, Mr. President --

19 REDIRECT EXAMINATION

20 BY LIEUT. COLONEL DAMSTE:

21 Q About the shipping from Palembang to Muntok
22 -- you have mentioned that all the food for Muntok
23 internees had to come from Palembang. Is that right?

24 A As far as bulk food, like rice and corn,
25 is concerned, yes.

LEENHEER

CROSS

1 Q Mr. Witness, you testified that your
2 children were afflicted by disease during the
3 course of their internment. Was your wife also
4 afflicted by some disease?

5 A My wife got -- after two years -- kidney
6 trouble, and couldn't work any more. After the sur-
7 render up till the first of November this year, she
8 had been in hospital for about six months.

9 Q What was your motive in becoming a member
10 of the war crimes investigation team?

11 THE PRESIDENT: You need not answer.

12 MR. SAMMONJI: That is all, sir. Thank
13 you, sir.

14 There is no more cross-examination, your
15 Honor.

16 THE PRESIDENT: Colonel Damste.

17 LIEUT. COLONEL DAMSTE: In redirect examin-
18 ation, Mr. President --

19 REDIRECT EXAMINATION

20 BY LIEUT. COLONEL DAMSTE:

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22 -- you have mentioned that all the food for Muntok
23 internees had to come from Palembang. Is that right?
24

25 A As far as bulk food, like rice and corn,
is concerned, yes.

LEENHEER

REDIRECT

1 Q What is the weight of the amount for a
2 month's supply in the Muntok camp?

3 A Well, there were twelve hundred internees,
4 who had an average of 300 grams a day, for thirty
5 days -- it makes about eleven ton of bulk a month,
6 which could have been shipped in a small Chinese
7 prau over from Palembang to Muntok.

8 Q In what state of health were the Japanese,
9 on the whole?

10 A The Japanese on the whole were well fed and
11 well clothed.

12 LIEUT. COLONEL DAMSTE: That will be all,
13 your Honor.

14 THE PRESIDENT: The witness is released
15 on the usual terms.

16 (Whereupon, the witness was
17 excused.)

18 LIEUT. COLONEL DAMSTE: Mr. President and
19 Members of the Tribunal, I would like to proceed
20 with the presentation of evidence regarding the
21 area of Sumatra.

22 The prosecution enters document 5685, being
23 the synopsis of evidence regarding Sumatra, as an
24 exhibit.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's docu-
2 ment No. 5685 will receive exhibit No. 1766.

3 (Whereupon, the document above re-
4 ferred to was marked prosecution's exhibit
5 No. 1766, and received in evidence.)

6 LIEUT. COLONEL DAMSTE: Prisoners of war.
7 Murder. Several murders of prisoners of war occur-
8 red after their surrender. Most of the executions
9 were carried out in a very cruel way.

10 The prosecution enters document No. 5617
11 for identification and the excerpts as an exhibit.

12 THE PRESIDENT: Admitted on the usual
13 terms.

14 CLERK OF THE COURT: Prosecution's docu-
15 ment No. 5617 will receive exhibit No. 1767 for
16 identification only, and the excerpts therefrom
17 will receive exhibit No. 1767-A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1767 for identification, and the excerpts
21 therefrom were marked prosecution's exhibit
22 No. 1767-A and received in evidence.)

23 THE PRESIDENT: This covers the same
24 ground as was covered by Sister Bullwinkel, whose
25 testimony was not questioned in any way, as far as I

1 can discover.

2 LIEUT. COLONEL DAMSTE: This concerns
3 Australian service men. I can't remember that
4 Sister Bullwinkel --

5 THE PRESIDENT: She dealt with service men
6 too. However, go ahead with it; you have prepared
7 it and the interpreters are ready to translate it.

8 LIEUT. COLONEL DAMSTE: I will omit this.

9 MR. LOGAN: If the Tribunal please, with
10 respect to this affidavit, which is now in evidence,
11 1767-A, it clearly appears that these men were not
12 driven into the sea "without any comprehensible
13 reason," because the affidavit specifically says
14 that a machine gun was set up there and they were
15 under the impression they were going to be shot,
16 and they were trying to escape.

17 THE PRESIDENT: What you say is noted, Mr.
18 Logan.

19 LIEUT. COLONEL DAMSTE: The prosecution
20 enters document No. 5619 for identification and
21 the excerpts as an exhibit.

22 THE PRESIDENT: Admitted on the usual
23 terms.

24 CLERK OF THE COURT: Prosecution's docu-
25 ment No. 5619 will receive exhibit No. 1768 for

1 identification only, and the excerpts therefrom
2 will receive exhibit No. 1768-A.

3 (Whereupon, the document above re-
4 ferred to was marked prosecution's exhibit
5 No. 1768 for identification, and the excerpts
6 therefrom were marked prosecution's exhibit
7 No. 1768-A and received in evidence.)
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1 LIEUT. COLONEL DAMSTE: At Kotaradja, North
2 Sumatra, on 18 March 1942, a few days after their
3 surrender, about fifty Lutch prisoners of war,
4 European and Ambonese, were pushed into sloops,
5 towed to the open sea and shot, as appears from the
6 affidavit of Sergeant M. Latuperissa, R.N.I.A.

7 Major Leenheer has already testified regard-
8 ing the murder of twenty-two Lutch prisoners of war
9 at Tiga Roenggoe, Northeast Sumatra, on 15 March 1942.

10 Camps. The conditions in the various
11 prisoner of war camps in Sumatra have already been
12 described by the witness, Major Ringer, who has given
13 evidence from his personal knowledge and from the
14 results of his official investigation regarding the
15 other camps. Additional evidence is presented now
16 concerning two other camps.

17 The prosecution enters document 5604 for
18 identification and the excerpts as an exhibit.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 5604 will receive exhibit No. 1769 for identifi-
22 cation only, and the excerpt therefrom will receive
23 exhibit No. 1769-A.

24 (Whereupon, prosecution's document
25 No. 5604 was marked prosecution's exhibit

1 No. 1769 for identification; and the excerpt
2 therefrom, bearing the same document number,
3 was marked prosecution's exhibit No. 1769-A
4 and received in evidence.)

5 LIEUT. COLONEL DAMSTE: The British Wing
6 Commander P. S. Davis, in his sworn report, gives a
7 summary of conditions of the prisoner of war camps
8 at Pakan Baru, Central Sumatra, where initially
9 2,000 Dutch and British prisoners of war were confined;
10 prosecution document 5604. Filthy surroundings and
11 bad accommodation, heavy labor, started immediately
12 after an extremely exhausting voyage and overland
13 trip, with only very little and poor food provided.
14 The labor consisted in the construction of a railroad
15 and was conducted by a group of Japanese soldiers
16 straight from the Burma Railway prisoner of war gangs,
17 which resulted in the same slave-driving conditions
18 and brutality as already shown to this Court by the
19 testimonies of the late Colonel Wild and Lieutenant
20 Colonel Coates.

21 A dysentery outbreak was unavoidable because
22 the prisoners of war on their way had been lodged
23 in the overcrowded gaol at Padang, under dangerous
24 sanitary conditions, together with native coolies who
25 almost all suffered from dysentery. Practically no

1 medicines were supplied, and no dressings, although
2 after the Japanese surrender large stocks were
3 available. Consequently, dysentery and malaria,
4 along with the results of malnutrition -- beriberi,
5 pellagra, other avitaminoses, tropical ulcers -- made
6 the number of sick rise to almost forty per cent.
7 The less sick people were forced to do garden work
8 because the camps had to grow their own vegetables.

9 Some 170 shipwrecked prisoners of war arrived
10 in bad condition but were not given the necessary
11 treatment and care, so that many of them died. The
12 death rate rose to eighty and even more per month,
13 due to lack of food and heavy work, but still the
14 forced labor was increased. The Japanese commandant
15 showed no interest; several instances of brutality
16 and cruelty in the treatment, even causing death,
17 are given.

18 With the Court's permission, I should like
19 to read some parts of this statement.

20 Page 7:

21 "I was informed that No. 2 camp was to
22 officially the sick camp, all fit men to be sent
23 working on the railway from the up-country camps and
24 all sick being returned to me until fit enough to act
25 as replacements or to work from my camp. Wing

1 Commander Coffey, senior medical officer, and I made
2 repeated appeals to the Japanese (Captain MIYASAKI)
3 for improved conditons, less work, more food and
4 medicines, but all our appeals were of no avail as
5 we were informed that food was not available and
6 Dr. ISHII, the Japanese doctor in charge of prisoner
7 of war camps, told Wing Commander Coffey that as
8 medicine was not available we must grow our own herbs
9 and make our own. The less heavy sick were forced to
10 do garden work as Lieutenant DOI said that the ration
11 situation would deteriorate due to lack of transport to
12 convey the rations from Bangkinang, the nearest town,
13 approximately 65 kilometers distant. The Allied
14 doctors experienced extreme difficulty in dealing with
15 the heavy number of sick, at this period about 800,
16 mostly dysentery, malaria, beriberi, avitaminotic
17 diseases, pellagra and some tuberculosis, and in addi-
18 tion, a large number of tropical ulcer cases. Practically
19 no medicine or dressings were available.

20 "On about 17th September 1944, I was ordered
21 to anticipate the arrival of a further number of
22 seriously sick cases and I heard from a Korean guard
23 that a further draft had been torpedoed between Java
24 and Padang with very heavy casualties. On approximately
25 the 19th September 1944, two ambulances arrived with

1 some 20 cases, most of whom died within a day or two.
2 I was told that the remainder were in the gaol at
3 Padang and in the Padang hospital. However, the
4 remaining personnel were posted to Camps 4 and 5
5 and approximately one week later, 150 sick and dying
6 men arrived in the middle of the night in my camp.
7 At this period, although we had received no clothing
8 for nearly three years, I was ordered by the Japanese
9 to produce as much clothing as possible for the draft
10 mentioned above as the Japanese explained that as the
11 British had sunk this convoy and as the Japanese could
12 not produce clothing, we must provide it ourselves.
13 This was done to the best of our ability but the con-
14 ditions at Camp 4 were extremely bad.

15 "At the end of November, 1944, I was informed
16 that a Camp 6 had been established with the personnel
17 who had left Medan some eight months previously for
18 road construction work in Atjob, North Sumatra,
19 where they had been commanded by a Japanese officer,
20 Lieutenant MIRA, an English-speaking Japanese, and an
21 extremely bad type. These men arrived in a very
22 debilitated condition, but nevertheless, were put on to
23 railway construction work immediately. Lieutenant MURA
24 visited my camp and asked me for a senior British
25 officer to command the British personnel in his camp,

1 the Dutch being under the command of Captain van der
2 Lande, an extremely efficient Dutch officer now
3 commanding Sumatra under British administration. I
4 posted Captain Gordon to command the British in No. 6
5 camp and he left that day accompanied by Lieutenant
6 MURA.

7 "At this period, the general situation
8 regarding prisoners of war was deteriorating rapidly
9 and I again made repeated appeals to Lieutenant LOI for
10 an improvement in the situation. The appeals were
11 all refused. We produced statistical reports showing
12 the increasing death rate rising to approximately 80
13 per month was entirely due to lack of food and heavy
14 work, but Lieutenant DOI merely informed me that he
15 considered that all the officers should be made to do
16 more work and that I and my staff were merely trying to
17 sabotage the Japanese war efforts. These conditions
18 deteriorated further and the death rate rose due to
19 the constant exchange of personnel from the up-country
20 camps who had fallen sick who were replaced by only
21 semi-fit men from No. 2 camp.

22 "On approximately 16th June 1945, I was
23 informed that the railway must be finished by the 15th
24 August 1945, and that every available man who could
25 walk must be sent out to work. Despite our protests,

1 medical parades were held by the Japanese and the men
2 were forced out to work. The health situation of the
3 whole area was now deteriorating with great rapidity,
4 no medicine was available and the whole group was
5 utterly exhausted and all personnel were extremely
6 depressed due to constant slave driving by the Japanese
7 guards and railway officials. Increased supervision
8 by the Kempeitai (Japanese Secret Police) was felt
9 and all sorts of additional disciplinary pressure
10 was brought to bear on us."

11 The prosecution enters document 5601 for
12 identification, and the excerpt as an exhibit.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 5601 will receive exhibit No. 1770 for identifica-
16 tion only. The excerpt therefrom will receive exhibit
17 No. 1770-A.

18 (Whereupon, prosecution's document
19 No. 5601 was marked prosecution's exhibit
20 No. 1770 for identification; and the excerpt
21 therefrom, bearing the same document number,
22 was marked prosecution's exhibit No. 1770-A
23 and received in evidence.)

24 LIEUT. COLONEL LAMSTE: In the Kota Tjane
25 area, North Sumatra, in October 1944, the prisoners

1 of war were forced to march day and night over a
2 distance of ninety miles in sixty-eight hours. Each
3 man who fell behind was beaten until he kept up with
4 the main party, as appears from the affidavit of
5 Private W. Hagedoorn, R.N.I.A., prosecution docu-
6 ment 5601.

7 The prosecution enters document 5623 as an
8 exhibit.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 5623 will receive exhibit No. 1771.

12 (Whereupon, the document above
13 referred to was marked prosecution's exhibit
14 No. 1771, and was received in evidence.)

15 LIEUT. COLONEL LAMSTE: In May 1943, the
16 Dutch prisoners of war at Lawe Segalagala Camp,
17 Kota Thane, were forced to enlist in the Japanese Army.
18 Four of those prisoners of war who had refused were
19 executed, as is vividly depicted by the eyewitness,
20 K. E. Krijgsman, R.N.I.A., in his affidavit, prosecu-
21 tion document 5623.

22 With the Court's permission, I will read this
23 affidavit. The markings on this affidavit are wrong.
24 I do not know for what reason because the whole document
25 has been processed and used in evidence.

1 "I was taken prisoner of war by the
2 Japanese army at Padang Pandjang on 17 March 42
3 and eventually interned at Lawe Segala camp in
4 June 42. In May 43, I cannot recall the exact date,
5 the Japanese camp commander HIUASAKI told we
6 prisoners of war that we would soon have to enlist
7 in the Japanese army as heiho. On 29 May 43 about
8 5 p.m. Lieutenant SUSUKI of the Gunseibu Kota Tjene,
9 and a Kempei officer from Brastagi, whose name I do
10 not know, arrived in the camp. All the prisoners had
11 to parade. When we were lined up, the interpreter
12 I"ASAKI told us that we were given five minutes to
13 decide whether we would enlist in the Japanese Army
14 or not. When this period had elapsed the prisoners
15 were divided in three groups: A. those rejected
16 medically unfit. B. the volunteers. C. those
17 who refused to enlist. I myself was with the second
18 group. The names of the people in my group were
19 recorded; after this everybody was allowed to return
20 to their quarters. Amongst those who refused were
21
22 Sergeant Croes, R.N.I.A.
23 Sergeant Stolz
24 Private Wolf
25 Regular sergeant Voss had also refused but had been
arrested previously, I do not know why.

1 "On 29 May 43 about 20.30 hours, those who
2 refused to enlist were taken to Kota Tjane by
3 Japanese and Indonesian police. I know this be-
4 cause I was driver to MIYASAKI, the camp commander,
5 and had to drive him to Kota Tjane with SUSUKI, the
6 unknown Kempei officer and the prisoners. The
7 prisoners were locked in Kota Tjane jail. Sergeant
8 Croes, sergeant Stolz, sergeant Voss and private
9 Wolff were bound hand and foot and taken to the
10 village square (aloon-alouu) and there publicly
11 shown to the population who had been called there
12 by the Japanese. They were executed at about 23,00
13 hours 29 May 43. The population had to look on by
14 order of the Japanese. As MIYASAKI's driver I had
15 to stand in the front line. Voss was asked his
16 last wish. He answered he wanted to die with the
17 Dutch national flag wrapped round his body. His
18 request was granted. Voss then addressed the
19 audience in Malay, giving his opinion of the
20 Japanese and abusing them. When he had finished
21 the Japanese wanted to blindfold him but he
22 declined, saying: 'I am a Dutchman and not afraid
23 to die.' The Kempei officer in charge of the firing
24 squad then pointed his rifle at Voss and fired
25 twice. Voss was not killed and cried out: 'Long

1 live the Queen!' The officer then put the rifle to
2 Voss' head and shot him dead.

3 "The same Kempei officer then tried to
4 behead Sergeant Croes with his sword. He missed
5 however and hit Croes on the shoulder. He then
6 drew his revolver and shot Croes in the head. After
7 this Wolff and Stolz were shot by this same officer.
8 I cannot remember exactly how this happened but
9 this so-called execution was in my opinion murder.
10 To the best of my knowledge MIYASAKI and SUSUKI
11 were also present."

12 THE PRESIDENT: We will recess until half
13 past one.

14 (Whereupon, at 1200, a recess
15 was taken.)
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AFTERNOON SESSION

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Goldberg & Bassett

The Tribunal met, pursuant to recess, at 1335.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Colonel Damste.

LIEUT. COLONEL DAMSTE: On page 3, your Honor:

II. CIVILIANS.

A. Internees.

The prosecution refers to the testimony of Major LEINHEER who has given information from his personal experience and from the results of the official investigation carried out by him regarding the 70 odd civilian internment camps. Additional evidence is presented by the following:

1. Murder.

I can leave that out because it has been testified to by Sister Bullwinkle; and I also leave out the next paragraph because this has been testified to by Major Ringer. I can leave out the next paragraph as well.

2. Conditions.

As already described by Major LEINHEER in almost all camps conditions were utterly miserable.

1 The prosecution enters document 5646 for
2 identification and the excerpts therefrom as an
3 exhibit.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5646 will receive exhibit No. 1772 for identi-
7 fication only; and the excerpts therefrom, with the
8 same document number, will receive exhibit No. 1772-A.

9 (Hereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1772 for identification; and the excerpts
12 therefrom were marked prosecution's exhibit
13 No. 1772-A and received in evidence.)

14 LIEUT. COLONEL DAMSTE: In the women camp
15 at Brastagi, North Sumatra, food conditions were
16 terrible: in November 1944 the daily ration consisted
17 of 140 grams of rice for adults and only 80 grams for
18 children -- (450 grams by American pounds) --; in
19 addition 20 grams of vegetables. These circumstances
20 made hundreds of desperate women break out in order
21 to find additional food in spite of the severe punish-
22 ments to be feared. The Kempetai investigated the
23 matter and the two women camp commandants were severely
24 ill-treated, including the threat of execution, as
25 stated by one of them, Mrs. A. E. PRINS-nee ROHRBORN,

in her affidavit.

1 With the Court's permission I will read this
2 affidavit, page 1, this statement:

3 "In the month of September 1944, Mrs. Eikens and
4 I still occupied the function of camp-managers. The
5 supply of food which the Japanese gave us was extra-
6 ordinarily bad. For two and a half months we had been
7 given neither sugar nor fat. The official rations, so
8 we were informed by the Japanese, contained: rice for
9 grown up people, 200 grams per head daily and for
10 children 100 grams. Vegetables, 50 gr. per head daily.
11 In reality we got 140 gr. rice for grown ups and 80 gr.
12 for children. Vegetables 20 gr. We complained continu-
13 ously to the Japanese commandant about this treatment
14 and when we got no result, we asked for an interview
15 with the officer, TANAKA, who was occupied with the
16 food-supply. He said, however, that he could not do this.
17 But one day, when Tanaka came to visit our camp, he
18 talked to him about this. After he was gone our
19 Japanese commandant was so furious that he struck both
20 of us with his open hand. The discontentment about the
21 shortness of food increased daily in the camp. The women
22 threatened to break out of the camp to fetch it them-
23 selves. We proposed a hunger demonstration, whereupon
24 the thinnest women accompanied by their division-leaders
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1 went to the Japanese guard. There we showed them to the
2 Japanese commandant and said to him, that he could now
3 see for himself the results of his hunger-system. We
4 then demanded in the name of the whole camp for the
5 supply of the official rations. The commandant promised
6 us that he would go to Medan and see what he could do for
7 us. When, however, there came no improvement we asked
8 for permission to obtain food from people outside, by
9 means of barter, but this was refused bluntly by the
10 commandant. This went on until middle of November and the
11 discontentment increased more and more.

12 "In order to put off demonstrations which as
13 we knew, could not be held in check much longer, we
14 made a proposal to the inmates of the camp, to wait until
15 November 25, 1944, before breaking-out. We hoped vainly
16 that on this date improvement should have come. The camp
17 accorded with this and then we went again to the commandant
18 We informed him that we could not prevent the inmates
19 from breaking out if no improvement came on the next
20 supply of rations, which was due on November 20. We
21 drew his attention to this: that he would certainly
22 come into "Soesah" (trouble) with Medan, whereupon he
23 replied that we were "Kapala Boesock" (bad heads) but
24 when we asked that he should name other managers, he
25 said that this was not allowed by Medan. At last he

1 promised me that our request for more food would be
2 answered on November 20. The rations arrived but the
3 amounts were the same as before. Again we went to the
4 commandant and after that visited him daily with
5 our complaints. Each time he gave us promises for next
6 day, each time without any result and so came November 25.

7 "Then we agreed that from each block-division
8 some women in total 40 persons leave the camp on Sunday
9 afternoon November 26. However, people did not abide
10 by the agreement and thus the next day about 3 o'clock
11 306 women left out of camp. To be ahead of events we
12 went to the Japanese commandant and we saw him looking
13 at the departure. He asked what this meant, insulted
14 us again as "kapala boesock" and ordered us to fetch
15 the women back at once. If they would return at once
16 he would not make a "pakara" (case). So we went out of
17 the camp but each time we asked some women to go back
18 we got the answer that they would not do this before
19 they settled their business. The Japanese and Heiho's
20 who had gone outside too, got no results. Later it
21 appeared that someone had telephoned the M.P. at Kaban
22 Djahe from the Japanese hospital situated across the
23 road and from where the breaking out had been observed.
24 About nine o'clock in the evening all were back again.
25 Before this the first and second suspect had arrived

1 with a Japanese whom we know by name of TORASE. Mrs.
2 Eikens and I were called in, whereupon the first suspect
3 interrogated us with the assistance of an interpreter
4 who made notes. When we had told him the real cause of
5 the breaking out, he accused us of having incited the
6 women to it and he boxed our ears with his open hand
7 which was not very painful. We had just been sent
8 away to our block, when we were called again because,
9 as the commandant informed us the M.P. from Medan had
10 arrived. We were ordered to line up the women who had
11 been away. Thereupon the whole camp came to the office.
12 The Japanese understood that not all women could have
13 been guilty of disobeying the orders so that what they
14 saw was but a demonstration. One of the Japanese got
15 so furious, I cannot remember who it was, that he
16 struck with the iron of a golf-club, on the head so that
17 a little wound occurred that bled slightly. After about
18 a quarter of an hour the women were dismissed but, they
19 protested when they saw that Mrs. EIKENS and I had to
20 remain.

21 "Again we were asked for the reason of the
22 breaking out and our part in this, whereupon we naturally
23 answered as before. Meanwhile, the second suspect struck
24 me with his open hand about ten times in the face and
25 stumped us on the back which was very painful. Then

1 we got the order to write down all names of the guilty
2 women and to send him this list next day. At about
3 3:30 o'clock in the night the nerve-racking show was
4 over and totally exhausted we went to bed after we had
5 asked all the block-leaders to write down the names of
6 the women who lived in the camp. We took these lists
7 at 7 am the next day, 27th to the commandant. There
8 were all persons who had been present the evening
9 before; also the block-leaders had been called. The
10 latter were heard in different rooms by the M.P. and
11 from everywhere we heard cries of pain, while Mrs.
12 Likens and I together with the block leaders whose
13 turn had not come yet sat waiting in a room next to
14 that in which first suspect, together with the second
15 suspect led the interrogation."
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1 "When I was sitting in the waiting room I
2 heard that a certain moment that Sister Schuddeboom a
3 nurse of about 50 years old, was treated so cruelly in
4 the next room that I wanted to enter that room but was
5 prevented by a few Japanese who guarded the open door.
6 Whe I heard Sister Schuddeboom leaving I asked permis-
7 sion to enter and to be heard by the first suspect.
8 When I entered I saw on the table at which both of
9 the suspects sat, a curtain rod of about 1 m. long
10 and 2½ cm. thick which I supposed was used on Sister
11 Schuddeboom. This on enquiry proved to be true. I
12 protested severely against this maltreatment, whereupon
13 first suspect said that further investigations would
14 be stoped if we would plead guilty on our own accord.

15 "I retorted sharply that the Japanese were
16 guilty themselves, which outraged first suspect so
17 much that he struck me about six times with the wooden
18 curtain-rod so hard on my back, shoulders and neck that
19 the stick broke. Meanwhile, the hearing of the block-
20 leaders was finished and about six o'clock we were
21 sent away with many insults. I had to be supported
22 because I could not walk without help. My body ached
23 everywhere, but the stroke on my back of my neck had
24 been the most painful. Under ordinary circumstances
25 I should have been unable to do my daily work for some

1 days.

2 "In the evening the Japanese called me again,
3 but I sent the message that I was unable to walk and
4 could not come. Early next morning, 28 November, 1944,
5 Mrs. Eikens and I were again ordered to come to the
6 Japanese office together with the ladies: J. Vijzel-
7 man, D. tten Bloemendaal, Netty Hoets, Medy Claser,
8 Hetty van de Lee and J. Scharenguivel. When we were
9 all present Mrs. Eikens and I were driven by car and
10 the others by bus to the Penitentiary at Kaban Djahe.
11 When we arrived there our coats and hairpins if we
12 had any were taken away, whereafter we were locked up.
13 Mrs. Eikens and I each in a very small cell and the
14 others together in a large one.

15 "My cell and, as I was told later, Mrs. Eikens
16 also, was without light or ventilation; the floor was
17 moist with urine, which former occupants had left and
18 the walls were smeared with faeces. Afterwards I heard
19 that these cells were destined for lunatics on transit.
20 There was no bed and we had no sanitary toilet. Next
21 morning November 29, 1944 I was taken by the jailer
22 (toekang koentji) from my cell and taken to a room in
23 the outer building at the back of the prison. First
24 and second suspects were present. I saw lying on the
25 table all kinds of cudgels, belts and whips and on the

1 floor was a coal-fire with irons. Seeing these objects
2 I understood this to be the torture-chamber. Very
3 little light came through the window.

4 "Again first suspect asked me the same
5 questions as before. Indicating the weapons he threat-
6 ened me to torture if I kept refusing to plead guilty.
7 Finally, when he found that even his sweet words failed
8 to bring results he made me stand on a chair, after he
9 had tied my wrists tightly together behind my back,
10 He tied a rope which ran over a pulley, right over my
11 head to the cord around my wrists and pulled at the
12 other end until I could hardly reach the seat of the
13 chair with the points of my toes. Each time he saw
14 that I lowered somewhat in the joints of my shoulders
15 so that I could get a little more support for the seat
16 of the chair with the points of my toes he drew the
17 rope a little higher. Meanwhile, he stood before me
18 and asked if I would plead guilty. Each time when I
19 replied: 'Nippon salah' (the Japanese are wrong), he
20 beat me with a rubber stick very hard on my back which
21 he did more than ten times."

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1 "After about ten minutes I shouted to him
2 'Officier blanda tida tahoe ini matjem' (white officers
3 do not behave like this), he suddenly let me go then
4 and the jerk caused me unbearable pain. Directly after
5 this my nose bled profusely. Two Indonesian policemen
6 were called and these men supported me back to my cell,
7 giving evidence of their pity and disapproval. When
8 I came to the cell, the jailer opened the door and
9 this brute pushed me so hard in my back that I fell
10 forwards on the dirty floor. I could not get up and
11 lay there for a long time, totally numbed.

12 "At about 9 o'clock I was again taken by
13 the jailer to the torture-chamber. Again I was sus-
14 pended, standing on the chair and again first sus-
15 pect put the questions he had asked me innumerable
16 times before. He did not beat me and after some time,
17 somewhat shorter than in the morning, he let go the
18 rope, meanwhile. the head of the M.P. had entered.
19 He stood before me and in a fierce voice asked if I
20 had anything to say about the Japanese officers. I
21 replied that I had not referred to them, but to Nether-
22 lands officers, whereupon he slapped my face and order-
23 ed me to follow him to his office.

24 "On arriving there he ordered a typewriter
25 to be brought and ordered me to type out the names

1 of the women who had been out of camp some days be-
2 fore. I told him that I was unable to do this be-
3 cause of the awful swellings on my hands and the un-
4 endurable pain in my arms and body. Then he told me
5 to dictate the names to an Indonesian guard who was
6 also present. As well as I could remember I dictated
7 all the names of the women who lived in the camp with
8 which I was occupied until 3 o'clock in the night,
9 then I was taken back to the cell. For the first
10 time since our arrival we got some food. Concerning
11 me this consisted of precisely counted 72 grains of
12 maize. This I cried out to Mrs. Eikens, who informed
13 me in the same way that she had counted 78 grains.
14 We got no water. Early next morning, November 30,
15 1944, I was taken out of my cell to the office of
16 the head of the M.P. By use of second suspect, who
17 acted as an interpreter, first suspect interrogated
18 me about the same points as before, in the presence
19 of the head of the M.P. and a certain TAKASE. They
20 did not maltreat me. After some time I was told that
21 they could have me shot as this was the punishment
22 for escape according to international agreement. There-
23 upon, I was brought back to the cell and I saw Mrs.
24 Eikens being taken away. She also told me afterwards
25 that she had been condemned to death.

1 "About an hour later we were put on a bus
2 together with the other ladies and taken back to the
3 camp. On arrival there we had to wait, standing be-
4 fore the guardroom of the heiho's. Mrs. Eikens and
5 myself could not keep upright, broken as we were, and
6 at last we were allowed to sit down on the grounds.
7 About one hour later Mrs. Eikens and myself, also
8 Mrs. ten Bloemendaal and I were transported to a
9 bungalow of the Anglo-Dutch, 'the Banteng'. The other
10 prisoners were taken back to the camp. We were taken
11 to a large room where we expected to be shot. We
12 were placed with our faces to the wall, Mrs. ten Bloe-
13 mendaal between Mrs. Eikens and me and with our hands
14 crossed behind our backs. I remarked to my compan-
15 ions that 'I do not like it', to which Mrs. ten Bloe-
16 mendaal replied that she wondered why we were not
17 crying. Then we heard that three Japanese entered
18 and standing behind us opened the locks of their rifles.
19 A fourth Japanese entered and roared at the soldiers
20 in a theatrical way a command to fire so we thought.
21 Waiting for the end and nothing happened. Mrs. ten
22 Bloemendaal could not withhold her curiosity and look-
23 ed secretly back. 'They cannot fire, because the
24 dustcaps are still on the barrels', she whispered.
25 The fourth Japanese gave another command, a soldier

1 struck us once, we were ordered to turn and taken
2 to a room where we saw the blockleaders. Then the
3 three of us were taken back to camp, from where we
4 were daily taken to the 'Banteng' to be heard on the
5 declarations of the block-leaders who were kept there
6 for several more days.

7 "During one month I kept the black bruises
8 on my neck, arms, back and thighs. During ten days
9 I could not move my arms, nor use my hands. Other
10 people had to wash me. It was quite impossible to
11 do my work as I was exhausted. When Mrs. Eikens
12 told her sotry, it appeared that because of the same
13 stubbornness she had met with the same treatment.
14 She had also black bruises which she showed me.
15 During three weeks she could not do anything as a
16 result of the ill-treatment."
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1 LIEUT. COLONEL DAMSTE: Non-interned. Romusha.
2 The prosecution enters document 5716 for
3 identification and the excerpts therefrom as an
4 exhibit.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5716 will receive exhibit No. 1773 for identi-
8 fication only; and the excerpts therefrom will receive
9 exhibit No. 1773-A.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1773 for identification; and the excerpts
13 therefrom were marked prosecution's exhibit
14 No. 1773-A and received in evidence.)

15 LIEUT. COLONEL DAMSTE: Not only Javanese
16 were forced to hard labor and sent to other parts
17 of the Greater East Asia Co-Prosperity Sphere, but
18 also aborigines of Sumatra had to suffer this enslave-
19 ment, as appears from the affidavit of AMIR BIN SARODIN,
20 who was detailed to work at Singapore under the usual
21 hopeless conditions.

22 It is brought to the Court's attention that
23 several of the Romusha, whose affidavits have been
24 dealt with when the area Java was presented, were also
25 ill-treated when working on islands belonging to the

Sumatra area.

1 2. Kempeitai.

2 The methods of the Sumatra-Kempeitai did
3 not substantially differ from those applied by the
4 Java Kempeitai, from whom they received assistance.
5 Major KATSUMURA, in his report already introduced,
6 exhibit 1760-A (Javint 3106/s, sub II) gives evidence
7 about the "Ji"-operation, in Sumatra, 1943. The
8 suspects were not sent up to Court Martial but a
9 speedy way of dealing with them was adopted, in
10 fact the same system was applied as with the "Ko"-
11 operation in Java. When the crime was clearly proved --
12 in the opinion of the torturing investigators -- and the
13 death sentence was considered suitable, the criminals
14 were executed, on the decision of the Army. These
15 executions were carried out fortnightly by every
16 detachment of every section, in secrecy. The executions
17 were at once reported to Kempei Headquarters, who
18 at once reported to the Army.

19 The prosecution enters document 5625 for
20 identification and the excerpt therefrom as an
21 exhibit.
22

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 5625 will receive exhibit No. 1774 for

1 identification only; and the excerpts therefrom will
2 receive exhibit No. 1774-A.

3 (Whereupon, the document above re-
4 ferred to was marked prosecution's exhibit
5 No. 1774 for identification; and the excerpts
6 therefrom were marked prosecution's exhibit
7 No. 1774-A and received in evidence.)

8 LIEUT. COLONEL DAMSTF: Personal experiences
9 show the same pattern as in Java: a. At Medan,
10 North East Sumatra, the methods of torture applied
11 were: watertest and severe beatings. The treatment
12 of the victims was extremely bad and drove them to
13 suicide. As appears from the affidavit of L. G.
14 EMMELS: prosecution document 5625.

15 MR. LOGAN: If the Tribunal please, this
16 statement just made by the prosecution is misleading
17 and inaccurate. He specifically says that: "The
18 treatment of the victims was extremely bad and drove
19 them to suicide." Apparently he tried to give the
20 Tribunal the impression that all the people at that
21 camp tried to commit suicide. As a matter of fact,
22 the affidavit on which he bases his statement shows
23 that not one of them committed suicide; and that there
24 was only one unsuccessful attempt at suicide.

25 THE PRESIDENT: What you say is noted,

1 Mr. Logan.

2 LIEUT. COLONEL DAMSTE: The prosecution
3 enters document 5635 for identification and the
4 excerpts therefrom as an exhibit.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5635 will receive exhibit No. 1775 for identi-
8 fication only; and the excerpts therefrom will
9 receive exhibit No. 1775-A.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1775 for identification; and the excerpts
13 therefrom were marked prosecution's exhibit
14 No. 1775-A and received in evidence.)

15 LIEUT. COLONEL DAMSTE: At Shibolga, North
16 West Sumatra: beatings and manhandling, torture,
17 infliction of injuries, watertest, exposure of
18 naked victims to the local population; bad treatment
19 of the prisoners. As appears from the affidavit of
20 Police Inspector A. Suyker; prosecution document
21 5635.

22 Prosecution enters document 5636 for identi-
23 fication and the excerpts as an exhibit.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

1 No. 5636 will receive exhibit No. 1776 for identi-
2 fication only; and the excerpts therefrom will
3 receive exhibit No. 1776-A.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1776 for identification; and the excerpts
7 therefrom were marked prosecution's exhibit
8 No. 1776-A and received in evidence.)

9 LIEUT. COLONEL DAMSTE: At Tandjong Karang,
10 South Sumatra; beatings, burning of moustache, and
11 other ways of torture. Affidavit of J. C. TEERLINK;
12 prosecution document 5636. From this as well as from
13 the case of SUYKER appears that the Kempei officers
14 condoned the ill-treatment.

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1 The prosecution enters document 5632 for
2 identification and the excerpts as an exhibit.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5632 will receive exhibit No. 1777 for identifica-
6 tion only; the excerpts therefrom will be exhibit No.
7 1777A.

8 (Whereupon, prosecution's document
9 No. 5632 was marked prosecution's exhibit
10 No. 1777 for identification, the excerpts
11 therefrom being marked prosecution's exhibit
12 No. 1777A and received in evidence.)

13 LIEUT. COLONEL DAMSTE: At Palembang, Central
14 South Sumatra, a Chinese doctor was a victim of the
15 Kempei and afterwards forced to cure the victims. Here
16 also: severe beatings, in several ways; water test,
17 with sometimes more than three gallons of soapy water,
18 incidentally resulting in death; hanging; burning;
19 threat of beheading; playing ball with an Indonesian
20 as the ball. Doctor Lo Djien Sioe described these
21 tortures in his affidavit.

22 With the Court's permission I would like to
23 read it. It starts at page 2 after the third dotted
24 line:

25 "Late at night we arrived at Kertopati, the

1 station of Palembang. By car I was taken to the Kempel
2 Tai. Immediately upon arrival I got something to eat
3 and a very amicable conversation started. After this
4 I received the first blows from interpreter HAYASHI;
5 this happened without any warning. He struck my head
6 with his fist until I sank down on account of dizziness.

7 "Next evening, August 17, 1943, I was again
8 interrogated by Corporal YAMASHITA; blows were not
9 lacking again. Like HAYASHI (This is a Formosan and
10 as such is called Liem Sik Tjong) YAMASHITA first
11 struck me with his fist on the head, then with a horse-
12 whip on my back. He stopped only when as a result of
13 this I spat blood; he gave me something to drink wetted
14 my head and then left me lying the whole night on a
15 cement floor without any cover. Next day I came into
16 a cell where, to my astonishment, also the two Ambonese
17 policemen who had been my transport-guards, were con-
18 fined. They were accused of participation in an anti-
19 Japanese plot. For about seven days I lay there, ill
20 with dizziness and continuously vomiting. HAYASHI did
21 not seem to be able to tolerate lying down, for when
22 he saw me he ordered me at once to sit up, giving me
23 a kick at the same time. ---

24 "The food may be described as bad and consisted
25 of a helping of white rice and a few slices of cucumbers

1 three times a day; certainly it was not more than a
2 calory-value of 500 per man and per day. We had to
3 drink jointly from a fingerbowl; often with more than
4 12 people. The cell was no larger than 2 x 4 meters
5 and we were lying prettily like sardines one next to
6 the other. Naturally the hygienic situation was ex-
7 tremely bad. When I had become more fit again, I was
8 again beaten by YAMASHITA, i.e. with his wide linen
9 belt with buckle, he struck me violet-blue from the
10 buttock region until the ankles, so that sitting be-
11 came impossible to me. Either I was standing or I was
12 lying down on my belly in the cell.

13 "At this time an Indonesian was brought in
14 suspected of theft of a bicycle. The poor man was
15 standing in the middle of a circle of Japanese and acted
16 as a ball. I could see and hear it from my cell. In
17 spite of many blows the man continued to deny and now
18 the 'water cure' was applied to him. This I could not
19 see but I heard the vomiting behind my cell, while
20 later, when he passed in front of the cell, he was all
21 wet. Then the first ill treatment was repeated. Now
22 I heard the blows. Apparently this was too much for
23 the poor man, for he collapsed. He was rut down on the
24 floor in front of my cell. Without having regained
25 consciousness he expired during the night at about

1 2 o'clock. The corpse was quickly put into the
2 luggage space of a car and a chauffeur drove off with it.

3 "Of the Dutch I saw there Mr. Stevens was
4 treated worst. Time and again he was tortured: water
5 cure, hanging head down and fire treatment: this con-
6 sisted of burning the naked skin with cigarettes,
7 mosquito-torches, etc. He told me all this himself
8 and I saw the wounds. The wounds caused by the fire
9 treatment Stevens kept longest, for only after having
10 been treated by me for about a month, he was rid of
11 them.

12 "For every prisoner these blows, given with a
13 stick of five centimeters diameter, with a horsewhip
14 or with rolled rope, were part of the daily treatment.
15 Every day, or rather, nearly every hour, one heard the
16 groans and screams of the poor people.

17 "There were several special torture chambers.
18 The mildest treatment was standing in the sun a whole
19 day. Only in the morning one got something to eat then.

20 "During the months of August and September 1943
21 there was a raid among the Ambonese; somebody was said
22 to have discovered a plot against Japan among them.
23 Many were arrested and of the hundreds of Ambonese
24 friends not many are left. However, this was not settled
25 by the Kempei Tai alone, but also by the Keimobu. The

1 Kempe Tai did participate and nearly all Kempei Tai
2 members have on that occasion been guilty of severe
3 torturings. ---

4 "In the meantime things were not going so well
5 with me either; several times I was interrogated, not
6 only about my own case but also for the supplying of
7 information concerning suspected Chinese and about
8 all sorts of things. For instance I was interrogated
9 about the doings, the connections of persons whom I
10 had hardly ever met. As I could not reply to this
11 properly, I simply had to undergo those tortures. --

12 "Another time I was accused of owning a fire-
13 arm. This was said to have been reported by a spy.
14 However, I did not own a firearm, so that a search of
15 the house did not yield anything. The last treatment
16 I underwent probably was an effort to intimidation.
17 In the evening I was brought by car to a distant
18 plantation. The Indonesian chauffeur prepared a pit;
19 I had to kneel in front of this pit, while SAZAKI put
20 his sabre on my neck. Miraculously I escaped from this
21 murder, because the gentlemen could not find fault
22 with me.

23 "About the end of September 1943 many prominent
24 people were arrested. Most were treated by the
25 Bunseibu.

1 "In the meantime, I had gradually won the
2 confidence of the Kempei Tai and I had regularly to
3 attend to the prisoners. Not only wounds, etc. caused
4 by ill treatment, but also ordinary illnesses like
5 malaria, beriberi, dysentery, etc. which I did to the
6 best of my ability.

7 "The first patient I had to treat was brought
8 in more dead than alive. He had been so maltreated
9 that he had one inflamed burn from the buttock region
10 to the ankles. I treated him for six months, and then
11 he walked around like a gorilla. This was the Chinese
12 A. Koh from Djambi. He was said to have acted as an
13 anti-Japanese spy. Probably he shall never become
14 quite normal again.

15 "As far as I still can remember I will state
16 hereunder the names of some people to whom I attended
17 medically and who either died or who have come through
18 alive (all arrested by the Palembang Kempei Tai).

19 "1. A Chinese by the name of Ten ---"

20 THE PRESIDENT: Oh, don't read those. The
21 quality of your material is deteriorating fast. You
22 have omitted to read many more dreadful things than you
23 have been reading in the last half hour.

24 LIEUT. COLONEL DAMSTE: Then I will end with
25 this Dr. Lo Djien Sioe and go on with my synopsis,

1 "In the meantime, I had gradually won the
2 confidence of the Kempei Tai and I had regularly to
3 attend to the prisoners. Not only wounds, etc. caused
4 by ill treatment, but also ordinary illnesses like
5 malaria, beriberi, dysentery, etc. which I did to the
6 best of my ability .

7 "The first patient I had to treat was brought
8 in more dead than alive. He had been so maltreated
9 that he had one inflamed burn from the buttock region
10 to the ankles. I treated him for six months, and then
11 he walked around like a gorilla. This was the Chinese
12 A. Koh from Djambi. He was said to have acted as an
13 anti-Japanese spy. Probably he shall never become
14 quite normal again.

15 "As far as I still can remember I will state
16 hereunder the names of some people to whom I attended
17 medically and who either died or who have come through
18 alive (all arrested by the Palembang Kempei Tai).

19 "1. A Chinese by the name of Tan ---"

20 THE PRESIDENT: Oh, don't read those. The
21 quality of your material is deteriorating fast. You
22 are about to read many more dreadful things than you
23 have been reading in the last half hour.

24 LIEUT. COLONEL DANSTE: Then I will end with
25 this Dr. Lo Djien Sioe and go on with my synopsis,

1 Mr. President.

2 The prosecution enters document 5634 for iden-
3 tification and the excerpts therefrom as an exhibit.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5634 will receive exhibit No. 1778 for identifica-
7 tion only, and the excerpts therefrom exhibit No. 1778A.

8 (Whereupon, prosecution's document
9 No. 5634 was marked prosecution's exhibit
10 No. 1778 for identification, the excerpts
11 therefrom being marked prosecution's exhibit
12 No. 1778A and received in evidence.)

13 LIEUT. COLONEL DAMSTE: Prisons.

14 In the gaol of Pematang Siantar, North East
15 Sumatra, more than 300 of the 550 prisoners died in
16 two years' time. The causes of death were invariably:
17 dysentery, malnutrition and the consequences thereof.
18 Prisoners who were expected to die soon were put into
19 a special cell; the dying was speeded up by putting the
20 patient outside the cell in the tropical sun. As
21 appears from the affidavit of F. R. Kramer, Head manager
22 of the Deli Tobacco Company, prosecution document 5634.

23 This completes the synopsis regarding the
24 Japanese conventional war crimes and crimes against
25 humanity committed in the area of Sumatra.

1 I will proceed with my synopsis on Timor and
2 Lesser Sunda Islands and I introduce document of the
3 prosecution 5682, being my synopsis on Timor and Lesser
4 Sunda Islands as an exhibit.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecutor's document
7 No. 5682 will receive exhibit No. 1779.

8 (Whereupon, the document above referred
9 to was marked prosecution's exhibit No. 1779 and
10 received in evidence.)

11 LIEUT. COLONEL DAESTE: Occupation by the
12 Japanese Navy.

13 I. Prisoners of War.

14 1. Murder.

15 Captured troops were murdered in the most
16 cruel way.

17 The prosecution enters document 5571 for
18 identification and the excerpts as an exhibit.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 5571 will receive exhibit No. 1780 for identifica-
22 tion only and the excerpts therefrom exhibit No. 1780A.

23 (Whereupon, prosecution document
24 No. 5571 was marked prosecution's exhibit
25 No. 1780 for identification, the excerpts
therefrom being marked prosecution's exhibit
No. 1780A and received in evidence.)

1 LIEUT. COLONEL DANSTE: s. At Oesapa Besar,
2 Dutch Timor, about February 1942 eight Australian
3 prisoners of war were shot after capture, without any
4 trial. This appears from the affidavit by the Australian
5 Private R. B. Crow, prosecution document 5571.

6 The prosecution enters document 5573 for
7 identification and the excerpts therefrom as an exhibit.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 5573 will receive exhibit No. 1781 for identifica-
11 tion only, and the excerpts therefrom exhibit No.
12 1781A.

13 (Whereupon, prosecution's document
14 No. 5573 was marked prosecution's exhibit
15 No. 1781 for identification, the excerpts
16 therefrom being marked prosecution's exhibit
17 No. 1781A and received in evidence.)

18 At Babaoe, Dutch Timor, about February 1942,
19 an Australian Medical corporal, who was left in charge
20 of the hospital, was hanged and had his throat cut.
21 This is stated in the interrogation report of the
22 Australian Army Chaplain Th. W. Binderman, prosecution
23 document 5573, who also affirmed the murder at Oesapa
24 Besar already mentioned.
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1 The prosecution enters document 5579 for
2 identification and the excerpts as an exhibit.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5579 will be exhibit No. 1782 for identification
6 only, the excerpts being exhibit No. 1782-A.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1782 for identification; and the excerpt
10 therefrom was marked prosecution's exhibit
11 No. 1782-A and received in evidence.)

12 LIEUT. COLONEL DAMSTE: At Babaoe in February
13 1942 also three Australian prisoners of war were killed;
14 they were tied to each other by string around their
15 wrists and their throats were cut. This is stated
16 by the Australian Lieut. Colonel W. W. Leggatt, prose-
17 cution document 5579.

18 The prosecution enters document 5802 for
19 identification and the excerpts as an exhibit.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 5802 will be exhibit No. 1783 for identification
23 only, and the excerpts being exhibit 1783-A.

24 (Whereupon, the document above re-
25 ferred to was marked prosecution's exhibit

1 No. 1783 for identification; and the excerpt
2 therefrom was marked prosecution's exhibit
3 No. 1783-A and received in evidence.)

4 LIEUT. COLONEL DAMSTE: At Tatu Meta, Portu-
5 guese Timor, in February 1942 seven Australian sol-
6 diers were captured. The Japanese bound their hands
7 behind their backs by telephone wire which had been
8 pierced through their wrists. Then they were bay-
9 oneted. The bayoneting lasted for twenty minutes
10 before they were dead. This appears from the affi-
11 davit by S. Graca; Prosecution document 5802.

12 At Dilli, Portuguese Timor, in March 1942 a
13 Dutch officer was tied to a tree and pricked by a
14 Japanese officer with his bayonet for about twenty
15 minutes; chest and stomach were pierced many times;
16 then he was stabbed to death. This is related by
17 Graca as well.

18 The prosecution enters document 5585 as an
19 exhibit.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 5585 will receive exhibit No. 1784.

23 (Whereupon, the document above re-
24 ferred to war marked prosecution's exhibit
25 No. 1784, and received in evidence.)

1 LIEUT. COLONEL DAMSTE: At Soeway, Portuguese
2 Timor, in August 1942 the Japanese, commanded by a
3 captain, murdered the captured Dutch sub-lieutenant
4 Stiefkens by beheading. This is reported by Mr.
5 Augustun, who acted as an interpreter, prosecution
6 document 5585.

7 2. Camps. Conditions were about the same
8 as in the camps in the other areas.

9 a. At the prisoner of war camp, Oesapa
10 Besar, conditions were decidedly bad as regards food,
11 drinking facilities, accommodation and sanitation.
12 Medicines were not provided, but the prisoners of war
13 happened to have sufficient drugs of their own. This
14 is contained in the affidavit of Lieut. Colonel Leggatt,
15 exhibit 1782-4.

16 Prosecution enters document 5578 for identifi-
17 cation, and the excerpts as an exhibit.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 5578 will receive exhibit No. 1785 for identifica-
21 tion only. The excerpts therefrom will receive exhibit
22 No. 1785-4.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1785 for identification; and the excerpt

1 therefrom was marked prosecution's exhibit
2 No. 1785-a and received in evidence.)

3 LIEUT. COLONEL DAMSTE: At Flores Island,
4 West of Timor, conditions were terrible. In the first
5 months no dwellings were provided; the prisoners of
6 war, also the sick people, had to stay in the open
7 air. Sanitation, hygienic and medical conditions were
8 appalling. In the ward of the seriously ill patients,
9 no bedpans were available. Therefore, a little hole
10 was dug next to each bedplace and the patients had to
11 roll over it. Because a stool of 40 to 60 times a
12 day was not an exception, time and again new holes had
13 to be dug around the patient until there was no place
14 left and a new bed had to be found. In case the pa-
15 tient was too weak to roll over the hole next to his bed,
16 one was dug under it and a hole made through his sleep-
17 ing mat. Food was bad. Consequently, health deter-
18 iorated and more than half were ill. Still the sick
19 were forced to labor. Of these 2079 Dutch prisoners
20 of war, 211 died from illness within a year's time,
21 Discipline was harsh; corporal punishments were fre-
22 quent, causing injuries and even, indirectly, death.
23 Prisoners of war were not protected against air
24 attacks.
25

 This is the sad story told in the report of

1 Captain A.C.J. De Thouars, R.N.I.A., the camp com-
2 mandant; Private C.K. Brants, R.N.I.A., and 1st Lieu-
3 tenant H.H.J. De Vries, R.N.I.A., prosecution docu-
4 ment 5578.

5 The prosecution enters document 5583 for
6 identification and the excerpts as an exhibit.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 5583 will receive exhibit No. 1786 for identifica-
10 tion only, and the excerpts therefrom will receive
11 exhibit No. 1786-A.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 1786 for identification; and the excerpt
15 therefrom was marked prosecution's exhibit
16 No. 1786-A and received in evidence.)

17 LIEUT. COLONEL DAMSTE: At Soemba Island,
18 West of Timor, interrogations were held under beatings
19 and threats. As is reported in the affidavit of the
20 Australian Flight Lieutenant L. L. McKenzie, prosecu-
21 tion document 5583.

22 The prosecution enters document 5597 for
23 identification and the excerpts as an exhibit.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

1 No. 5597 will receive exhibit No. 1787 for identifica-
2 tion only, and the excerpts therefrom will receive
3 exhibit No. 1787-A.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1787 for identification; and the excerpts
7 therefrom was marked prosecution's exhibit
8 No. 1787-A and received in evidence.)

9 LIEUT. COLONEL DAMSTE: At prisoner of war
10 camp Koepang, Dutch Timor, prisoners of war were
11 forced to an exhausting march under harsh beatings.
12 Food, sanitary conditions and medical care were bad.
13 Labor was exhausting. As appears from the affidavit
14 of Sergeant C.H. Van Der Sloot, R.N.I.A., prosecution
15 document 5597. With the Court's permission, I would
16 like to read it. I start after the dotted line:

17 "On 16 February 1942 I, along with some 20
18 Javanese soldiers of the R.N.I.A., was taken by ship
19 to Timor. The voyage lasted four days during which
20 we were badly fed, and one day were given nothing to
21 drink. After disembarkation, Koepang airfield proved
22 to be our destination. The journey on foot took 5 days
23 which I covered with hands tied behind my back. I was
24 so exhausted that on arrival I lay unconscious for 5
25 hours. The next day I had to act as an interpreter

1 between the Japanese and Australian prisoners of war.
2 There were more than one thousand Australians, amongst
3 whom were many wounded and malaria and dysentery
4 patients.

5 "An Australian medical officer asked for
6 medical treatment and medicines for his sick. The
7 Japanese officer, named FUKADA, bluntly refused. These
8 Australians lived in an enclosure fenced in with barbed
9 wire and bamboo, practically in the open air. I stayed
10 there for about a fortnight, and during that time
11 about fifty Australians died and had to be buried
12 within that same enclosure. The area in which more
13 than one thousand Australians lived was about two acres.
14 Food for these Australians was very poor. Only dry
15 rice was supplied. They had to do their own cooking.
16 Equipment for that purpose was insufficient, so that
17 preparation and serving of breakfast, consisting of
18 rice porridge, lasted from 6 till 11 a.m. The Aus-
19 tralian officer, a lieutenant colonel, asked my inter-
20 mediary in order to get conditions improved. I trans-
21 lated this request to the Japanese named FUKADA, but
22 once again I received a blunt refusal. The Japanese
23 supplied only rice, never vegetables or meat. During
24 those two weeks I asked for improvement several times
25 at the request of the Australian lieutenant colonel. I

1 did the same of my own accord, but it was all to no
2 avail.

3 "The Japanese demanded a working party of
4 500 men each day to repair roads, to cut trees and
5 to do digging. The Australian officer could at most
6 detail 300 men a day fit to do some work. The re-
7 mainder was sick or too weak. The food supplied
8 amounted to one liter of rice porridge per man per
9 day.
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1 "The Australians had wounded personnel
2 among them. During my two weeks' stay there about
3 thirty men were operated upon for extraction of shell
4 splinters among other things. These operations were
5 carried out by their own doctors in the open air
6 with the patient seated on and tied to a chair.
7 The doctors were compelled in some cases to operate
8 without anesthetics. Medical treatment as well as
9 admission to the hospital at Koepang were refused
10 nor were anesthetics given.

11 "In July 1942 a Timorese had cut a telephone
12 wire at that place. The delinquent was caught in
13 the act and arrested, along with two brothers of
14 Dencoe who happened to be in the neighborhood. I am
15 convinced they were not guilty; one was twenty-one
16 years of age and the other sixteen. That very day
17 they were sentenced to death which was done in the
18 following way. In my presence and through my inter-
19 mediary as an interpreter the suspect was merely asked
20 his name and why he had cut the wire by KAWAKE. He
21 stated his name and said further he wanted the wire
22 for private use. The two brothers of Dencoe were never
23 asked a question. That same day on orders from
24 KAWAKE and without any form of trial I had to draw
25 up a document in the Malay language announcing the

1 death sentence of these three which was placarded
2 in the market place. The public was instructed to
3 come and look on. Rajas and I myself were told to
4 attend. When I arrived on the spot I saw three new-
5 dug graves.

6 "After a few minutes the three convicted
7 with hands tied behind their backs were led in. One
8 after another had to kneel before the graves facing
9 the firing squad and the public. They were not blind-
10 folded. A Japanese, Lieutenant KAWAKE, read the sen-
11 tence in Japanese warning that everybody who committed
12 sabotage would be shot. I had to translate this in
13 Malay to the public. Hereafter the three were shot;
14 all three fell backwards in their grave. The sixteen
15 years old was immediately dead, the twenty-one years
16 old received a coup de grace. The suspect was still
17 alive and moaned. A Japanese soldier armed with a
18 rifle and bayonet compelled one of the bystanders to
19 take a heavy stone and to throw this into the grave
20 at the head of the wounded man. The sight shocked me
21 so that I went away. The graves have been filled up
22 by bystanders on orders from the Japanese as I heard
23 afterwards. Attending this execution were Lieutenant
24 KAWAKE and Corporals KAWASAKI and KATO."

25 Executions.

1 At Cesapa Besar Camp an Australian POW
2 who had struck a Japanese NCO and escaped was killed.
3 This was explained in a letter written on behalf of
4 the CO by a Japanese corporal who states: "In
5 Japanese forces when a person strikes an officer
6 or NCO of higher rank the penalty is always death."
7 However, this POW was executed without trial but
8 only on instructions from headquarters. This appears
9 from the affidavit of Lieutenant Colonel Leggatt,
10 exhibit 1782-A.

11 At POW camp, Flores, two POWs were executed
12 without trial, as is stated in the report of Captain
13 De Thouars c.s., exhibit 1785-A.

14 II. CIVILIANS.

15 Internees.

16 Most of the European population was interned,
17 also in Portuguese Timor, and their conditions were
18 not much different from those in the civilian
19 internees camps in other areas.

20 The prosecution enters document No. 5596
21 as an exhibit.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 5596 will receive exhibit No. 1788.

25 (Whereupon, the document above

1 referred to was marked prosecution's exhibit
2 No. 1788 and received in evidence.)

3 LIEUT. COLONEL DAMSTE: At Soemba conditions
4 were bad, although there was only a small number of
5 internees. Accommodation and food were inadequate;
6 their property was looted; severe beatings occurred
7 causing injuries, as appears from the affidavit of the
8 Controller (civil servant) W. F. H. Plas, prosecution
9 document 5596.

10 The prosecution enters document 5803 for
11 identification and the excerpt as an exhibit.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 5803 will receive exhibit No. 1789 for identifi-
15 cation only and the excerpt therefrom will receive
16 exhibit No. 1789-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 1789 for identification only; the excerpt
20 therefrom being marked prosecution's exhibit
21 No. 1789-A and received in evidence.)

22 LIEUT. COLONEL DAMSTE: At Liquica, Portu-
23 guese Timor, the Portuguese civilians were concen-
24 trated and interned. Conditions were as usual: bad
25 accommodation, food, medical care; exposure to air

1 attacks without protection, attracted especially
2 by firing from a hospital. Particulars are given
3 in the affidavit of Graca, already introduced, ex-
4 hibit 1783-A, and the affidavit by C. J. Sequeira,
5 prosecution document 5803.

6 Non-Interned.

7 Murder.

8 The prosecution enters document 5804 for
9 identification and the excerpt as an exhibit.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 5804 will receive exhibit No. 1790 for identifica-
13 tion only; the excerpt therefrom will receive exhibit
14 No. 1790-A.

15 (Whereupon, the document above
16 referred to was marked prosecution's exhibit
17 No. 1790 for identification only; the excerpt
18 therefrom being marked prosecution's exhibit
19 No. 1790-A and received in evidence.)

20 LIEUT. COLONEL DAMSTE: A correction in this
21 paragraph: the words, "disguised as," to read,
22 "directing also."

23 At Aileu, Portuguese Timor, in September,
24 1942, the Japanese, directing also natives, made an
25 attack upon the Portuguese guards, who had been sent

1 off duty and killed most of them. This is stated by
2 a survivor, the Portuguese Pte. E. Simoes, prosecution
3 document 5804. •

4 The prosecution enters document 5805 as
5 an exhibit.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 5805 will receive exhibit No. 1791.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1791 and received in evidence.)

12 LIEUT. COLONEL DAMSTE: At Ainaro, Portu-
13 guese Timor, in October, 1942, two Roman Catholic
14 priests were murdered.

15 At Atsabe, Portuguese Timor, in December,
16 1942, the Japanese used, when attacking the Australian
17 forces, fifty to sixty natives as a screen, of whom
18 a number was killed.

19 The Japanese burned the native huts in the
20 area of Mt. Katrai, Portuguese Timor, and shot the
21 women and children as they ran from the huts. This
22 was a regular practice.

23 These facts are related by the Australian
24 F/O, W. A. Beattie, prosecution document 5805.

25 The prosecution enters document 5806 for

1 identification and the excerpt as an exhibit.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 5806 will receive exhibit No. 1792 for identifica-
5 tion only and the excerpt therefrom will receive
6 exhibit No. 1792-A.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1792 for identification only; the excerpt
10 therefrom being marked prosecution's exhibit
11 No. 1792-A and received in evidence.)

12 LIEUT. COLONEL DAMSTE: The Japanese attacked
13 and sacked also other native villages in Portuguese
14 Timor, using indiscriminate machine gun fire, that is,
15 Kelicai and Nahareca, as appears from the affidavit
16 by the Portuguese L.A.N. Rodreigues, prosecution
17 document 5806.

18 At Koepang, two natives were killed without
19 proper trial; as appears from the affidavit of Van Der
20 Sloot, already introduced, exhibit 1787-A.

21 At Oesapa, a native was killed without trial,
22 as stated in the report of Chaplain Bindeman, already
23 introduced, exhibit 1781-A.

24 Prosecution enters document 5594 for identi-
25 fication and the excerpt as an exhibit.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 5594 will receive exhibit No. 1793 for identifica-
4 tion only; the excerpt therefrom will receive exhibit
5 No. 1793-A.

6 (Whereupon, the document above
7 referred to was marked prosecution's exhibit
8 No. 1793 for identification only; the excerpt
9 therefrom being marked prosecution's exhibit
10 No. 1793-A and received in evidence.)

11 LIEUT. COLONEL DAMSTE: In September, 1944,
12 General TANAKA ordered a punitive action against the
13 islanders of Loeang and Sermata, East of Timor, because
14 some Kempei Tai men had been murdered by the native
15 population. The local Rajah of Loeang was ordered to
16 search for the chief of the so-called mutiny and was
17 executed because he could not find the mutineer. The
18 chief of the rebels and two others were executed at
19 Lautem, Portuguese Timor. Of the other Loeang rebels
20 thirty-four were executed on Moa Island, and sixty of
21 the 650 Sermata rebels were killed.

22 This appears from the report of Major General
23 Y. TANAKA, prosecution document 5594, from which I would
24 like to read a certain part on page 3, paragraph 6:

25 "6. Movement of suppression party.

1 "(1) The suppression party on arrival to
2 Sulmata Island, about 29th of September, 1944, landed
3 at two points, northwest end and middle of north coast
4 of the island. Most of the natives had retreated into
5 the mountains, but some resisted with bow, sword and
6 spear, while others attempted to stop our advance by
7 conflagrating both sides of road. The suppression party
8 captured some of the remaining natives, investigated
9 the circumstances of the mutiny and succeeded in
10 acquiring such information as that Yoos, son of the
11 Radja, was directing the whole, that natives of all
12 villages joined to it, and that when the party landed,
13 Yoos went from north coast to south coast through
14 east coast, animating the natives by spreading the
15 false news that strong Australian force were landing
16 the island from many points. The suppression party
17 followed the trace of Yoos but his whereabouts
18 could not be easily found. They called up the village
19 chiefs to question this but they would not open their
20 mouths. Their incooperative attitude (except Leran vil-
21 lage chief) made the searching extremely difficult.
22 It was continued by dividing the party to many places.

23 "(2) A part of the suppression party was
24 sent to Luan island. They were charged with rifles
25 fire and so fired back against this. They frustrated

1 natives' resistance although the Radja and his
2 family tried to shoot the Japanese by bows that
3 night, arrested the Radja, his family and his chief
4 subordinates, and returned to Sulmata.

5 "(3) The main body of the suppression party
6 fruitlessly continuing their search for Yoos, already
7 for two weeks, ordered the Radja to search out Yoos
8 within three days, with all the men in the island,
9 under death penalty in default of carrying out this
10 order. The Radja assented to obey this order and
11 commenced the searching but could not find him out
12 until the ordained date. Therefore he was executed.

13 Next, a Japanese soldier found a native sentinel
14 standing in front of a cave in the mountain, then the
15 cave was surrounded by the Japanese and at last Yoos
16 was found and arrested in spite of his resistance with
17 a pistol.

18 "(4) After the arrest of Yoos, those cir-
19 cumstances of the incidents brought to light, and
20 most of the persons concerned with incident arrested,
21 the commander of the suppression party requested for
22 my instructions. To this I ordered the commander to
23 bring Yoos and other leading criminals to Lautem, to
24 execute those joined the conference of rebellion and
25 led the crowd to the assault and to appoint Leran village

1 chief as the next Radja. Three leading criminals
2 including Yoos was executed in Lautem.

3 "(5) Natives of Luan island were especially
4 atrocious. They moved to Sulamata island from their
5 own island to join the attack against our air watch
6 party. On Luan island they assaulted our M.P. and
7 they showed pretty stiff resistance when the suppres-
8 sion party landed there. Therefore, I ordered to
9 bring 42 principals of them to Lautem. But, on the
10 way, eight of them escaped because they were divided
11 to several small boats. So I made the remaining 34
12 executed on Moa island.

13 "7. As the result of Sulmata mutiny, about 60
14 of total 650 persons joined the mutiny were put to
15 death.

16 "8. I do not know the names of executioners."

17 The prosecution enters document 5591 as an
18 exhibit.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 5591 will receive exhibit No. 1794.

22 (Whereupon, the document above
23 referred to was marked prosecution's exhibit
24 No. 1794 and received in evidence.)

25 LIEUT. COLONEL DAMSTE: A Japanese lieutenant

1 gives a further description of the killing on Moa
2 Island. The natives were killed by bayoneting
3 three at a time by twenty-one Japanese soldiers.
4 He himself organized a brothel in which he forced
5 five native women to act as prostitutes as a punish-
6 ment for the deeds of their fathers. Statement by
7 Lieutenant S. OHARA, prosecution document 5591.

8 THE PRESIDENT: We will recess for fifteen
9 minutes.

10 (Whereupon, at 1445 a recess was
11 taken until 1500, after which the proceedings
12 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Colonel Danste.

4 LIEUT. COLONEL DALESTE: I will proceed
5 on page 6:

6 2. Kenpeitai.

7 The military police operating in this area
8 applied the well-known Kenpei methods of interro-
9 cation, torture, punishment and treatment. Burning
10 with cigarettes, watertest, hanging, kneeling upon
11 sharp stones; severe beatings; even killing.

12 L. A. N. Rodrigues describes instances of
13 torture at Ossu, Portuguese Timor, in his affidavit,
14 exhibit 1792-A, and also mentions that the Japanese
15 forced the local chiefs to provide girls for the
16 brothels.

17 The prosecution enters document No. 5807
18 for identification and the excerpts as an exhibit.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 5807 will receive exhibit No. 1795 for identifi-
22 cation only, and the excerpts therefrom will receive
23 exhibit No. 1795-A.

24 (Whereupon, the document above re-
25 ferred to was marked prosecution's exhibit

1 No. 1795 for identification, and the
2 excerpts therefrom were marked prosecu-
3 tion's exhibit No. 1795-A and received in
4 evidence.)

5 LIEUT. COLONEL DAMSTE: The Chinese
6 Chung Hai Cheng; or Ha Hoi, acted as an inter-
7 preter for the Kempeitai at Dilli. In his affi-
8 davit he relates several cases of ill-treatment;
9 prosecution document 5807.

10 Conditions in the prison were very bad as
11 may easily be understood by the statement of Ha Hoi.
12 The Australian prisoners in the gaol at Dilli were
13 very weak and exhausted. Women prisoners were
14 beaten as well as men.

15 At Manatuto, Portuguese Timor, the Portu-
16 guese chef de poste (administrator) was murdered by
17 the Kempei; his cut-up remains were put in a sack
18 and sent to his wife, as stated in the affidavit by
19 F. O. Beattie, already introduced, exhibit 1791.

20 This completes the presentation of evidence
21 regarding the Japanese war crimes committed in the
22 Timor area.

23 I will proceed by presenting the evidence
24 regarding the area of Celobes and surrounding islands
25 that comprise the Halmahera.

1 I will introduce document 5684, that is,
2 my synopsis regarding Celebes and surrounding islands,
3 as an exhibit.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5684 will receive exhibit No. 1796.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1796 and received in evidence.)

10 LIEUT. COLONEL DAMSTE:

11 Occupation by the Japanese Navy.

12 I. Prisoners of war.

13 1. Murder

14 Several murders occurred: Prisoners of
15 war were executed without trial and even without any
16 accusation; airmen in particular. These executions
17 were ordered by the highest ranks in the Army and Navy.

18 "Highest" has been corrected to "higher."

19 The prosecution enters document No. 5518
20 for identification and the excerpts as an exhibit.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 5518 will receive exhibit No. 1797 for identifi-
24 cation, and the excerpts therefrom will receive
25 exhibit No. 1797-A.

1 I will introduce document 5684, that is,
2 my synopsis regarding Celebes and surrounding islands,
3 as an exhibit.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5684 will receive exhibit No. 1796.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1796 and received in evidence.)

10 LILUT. COLONEL DAMSTE:

11 Occupation by the Japanese Navy.

12 I. Prisoners of war.

13 1. Murder.

14 Several murders occurred: Prisoners of
15 war were executed without trial and even without any
16 accusation; airmen in particular. These executions
17 were ordered by the highest ranks in the Army and
18 Navy.

19 The prosecution enters document No. 5518
20 for identification and the excerpts as an exhibit.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 5518 will receive exhibit No. 1797 for identifi-
24 cation, and the excerpts therefrom will receive
25 exhibit No. 1797-A.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1797 for identification, and the ex-
4 cerpts therefrom were marked prosecution's
5 exhibit No. 1797-A and received in evidence.)

6 LIEUT. COLONEL DAMSTE: At Ralla, South
7 West Celebes, in March, 1942, eight Dutch prisoners
8 of war were killed by bayoneting, as stated by
9 Medical Officer Mingelen, R. W. I. A., in his in-
10 terrogation report, prosecution document 5518.

11 The prosecution enters document 5520 for
12 identification only and the excerpts as an exhibit.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 5520 will receive exhibit No. 1798 for identifi-
16 cation only, and the excerpts therefrom will receive
17 exhibit No. 1798-A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1798 for identification, and the excerpts
21 therefrom were marked prosecution's exhibit
22 No. 1798-A and received in evidence.)

23 LIEUT. COLONEL DAMSTE: At Tomohon, near
24 Manado, North East Celebes, in September, 1944, two
25 American airmen, made prisoners of war, were executed

1 on the order of Lieutenant Colonel KODAMATSU, as
2 appears from the affidavit of Major T. ODUMURA,
3 prosecution document 5520.

4 With the Court's permission I will read
5 parts of it. On page 6, the last question (reading):

6 "Q Give me the sequence of events that occurred
7 after you brought the two Americans from Languan to
8 Tomohon, telling me all conversations that occurred
9 with you present or conversations overheard by you.

10 "A KODAMATSU saw the Americans the first day
11 I brought them from Languan. He saw them two other
12 times before they were executed. Once he questioned
13 them. W. O. MATSUMOTO was eager to kill the Americans
14 and asked for permission several times. I told him
15 the first time that I had no authority and that I
16 would have to go to Headquarters to get the authority.
17 I did not go that day. MATSUMOTO then asked me three
18 times altogether to go to Headquarters for the
19 authority. Finally, on the morning of the day of the
20 execution, MATSUMOTO asked me again and so I went to
21 Headquarters and spoke to Col. KODAMATSU in his
22 office. No one was present except the Colonel and
23 myself. I told Col. KODAMATSU that it would be
24 better to send the men to the POW Camp at Java but
25 Col. KODAMATSU said that war conditions did not

1 permit it and also that because of possible American
2 landings it was necessary to execute the Americans
3 because they might give away some of the Japanese
4 secrets. I told KODAMATSU that I did not think it
5 advisable because it was against international law
6 but KODAMATSU told me that the prisoners of war
7 were under the jurisdiction of the Second Area Army
8 Headquarters and that the Kempei Tai was only hold-
9 ing them temporarily for disposition by Second Area
10 Army Headquarters. He said that the Americans must
11 be executed. I said 'goodbye' and left.

12 "Q What happened after that?

13 "A That same day after supper while it was
14 slightly dark but still light, Col. KODAMATSU came up
15 the stone steps which were between the bathroom and
16 the general office. At that time I was in the bath-
17 room. Col. KODAMATSU, in a loud voice which I could
18 clearly hear even though I was in the bathroom, said
19 that the Americans would have to be executed that
20 very same evening. W/O MATSUMOTO then came to the
21 bathroom and told me Col. KODAMATSU was there. I
22 went out and saw him. KODAMATSU told me to execute
23 the two airmen that same night. MATSUMOTO and I
24 said, 'Yes, is that so!' KODAMATSU then left to go
25 to the house of his girl friend. After KODAMATSU

1 left I turned to MATSUMOTO and said, 'I don't like
2 such a matter. I leave it up to you.' MATSUMOTO
3 said, 'I will do it.' I then left for my house
4 where I played mahjong all evening.

5 "Q What did MATSUMOTO do that evening?

6 "A I do not know what MATSUMOTO did because I
7 did not see him after I went home. The next day,
8 however, at one o'clock in the afternoon I saw
9 MATSUMOTO at my office room and MATSUMOTO reported
10 to me. He said, 'Everything has been completed.'
11 I knew what MATSUMOTO was talking about but I did
12 not want to hear the details. I told MATSUMOTO
13 to go to Col. KODAMATSU and report."

14 Page 9, the second question:

15 "Q Do you know if these two captured Americans
16 ever had any trial, court-martial, hearing, or other
17 form of judicial process, culminating in a verdict
18 or sentence of execution, between the time of their
19 capture and the time of their execution?

20 "A So far as I know, they never had any such
21 trial, court-martial, hearing or other form of
22 judicial process between the time of their capture
23 and execution."
24
25

1 MR. LOGAN: If the Tribunal please.

2 THE PRESIDENT: Mr. Logan.

3 MR. LOGAN: We would like to know if this
4 witness, ODAKURA, is available and, if so, we would
5 like to have him produced for cross-examination.

6 THE PRESIDENT: Have you any particular
7 reason for that, Mr. Logan?

8 MR. LOGAN: Yes, your Honor, with respect
9 to the statement that has been read into evidence
10 endeavoring to tie itself with that Second Corps, I
11 believe. It is tied up with the Second Area Army
12 Headquarters.

13 THE PRESIDENT: I take it you challenge
14 that, but you can offer evidence of that later.

15 MR. LOGAN: If the Tribunal please, here is
16 evidence by a witness who was there at the time and
17 who makes these statements and he is the one that
18 has made this particular statement. We should like
19 to have the right to cross-examine him to see where
20 he got his information. He certainly would be the one
21 to know the truth of the statements he has made and
22 if he is available, if he is in Tokyo at the present
23 time, we ask that he be produced.

24 LIEUT. COLONEL DAMSTE: If the Court wants,
25 the prosecution will take every possible measure to

1 bring ODAMURA here if he is still alive.

2 MR. LOGAN: I would like to know if there
3 is any question about his being alive or dead at
4 this time.

5 THE PRESIDENT: Well, he was alive on the
6 25th of March this year. He was then in the Nether-
7 lands Indies.

8 Yes, Captain Brooks.

9 CAPTAIN BROOKS: I want to call the Court's
10 attention to the synopsis. The prosecutor said
11 these executions were ordered by the highest ranks
12 of the army and navy, and the first document, 5518,
13 I was not clear on that point at all and the second
14 one, on page 7, I think, repeats that the colonel
15 was still under higher headquarters. It wasn't the
16 highest rank in the army and navy.

17 THE PRESIDENT: "Highest" was corrected to
18 "higher," Captain Brooks. I do not think you noticed
19 that.

20
21 In the light of further developments
22 we will consider whether it is desirable to call
23 ODAMURA.

24 LIEUT. COLONEL DAMSTE: The prosecution enters
25 document 5535 for identification and the excerpts as
an exhibit.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution document
3 No. 5535 will receive exhibit No. 1799 for iden-
4 tification only and the excerpt therefrom will receive
5 exhibit No. 1799-A.

6 (Whereupon, the document above
7 referred to was marked prosecution's ex-
8 hibit No. 1799 for identification; the
9 excerpts therefrom being marked prose-
10 cution's exhibit No. 1799-A and received
11 in evidence.)

12 LIEUT. COLONEL DAMSTE: At Toli-Toli,
13 North West Celebes, in October 1944 eight American
14 airmen, made P.O.W., were executed. This is stated
15 in the affidavit of Y. HAYASHI, prosecution document
16 5535.

17 The prosecution enters document 5532 for
18 identification and the excerpts as an exhibit.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution document
21 No. 5532 will receive exhibit No. 1800 for iden-
22 tification only and the excerpts therefrom will
23 receive exhibit No. 1800-A.

24 (Whereupon, the document above
25 referred to was marked prosecution's ex-

1 hibit No. 1800 for identification; the
2 excerpts therefrom being marked prose-
3 cution's exhibit No. 1800-A and received
4 in evidence.)

5 LIEUT. COLONEL DAMATE: At Kendari, South
6 East Celebes, in November 1944 nine American air-
7 men, made P.O.W. were executed on the order of Admiral
8 CSUGI, as appears from the affidavit by Captain G.
9 TANIGUCHI, prosecution document 5532.

10 With the Court's permission, I will read
11 some parts of that; page 1, the second question from
12 the bottom.

13 "Q Do you know of any Americans being
14 detained at Kendari?

15 "A Yes. I know of nine men in October
16 1944 and one man in January 1945, and two men in
17 February 1945.

18 "Q Will you tell me what you know of the
19 nine men in October 1944?

20 "A A PBV-5 (?) left Morotai 1 October 1944
21 on a flight to Celebes. On that same day the plane
22 was fired on and hit by Japanese gunfire and the
23 plane crashed off the eastern coast of Celebes,
24 north of Kendari near an island. I forgot the name
25 of the island, probably Salabangka. I was told that

1 eleven men were in the plane but two of them died
2 in the crash. The natives reported that nine men
3 were on an island and also gave the approximate
4 location and I dispatched a boat, about 70 or 80
5 tons, and about ten men to pick them up. They were
6 brought to Kendari and I turned them over to Lt.
7 Saburo TAKITA who was commanding officer of Tokkei
8 Tai. As soon as the prisoners reached Kendari I
9 informed Admiral Morikazu OSUGI at Makassar and
10 Admiral Tamotsu FURUKAWA at Kendari. Admiral
11 FURUKAWA was commanding officer of 23rd Air Unit.
12 Admiral OSUGI was commanding officer of 23rd Special
13 Naval Base."

14 Page 3, the 4th question from the bottom.

15 "Q You say that these nine men were kept
16 at the Tokkei Tai six or seven weeks. Then what
17 happened?

18 "A I received an order by radio about 23
19 November 1944 from Makassar to execute the nine
20 American prisoners.

21 "Q Who sent the message?

22 "A Admiral OSUGI.

23 "Q Exactly what did the message say?

24 "A I don't remember the exact words. It
25 either said to dispose of or execute the prisoners

1 and I am not sure which but it was so worded that a
2 possibility of mistake was very unlikely.

3 "Q What action did you take upon receipt
4 of this order?

5 "A Lt. TAKITA brought the message to me
6 and I told him that we may as well go ahead with it.
7 TAKITA said that he would make the arrangements and
8 I told him that would be fine and that I would leave
9 it up to him. TAKITA reported back to me that day
10 and said that plans had been made to execute the
11 prisoners the next day or two days later at about
12 sunset. I approved of this plan and cautioned TAKITA
13 to abide by the Samurai Code. About this time the
14 Tokkei Tai received orders from the 23rd Air Unit at
15 Kendari to send four of the prisoners to them.
16 TAKITA brought the message to me. The order came
17 from Commander SNOKAWA. I saw no order. TAKITA
18 told me about it and I don't know how the message
19 was sent. TAKITA said that the 23rd Air Unit wanted
20 to execute four. The orders from Admiral OSUGI
21 were to execute the nine prisoners so I didn't object
22 to sending them for all that I was interested in was
23 that they be executed and the place and by whom was
24 immaterial. I heard that a car was sent from 23rd
25 Air Unit to take the four back as it was about an

1 hour drive.

2 "Q What happened to the other five?

3 "A They were executed either the next day
4 or two days later as scheduled. I did not attend
5 the execution but received the report from TAKITA.
6 TAKITA did not attend the execution either but assigned
7 Ensign CHUMA to do it. I thought at the time that
8 Ensi : CHUMA executed the five but I learned since
9 that Ensign CHUMA executed only one and Ensign
10 MITANI, Toshio, Warrant Officer OGAWA (FNU), Warrant
11 Officer YAHAMOTO (FNU), Chief Petty Officer TANAKA
12 (FNU), executed one each."

13 Page 5, on the top.

14 "Q What else do you know about the execution?

15 "A TAKITA reported to me that the men had
16 been executed and also brought a radio message
17 for my signature. It stated that the prisoners had
18 been executed as ordered by radio message number
19 (?). I signed this message and it was sent to
20 Admiral OSUGI and I never heard more. I would like
21 to add that all Japanese radio messages are numbered
22 and the number shows date and the hour.

23 "Q You said you notified Admiral OSUGI that
24 the nine men were executed. How do you know the four
25 men ordered by Commander SONOKAWA were executed?

1 "A One of my subordinates received a report
2 from the 23rd Air Unit stating that the four men had
3 been executed on same day. I don't know if the
4 report was received by telephone or by messenger.
5 I don't know who received the report nor the one who
6 sent it."

7 MR. LOGAN: If the Tribunal please, we
8 would like to have this witness produced, TANIGUCHI,
9 and also, HIYASHI, the one who gave the previous
10 affidavit. Pending an order of the Court we would like
11 to have the prosecution find out if these men had
12 been tried and what their status is at the present
13 time; if they had been convicted and executed.

14 THE PRESIDENT: Our decision will be the
15 same as on the last application. The prosecution
16 should endeavor to get the particulars sought by
17 Mr. Logan.
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1 LIEUT. COLONEL LAMSTE: Prosecution enters
2 document 5521 for identification and the excerpt as
3 an exhibit.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5521 will receive exhibit No. 1801 for identifi-
7 cation, and the excerpt therefrom will receive
8 exhibit No. 1801-A.

9 (Whereupon, prosecution's document
10 No. 5521 was marked prosecution's exhibit
11 No. 1801 for identification; and the excerpt
12 therefrom, bearing the same document number,
13 was marked prosecution's exhibit No. 1801-A
14 and received in evidence.)

15 LIEUT. COLONEL LAMSTE: At Singkang, Southeast
16 Celebes, in July 1945, five American airmen, made
17 prisoners of war, were executed on the orders of
18 Lieutenant General TESHIMA; at any rate, such an order
19 was presumed by the CO, Colonel M. NAKAMURA. Prosecu-
20 tion document 5521 is his affidavit.

21 With the Court's permission, I will read most
22 parts of that.

23 Page 1:

24 "Questions by Lt. Forkosch:

25 "Will you tell me in chronological order

1 everything you know concerning such execution?

2 "A I returned to Singkang about July 23,
3 1945, from an inspection trip. When I returned I
4 again had Major ODAMURA see Lt. Colonel ISHIRO, Shigeru,
5 who was on the staff of Lt. General TESHIMA, for the
6 purpose of having the five American fliers removed
7 from the Kempeitai jail to the Second Army jurisdiction.
8 I had been attempting to have these Americans so
9 removed ever since I arrived at Singkang in June.
10 My reason for desiring this transfer of the American
11 prisoners was that they interfered with the Kempeitai
12 questioning of natives as well as the duties of the
13 Kempeitai because guards had to be supplied for the
14 Americans. I also felt that these were Second Army
15 prisoners and therefore should be kept by the Second
16 Army. After my return on July 23, I again sent
17 Major ODAMURA to see Lt. Colonel ISHIRO about this
18 transfer, but the first time I sent him he reported that
19 he had seen someone else on the staff because ISHIRO
20 was away. I then sent ODAMURA a second time to see
21 ISHIRO. I do not know the exact date of the second
22 time ODAMURA went to see ISHIRO but I do know that
23 ODAMURA returned to me that same day and reported to
24 me, and that three days later the execution was held,
25 and I believe such execution was held in the very

1 last two or three days of July, 1945.

2 "When ODAMURA returned to me after his second
3 attempt to see ISHIRO, he, ODAMURA, told me that he
4 had had a conversation with ISHIRO. ODAMURA said
5 that ISHIRO had suggested to him that the Kempeitai
6 dispose of the Americans. Since in my opinion such
7 a suggestion was an order, I ordered ODAMURA to
8 execute the Americans. I do not recall whether I told
9 ODAMURA to prepare plans for such execution or whether
10 ODAMURA thereafter brought such plans to me for
11 approval. At that time ODAMURA told me that the
12 execution would be held back of the Leper Hospital
13 and he told me the date and time at which it would
14 be conducted. I do not remember the exact date. It
15 has been so long ago that I have forgotten whether
16 ODAMURA gave me a written plan or whether it was
17 verbal. The details of this plan are rather hazy in
18 my mind. I did not spend too much time reviewing the
19 plan of ODAMURA, because I felt that as commander of
20 the Southern Celebes Kempeitai he knew what his
21 duties were. I do remember that about three days
22 afterwards I got up at about six o'clock and left the
23 Kempeitai quarters with ODAMURA and Lieutenant
24 KAMISUKI, Kotaro, in company with about eight or
25 twelve others. I do not remember the names or

1 features of any of the others except that I recall
2 Warrant Officer MATSUMOTO, Kunio, and Sergeant
3 OKAZAKI, Kazuaki. We went along the road to
4 Watampone until we passed the Second Army jail. We
5 then turned left and cut across the field until we
6 arrived at the place of execution. This was a small
7 clearing surrounded by trees and bushes. There was
8 one very large tree at one extreme end of the clear-
9 ing and at the other end of the clearing were two
10 smaller trees. A grave had been dug between those
11 trees in such clearing. ODAMURA, KAMISUKI and I went
12 to one end of the clearing where the two small trees
13 were. The Americans were kept at the large tree and
14 were there blindfolded. It was becoming lighter at
15 that time although it was still fairly dark. I
16 remember that one American after another was brought
17 up to the grave from the tree, placed in a kneeling
18 position and then executed. I saw each American
19 executed but I cannot remember who executed these
20 Americans. I do not remember the names of the
21 executioners nor do I remember their features. If I
22 saw them now I don't think I would remember them.

23 "It rained a little during the execution
24 and I remember that someone handed me a raincoat. I
25 did not bring such raincoat with me. I was dressed

1 in my usual uniform but I don't believe I carried a
2 sword. After the execution KAMISUKI and I walked
3 back to the Kempeitai headquarters. I don't believe
4 ODAMURA returned with us. When we arrived at the
5 Kempeitai I did not go into the office but went to my
6 hut because I had not eaten breakfast.

7 "Sometime that day I remember definitely
8 that I ordered ODAMURA to report the execution to
9 the Second Army headquarters. I do remember that
10 ODAMURA reported to me that he had reported but I do
11 not remember the date ODAMURA so reported to me."

12 I go on on page 4, in the middle:

13 "Q Was there any court-martial held of these
14 five American prisoners before the execution?

15 "A No. There was never any court-martial,
16 hearing, trial or other legal process given to these
17 five Americans. I knew that they could not be
18 executed without a court-martial and the Kempeitai
19 has no power to execute any prisoner without a court-
20 martial. The Kempeitai had no power to execute a
21 prisoner without a court-martial or an order from higher
22 authority."

23 "The last question:

24 "Q Do you have anything further to add to
25 this statement?

1 "A Yes. Another reason why I felt that
2 TESHIMA must have given approval was because I always
3 told ODANURA that even the natives must have received
4 a court-martial or hearing before being executed and
5 if I followed this procedure in the natives I certainly
6 followed it in the Americans' case. Also, while at
7 the execution place, I recall that of the several
8 people there I recognized at least two as being
9 soldiers from the Second Army jail although I cannot
10 give you their names nor can I remember them even if
11 they were brought before me now."

12 Thus far.

13 THE PRESIDENT: Colonel Damste, did you
14 consider whether you should read the question and
15 answer in the middle of page 3?

16 LIEUT. COLONEL DAMSTE: It does not belong
17 to the excerpt, sir, as far as I see here.

18 THE PRESIDENT: Well, we point it out to you.

19 LIEUT. COLONEL DAMSTE: The prosecution
20 enters document 5564 as an exhibit.

21 THE PRESIDENT: Mr. Blewett.

22 MR. BLEWETT: If the Court please, in view
23 of the uncertainty of that last affidavit, we should
24 like to ask the prosecution to produce that witness
25 for cross-examination.

1 THE PRESIDENT: In all these cases where
2 high army officials are mentioned we will have to
3 consider whether we will direct production of the
4 deponent.

5 We treat that question in the middle of page 3
6 as not in evidence.

7 You were tendering a further document?

8 LIEUT. COLONEL DAMSTE: Yes. I tender
9 document 5564 as an exhibit.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 5564 will receive exhibit No. 1802.

13 (Whereupon, the document above
14 referred to was marked prosecution's exhibit
15 No. 1802, and was received in evidence.)

16 LIEUT. COLONEL DAMSTE: At Beo, Talaud
17 Islands, north of Celebes, in March 1945, four Allied
18 airmen were executed as so-called punishment without
19 accusation and without trial, on the order of General
20 KATSURA; and at Rainis, Talaud, in June 1945, another
21 Allied airman was executed under the same order. This
22 appears from the statement of the Japanese Colonel
23 KOBA; prosecution document 5564.
24

25 The prosecution enters document 5533 for
identification and the excerpt as an exhibit.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 5533 will receive exhibit No. 1803 for identifi-
4 cation only. The excerpt therefrom will receive
5 exhibit No. 1803-A.

6 (Whereupon, prosecution's document
7 No. 5533 was marked prosecution's exhibit
8 No. 1803 for identification; and the excerpt
9 therefrom, bearing the same document number,
10 was marked prosecution's exhibit No. 1803-A
11 and received in evidence.)

12 MR. BLEWETT: If the Court please, may we
13 include in our request the last affidavit, No. 5564,
14 the affidavit of Colonel KOBA. It refers to a
15 general officer, sir.

16 THE PRESIDENT: We will consider the defense
17 applications to extend to all such cases, as I
18 intimated a minute ago. Independently of any appli-
19 cation, we might have taken that course because of the
20 importance of that evidence.

21 LIEUT. COLONEL LAMSTE: At Maros, near
22 Macassar, Southwest Celebes, in July 1945, four
23 Allied airmen, made prisoners of war, were executed
24 on the order of Lt. Commander ISHIDA, as appears from
25 the affidavit of Lt. Y. NAKAMURA, prosecution document 5533.

Docu-
No. 1804 for
Excerpts therefrom will
No. 1804-A.

(Whereupon, the document above re-
ferred to was marked prosecution's exhibit No.
1804 for identification, and the excerpts
therefrom were marked prosecution's exhibit
1804-A and received in evidence.)

LIEUT. COLONEL DAMSTE: At the prisoner of
war, Macassar, Southwest Celebes; had accom-
modations; no furniture, no bedding, no clothing,
no food; exhausting labour; labour on
the part of old and unfit men compelled to
eat food, in quantity as well as in
poor conditions; medical supplies
not provided notwithstanding outbreaks
of malaria; bad health as a consequence

13,867

a high death rate;
attributed; no recrea-
tion was forbidden; no
obtained by a system of
harsh and severe corporal
punishment from the affidavit by Lt.
R.N., prosecution document

Prosecution enters document 5504 for
the excerpts as an exhibit.
IDENT: Admitted on the usual

10
11 terms.
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CLERK OF THE COURT: Prosecution's docu-
ment No. 5504 will receive exhibit No. 1805 for
identification only, and the excerpts therefrom will
receive exhibit No. 1805-A.

(Whereupon, the document above re-
ferred to was marked prosecution's exhibit
No. 1805 for identification, and the excerpts
therefrom were marked prosecution's exhibit
1805-A and received in evidence.)
LIEUT. COLONEL DAMSTE: The commandant of
the camp, Captain Dieudonne, R.N.I.A., has given a
synopsis of the manhandling and ill-treatment by
the Japanese in his report, prosecution document

1 2. Camps. Conditions in the prisoner of
2 wer camps in this area generally were about the
3 same as already described in the other areas: the
4 well-known Japanese pattern.

5 The prosecution enters document No. 5503
6 for identification and the excerpts as an exhibit.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's docu-
9 ment No. 5503 will receive exhibit No. 1804 for
10 identification, and the excerpts therefrom will
11 receive exhibit No. 1804-A.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit No.
14 1804 for identification, and the excerpts
15 therefrom were marked prosecution's exhibit
16 No. 1804-A and received in evidence.)

17 LIEUT. COLONEL DAMSTE: At the prisoner of
18 wer camp at Macassar, Southwest Celebes; bad accom-
19 modation, no furniture, no bedding, no clothing,
20 overcrowded camps; exhausting labour; labour on
21 military objects; old and unfit men compelled to
22 work; insufficient food, in quantity as well as in
23 quality; bad sanitary conditions; medical supplies
24 were inadequately provided notwithstanding outbreaks
25 of dysentery and malaria; bad health as a consequence

of malnutrition, resulting in a high death rate;
1 no Red Cross parcels were distributed; no recrea-
2 tion was provided, even singing was forbidden; no
3 mails; discipline was maintained by a system of
4 terrorization with frequent and severe corporal
5 punishments. This appears from the affidavit by Lt.
6 Commander G.T. Cooper, R.N., prosecution document
7 5503.

8 The prosecution enters document 5504 for
9 identification and the excerpts as an exhibit.

10 THE PRESIDENT: Admitted on the usual
11 terms.

12 CLERK OF THE COURT: Prosecution's docu-
13 ment No. 5504 will receive exhibit No. 1805 for
14 identification only, and the excerpts therefrom will
15 receive exhibit No. 1805-A.
16

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1805 for identification, and the excerpts
20 therefrom were marked prosecution's exhibit
21 1805-A and received in evidence.)

22 LIEUT. COLONEL DAMSTE: The commandant of
23 the camp, Captain Dieudonne, R.N.I.A., has given a
24 synopsis of the manhandling and ill-treatment by
25 the Japanese in his report, prosecution document

5504: prisoners of war had to climb and stay in a
2 tree full of red ants; various ways of torture were
3 applied; severe beatings, until unconsciousness,
4 resulting in bruised and cracked ribs and also in
5 the necessity of skin-grafting; the Japanese camp
6 commandant took part in beatings; strangling; water-
7 test; confinement in cells under utterly bad condi-
8 tions; sick people forced to labour.

9 I would like to read some excerpts. In the
10 middle of page 4:

11 "28th October, 1942.

12 "Army Sergeant Smit, A.J. Service No.
13 91509, on a working party at the Ciba was addressed
14 by a Japanese, who remarked upon his work. Sergeant
15 Smit, out of politeness jumped from his sitting posi-
16 tion on the ground to attention with his tool in
17 hand. The Japanese was apparently frightened and
18 accused him of aggressiveness and threatening and
19 ordered him to do the 'lizard' with stretched body,
20 flat hands and toe-tips on the ground. Thereafter
21 37 beatings with the club. Upon return at the camp
22 at night the matter was reported to YOSHIDA, who
23 repeated the beating and gave another 50 strokes.
24 Sergeant Smit not being able to stand on his legs
25 any more was held to a tree by other prisoners of

1 war, who were forced by YOSHIDA to hold Smit erect
2 against a tree. The prisoners of war, who held
3 Smit, also were beaten. This punishment was so
4 beastly that blood soaked his shirt and ran down
5 Smit's legs. He had to be admitted to the hospital
6 where he remained for a considerable time before he
7 was able to walk again.

8 "2nd January, 1943.

9 "YOSHIDA supervising some work at the
10 wire fence around the hospital premises, yelled to
11 A. Lewis, hospital attendant, who happened to pass
12 on a gallery some 30 meters away. Not knowing that
13 the yelling was directed at him, Lewis proceeded on
14 his duty whereupon YOSHIDA followed him and after
15 knocking him to the floor gave him a beastly beat-
16 ing. Dr. Nanning, the doctor on watch in the
17 hospital, attracted by the noise outside, appeared
18 in a doorway and was summoned by YOSHIDA. Dr.
19 Nanning did not understand the almost incompre-
20 hensible mixture of YOSHIDA's few words of Malay and
21 Japanese, which fact aggravated the situation and
22 resulted in a ferocious beating at the gate, where
23 Dr. Nanning and Lewis, thoroughly wet by the many
24 buckets of water poured over them, had to stand to
25 attention for some hours."

1 I pass to page 7.

2 "Engineer D.". Tarenskeen, sergeant 1/c,
3 one of the party leaders, was given 20 strokes
4 with the club, followed by a one-sided wrestling
5 demonstration, kicking and beating of vital parts
6 of body and head, strangling immediately followed
7 by pouring in the mouth of some buckets of water.
8 Thereafter a final beating of 40 strokes. Three
9 more party leaders were given almost the same treat-
10 ment. After the final beating, the victims had to
11 stand to attention (two were flat on the ground).

12 "4th August, 1944.

13 "An Englishman was given 70 strokes by
14 YOSHIDA because he did not perform 'eyes right' to
15 his satisfaction.

16 "5th August, 1944.

17 "Wilkinson, J. Stoker R.N., hesitated
18 to execute an order given him by the officer in
19 command of the British contingent, which caused
20 that one working party to leave the gate one man
21 short. YOSHIDA and his gang administered not less
22 than 207 strokes to Wilkinson. The extraordinary
23 strength and will power of Wilkinson infuriated
24 YOSHIDA, who was determined to beat him down com-
25 pletely. However, Wilkinson managed to stand to

1 attention, though unsteady, for over two hours
2 afterwards.

3 "12th January, 1945.

4 "The party leader of 'Galley Mariso'
5 group, returned to camp with rice from the noon meal
6 in his mess tin. KAKOI, the sergeant of the guards
7 had the entire group badly thrashed, although most
8 of them were prisoners of war of advanced age. It
9 is not improbable that the death of Sergeant W. ten
10 Have soon afterwards (18 February '45) is connected
11 with this beating. On the same day the radio
12 working parties, 120 in total, were given a beastly
13 beating by the entire camp guards under direction
14 of YOSHIDA. YOSHIDA kicked several men with his
15 boots whilst lying on the ground after beating,
16 till blood ran down their faces. Reason: some men
17 had stolen sugar. Food situation at that time was
18 extremely poor.

19 "24th January, 1945.

20 "KAKOI, Sergeant of the Guards, thrashed
21 many prisoners of war from returning working parties
22 for no apparent reason.

23 "18th February, 1945.

24 "The garrison commander HIKOICHI ISHIDA
25 ordered a thorough search in the camp. The names of

1 all men who had reserve food stowed away were noted.
2 At night the entire camp had to line up and all peo-
3 ple whose names were noted were given a beastly
4 beating, varying from 35 to 110 strokes, with the
5 club. Then followed all the hut- and group leaders.
6 Many victims were knocked senseless and kicked all
7 over the body whilst lying on the ground. The
8 entire guard was ordered to perform this sadistic
9 orgy. . . .

10 "20th February, 1945.

11 "Case: Dodds, A. Royal Marine.

12 "This prisoner of war was caught with a
13 bag of eggs, brought in from outside for sick peo-
14 ple, needing additional food. The entire camp had
15 to fall in to witness the torture which was beyond
16 words, whilst the entire working group to which he
17 belonged was given the cruellest treatment after
18 having done the 'lizard' for about one hour, in
19 which all the British officers and chaplain had to
20 participate. Dodds was condemned to death by
21 YOSHIDA and was to be beheaded. The chaplain of
22 the 'Exeter', C.O.C. Fitzgerald, was ordered to
23 conduct the community praying and to say the prayers
24 of the dead. After prayers were said the matter was
25 dismissed and Dodds put in the bricks where he

1 remained for a considerable time, in spite of a bad
2 attack of dysentery.

3 "21st February, 1945.

4 "A Japanese doctor made an inspection of
5 the camp hospital. Looking in a refuse-bin, he
6 discovered some food rests. Dr. Bakker, senior
7 medical officer, Capt. Wittich and Lt. Ketel were
8 ordered to stand over the dustbin with head bent
9 down for a considerable time. All doctors and
10 hospital attendants had to fall in at the gate, where
11 they were given a serious thrashing. Many of the
12 Red Cross personnel were beaten senseless and were
13 then given the water test (pouring water in the
14 mouth whilst the nose was held tight.)"

15 On the next page, the first paragraph:

16 "14th March, 1945.

17 "The most disgusting parade of miserable
18 human beings was held on this day, when YOSFIDA
19 ordered the lining up of all patients in the sick
20 barracks. Q.-P.-O. and 'no work'. Q barracks con-
21 tained the bad dysentery and beriberi cases, P those
22 patients suspected of dysentery and/or other
23 infectious disease, O patients who were dismissed
24 from Q or P for recovery, 'no work' all patients who
25 were unable to do manual labour for a few days, such

1 as malaria, wounds, etc. It was a rainy day but in
2 spite of this all patients even those who had to be
3 supported for not being able to walk had to fall in.
4 Capt. Dieudonne who strongly protested against this
5 beastly order and who refused to have some really
6 dangerous patients lifted from their beds, was
7 beaten with a small wooden board and knocked to
8 the floor. All the lined up patients then were
9 marched to the gate. Those who were unable to walk
10 were carried by their friends. The physical condi-
11 tion of most of the P, Q and O patients was such
12 that the rows of five had to support each other to
13 keep erect and move forward. By the time this
14 miserable parade had reached the gate some 150 meters
15 from Q barracks rain was pouring down. Most of the
16 patients were only dressed in their bed clothing and
17 rather poor at that, so that they were soaked in
18 no time. After having been lined up for about a
19 quarter of an hour YOSFIDA ordered the patients who
20 were lifted from their beds, to the hospital and
21 had all others repair to their blocks. It is not
22 much to assume that several cases of death have
23 been precipitated by this parade and even that it
24 has been the cause of death for some patients.
25 Remains to be stated that the British officers who

1 were looking after British patients, also suffered
2 bad beatings by YOSHIDA."

3 The prosecution enters document 5538 as
4 an exhibit.

5 THE PRESIDENT: Admitted on the usual
6 terms.

7 CLERK OF THE COURT: Prosecution's docu-
8 ment No. 5538 will receive exhibit No. 1806.

9 ("Hereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1806 and received in evidence.)

12 LIEUT. COLONEL DAMSTE: At Teragan,
13 Halmaheira, Molucca's, a camp of British Indian
14 prisoners of war was established, on which the
15 Indian Medical Officer Captain S.N. Paul, reports
16 in his affidavit, prosecution document 5538: In
17 February 1945 the Indian prisoners of war were told
18 that they formed a part of the Imperial Japanese
19 Army, on orders of the High Command. Notwithstand-
20 ing their protests they were forced to do fatigues
21 and military training, under severe discipline in-
22 volving corporal ill-treatment. Beatings unto un-
23 consciousness, and even death; the doctor was pre-
24 vented from appropriate treatment of seriously ill
25 patients although this was possible. Food was very

1 bed, most prisoners of war contracted beriberi. The
2 sick had to parade and consequently many collapsed;
3 still they were compelled to work."

4 With the Court's permission, I was prepared
5 to read most of this affidavit. It is rather lengthy.

6 THE PRESIDENT: We will adjourn until half
7 past nine on Monday.

8 (Whereupon, at 1600, an adjourn-
9 ment was taken until Monday, 30 December
10 1946, at 0930.)

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30 Dec ✓

30 DECEMBER 1946

I N D E X
O F
W I T N E S S E S

<u>Prosecution's Witnesses</u>	<u>Page</u>
van Nooten, John Charles, Lieutenant, - Australian Imperial Forces	13943
Direct by Lieutenant Colonel Mornane	13943

I N D E X
O F
E X H I B I T S

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5517	1807		Sworn Statement of Lieutenant Commander Carr, R.A.N.	13916	
5517	1807-A		Excerpt therefrom		13916
5514	1808		Sworn Statement R.J. Hensel, R.N.I.A.		13917
5563	1809		Sworn Statement of Major W.C. van den Berg, R.N.I.A.	13918	
5563	1809-A		Excerpt therefrom		13918
5544	1810		Sworn Statement of H. Dallinga, Mayor of Menado		13920

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5547	1811		Interrogation Report of Controller (civil servant) H.J. Koerts	13921	
5547	1811-A		Excerpt therefrom		13921
5555	1812		Affidavit of Mrs. Ann Lillian Rolf		13922
5522	1813		Affidavit of Christian Hindrik Wensveen		13923
5523	1814		Sworn Statement of Djon Sampok		13926
5529	1815		Sworn Statement of Hoesin Bin Abdullah		13926
5530	1816		Sworn Statement of Johan Mairuhu		13927
5440	1817		Synopsis of Evidence - Ambon Island Group		13928
5419	1818		Affidavit of Major George De Verdon Westley	13928	
5419	1818-A		Excerpt therefrom		13928
5333	1819		Record of Evidence of Lieutenant Commander Ken-ichi NAKAGAWA	13930	
5333A	1819-A		Excerpt therefrom		13930
5333B	1819-B		Record of Statement of Commander HATAKEYAMA, Kunito		13940
5418	1820		Affidavit of George De Verdon Westley	13941	
5418	1820-A		Excerpt therefrom		13941

1 Monday, 30 December, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with the
14 exception of: HONORABLE JUSTICE D. JARANILLA, Member
15 from the Republic of the Philippines and HONORABLE
16 JUSTICE JU-AO MEI, Member from the Republic of China,
17 not sitting.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 The Accused:

21 All present except OKAWA, Shumei, who is
22 represented by his counsel.

23 - - -

24 (English to Japanese and Japanese
25 to English interpretation was made by the
Language Section, IMTFE.)

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Levin.

4 MR. LEVIN: Mr. President and Members of
5 the Tribunal:

6 This trial has now progressed so that it is
7 apparent the prosecution will close its case in the
8 not too distant future.

9 On October 2, 1946, when there was a dis-
10 cussion before the entire Tribunal as to the procedure
11 with reference to the production of witnesses, it
12 will be recalled Dr. KIYOSE suggested that at the
13 conclusion of the prosecution's case the defense should
14 be given an opportunity for the preparation of its
15 case, and for that purpose suggested a recess. I
16 shall present this matter generally and my associates
17 who follow will briefly deal with the matter specifically.

18 This matter is presented on behalf of all the
19 Japanese and American counsel. It is our request that
20 upon the conclusion of the prosecution's case the
21 Court order a recess for such reasonable length of time
22 as it may deem proper to enable the defense to prepare
23 its case and to present it expeditiously and in an
24 orderly manner. So there may be no misunderstanding
25 of the matter, we ask for a recess and not for a

1 vacation.

2 There are many cogent reasons why a recess
3 should be granted. While the Indictment was lodged
4 on April 29, 1946, nevertheless it was not possible,
5 in the very nature of things, to anticipate the many
6 facets of the prosecution's case. In the preparation
7 of this case the prosecution not only had a very fine
8 and well-equipped staff of lawyers, investigators
9 and other necessary assistants, but it had the organ-
10 izations of the staff of eleven allied nations to
11 assist them. Even before they arrived in December,
12 departments of the various governments of the Allied
13 Nations were already making their preparations for
14 the trial of alleged war criminals. While learned
15 and distinguished Japanese counsel were familiar with
16 the history and background of many of the events set
17 forth in the Indictment, yet it was impossible for
18 them to anticipate the nature and character of the
19 evidence which would be adduced and to make the nec-
20 essary and proper preparation.

21 After the arrival of American counsel most
22 of their time was taken up with the performance of
23 those necessary functions required by all those
24 arriving in occupied territory and immediate prepar-
25 ation of preliminary motions. One of the ten days

1 of the continuance which the Court granted was used
2 for the purpose of nearing the opening statement of
3 the learned Chief Prosecutor of the United States,
4 and American counsel could only superficially get
5 acquainted with their clients and with the matters
6 involving them. Since that time the Court has been
7 in continuous session daily, with the exception of
8 those unbearable days in July when there was no air-
9 conditioning system in the courtroom.

10 A short statement of the mechanics of the
11 work of defense counsel might not be irappropriate.
12 In addition to their attendance at court they must,
13 of necessity, almost daily examine the various docu-
14 ments that are tendered by the prosecution. Because
15 of the fact that we are individually autonomous it
16 is essential that each counsel, at least superficial-
17 ly, examine the documents that have been tendered.
18 Some of this may be done during the daytime or some
19 at night. But in any event these matters have consumed
20 a great deal of our time. The prosecution had no such
21 problem because particular phases of particular docu-
22 ments could be assigned to various groups. Most of
23 the time of the defense counsel is used in being
24 current. In addition thereto, there is the consider-
25 ation of general problems and for a while our group

1 met almost daily for the purpose of developing an
2 efficient organization and performing their functions,
3 not merely from a defense position but also in an
4 endeavor to aid the Court. During this time it has
5 been almost impossible to make that necessary prepar-
6 ation for trial every conscientious lawyer desires to
7 make. It is one of the few times since my admission
8 to the Bar, almost thirty-nine years ago, although I
9 am only a lawyer with a modest practice, that I am
10 before the Court practically without a complete and
11 adequate brief of the facts and of the law. We be-
12 lieve we are not asking too much then in requesting
13 the Court to recess for thirty days.

14 You, Mr. President, have invariably granted
15 our requests for subpoena and interrogation of wit-
16 nesses and the production of documents. At best,
17 because of language and transportation difficulties
18 this is time-consuming, but to date we have practically
19 had no opportunity to pursue the matter further.

20 On Monday, December 23, 1946, the Court
21 indicated that upon the conclusion of the prosecution's
22 case it will hear various motions of the defense for
23 dismissal of the Indictment. These arguments should
24 last at least a day and I know the Court, in the con-
25 scientious performance of its duty, which is so

1 evident, will have to take some time to consider
2 and determine these motions. During the recess
3 period no time will be wasted by the Court because
4 it will then have an opportunity to consider these
5 motions, and while I would not presume to suggest
6 anything to the Court, it undoubtedly will want to
7 review the record to date. In this connection I
8 might say that during the trial at Nuernberg there
9 was a recess, I believe, of twenty days. The Nuern-
10 berg trial, as I estimate it, consumed 160 trial
11 days and my best calculation is that the record
12 approximated about 4,500,000 words. The number of
13 days during which this Court has sat to date is 140
14 days. Up to and including Friday, December 27, 1946,
15 the record in this case, exclusive of the proceedings
16 in Chambers, approximated 4,000,000 words. It will
17 thus be seen that already the time consumed in the
18 trial of this case, with the amount of evidence
19 introduced, is almost equivalent to that of the
20 Nuernberg trial, and on the basis of the additional
21 time which it is estimated the presentation of the
22 prosecution's case will take, it will exceed the
23 time which was taken for the presentation of the
24 Nuernberg case.

25 While the Tribunal needs no accolade, either

1 from me or from the defense, nevertheless, it has
2 sat patiently during the hot days of the summer and
3 through the winter, including the holiday season.
4 While I appreciate that in the usual criminal trial
5 there is never any adjournment during the course of
6 the trial to give the defense an opportunity to pre-
7 sent its case, nevertheless, it seems to me these
8 situations are not comparable. In the first place,
9 in cases of that type the issues are usually much
10 narrower, the time consumed is much shorter, and it
11 would be impossible to keep a jury intact during a
12 long recess. We have, of course, no such situation
13 here. It is believed, as will be indicated by my
14 associates, that it is in the interests of a fair
15 and expeditious trial to grant this recess. Certain-
16 ly giving the defendants time to prepare their defense
17 properly is in the interests of a fair trial.
18 "Expeditious," as referred to in the Charter, can
19 only have reference to proceeding with that degree of
20 promptness that lends itself to a fair trial, and
21 without undue, protracted, and improper delay. It
22 must certainly be said that the trial has been ex-
23 peditious in that at no time during the course of
24 the trial has there been any undue waste of time.
25 The Court sat on Saturday, July 6. During this holiday

1 from me or from the defense, nevertheless, it has
2 sat patiently during the hot days of the summer and
3 through the winter, including the holiday season.
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22 must certainly be said that the trial has been ex-
23 peditious in that at no time during the course of
24 the trial has there been any undue waste of time.
25 The Court sat on Saturday, July 6. During this holiday

1 scason, for the purpose of carrying out the direction
2 of the Charter, the Court has been in session contin-
3 uously and we have had only such time off as the
4 recognized national holidays. It is believed that
5 not only would there be no loss of time by the grant-
6 ing of this request, but actually it would save time.
7 It would give us that opportunity to marshal our
8 facts and organize our material so that time would
9 actually be saved.

10 We of the defense have been anxious to pre-
11 sent every possible and proper defense. We feel that
12 from the aptitude the Court has exhibited in consider-
13 ing the issues which we have presented from time to
14 time, it invites a real and genuine lawyer-like
15 defense. Many of us who came here anticipated being
16 home long before this. However, now that the exigencies
17 of the trial indicate it will take more time, we feel
18 our personal desires and wishes must be subordinated
19 to that ideal which we, as lawyers, cherish; that is,
20 loyalty to our clients in the proper presentation of
21 the case, and duty to the Court. In this trial of
22 history a day, a week, a month is of no moment; the
23 only important thing is that the issues shall have
24 been completely and adequately presented for the con-
25 sideration of the Tribunal, and that the decision of

1 the Tribunal may rest on such presentation. In con-
2 clusion, Mr. President and Members of the Tribunal,
3 all we ask is what King Henry of France said to the
4 emissaries of Henry V of England, "You shall soon be
5 despatched with fair condition. A night is but small
6 breath and little pause to answer matters of this
7 consequence."
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1 THE PRESIDENT: Mr. Logan.

2 R. LOGAN: If the Tribunal please, in
3 view of the fact that the prosecution will rest
4 within several weeks, the defense deem it imperative
5 at this time to ask for a recess in which to make
6 necessary preparations for the presentation of its
7 defense in a logical and systematic manner. The
8 reasons necessitating such a request are as follows:

9 Until recently it was impossible for the
10 defense to know definitely which documents the
11 prosecution would introduce in evidence, and,
12 since then, the defense has stepped up its processing
13 of documents. But, at the present time, it does
14 not have sufficient personnel and the mechanical
15 facilities to translate and process documents which
16 would insure a continuous supply of documents once
17 the defense starts its case. At the present time
18 the defense has 50 Japanese translators, whereas,
19 the prosecution had 150, and, what is more important,
20 at the present time the defense only has 4 American
21 civilian checkers, whereas, the prosecution had 15
22 civilians and 10 officers. To completely process a
23 document the average amount that can be accomplished
24 is approximately one page per man per day. The
25 unusual features of this Trial, with its many

1 defendants, language difficulties and the large
2 number of exhibits does not permit of procedure
3 generally followed in national courts. However, even
4 then, recesses are often granted to permit a defendant
5 to assemble his evidence and prepare his case. The
6 fact that there is less than one American attorney
7 for each accused, and, since he had to spend much
8 of his time in the courtroom daily attending to the
9 voluminous evidence being presented, it has been
10 impossible except on week-ends or in the evenings
11 to prepare for his defense. This has had to be
12 done in addition to pre-examination of the documents
13 about to be introduced by the prosecution. The only
14 time that has been available to the defense counsel
15 to interview the accused has been during short recesses
16 each day and on week-ends.

17 Much of the time spent with the accused
18 to date has been devoted to the testimony which was
19 being offered by the prosecution. If a recess is
20 granted an opportunity will be afforded to have
21 uninterrupted interviews with the accused, go over
22 proposed evidence and prepare the necessary affidavits
23 and statements.

24 Unlike the prosecution, it is impossible for
25 the defense to divide the case into certain phases

1 and assign them to various lawyers because there are
2 not sufficient lawyers. In addition, the very nature
3 of the Indictment demands that each individual
4 lawyer for the accused must have a full knowledge
5 of the entire case. Thus the working time of the
6 defense lawyer is consumed on matters which are not
7 entirely relevant, but absolutely necessary for a
8 proper understanding of his individual defense; This
9 has taken considerable time and has retarded individ-
10 ual defense preparations.

11 In addition to preparation of defenses
12 for each individual accused, the burden is also on
13 each of the defense attorneys to assist in the
14 preparation of the general defenses applicable to
15 all the accused.

16 Written application has been made to the
17 Tribunal to produce certain witnesses and documents.
18 Many of the defense counsel received permission to
19 interview such witnesses in distant parts of the
20 world, but have not yet had the opportunity or time
21 or facilities furnished them to accomplish this,
22 except in a few instances.

23 There is only one stenographer for every
24 two American defense attorneys which is a serious
25 handicap. No such situation faced the prosecution

1 with its large staff of lawyers, assistants and
2 stenographers.

3 The present climatic working conditions
4 have militated against progressive achievement in
5 working out a defense. The coal shortage has
6 prevented the defense lawyers from working in their
7 offices at night when they are without heat and
8 night work has to be done at home. Even during the
9 day the heat is on for only four hours and it is too
10 cold for the stenographers to type.

11 The opportunity of interviewing witnesses
12 and taking affidavits has been seriously affected
13 by the transportation shortage, and, in addition,
14 it has been extremely difficult up to the present
15 to find the necessary time in which to accomplish
16 this. More time is needed to prepare interrogatories,
17 review the record, prepare opening statements, present
18 briefs and digest the legal points involved.

19 It is the considered opinion of all the
20 defense attorneys that a fair trial will be impossible
21 unless a recess of at least one month's duration is
22 granted.

23 THE PRESIDENT: Mr. Blewett.

24 MR. BLEWETT: Mr. President and Members
25 of the Tribunal, as American counsel for TOJO I join

1 with my fellow defense counsel in requesting a recess
2 of at least 4 weeks' duration at the close of the case
3 for the prosecution. That period is not much.
4 This request is made after deliberate and serious
5 considerations and is made in good faith as lawyers
6 who have been selected by our government to insure
7 a fair and impartial trial to the accused.

8 We feel certain that the Members of the
9 Tribunal and you, Mr. President, all of whom have been
10 most appreciative during this prolonged trial to
11 the defense, will understand and extend sympathetic
12 comprehension to this appeal.

13 It is our determination and our duty
14 as officers of the Court to present a concise, true
15 and complete defense insofar as we have the ability,
16 legal training and experience of so doing. To
17 achieve this purpose and to perform that function,
18 the great responsibility that has been delegated
19 to us by our Secretary of War and by all nations
20 that are sincerely desirous of peace, we require time
21 for adequate and orderly preparation. We feel our
22 burden most conscientiously indeed.

23 The prosecution has covered most ably a
24 most enlarged field. It has not yet concluded. A
25 trial brief no matter how extended would be incomplete

1 at this juncture. We must see the entire picture
2 before we can hope to combat and rebut, where
3 possible, the vast ramifications of the case. We
4 must have a little time at the very close to view
5 the entire picture and to study it closely and then
6 lay out our defense orderly, legally and in logical
7 sequence. That is not too much to ask in a trial
8 that concerns the whole world and all the free
9 people everywhere. It is a request by experienced
10 lawyers of experienced and very conscientious and
11 learned jurors and that request is made only in the
12 interests of a fair and impartial trial and for no
13 other consideration whatsoever.

14 The accused are guaranteed their day in
15 court. We as counsel desire most sincerely that they
16 be accorded a full, complete and adequate defense.

17 Realizing our task in the preparation and
18 presentation of a case of such importance and
19 magnitude, we, at this stage of the proceedings,
20 require a more extended period than thirty days, but
21 with that period of time and no less, we shall do our
22 very best.
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1 THE PRESIDENT: Does any other defense
2 counsel desire to address the Tribunal?

3 MR. BLEWETT: That appears to be all, sir.

4 THE PRESIDENT: Mr. Higgins.

5 MR. HIGGINS: Mr. President, Members of the
6 Tribunal.

7 The prosecution hopes to conclude its case
8 sometime during the week beginning January 13. On
9 this particular motion we feel that we should neither
10 support nor oppose the granting of any reasonable
11 time which the Court may feel the defense is entitled
12 to to prepare for the presentation of that defense.

13 THE PRESIDENT: One of the grounds given by
14 the defense is the shortage of stenographers and
15 interpreters and translators and checkers. There
16 should be no objection to the transfer of such ser-
17 vices from the prosecution to the defense; at least
18 I can see none if you are in a position to make the
19 transfer, Mr. Higgins.

20
21 As to the provision of better heated chambers,
22 I am unable to make any suggestion. We who work in
23 every comfort certainly have every sympathy with those
24 who do not.

25 MR. HIGGINS: Mr. President, a plan is being
worked on at present for the transfer of such of our

1 personnel, translators and checkers as we can spare.
2 We think, perhaps, that that will require the approval
3 of the Supreme Commander's headquarters. The Tribunal
4 constitutes one staff section and the prosecution
5 section a different one. We will be glad to cooperate
6 with the defense counsel and transfer the use of such
7 of our personnel as can be spared for the assistance
8 of the defense.
9

10 THE PRESIDENT: I personally in Chambers
11 have opposed anything in the nature of a vacation,
12 as the defense counsel know. I stated that I had
13 twenty-one years' experience of trying criminal cases
14 and never on a single occasion had I adjourned a case
15 to enable the defense to get ready. I realize this
16 is an exceptional case and I will leave it to my
17 brothers to come to a decision on the question of a
18 recess or no recess. I will only vote if I have to.
19 We will consider the matter.
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1 THE PRESIDENT: Colonel Damste.

2 LIEUT. COLONEL DAMSTE: Mr. President,
3 Members of the Tribunal, I was about to read prosecution
4 document 5538, that is exhibit 1806.

5 THE PRESIDENT: Before you deal with that,
6 Colonel Damste, at page 13851 of the record I am
7 reported to have said in answer to Captain Brooks:
8 "'Highest' was corrected to 'higher.'" I refer now
9 to page 13845, line 17, where you, Colonel Damste, use
10 the term "highest," but no correction appears there or
11 subsequently. I think you did make the correction at
12 the time you spoke. Is that so?

13 LIEUT. COLONEL DAMSTE: As far as I remember
14 I said -- I made the correction, yes, sir.

15 MR. BROOKS: If the Tribunal please, the
16 President has reported accurately. I recall definitely
17 that exactly as the President reported is what hap-
18 pened.

19 THE PRESIDENT: Yes. Colonel, proceed with
20 your evidence.

21 LIEUT. COLONEL DAMSTE: That is page 1, the
22 last paragraph:

23 "When I first arrived at Tjiku Camp Lieutenant
24 KOBUTA was the Japanese officer in charge. There were
25 also Corporal IKAI and 1st Class Private KOWANA.

1 KOBUTA was a member of the No. 6 Transport Unit.
2 During the period I was in this camp I saw Lieutenant
3 KOBUTA act as the officer in charge and issue orders
4 both to Japanese staff and to the Indian prisoners of
5 war. I shifted from Tijeku Camp to the unknown camp
6 about 1½ miles away. This was in August 1944. The
7 Japanese officers and NCO's mentioned above came with
8 us to this camp and shortly after our arrival there
9 Lieutenant ITO and Lance Corporal TANAKA arrived. I
10 saw from my own observation that Lieutenant KOBUTA
11 remained the officer in charge of the camp, but Lance
12 Corporal TANAKA acted as his second in command in spite
13 of the fact that there were others there higher in rank.
14 Lance Corporal TANAKA in my presence took orders and
15 discussed orders with KOBUTA, and gave orders to other
16 members of the Japanese staff and Indian prisoners of
17 war.

18
19 "TANAKA said to me and other Indian prisoners
20 that we were going to be part of the Japanese Army.
21 In February 1945 TANAKA told me and Sub Mahomed Akrum
22 and Mahomed Hussein IWO that we were no longer pris-
23 oners of war, but, by Japanese order, formed part of
24 the Nipponese Army. He told us that in conversation in
25 our own room. He said it was an order of the High
Command and it had to be carried out. I protested and

1 the two others also protested. We said it was not
2 according to the rules of war, and we said we did not
3 want to be part of the Nippon Army. T.N.A.K.A said 'You
4 have just got to be.' T.N.A.K.A spoke in the Japanese
5 language and I understood what he said. The three of
6 us understood enough of the Japanese language to know
7 what he said. The IWO acted as an interpreter in trans-
8 lating our protests into the Japanese language to
9 T.N.A.K.A. T.N.A.K.A then started putting us on parades. He
10 started to teach us the Japanese procedure and customs.
11 We started fatigues early in the morning, about 7 a.m.,
12 and finished about 6 p.m. That was the regular pro-
13 cedure. The fatigue was lifting heavy boxes of medi-
14 cine or food stuff and carrying it about two or three
15 miles, and making three or four trips each day. A
16 whole lot of the Indian prisoners were in the fatigue
17 party. Some were sent to a garden, whilst others did
18 the work above referred to.

19 "His Honor: Q. Did you have any meal time
20 between 7 a.m. and 6 p.m.?

21 "Answer. The first meal of the day, when we
22 had any, was about 6:30 a.m. During the last three
23 months or so of our captivity we were given no meal
24 before starting work for the day. We had our own cook-
25 house and we managed to obtain our own private supply

1 of tea and sugar and salt. We were only able to have
2 something to drink before starting work, but nothing
3 to eat.

4 "At 12 midday we got our first meal of the
5 day. We generally carried rice with us which was sup-
6 plied by the Japanese. At first the amount of rice
7 given to us was ten ounces. Later the supply dim-
8 inished until it was about five ounces. They gave us
9 some dried tinned vegetables, but mostly we lived on
10 jungle leaves. One hour was allowed for the midday
11 meal. We stopped wherever we happened to be working.

12 "The next meal was when we came back about
13 7 p.m. If it was dark at this time we were not pro-
14 vided with lights. All we could eat was the rice ra-
15 tion per man left over from the midday meal. Before
16 the evening meal we were given half an hour's military
17 training. TANAKA was always in charge of this train-
18 ing. KOBUTA at times would come along and watch what
19 was happening.

20 "I saw TANAKA on a great many occasions beat
21 the Indian prisoners on these parades. Sometimes he
22 would slap them with his open hand, and sometimes hit
23 them with sticks about the head and body, but generally
24 about the head. I saw him beat men so consistently
25 that every prisoner would have received a beating, and

1 generally about twenty prisoners would be beaten each
2 day at the training period. Mostly the slaps admin-
3 istered with the hand were severe enough to knock men
4 to the ground. This generally happened when he
5 slapped with his hand. I often heard him say to a
6 prisoner 'Your brain is not all right so I am going to
7 fix it up,' and he would then hit him on the head with
8 a stick. The stick was generally a long walking stick
9 about an inch thick.

10 "I will deal now with ill-treatment and the
11 withholding of medical supplies and give particular
12 instances. And when I have finished describing these
13 I will describe beheadings and killings.

14 "About March 1945 three of our soldiers, Ma-
15 homed Shafi, Ali Haider and Tufail Mahomed were ill-
16 treated by TANAKA as well as KOBUTA. TANAKA told me
17 that these three men who were then working in the garden
18 were bad workers, and he asked me to examine them. I
19 examined them and I told TANAKA they were sick from
20 beriberi and general debility. I told him this myself
21 in the Japanese language, using my hands to supplement
22 what I told him.

23 "I then saw him beat them one by one, first of
24 all by slapping them with his hands until they were
25 knocked to the ground. He then got them to their feet

1 again and beat them with a stick on the knuckles and
2 knees and about the head until the three of them became
3 unconscious. The beating lasted for about half an
4 hour. After the beating I saw that Ali Haider was very
5 sick and I gave him such medical attention as I could
6 until his death about a week or ten days later. Al-
7 though I told TANAKA that he was very sick, TANAKA
8 said he would have to work on the fatigue carrying vege-
9 tables from the ground. I saw that Ali Haider on this
10 occasion did not return to the camp, and the next morn-
11 ing he was brought by other Indians into the camp. I
12 saw him then. He was unconscious and in a very feeble
13 condition. I gave him injections to try and keep him
14 alive, but an hour and a half later he died.

15 "I had been practicing in India as a doctor
16 for three years. As medical officer I worked for three
17 years, and from my medical experience and my examina-
18 tion and observation of Ali Haider after the beatings
19 I have described, I can say that he died as the result
20 of those beatings. I was present when he was buried.

21 "Shahid and Tufail were ill from the beatings
22 and were put on light work. Their condition was bad but
23 not so bad as Ali Haider's.

24 "I saw that Tufail was in a very weak condi-
25 tion, and in fact he was so ill that he asked me to

1 give him poison so as to make him die. Of course, I
 2 did not do so and eventually he recovered. I have
 3 seen Shafi in the 2/9 AGH on this Island, and he is in
 4 that hospital now. I also saw Tufail in this hospital.
 5 Sub. Akrun and IWO Mahomed Hussein were present and
 6 saw the beating of Shafi, Haider and Tufail.

7 "The next case of ill treatment was the case
 8 of Munshi Khan. I saw him beaten by TANAKA and KOWAN.
 9 and later tied to a tree. He was kept there for
 10 twenty-four hours without food or water. His hands
 11 were tied behind his back; he was tied up with rope to
 12 the trunk of the tree, the rope stretching around his
 13 body and the trunk of the tree. This was about July
 14 1945. Whilst he was tied to the tree he actually passed
 15 water and defecated standing up whilst tied to the
 16 tree.

17 "He was beaten for more than fifteen minutes
 18 before he was tied to the tree. I saw him receive
 19 this beating from TANAKA and KOBUTA who used firewood
 20 sticks about the length of my arm. They beat him about
 21 the head and knees. Jen. Abdullah Khan was present at
 22 the beating of Munshi Khan; IWO Mahomed Hussein was
 23 also present.

24 "I can also speak of the beating of Mahomed
 25 Shafi of the 2/9 Jat. Regiment. This was about the

24 Shafi tied ~~was~~
 25 of a tree and he was left there all night. I and
 others supplied him with food and water secretly during

1 month of July 1945. TANAKA and KOWANA beat him with
2 heavy sticks over the head for more than half an hour.
3 I saw them do this, and I saw KOBUTA standing watching
4 at the time. I did not hear him say anything. He did
5 not interfere in any way. I saw him become unconscious
6 and TANAKA or KOWANA would revive him by throwing water
7 on his face, and he was then beaten until he was uncon-
8 scious again.

9 "Immediately after the beating was over I
10 saw TANAKA and KOWANA force Shafi to kneel on firewood
11 sticks with a piece of firewood behind his knees. I
12 saw them tie Shafi's hands behind his back, and I saw
13 them beat him on the head and body with sticks. In
14 the position he was it was impossible for him to remain
15 upright, and they would beat him when he fell down and
16 then lift him back to the upright position again. This
17 happened several times. This particular beating took
18 about another half an hour. Whilst Shafi was in this
19 position and being beaten by TANAKA and KOWANA I saw
20 KOWANA pour petrol on Shafi's feet and set a light to
21 it. TANAKA was still beating him whilst this was
22 being done. When this beating was finished, I saw
23 Shafi tied with his hands behind his back to the trunk
24 of a tree and he was left there all night. I and
25 others supplied him with food and water secretly during

1 the night.

2 "The reason given by TANAKA for the beating
3 of Shafi was that although Shafi admitted stealing
4 food himself, he refused to implicate others. TANAKA
5 told me he would torture him until he implicated others
6 but Shafi did not do this in spite of the beatings.
7 I heard Shafi say from time to time whilst being beaten
8 that he alone was responsible for any theft.

9 "Shafi said in Industani that he intended to
10 die by himself and he would not implicate anybody else.
11 I translated this into the Japanese language and told
12 TANAKA that this was what Shafi said.

13 "The next morning after the beatings TANAKA
14 and KOBUTA called me, Jem. Abdullah Khan and Mahomed
15 Hussein over and said they wanted to behead Shafi
16 and asked our opinion about it. I said that many be-
17 headings had already taken place, so many that it was
18 no use beheading Shafi, and suggested that he should
19 receive some other punishment. They did not behead him.
20 TANAKA and KOBUTA told me that they would leave the
21 punishment to myself and the other Indians. We black-
22 ened his face with soot and hung his shoes around his
23 neck on one parade. He had to promise that he would
24 not steal in future, and he gave this promise.
25

"The next incident I can speak of is the ill

1 treatment of Jen. Mohan Singh. He suffered badly from
2 dropsy. That was in April 1945. He had dropsy and
3 eventually died of this condition about 13th or 14th
4 August. I was looking after him. I saw that he was
5 in intense pain as his abdomen was swollen with full-
6 ness of water. It interfered with his breathing and
7 it was necessary for the water to be taken away from
8 his abdomen to ease the pain. I had no proper instrument
9 to do this. I asked both TANAKA and KOBUTA several
10 times for medicine and an instrument to take the water
11 away. They said 'You cannot get any medicine or in-
12 struments.' I asked TANAKA and KOBUTA would they ad-
13 mit the patient to hospital. They said 'No, Indians
14 are not allowed to go into hospital.' Later a Japan-
15 ese soldier, a medical orderly, supplied me with a
16 20 CC needle (like an injection needle), a very small
17 one, and using it I took eight to ten hours to get part
18 of the water away. This caused the patient great pain
19 because he had to sit all this time. I say from my
20 medical knowledge and my observation and examination
21 and treatment of Jen. Mohan Singh that had I been al-
22 lowed to give him proper treatment and medicine his
23 life might have been saved.
24

25 "The next incident I can refer to is the ill
treatment of Mahomed Akrum. About February 1945 I

1 treatment of Jem. Mohan Singh. He suffered badly from
2 dropsy. That was in April 1945. He had dropsy and
3 eventually died of this condition about 13th or 14th
4 August. I was looking after him. I saw that he was
5 in intense pain as his abdomen was swollen with full-
6 ness of water. It interfered with his breathing and
7 it was necessary for the water to be taken away from
8 his abdomen to ease the pain. I had no proper instrument
9 to do this. I asked both TANAKA and KOBUTA several
10 times for medicine and an instrument to take the water
11 away. They said 'You cannot get any medicine or in-
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13 mit the patient to hospital. They said 'No, Indians
14 are not allowed to go into hospital.' Later a Japan-
15 ese soldier, a medical orderly, supplied me with a
16 20 CC needle (like an injection needle), a very small
17 one, and using it I took eight to ten hours to get part
18 of the water away. This caused the patient great pain
19 because he had to sit all this time. I say from my
20 medical knowledge and my observation and examination
21 and treatment of Jem. Mohan Singh that had I been al-
22 lowed to give him proper treatment and medicine his
23 life might have been saved.
24

25 "The next incident I can refer to is the ill
~~treatment of Mahomed Akrun. About February 1945 I~~

1 heard Lieutenant KOBUTA tell Akrum that he had been
2 disobedient, and he ordered him to make two camps and
3 a garden. I heard Akrum and TANAKA and KOBUTA arguing
4 about whether Akrum should continue work in the garden.
5 I heard Akrum tell them that he wanted to appeal to a
6 higher authority. I heard TANAKA say 'You will get
7 severe punishment. I have friends in the Military
8 Police and they might cut your head off later on if
9 so needed.' I heard Akrum say that he would not go to
10 the higher authority, and then KOBUTA SAID 'I am not
11 angry with you. I excuse you and you will go on work-
12 ing as you were before.' Later I was present when a
13 Military Policeman came with an interpreter. Akrum
14 was there, also Jen. Abdullah Khan. Akrum was sitting
15 down in his civilian clothes. The policeman said in
16 Japanese 'Why are you sitting like this in those
17 clothes?' I started to translate what was being said,
18 but before I could finish the Military Policeman
19 started slapping Akrum with his hands. It was a very
20 severe beating. Akrum was sitting down when he was
21 beaten and was knocked to the floor from time to time.
22 The beating lasted for ten to fifteen minutes. The
23 beating took place in the prisoner's room.

24 . "I was mess secretary. For ten days Akrum
25 was put on half rations. TANAKA came daily during the

1 ten days and made many statements to me and other
2 prisoners that Akrun had committed various crimes.
3 Taha.Ka. told me that he wanted Akrun to sign a state-
4 ment confessing his crimes, as otherwise he would
5 behead Akrun. He asked me would I tell Akrun this
6 and persuade him to sign. I did so and Akrun did
7 sign."

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1 "During the period that TANAKA and KOBUTA
2 were associated in control of the prisoners I actual-
3 ly saw almost every day one or both of them slapping
4 and beating prisoners severely with sticks.

5 "I will now deal with the beheading and death
6 of prisoners. The first case is that of Mahomed Din
7 about March 1945. He confessed that he took a tin of
8 fish from the store. He was brought in and tied to
9 a tree in the compound. I saw Mahomed Din whilst he
10 was tied to the tree and I heard coming from the vic-
11 inity of the tree signs of blows and cries but I did
12 not actually witness the beatings. I saw him whilst
13 tied to the tree about 4 p.m. Some time after 10 o'
14 clock he was not there. I searched for him and could
15 not find him. A few days later TANAKA told me that
16 Mahomed Din had been captured and that he had had Din
17 beheaded by the Military police.

18 "I never saw Mahomed Din after the night he
19 escaped.

20 "At the time of the Japanese surrender TAN-
21 AKI asked me and other prisoners to sign the nominal
22 roll that Din had died from natural causes. This was
23 about 28th or 29th August. TANAKA at this time was
24 armed with pistol and sword and said that his record
25 showed that Din died from beheading following a

1 conviction for stealing and that he, TANAKA, wanted
2 to change that and show death as having taken place
3 from natural causes. He said it would be better for
4 the soldier's people if it was not recorded that he
5 had been beheaded for stealing as that would cause
6 dishonor and shame to Din's people. Akrum and I said
7 that the true facts should be stated. We were un-
8 armed whilst TANAKA was armed with pistol and sword.
9 I signed because I was afraid that he would shoot or
10 behead us.

11 "The next case I can speak of is that of
12 Chinadury, Said Gul, Miraj Din and Karim Ilahi. This
13 happened about the 10th April. I was told something
14 by Mahomed Hussein and I know that those four prison-
15 ers were taken away from our camp and kept away for
16 three or four days. I saw them when they returned
17 and they were all very ill. I saw Said Gul and Chin-
18 adury spitting blood. I saw that the four prisoners
19 all had bruises and swellings on the head and that
20 they were in a state of exhaustion. I saw them
21 brought back by the Military police. KOBUTA told me
22 that he was going to have those four prisoners be-
23 headed to set an example as to what would happen to
24 prisoners who were guilty of theft. Later I saw the
25 four prisoners being taken away by Japanese Military

1 Police whose names I do not know. I saw them taken
2 to an area where I had previously seen other prison-
3 ers go with spades accompanied by a Japanese guard.
4 After I saw the four men being taken to this area I
5 did not see them again. The following morning at the
6 morning parade KOBUTA told me and the other prisoners
7 that he, KOBUTA, had had the four men beheaded and
8 that that should be an example to the rest of us not
9 to steal.

10 "The next matter I wish to deal with re-
11 lates to Mahomed Afsar and Yakub Khan. This was a-
12 bout July 1945. TANAKA told me that they had stolen
13 a phial of medicine and that he had decided to have
14 them beheaded. I saw them tied up without food or
15 water from 4 o'clock one afternoon until 10 o'clock
16 the next morning. They were not freed to obey and
17 call of nature and did so whilst tied to the tree.

18 "The next morning I saw them untied by Jap-
19 anese guards and stripped naked and taken away. TAN-
20 AKI was present at the time. I saw him go away with
21 Afsar and Yakub Khan and the guards and I never saw
22 those men again. TANAKA had his sword with him.
23 There were two Japanese guards with them and they al-
24 so had swords. TANAKA later told me that those two
25 prisoners had been beheaded but he did not say who

1 Police whose names I do not know. I saw them taken
2 to an area where I had previously seen other prison-
3 ers go with spades accompanied by a Japanese guard.
4 After I saw the four men being taken to this area I
5 did not see them again. The following morning at the
6 morning parade KOBUTA told me and the other prisoners
7 that he, KOBUTA, had had the four men beheaded and
8 that that should be an example to the rest of us not
9 to steal.

10 "The next matter I wish to deal with re-
11 lates to Mahomed Afsar and Yakub Khan. This was a-
12 bout July 1945. TANAKA told me that they had stolen
13 a phial of medicine and that he had decided to have
14 them beheaded. I saw them tied up without food or
15 water from 4 o'clock one afternoon until 10 o'clock
16 the next morning. They were not freed to obey and
17 call of nature and did so whilst tied to the tree.

18 "The next morning I saw them untied by Jap-
19 anese guards and stripped naked and taken away. TAN-
20 AKI was present at the time. I saw him go away with
21 Afsar and Yakub Khan and the guards and I never saw
22 those men again. TANAKA had his sword with him.
23 There were two Japanese guards with them and they al-
24 so had swords. TANAKA later told me that those two
25 prisoners had been beheaded but he did not say who

1 had done the actual beheading.

2 "The next matter is that of Mahomed Ramzan.
3 This was in August 1945 some weeks before the surren-
4 der. I saw Ramzan tied to a tree all night. TANAKA
5 told me that he was taking Ramzan away and was going
6 to behead him. He said that Ramzan had stolen a tap-
7 loca plant and had told lies to TANAKA about it. TAN-
8 AKI said that Ramzan would not admit to him that he
9 had taken the plant. I did not see Ramzan again af-
10 ter he had been taken away with TANAKA. I saw that
11 TANAKA had his sword with him when he took Ramzan
12 away and later TANAKA told me that he had himself be-
13 headed Ramzan.

14 "The next matter deals with Mahomed Fus-
15 sein and Umer Din. TANAKA told me that they had es-
16 caped and had been caught and that he had had them
17 beheaded by the Military police. I never saw either
18 Hussein or Umer Din again after they escaped. This
19 was shortly before the surrender. I am not certain
20 about the month that these men escaped and were be-
21 headed according to TANAKA, but I think it was shortly
22 before the beheading of Mahomed Afsar and Yakub Khan.

23 "In September 1943 after we were taken to
24 the Halmaheras dysentery broke out. Capn. USHIDA
25 was in charge of us. I went to the hospital and asked

1 for medicine to cure the dysentery. They would not
2 give it to me, they only gave me creosote to ease
3 the pain.

4 "TANAKA and KOBUTA were responsible for us
5 not getting a full supply of food. Every month when
6 the rations were drawn the rations for the prisoners
7 were put in the same store as the rations for the
8 Japanese guards. They only issued us out of the
9 store rice, salt and dried vegetables but would not
10 give us biscuits, sweet biscuits or green peas, al-
11 though I saw these latter items brought in every
12 month for the No. 6 Transport Unit. About every two
13 or three days I saw TANAKA and KOBUTA taking boxes of
14 biscuits for eight Japanese guards or police. Out of
15 40 bags of rice that would be brought in about 15 of
16 them would go to them and 25 to us. This was for the
17 whole month. There were eight of them to feed and
18 about 190 of our men. I saw TANAKA and KOBUTA giv-
19 ing biscuits and cigarettes to some of their friends,
20 members of the Taiwan force and to the Kempetai
21 (Jap. Military Police).

22 "I have heard TANAKA on many occasions say
23 that he had friends in the Kempetai and, therefore, he
24 could get anything done to us that he wanted in the way
25 of punishment without getting permission from head-

1 quarters.

2 "As the result of food being kept away
3 from the men they contracted beri-beri; they suf-
4 fered from debility and some died from it. A lot of
5 the men were sick and needed hospital treatment and
6 needed drugs that I could not procure. TANAKA would
7 not allow the men to be taken to hospital. I said to
8 him 'The hospitals are admitting your men, why not
9 the Indians?' They were also admitting Indonesian
10 members of the auxiliary forces. TANAKA said 'No
11 Indians can go to hospital.'

12 "During the last six months KOBUTA and TAN-
13 AKA were very harsh in their treatment of the sick at
14 the morning fatigues. Irrespective of how sick they
15 were the men had to attend the morning parade and
16 stand to attention whilst they listened to a lecture
17 from either KOBUTA or TANAKA for about 10 or 15 min-
18 utes. Some of the men were too sick to do this and
19 collapsed on the parade. When they collapsed and fell
20 they were left lying where they fell and at the finish
21 of the lecture the rest of the party would be marched
22 off by TANAKA or KOBUTA. We had to supply men to take
23 the place of those who had collapsed and this had to
24 be done from the other men available, mainly sick peo-
25 ple who I knew were not fit to work. I told KOBUTA

1 and TANAKA on numbers of occasions that numbers of
2 men were too sick to work. "

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1 "After the parade KOBUTA and TANAKA went
2 over to those who had collapsed and who were still
3 lying there. They used to hit them over the head or
4 knees or kick them to test whether they were
5 malingering or not. A few may have laid down to get
6 a rest but most of them were genuine sick cases.
7 TANAKA and KOBUTA would then select from the sick
8 ones those who were to be given an injection. They
9 would point to one man as being no good as a worker
10 because he was too sick and ordered that he was not
11 to have injections. TANAKA and KOBUTA said that they
12 were the ones to pick and choose who amongst the
13 sick were to get the injections. They would not
14 allow injections to be given to the very sick because
15 they said they would be no good for working. The
16 injections that were given were given either by
17 myself or the Jap. medical orderly. The injections
18 were of vita camphor or olium camphor; they give
19 strength to the heart for an hour or so, otherwise
20 a man might die if he is in a very collapsed condi-
21 tion. Some of the men had to be lifted by Indian
22 prisoners back to the barracks. The supply of
23 camphor injection was obtained from either TANAKA
24 or KOBUTA or the medical orderly. Often I was
25 able to give injections to those who were very sick

1 and really needed it, but this was given from sup-
2 plies which we had stolen. Of course I was unable
3 to give those injections in the presence of TANAKA
4 and Kobuta. I was only allowed to give injections
5 to the men they picked out. The men they would not
6 let me inject would have died if orders had been
7 carried out, but in many cases I was able to save
8 their lives by giving them secret injections.

9 "Many of my men badly needed extractions
10 of advanced cavious teeth; I would report to TANAKA
11 that those men were urgently in need of dental
12 treatment but TANAKA would not let them go to the
13 Japanese dental people. I did not have any in-
14 strument myself to perform extractions. TANAKA
15 would not give any reason for not letting them go
16 to the dentist but would say, 'They cannot go, we
17 want them for work.' TANAKA would not issue passes
18 which were necessary to get dental care.

19 "Earlier there were only six guards as well as
20 TANAKA and KOBUTA; in the last fortnight they put on
21 another five, making eleven in addition to TANAKA
22 and KOBUTA. KOWANA was one of them, KHAGI SHIMA was
23 another, ADACHI was another, OTAKE was another,
24 and the medical orderly, OKAMA, was another.

25 "I often saw KOWANA, KHAGI SHIMA and

1 ADACHI administer severe beatings with hands and
2 sticks.

3 "I can identify KOBUTA and TANAKA. I can
4 also identify all the guards I have mentioned by
5 name.

6 "Two Indians, Shakein Peg, 2/9 Jat. Reg,
7 and Ghulam Yasin, 36 Ord. Workshop, died of dysentery --
8 amoebic dysentery. This was about March or April,
9 1945. I told TANAKA that they were suffering from
10 this complaint and I asked him for emetine to cure
11 this condition. He said 'You are not going to get
12 this medicine, it is not available.' I know that
13 some had been available ten days before because I
14 had been given a supply of it from another unit in
15 the vicinity. I told TANAKA that they would die
16 unless I could treat them with this medicine. I
17 asked him if he would not give me the medicine
18 would he allow them to go to hospital in order to
19 try and save their lives. He refused both the
20 medicine or to allow them to go to hospital. They
21 both died at the end of March or beginning of
22 April 1945. I say from my medical experience and
23 my observation and treatment of these men that I
24 would have been able to cure their complaint and
25 save their lives if I had been given this emetine.

1 "When we arrived in the Halmaheras about
2 two-thirds of the Indian prisoners did not have
3 any footwear and had to work in bare feet. This
4 resulted in the men with bare feet getting sores
5 on the feet and legs. The infection spread
6 quickly and resulted in the permanent disability of
7 many of them, and some deaths. The officer whom I
8 asked for these supplies and who refused to give
9 them was a Staff Capn. of the Thakeda Tai. I
10 could not identify him as I only saw him once or
11 twice."

12 The prosecution enters document No. 5517
13 for identification and the excerpts as an exhibit.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 5517 will receive exhibit No. 1807 for identifica-
17 tion only; the excerpts therefrom will receive
18 exhibit No. 1807-A.
19

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1807 for identification; and the excerpts
23 therefrom were marked prosecution's exhibit
24 No. 1807-A and received in evidence.)

25 LIEUT. COLONEL DAMSTE:

a. At Pomela, near Kendari, in October, 1943,

1 a seriously wounded Australian flying officer was
2 left to die although appropriate medical treatment
3 was available; he was not given the promised anaes-
4 thetic because when interrogated he refused to give
5 further information than he needed to give accord-
6 ing to international law. This is related by
7 Lieutenant Commander P. E. Carr, R. A. N., prosecu-
8 tion document 5517.

9 3. Executions.

10 a. At POW camp, Macassar, in September,
11 1942, three Dutch POW (Peletier c. s.) who had
12 escaped but had been recaptured, were beheaded
13 without trial. Another group of three Dutch POW
14 (Lieutenant Hees c. s.) were beheaded about the
15 same time after severe ill-treatment which lasted
16 a week, this is contained in the report of Captain
17 Dieudonne, already introduced, exhibit No. 1805-A.

18 The prosecution enters document No. 5514 as
19 an exhibit.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 5514 will receive exhibit No. 1808.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1808 and received in evidence.)

1 LIEUT. COLONEL DAMSTE:

2 b. At POW camp, Menade, in March, 1942,
3 five Dutch NCO's who had participated in guerilla
4 activities but had surrendered eventually, were
5 executed (group COSIJN). This is mentioned in the
6 statements by Lieutenant R. J. Hensel, R. N. I. A.,
7 prosecution document No. 5514.

8 The prosecution enters document No. 5563
9 for identification and the excerpts as an exhibit.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 5563 will receive exhibit No. 1809 for identifica-
13 tion only, and the excerpts therefrom will receive
14 exhibit No. 1809-A.

15 (Whereupon, the document above re-
16 ferred to was marked prosecution's exhibit
17 No. 1809 for identification, and the excerpts
18 therefrom were marked prosecution's exhibit
19 No. 1809-A and received in evidence.)

20 LIEUT. COLONEL DAMSTE: The same is related
21 in the affidavit (page 3) of Major W. C. Van Den
22 Berg, R. N. I. A., prosecution document 5563. This
23 major also mentions the beheading of two Dutch NCO
24 who had defended an aerodrome (Wielinga and Robbe-
25 mond) which execution was preceded by serious

1 ill-treatment.

2 c. At Teragan, various executions, without
3 trial, of Indian POW occurred:

4 In March 1945 Mohamad Din was beheaded as
5 a punishment for the alleged theft of a tin of fish.

6 In April 1945 four POW (Chinadury c. s.)
7 were beheaded after severe ill-treatment.

8 In July 1945 two POW (Mohamad Afsar c. s.)
9 were beheaded.

10 In July or August 1945 two POW escapees were
11 beheaded.

12 In August 1945 the POW Mohamad Ramzan was
13 beheaded.

14 This is reported by Medical Officer Paul,
15 whose affidavit has already been introduced, exhibit
16 1806.

17 II. CIVILIANS.

18 A. Internees.

19 The interned Dutch population suffered the
20 same unnecessary hardships as in the other areas.
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1 Prosecution enters document 5544 as an
2 exhibit.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5544 will receive exhibit No. 1810.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1810 and received in evidence.)

9 LIEUT. COLONEL DAMSTE: At the Teling intern-
10 ment camp for men, Menado, food was bad both in
11 quality and quantity, and consisted in the beginning
12 mainly of burnt rice. No medicines were supplied
13 although dysentery broke out, resulting in the death
14 of ten out of about one hundred fifty internees.
15 Discipline was maintained by terrorization: severe
16 beatings and torture were applied, confinement in
17 cells under miserable conditions.

18 On July 3, 1942 two inmates of the camp
19 (Dr. Wolff and De Jong) were executed and at another
20 place an American colonel, two Roman Catholic priests
21 and a Roman Catholic brother. Shortly afterwards
22 another prisoner, De Leeuw, was executed.

23 The same party of prisoners was moved to
24 jail for about six weeks: for three days no water
25 or food was provided, afterwards only a little. No

1 medical care was given although people suffered from
2 dysentery.

3 After their return to the camp the internees
4 got only one meal a day consisting of rice. Still
5 no medicines were supplied. Sick people were sent
6 to jail, where they had to die from starvation and
7 illness. The only attention given by the Japanese
8 doctor when he visited the camp was that he tried to
9 buy watches.

10 On June 19, 1945 two internees were executed.

11 This story of misery is told by one of the
12 victims, H. Dallinga, Mayor of Manado, prosecution
13 document 5544.

14 The prosecution enters document 5547 for
15 identification and the excerpts as an exhibit.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 5547 will receive exhibit No. 1811 for identifi-
19 cation only, and the excerpts therefrom will receive
20 exhibit No. 1811A.

21 (Whereupon, document No. 5547 was
22 marked prosecution's exhibit No. 1811 for
23 identification; and the excerpts therefrom
24 were marked prosecution's exhibit 1811A and
25 received in evidence.)

1 LIEUT. COLONEL DAMSTE: At Pare-Pare, South
2 West Celebes, in the men's internment camp severe
3 beatings occurred, even of a Roman Catholic priest
4 who was beaten almost to death. At Bodice, South
5 West Celebes, the internees had to live in cowsheds
6 and pigsties, under very bad sanitary conditions.
7 Here, as well as at Bolong Camp, South West Celebes,
8 food was insufficient. This appears from the interro-
9 gation report of the Controller (civil servant) H. J.
10 Koerts, prosecution document 5547.

11 The prosecution enters document 5555 as an
12 exhibit.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 5555 will receive exhibit No. 1812.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1812 and received in evidence.)

19 LIEUT. COLONEL DAMSTE: At Aermedidi, the
20 women's internment camp at Manado, beatings occurred
21 regularly. Four girls between thirteen and eighteen
22 years of age were severely beaten and then forced to
23 stand night and day before the Japanese camp office
24 for about a week at a stretch without food. Food was
25 insufficient and caused beri-beri resulting in the

1 death of many. Medical supplies were inadequate;
2 the Japanese comment was: "What use have you people
3 for medicines? The sooner you die the better. I
4 shall like it." Sanitation was bad. These condi-
5 tions appear from the affidavit of the Dutch camp
6 commandant, Mrs. A. L. Rolff, prosecution document
7 5555.

8 B. Non-Interned.

9 1. Toketai.

10 The same pattern of methods of interrogation,
11 torture and ill-treatment, as applied by the Army
12 Kempeitai in Java and Sumatra, was used by the
13 Military Police of the Japanese Navy, the Toketai,
14 whose methods have been mentioned already when deal-
15 ing with Borneo.

16 The prosecution enters document 5522 for
17 identification and the excerpts as an exhibit.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 5522 will receive exhibit No. 1813.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1813 and received in evidence.)

24 THE PRESIDENT: We will recess for fifteen
25 minutes.

1 (Whereupon, at 1045, a recess was
2 taken until 1100, after which the proceed-
3 ings were resumed as follows:)

4 - - -

5 THE PRESIDENT: In order to enable the
6 accused to prepare a proper defense the Tribunal
7 has decided to adjourn for a fortnight at the end
8 of the prosecution's case.

9 Colonel Damste.

10 LIEUT. COLONEL DAMSTE: At Tokeitai Head-
11 quarters, Manado, the suspects were confined under
12 appalling conditions: overcrowded cells; forced
13 sitting up all day; no speaking allowed; insuf-
14 ficient food both in quality and in quantity; severe
15 and repeated beating, in one case for 14 days all
16 day long and sometimes also at night; hanging by
17 the feet, head down; burning; rape.

18 At the military prison, Manado, the same
19 conditions: sick men were not even given any food
20 for two or three days, they died from dysentery and
21 starvation.

22 At Makale, Southwest Celebes, food was
23 very scanty; no medicines were provided.

24 At Tokeitai prison, Macassar, the prisoners
25 were sometimes not allowed to go to the lavatory

1 for three or four days and then only for two
2 minutes; the use of soap was forbidden.

3 At Japanese Headquarters, Macassar, cor-
4 poral ill-treatment was frequent.

5 All this appears from the affidavit of
6 Ch. H. Wensveen, prosecution document 5522.

7 b. Conditions at Tomohon jail, near Manado,
8 are described by Major Van Den Berg, whose affidavit
9 has been introduced already, exhibit 1809-A, showing
10 a regime of terror; the lack of food led to disgust-
11 ing scenes.

12 c. At Manado, in February and March 1942,
13 18 persons, most natives, were located in a so-called
14 death cell. They were severely ill-treated, bound
15 together back to back and placed in the tropical
16 sunshine every day; when they collapsed from exhaus-
17 tion they were put on their legs by means of kicking
18 and thrashing; for six days these men got no food.
19 They were ordered to dig pits and were then executed.

20 This is told in the statement of Lt. Hensel,
21 already introduced, exhibit 1808.

22 2. Murder.

23 The prosecution enters document 5523 as an
24 exhibit.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's docu-
2 ment No. 5523 will receive exhibit No. 1814.

3 (Whereupon, the document above
4 referred to was marked prosecution's
5 exhibit No. 1814 and received in evidence.)

6 LIEUT. COLONEL DAMSTE: a. At Lolobata,
7 Halmahera, in March 1944 a Menadonese was beheaded
8 without trial. This appears from the statement of
9 Djon Sampok, prosecution document 5523.

10 The prosecution enters document 5529 as
11 an exhibit.

12 THE PRESIDENT: Admitted on the usual
13 terms.

14 CLERK OF THE COURT: Prosecution's docu-
15 ment No. 5529 will receive exhibit No. 1815.

16 (Whereupon, the document above
17 referred to was marked prosecution's ex-
18 hibit No. 1815 and received in evidence.)

19 LIEUT. COLONEL DAMSTE: At Foelie, Hal-
20 maheira, in September 1943 the Japanese killed a
21 Javanese and a Buginese without trial, as appears
22 from the statement of Hoesin Bin Abdullah, prosecu-
23 tion document 5529.

24 The prosecution enters document 5530
25 as an exhibit.

1 THE PRESIDENT: Admitted on the usual
2 terms.

3 CLERK OF THE COURT: Prosecution's docu-
4 ment No. 5530 will receive exhibit No. 1816.

5 (Whereupon, the document above
6 referred to was marked prosecution's ex-
7 hibit No. 1816 and received in evidence.)

8 LIEUT. COLONEL DAMSTE: At Soegi, Morotai,
9 in September 1944, four natives were put to death
10 by beheading, without trial. One of them, Mairuhu,
11 however, was not killed and has reported this crime
12 in his statement, prosecution document 5530, with
13 a photograph showing the scar in his neck.

14 Mr. President and Members of the Tribunal,
15 this completes the synopsis of the Japanese crimes
16 committed in the Celebes and surrounding islands,
17 and concludes the survey regarding the Netherlands
18 Indies. And now Lieut. Colonel Mornane, for the
19 prosecution, will continue with the presentation
20 of evidence in this phase.

21 THE PRESIDENT: Colonel Mornane.

22 LIEUT. COLONEL MORNANE: If the Tribunal
23 pleases, my first document is prosecution document
24 No. 5440, a synopsis of the Ambon Island group. I
25 tender it in evidence.

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THE PRESIDENT: Admitted on the usual

terms.

CLERK OF THE COURT: Prosecution's document No. 5440 will receive exhibit No. 1817.

(Whereupon, the document above referred to was marked prosecution's exhibit No. 1817 and received in evidence.)

LIEUT. COLONEL MORNANE: My next document is an affidavit made by Major George De Vardon Westley, formerly of 2/21 Australian Infantry Battalion. It is prosecution document No. 5419. I tender this document for identification and the marked excerpts in evidence.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 5419 will receive exhibit No. 1818 for identification only, and the excerpts therefrom will receive exhibit No. 1818-A.

(Whereupon, the document above referred to was marked prosecution's exhibit No. 1818 for identification, and the excerpts therefrom were marked prosecution's exhibit No. 1818-A and received in evidence.)

LIEUT. COLONEL MORNANE: This document

is introductory to the two following exhibits.

1 The deponent states that he was with the
2 2/21 Battalion on Amboina Island in February 1942,
3 when the Japanese landed. The Australian forces on
4 the island consisted of 800 on the Ambon side and
5 about 300 on the Laha side. The deponent became a
6 prisoner in February 1942, and remained on the
7 island until the Japanese surrender in 1945. While
8 he was a prisoner he heard nothing as to the fate of
9 the 300 on the Laha side of the island and in
10 September 1945 sent a party there to endeavor to
11 trace them. No trace was found, but a Japanese
12 medical officer pointed out a cairn under which he
13 said about 200 men were buried, but he could not
14 say whether they were Australian or Japanese.

15 Prosecution document No. 5333 is a record
16 of the evidence of Lieutenant Commander KEN-ICHI
17 NAKAGAWA, Imperial Japanese Navy, retired, in the
18 Prosecution Court of the Tokyo Naval General Court
19 Martial on 8th November 1945, and in the Tokyo
20 General Demobilisation Court on the 22nd December
21 1945, and the 29th December 1945. I tender it for
22 identification.

23 CLERK OF THE COURT: Prosecution's docu-
24 ment No. 5333 will receive exhibit No. 1819 for
25

1 identification only.

2 (Whereupon, the document above
3 referred to was marked prosecution's ex-
4 hibit No. 1819 for identification only.)

5 LIEUT. COLONEL MORNANE: Prosecution docu-
6 ment No. 5333-A is complete record of evidence of
7 Lieutenant Commander KEN-ICHI NAKAGAWA. It was
8 extracted from prosecution document 5333 and
9 served on accused pursuant to order made by the
10 Tribunal on the 25th of November 1946, pag · No.
11 578.

12 The prosecution enters document No. 5333-A
13 in evidence.

14 THE PRESIDENT: Admitted on the usual
15 terms.

16 CLERK OF THE COURT: Prosecution's docu-
17 ment No. 5333-A will receive exhibit No. 1819-A.

18 (Whereupon, the document above
19 referred to was marked prosecution's ex-
20 hibit No. 1819-A and received in evidence.)

21 LIEUT. COLONEL MORNANE: NAKAGAWA was a
22 lieutenant of the Japanese naval forces at Laha. I
23 will now read certain excerpts from his evidence.
24 (Page 1, para 3.) "I am now going to tell you
25 about the course taken in the operation to capture

1 Laha. The Laha occupation force commenced landing
2 on the beach of Fitlama (this spelling is uncertain)
3 about two o'clock a.m., January 31, 1942, and cap-
4 tured the air field about 7:00 a.m. on February 3,
5 1942, with our casualties amounting to more than 100.

6 "The prisoners of war taken at the airport
7 totalled about 400, consisting of about 210 Aus-
8 tralians, about 60 Dutch, and troops of the native."
9 (Pages 9 and 10, questions and answers 5, 6 and 7,
10 omitting second paragraph in the answer to question
11 6.)

12 "Q Tell me about the enemy prisoners of
13 war captured in battle to capture the Laha airfield.

14 "A In the forenoon of the 1st of February
15 (I am not sure of the exact time,) our reconnaiters
16 (Petty Officer OKADA and seaman 1st class TANAKA of
17 the company-headquarters platoons) captured 10 enemy
18 troops led by an Australian Army second lieutenant,
19 and took them to Sowacoed. And besides this, as
20 mentioned above, on the 2nd of February about 50
21 Australian prisoners of war were taken prisoners by
22 us when they came to our camp to surrender.

23 "Q How were these prisoners of war dis-
24 posed of?

25 "A The first ten prisoners of war were

1 bayoneted to death before our force left Sowacoed
2 for the support of the aforementioned penetrating
3 unit on the 1st of February. Both Adjutant HATAKEYAMA
4 and I were at that time near the Laha airfield in
5 ambush leading the penetrating unit, so we did not
6 see the scene of the execution on the spot; accord-
7 ing to Ensign SAKAMOTO's statement made to me after-
8 ward, these prisoners of war were killed by the
9 order of the Commanding Officer Rear Admiral HATA-
10 KEYAMA, because these prisoners of war were likely
11 to become a drag upon the movement of the admiral's
12 force in rear."
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1 "Next I will tell you about the killing of
2 the prisoners of war which numbered, as I remember
3 aright, fifty-one, though I mention in the above
4 they were mere than fifty.

5 "On the 4th of February, Ensign SAKAMOTO at
6 Sowacoat sent a report to Rear Admiral HATAKEYAMA at
7 the Laha airfield that SAKAMOTO was at a loss with
8 small number of guard for treatment of prisoners of
9 war. According to the SAKAMOTO's report these
10 prisoners of war either rebelled against him or made
11 desertions because of the misunderstanding due to
12 difference of language. The Admiral got angry hearing
13 this report and called Adjutant HATAKEYAMA and me to
14 his room at the Laha airfield that evening where the
15 engineer staff officer was also present.

16 "We were ordered by the Admiral that we
17 should kill them on the following day because he had
18 received a report informing that prisoners of war at
19 Sowacoat were in disquietude. In compliance with this
20 order on the 5th of February, I took about 30 petty
21 officers and men to Sowacoat; I cannot recall now from
22 what platoon these 30 petty officers and men were
23 selected. In a forest of coconut-tree, about 200
24 meters toward the airfield from Sowacoat, we dug our
25 holes and killed prisoners of war with swords or

1 bayonets. I recall, it took about two hours from
2 10 a.m. The process of the murder was as follows: I
3 divided 30 petty officers and men into 3 groups, the
4 first group for leading the prisoners of war out of a
5 dwelling house where the victims were temporarily
6 confined, the second for preventing disorder on their
7 way from the house to the forest, the third for behead-
8 ing or stabbing the prisoners of war. The prisoners
9 of war were sent to the spot one by one and made to
10 kneel with bandage on their eyes. Our men of the
11 third group, one at a time, came out in turn either to
12 behead a prisoner of war with his sword or to stab
13 him through the breast with his bayonet.

14 "These prisoners of war were all Australians,
15 including 4 or 5 officers. I am sure that there was a
16 major, whose name was unknown to me. All corpses
17 were buried in the holes. The names of our men then
18 employed for this execution cannot be recalled at all.
19 But it is certain that there were present on the spot
20 no officer, either warrant or commissioned, except
21 myself. Most of the time I placed myself in the
22 middle between the house and the place of the killing
23 to do the over-all command; but I went to the spot
24 when the last victim was to be executed. Interpreter
25 IKEUCHI was then in the dwelling house to send out

1 the prisoners of war from the house.

2 "Q Did you make a report that the execution
3 had been accomplished?

4 "A I reported it to Adjutant HATAKEYAMA in
5 his room on that day, and I suppose the adjutant in
6 his turn reported it to Admiral HATAKEYAMA."

7 Page 12 to 15, question and answer 11, omitting
8 only translator's note:

9 "Q Tell me about the other killings of the
10 prisoners of war than you have afore stated.

11 "A As I have said, there were billeted in the
12 airfield barracks some 200 Australians and some 60
13 Dutchmen. When our forces first entered into the
14 airfield, they saw that the Japanese strength was very
15 small numbering only some 170. Some of the prisoners
16 of war, therefore, expressed their view through IKEUCHI,
17 interpreter, to such an effect as that they would not
18 have surrendered but would rather have continued fight-
19 ing bravely if they had known the Japanese strength
20 was so small, and that if they had fought more stubbornly
21 the Japanese casualties would have amounted to a con-
22 siderable degree. In addition to these they behaved
23 themselves disobedient in their assigned works, though
24 partly caused by the difference of language. And about
25 30 of them were considered to be especially disobedient.

1 The Commanding Officer heard of this fact, and he
2 gave Adjutant HATAKEYAMA and me an order in his room
3 in the evening of 5th February to murder these some
4 30 prisoners of war.

5 "I had about 20 enlisted men kill these some
6 30 prisoners of war about 3 p.m. on the following day,
7 if I remember right, in a coco-palm forest near Tauli,
8 about 700 meters from the airfield, though I cannot
9 recall what platoons these about 20 men belonged to.
10 In this killing, too, the prisoners of war were once
11 taken in a house nearby, then called out in turn one
12 by one, and killed with sword or with bayonet, as
13 before. Their corpse was buried in the hole dug for
14 the purpose. As in the previous case I stood in the
15 middle between that house and the spot of murder to
16 take general command for the most of the time, and I
17 went to the spot to witness the last one of being
18 killed and ascertained this bloody work had been
19 finished. I reported to the Adjutant HATAKEYAMA the
20 accomplishment of the execution. I am not sure whether
21 any Dutch men were included among the victims or not,
22 but it is certain that the victims were all enlisted
23 men.

24 "Next I will tell you about another killing
25 of the prisoners of war.

1 "On the 17th or 18th of February, I cannot
2 recall which day, while we were taking lunch at
3 Ambon, Commanding Officer HAYASHI disclosed his
4 intention rather to kill all the remaining prisoners
5 of war. His reason was this: our troops available
6 for service was numbered only 340 or 350, from which
7 various guards in various districts had to be dis-
8 patched; the desertions of the prisoners of war began
9 to be noted; rumours ran among natives that the
10 allied troops would come soon to attack us; enemy
11 planes in fact came for reconnaissance; if the desert-
12 ing prisoners of war would divulge the situation of
13 Japanese side, we would be faced very unfavourable
14 situation; and all these factors were forming a menace
15 to the position of the Japanese forces. I asked
16 Commanding Officer, then, what is his opinion concern-
17 ing the provisions of the International Law which I
18 understood to be stipulating that 'FURYO' should not
19 be treated as enemy. He answered me that I was right
20 so far as 'FURYO' was concerned, but that the captives
21 interned there were to be classified and called
22 'HORYO' and therefore we would not violate the Inter-
23 national Law if we would kill them!"
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1 "A few days later, in the evening while
2 taking supper with the Commanding Officer and his
3 Adjutant HATAKEYAMA at the garden in front of the
4 Commanding Officer's room, I was told by the
5 Commanding Officer to kill all the prisoners of
6 war at Laha.

7 "On the following day, probably 20th of
8 February, if my recollection is right, I gathered
9 up some 60 enlisted men from various platoons attached
10 to the 1-KNSLP. Moreover about 30 enlisted men from
11 the crew of the Minesweeper No. 9 who were boarding
12 at the 1-KNSLP barracks because their ship had sunk
13 then, were employed by the consent of a reserve-list
14 officer attached to that minesweeper.

15 "I took the both groups of enlisted men
16 totalling to some 90 to Laha from Ambon at about
17 1 p.m. on the 20th. We dug holes in a place in a
18 coconut forest at Tauli; this new place is a different
19 position from that of the previous murder being 140
20 or 150 meters away from it, and was about 200 meters
21 off the headquarters of the Laha Detachment. I
22 divided 90 men into 9 groups: 2 groups for bloody
23 killing, 3 groups for watching the prisoners of war;
24 on their ways to the killing place, 2 groups for
25 sending prisoners of war out of the barracks: one

1 group for guard or the spot of the killing, the last
2 one for emergency. The prisoners of war were carried
3 by truck from the barracks to the Detachment building
4 about 500 meters in distance, and they were on foot
5 from the Detachment building to the spot of the
6 killing. The same way of the killing was adopted
7 as in the previous case; to have them kneel down
8 with bandage over their eyes and to kill them with
9 sword or bayonet.

10 "The poor victims numbered about 220 in
11 all including a few Australian officers. Interpreter
12 IKIUCHI was, as in the previous case, in charge
13 of duty of sending prisoners of war out of the
14 barracks; I was in the Detachment building giving
15 overall directions and ascertained the final accom-
16 plishment of the affair on the spot. It took from
17 about 6 p.m. to 9.30 p.m. Most of the corpses were
18 buried in one hole, but because the hole was not
19 big enough to receive all of the corpses a dug-out
20 nearby was also used for the burial. On that day
21 upon my arrival at our headquarters I reported it
22 to the Commanding Officer directly and also to his
23 adjutant.

24 (Page 15. Question and answer 13).

25 "Q. Was the order of killing prisoners of

1 war issued by the Commanding Officer HAYASHI at his
2 own discretion?

3 "A. In the first three cases of the murder
4 the orders were with no doubt issued by Rear-Ad-
5 miral HATAKEYAMA. But as for the last case, I am
6 not sure whether the order was issued by the Command-
7 ing Officer HAYASHI himself, or it was given in
8 compliance with the order of Rear-Admiral HATAKEYAMA."

9 Prosecution document No. 5333-B is my next
10 document. It is the record of evidence of Commander
11 KUNITO HATAKEYAMA of the Imperial Japanese Navy
12 given before the Tokyo General Court Martial on
13 8th November, 1945, and the Tokyo General Demobili-
14 zation Court on 24th December, 1945, and 12th
15 February, 1946. I tender this document in evidence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 5333-B will receive exhibit No. 1819-B.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1819-B and received in evidence.)

22 LIEUT. COLONEL MORNANE: This document refers
23 to the killing of prisoners at Laha. It is put in
24 evidence in compliance with order contained on paper
25 No. 578 permitting use of record in evidence of

1 KUNITO H. TAKAYAMA and KEN-ICHI NAKAGAWA without
2 putting in the whole record of evidence contained
3 in Evidentiary Document No. 5333.

4 Prosecution document No. 5418 is an affi-
5 davit by Major George De Verdon WESTLEY formerly
6 of 2/21 Australian Infantry Battalion. I tender
7 the document for identification and excerpts there-
8 from in evidence.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 5418 will receive exhibit No. 1820 for identi-
12 fication only; and the excerpts therefrom will re-
13 ceive exhibit No. 18 20-A.

14 (Whereupon, the document above re-
15 ferred to was marked prosecution's exhibit
16 No. 1820 for identification; and the excerpts
17 therefrom were marked prosecution's exhibit
18 No. 1820-A and received in evidence.)

19 LIEUT. COLONEL MORNANE: This and the
20 succeeding four documents relate to the prisoner
21 of war camp at Ambon. I subsequently propose to call
22 a witness from that camp, so I do not propose to read
23 these documents unless the Court would prefer me
24 to do so to enable the defendant counsel to cross-
25 examine the witness or what they have read.

1 THE PRESIDENT: Why read them if you think
the witness will cover the same ground?

2 LIEUT. COLONEL MORNANE: It was merely to
3 avoid the position that we had with regard to
4 Borneo where the witness was called first and the
5 documents had not been read; and then the defense
6 endeavored to cross-examine the witness on documents
7 which had not up to that stage been read in Court.

8 THE PRESIDENT: Let us hear the witness,
9 and then we will decide whether we should have the
10 affidavits read.

11 One of my colleagues desires to know whether
12 the Japanese Rear-Admiral referred to a minute or
13 two ago was tried, and if so, with what result.

14 LIEUT. COLONEL MORNANE: I am informed,
15 Mr. President, that the Japanese Rear-Admiral was
16 killed during the course of the war. I will take
17 steps to verify that information.

18 I now propose to call Lieutenant Van Nooten.
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VAN NOOTEN

DIRECT

1 JOHN CHARLES VAN NOOTEN, called
2 as a witness on behalf of the prosecution, being
3 first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY LIEUT. COLONEL MORNANE:

6 Q Your full name is John Charles Van Nooten,
7 and you are a lieutenant in the Australian Imperial
8 Forces, and you reside at 15 Edward Street, Sandring-
9 ham, Victoria, Australia?

10 A Yes.

11 Q In 1942 you were a member of the 2/21
12 Australian Infantry Battalion?

13 A Yes.

14 Q And on the 3rd of February, 1942, you were
15 captured by the Japanese at Amboina?

16 A I was.

17 Q How many Australian and Dutch prisoners were
18 captured on the Ambon Town side of that island at
19 that time?

20 A There were 809 Australians and approximately
21 300 Dutch prisoners captured at Amboina.

22 Q Does that take into account those who were
23 captured in Laha?

24 A No. That was a separate force captured
25 at Laha.

VAN NOOTEN

DIRECT

Q Where were you confined?

1 A We were confined in Tan Toey Barracks,
2 situated near Galala Village about two miles from
3 the town of Ambon.

4 Q Where were the Dutch confined?

5 A The Dutch were confined in a separate com-
6 pound within the prison compound -- or the main prison
7 compound.

8 Q Could you see them from your compound?

9 A Yes. There was only a barbed wire fence
10 between us.

11 Q What happened on the 26th of October, 1942?

12 A On the 26th of October, 1942, 267 Australians
13 and 233 Dutch were transferred from the island of
14 Ambon. I subsequently heard that they had been
15 transferred to Hainan Island.

16 Q How many Australian prisoners were left at
17 Tan Toey then?

18 A There were 528 Australians, and we had been
19 increased with 14 Americans and 6 Dutch prisoners,
20 making a total of 548.

21 Q That still leaves fourteen of the Australian
22 prisoners who surrendered unaccounted for. Would
23 you tell the Tribunal what happened to them?

24 A During the period between the 3rd of February,
25

VAN NOOTEN

DIRECT

1 1942, and the 26th of October, 1942, one Australian
2 prisoner had died and thirteen Australians had
3 escaped.

4 Q How long did you remain at Ambon Island?

5 A We were recovered on the 10th of September,
6 1945.

7 Q Now, will you describe to the Tribunal
8 the food that you received during the period of
9 your being a prisoner of war?

10 A For the first three or four months food
11 was reasonably good and sufficient. During the
12 next twenty months period, which brought it to
13 about July, 1943, food was reasonably sufficient
14 to keep a man fit but not sufficient to permit of
15 hard work. The ration consisted of seventeen ounces
16 of rice per day per man and occasional small issues
17 of fish or meat with fairly fresh vegetables and
18 greens. After July, 1943 the rations became worse,
19 firstly dropping to ten ounces of rice per day, later
20 to eight ounces and then to six ounces, and over the
21 final six months -- six or eight months period, it
22 dropped to four ounces of rice per man per day.
23 And during that period there was no fish or meat
24 issue whatsoever, fairly regular issues of a very
25 poor quality sweet potato amounting to approximately

VAN NOOTEN

DIRECT

1 four ounces per man, and issues of sweet potato tops
2 and the tips of Kasava potatoes.

3 Q Did you observe how the Japanese were being
4 fed during this time?

5 A Yes. On frequent occasions I was able to
6 observe the Japanese rations being issued, being
7 prepared, and to even observe the Japanese eating
8 their rations. It was always sufficient, although
9 in the latter period, that is, that last six or
10 eight months, their rice ration was decreased to
11 about fifteen or seventeen ounces per day per man;
12 but they always had quite liberal ration of fish,
13 and any amount of vegetables which had been harvested
14 from gardens which were made not only on the island
15 of Ambon but on the island of Ceram.

16 Q Could you tell the Tribunal of what available
17 food supply there was on the island in the form of
18 reserve?

19 A I was informed by the Japanese quartermaster
20 that there was from one to one and a half year's ration --
21 rice ration-- sufficient for a floating population
22 of from three to ten thousand Japanese.

23 Q When were you informed of this?

24 A In early 1945 and later after the Japanese
25 capitulation.

VAN NOOTEN

DIRECT

1 Q What was the result to the prisoners of
2 the rations they were on?

3 A During the latter eight months' period,
4 when the ration was four ounces of rice, there were
5 two months when there was a variation. During the
6 month of November there was no rice ration whatsoever.
7 The substitute was nine ounces of tapioca flour.
8 The following month, in December, the ration was
9 one and a half ounces of rice and about seven and
10 a half ounces of tapioca flour.

11 Q Well, now, what effect did it have upon
12 the health of the prisoners?

13 A It caused very obvious signs of malnutrition,
14 great loss of weight, and was responsible for the
15 death roll mounting to such shocking proportions
16 in the latter three months.

17 Q How many died in the last three months?

18 A In May of 1945, 42 men died; in June, 72;
19 and in July, 94.

20 Q What was the state of health of the Japanese
21 at the time of the Japanese surrender?

22 A They were in a pretty good state of health.
23 They showed no signs of malnutrition and no more
24 symptoms or outward signs of beri-beri than they
25 would under normal circumstances.

VAN NOOTEN

DIRECT

1 Q How were the prisoners treated as to
2 accommodations?

3 A Accommodation was very good in the early
4 stages. We were confined in the barracks that we
5 had previously occupied prior to the Japanese
6 invasion.

7 Q When did the accommodation change?

8 A From about July, 1942, the Japanese took
9 over six or eight of our huts and used them as
10 storehouses for small arms ammunition or foodstuffs.

11 Q And how did this affect the prisoners?

12 A It did not affect us very much until when
13 in about November, 1942, they increased the store
14 by creating a bomb dump of approximately two hundred
15 thousand pounds of high-explosive and armor-piercing
16 bombs right within the camp area.

17 THE PRESIDENT: We will adjourn until half-
18 past one.

19 (Whereupon, at 1200, a recess was taken.)
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VAN NOOTEN

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AFTERNOON SESSION

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The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed. JOHN CHARLES VAN NOOTEN, called as a witness on behalf of the prosecution, resumed the stand and testified as follows:
BY LIEUT. COLONEL MORNANE (Continuing)

Q Mr. Van Nooten, before the luncheon adjournment you were telling us of the bomb dump being made in the camp. Where was that situated with regard to other occupied buildings in the camp?

A The bomb dump was situated within two hundred feet of our camp hospital, within fifteen feet of the Australian officers' sleeping quarters, and within seventy-five feet of the compound in which were interned some two hundred to two hundred and fifty Dutch women and children.

Q When had these women and children come into the camp?

A After the Dutch army personnel who were prisoners had been moved to Hainan Island. These Dutch women and children who had been interned in the

VAN NOOTEN

DIRECT

1 town of Ambon had been transferred and occupied the
2 same compound that these Dutch army personnel had been
3 in previously.

4 Q Was any protest made about the situation of
5 this bomb dump?

6 A Yes. A protest was made on several occasions.
7 One occasion I was present, and Captain Hook, who was
8 then our adjutant, made the protest to IKIUCHI who was
9 camp interpreter and camp manager.

10 THE INTERPRETER: Was that a navy captain or
11 army captain, Mr. Witness?

12 THE WITNESS: Army captain. Hook -- H-o-o-k.

13 Q What did he reply?

14 A The reply was: "Remember your status as
15 prisoners of war. You have no rights. International
16 law and Red Cross convention is dead."

17 Q Were any other representations made at about
18 that time?

19 A Yes. We made requests and representations
20 in an effort to get our prison camp marked as a prison
21 camp, and to get our camp hospital marked with a red
22 cross. All these representations met with a similar
23 reply.

24 Q To whom were those representations made?

25 A In the first instance they were made to

VAN NOOTEN

DIRECT

1 IKIUCHI. He was our only line of approach. We
2 asked him to pass them on, and in practically all
3 cases he flatly refused but sometimes he said: "I
4 will ask headquarters."

5 Q Did he ever tell you of any reply which came
6 from headquarters?

7 A Not as an actual reply to a request. But on
8 many occasions he said: "It is headquarters' order."

9 Q Now, will you tell the Tribunal what hap-
10 pened on the 15th of February 1943?

11 A On the 15th of February 1943, at 11:30 a.m.,
12 the bomb dump was bombed by Allied aircraft. In the
13 initial fall of bombs the hut and bomb cases were set
14 on fire. The bomb dump did not explode immediately.
15 Two Australian prisoners had been injured in the initial
16 fall of bombs. It was obvious to us that the dump was
17 going to explode. Frantic efforts were made to clear
18 the camp hospital, the injured men and the Dutch women
19 and children some of whom had also been injured. There
20 were approximately fifty patients in our camp hospital
21 at the time, some of whom were stretcher patients and
22 had to be moved to an area still within the camp area
23 but approximately two hundred yards away from the bomb
24 dump. Approximately two minutes elapsed before the
25 dump blew up. As a direct result of the explosion six

VAN NOOTEN

DIRECT

1 Australian officers and four other ranks were killed,
2 some twenty-seven Dutch women and children were killed,
3 twenty Australians suffered very serious injuries,
4 and another seventy Australians minor injuries. Quite
5 a large number of Dutch women and children also were
6 injured by this explosion.

7 Q Did any of the injured die subsequently as
8 a result of the explosion?

9 A Yes.

10 Q You cannot say how many?

11 A One Australian officer died as a direct re-
12 sult, and two Dutch women.

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VAN NOOTEN

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1 Q And what was then the state of the camp?

2 A The camp, which had originally consisted of
3 fifty or so huts, was flattened with the exception
4 of three huts which were left in a very badly battered
5 condition. Fire swept through the camp and completed
6 the devastation.

7 Q Were any representations then made to the
8 Japanese?

9 A Yes. Immediate representations, and very
10 strong ones, were made to have our camp hospital
11 marked with the red cross. The camp hospital had
12 been made in the three remaining huts which were
13 just standing, and the red cross was to be put over
14 the roofs. Permission was granted. A red cross was
15 erected over this hospital building and a few hours
16 later a Japanese four engine flying boat flew low
17 over the camp and made several runs. This plane
18 appeared to be taking photographs. Within a few hours
19 of this plane flying over the camp we received another
20 order to take down the red cross. This order was
21 enforced.
22

23 Q What was the state of the camp when the plane
24 flew over?

25 MR. LEVIN: Mr. President, we would like to
object to that statement of the witness when he said

VAN NOOTEN

DIRECT

1 what the plane appeared to be doing, and I think
2 that that portion of his answer ought to be disregarded.

3 THE PRESIDENT: A commissioned officer in
4 his position could have the necessary experience to
5 justify such testimony. You may cross-examine as to
6 his qualifications at this stage if you wish, Mr. Levin.

7 A The camp presented a very devastated face.
8 Huts, or burning remnants of huts, scattered over an
9 area of about five or six acres and in the center
10 a few badly battered buildings displaying a red cross.

11 Q What happened then to the Dutch nationals
12 who were in the camp?

13 A After having received what little first aid
14 we could give them, they were transferred to the
15 town of Ambon and quartered in what had been the
16 Bethany Church. After being kept there for a period
17 of about two weeks they were shipped away where, I
18 subsequently heard, was Macassar.

19 Q Can you tell the Tribunal what the conditions
20 were like where they were quartered at the Bethany
21 Church?

22 A They were quartered in a building which was
23 not capable of holding anywhere near the number at
24 all comfortably; very crowded with no facilities, no
25 latrines except a temporary trench system, no protection

VAN NOOTEN

DIRECT

1 against aerial bombings, and the church was then in
2 the center of what was practically a continual target.

3 Q On the 15th of February did you take over
4 any particular duties?

5 A On the 15th of February I was appointed
6 camp adjutant and made responsible for all the official
7 Japanese contact.

8 Q What provision was then made for the accommoda-
9 tion of the prisoners?

10 A We had to rebuild our camp without any
11 assistance whatsoever from the Japanese excepting
12 that they did supply a small quantity of atap for
13 roofing.

14 Q When the rebuilding was complete was there
15 sufficient accommodation?

16 A There was sufficient accommodation providing
17 they crowded the men into the huts, sleeping fifty-
18 two men to a hut, 100 feet long and 20 feet wide.

19 Q Now, coming to the 28th of August, 1944,
20 what happened on that date?

21 A The 28th of August, 1944, the town of Ambon
22 was subjected to a very heavy aerial bombardment. On
23 that date about 24 Liberators bombed the area in which
24 our camp was located. The camp at this stage was still
25 used for storing Japanese small arms, food stuffs,

VAN NOOTEN

DIRECT

1 and had quite a number of gun positions or emplace-
2 ments within the camp area. Around the circumference
3 of the camp there were also small caliber anti-
4 aircraft guns.

5 Q Was the camp hit?

6 A The greater portion of the camp was again
7 completely destroyed.

8 Q What casualties did you suffer?

9 A Three Australians were killed and fifteen
10 injured.

11 Q Prior to this bombardment was there any
12 markings to show it was a prisoner of war camp?

13 A There was no markings.

14 Q Now, how was the camp rebuilt?

15 A It was rebuilt from scraps of timber that was
16 salvaged from the wreckage with atap which we had to
17 make ourselves, and the only labor that we could use
18 was the very sick men that were left in the camp.

19 Q Well, now, what was the total of camp accommo-
20 dation you had then?

21 A We managed to rebuild eight huts.

22 Q Did they provide sufficient accommodation
23 for the men still left alive?

24 A They provided accommodation on the same
25 standard as prior to the bombing.

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VAN NOOTEN

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Q What happened to the sick?

1 A The sick were forced to live in the same hut,
2 that is, one hut was set aside for all men who were
3 sick but were not, in the Japanese opinion, sick
4 enough to go into the hospital.

5 Q Well now, with regard to clothing, what was
6 the condition with regard to that?

7 A Over the whole period at the prison camp
8 the Japanese issued a quantity of lap-laps, which
9 would be sufficient for about one per man, and also
10 three bolts of shirting, khaki shirting.

11 Q With regard to footwear?

12 A Footwear was always very short. We had
13 quite a large stock of Australian army boots prior
14 to the Japanese invasion, and after they had taken
15 the smaller sizes from that stock, on several occasions
16 they issued us with the remaining pairs, but never
17 sufficient to meet our requirements.

18 Q Then with regard to footwear and clothing,
19 how were the survivors dressed on the date of the
20 Japanese surrender?
21

22 A Of the 123 men who recovered, approximately
23 one-third would have footwear other than improvised
24 sandals or clogs, and that footwear is what we would
25 term unserviceable. Every man had at least one pair

VAN NOOTEN

DIRECT

1 of shorts which had been made up from the shirting
2 that had been supplied by the Japanese.

3 Q And was the clothing adequate during the
4 period of your confinement?

5 A It was sufficient to keep the men decently
6 clad. It could not be classed as adequate.

7 Q Now, coming to the treatment of the sick,
8 what was the position with regard to medical supplies?

9 A Medical supplies at all times were inade-
10 quate. The camp hospital was run under a senior
11 medical officer, Captain Davidson, until he was
12 killed on the 15th of February, 1943, from a bomb
13 blast.

14 Q What steps were taken to secure medical
15 supplies from the Japanese?

16 A Requisitions in writing were made monthly,
17 and if ever circumstances required -- special cir-
18 cumstances required anything additional over and above
19 what we had requisitioned for, special requisitions
20 were put in, too.

21 Q Did you receive the supplies you requisitioned
22 for?

23 A We never received the requisition in full.
24 Occasionally, we received the more unnecessary items.

25 Q Well, now, coming to 1943, what was the

VAN NOOTEN

DIRECT

condition of the men in hospitals?

1 A A large number of the men were showing
2 symptoms of beri-beri and malnutrition in 1943 and
3 the hospital --

4 Q And what supplies did you get for their
5 treatment?

6 A To combat beri-beri, nothing.

7 Q Well, now, were any of the men suffering
8 from tropical ulcers?

9 A From 1943 onwards tropical ulcers were
10 very much in evidence. In late 1944 to the end of
11 the war the greater number of men in the camp had
12 terrific tropical ulcers.

13 Q What medical supplies were provided for
14 their treatment?

15 A On several occasions we received a few
16 grains of iodoform, very limited numbers of bandages.
17 I can recall one particular occasion when we had
18 over 200 men suffering from tropical ulcers, varying
19 in sizes from a small tropical ulcer up to the stage
20 where it covered practically the whole of the leg.
21 The supply of bandages was one bandage to cover the
22 whole camp for one month.

23 Q Now, for the performance of operations,
24 were any instruments provided?
25

VAN NOOTEN

DIRECT

1 A No instruments were provided for the use
2 of the camp. On one occasion when an amputation had
3 to be performed a request was made for the necessary
4 instruments. These instruments were promised, but
5 were not supplied for a period of three days, and
6 this seriously jeopardized the patient's chances of
7 recovering. He subsequently died. The few instru-
8 ments that we did have were inadequate. Tropical
9 ulcers had to be cut with very blunt scissors and
10 scalpels. Other operations were performed, one,
11 another amputation, was about four inches above the
12 knee, had to be performed with a butcher's knife and
13 a butcher's saw.

14 Q Now, with regard to anesthetics, were they
15 provided?

16 A On several occasions we were provided with
17 small quantities of anesthetic, but no local anes-
18 thetics, and the majority of the anesthetic provided
19 was chloroform, no ether.

20 Q Well, now, with regard to patients who died
21 or prisoners who died, were any certificates sub-
22 mitted?

23 A Death certificates had to be supplied to
24 Japanese headquarters for every man who died. Besides
25 showing the usual particulars of the man, his rank,

VAN NOOTEN

DIRECT

1 next of kin, the cause of death had to be stated,
2 and the doctor's diagnosis was very rarely taken.
3 Any diagnosis which indicated that the patient
4 died of starvation or malnutrition was immediately
5 altered by the Japanese. They forced us to say
6 that he died with beri-beri or some other disease.

7 THE PRESIDENT: What would you say is the
8 cause of beri-beri?

9 THE WITNESS: Lack of vitamin B-1 in the
10 diet.

11 Q Now, now, coming to April, 1945, will you
12 tell the Tribunal about a series of experiments
13 which took place?

14 A Nine groups, each consisting of ten men, and
15 each group consisting of men of similar condition,
16 that is, one group would consist solely of men who
17 were hospital patients and suffering from beri-beri;
18 another group would consist of patients who were not
19 in hospital but who suffered from beri-beri; another
20 group consisted of men who were a little stronger; or
21 another group would be of reasonably fit men. A
22 Japanese medical officer then took a blood test of
23 each man of all -- of each of these groups. They
24 then gave a course of injections, injections that
25 were supposed to be vitamin B-1 and caseine. After

VAN NOOTEN

DIRECT

1 two or three days a further injection was given, this
2 time of T. A. B., and the course of injections con-
3 tinued over a period of one month. During this period
4 certain groups received a slightly increased ration.
5 The additional ration consisted of 150 grams of sweet
6 potato and about 200 grams of sago. If a man was
7 still alive at the end of the one month's period a
8 further blood test was taken.

9 Q Well, did any of the men die during this
10 course?

11 A Of the men who were in the classification of
12 being very sick, who were hospital patients, very few
13 survived the period.

14 Q Can you say how many altogether died during
15 this experimental course?

16 A Approximately 50.

17 Q Well, now, coming to the work that was done
18 by prisoners of war in the camp, what did that con-
19 sist of?

20 A During the first two or three months, very
21 little work. After that, work consisted of road-
22 making, road repairing, digging trenches, tunnels,
23 loading and unloading ships. This entailed handling
24 of all sorts of cargoes. Cargoes consisted of bombs
25 and ammunition, gasoline, coal, feedstuffs, and

VAN NOOTEN

DIRECT

merchandise.

1 Q What other work having particular relation
2 to the war was done?

3 A Disposal of unexploded bombs, delousing of
4 mine fields, transporting bombs and ammunition.

5 Q Well, now, what was the physical condition
6 of the men when they were engaged on these tasks?

7 A From the end of 1943 onward physical condi-
8 tion became gradually worse until, from the middle
9 of 1944, the men who were required to work were in
10 an indescribably low condition.

11 Q Well, now, when you say, "indescribably low,"
12 what did they look like?

13 A All the men at this stage were thin and
14 emaciated. Many could not walk unless with the aid
15 of sticks or crutches, and almost all had lost weight.
16 A man who would normally weigh 160 pounds was still
17 working while weighing 80 pounds or 90.

18 Q Could you give the Tribunal any instances
19 of men's deaths being caused by the unreasonable
20 nature of the work they were required to do? Take
21 Private Tullett as a case, please.

22 A Private Tullett was a member of a working
23 party which in December, 1943, the 8th of December,
24 1943, they were required to work at the ship yard.
25

VAN NOOTEN

DIRECT

1 The work entailed swimming out to a small craft
2 and floating timber into the shore. The distance
3 would be about 200 or 250 yards.

4 Q What happened to him?

5 A Private Tullett was drowned.

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1 Q With regard to the cracking of bombs, will
2 you tell the Tribunal what happened?

3 A One party was ordered by the Japanese which
4 was to consist of five men They were requisitioned
5 to do blacksmithing work. Specialists were not re-
6 quired. The task was to crack open five hundred-pound
7 high explosive bombs and prize out the picric acid
8 explosive compound. The system, as instructed by the
9 Japanese supervisor, was to break up the compound
10 with the use of a metal hammer and a metal gad This
11 system continued despite protests made by the men who
12 were working on the job.

13 Q What happened?

14 A One of these bombs exploded killing one man
15 outright and inflicting shocking casualties--injuries
16 on three others. These three men died within two days.

17 Q Well, now, coming to November of 1944 and
18 the job of "long carry," will you tell the Tribunal
19 about that?

20 A The "long carry" was a name prisoners gave
21 to a task of carrying cement and bombs from a village
22 called Hitoemori to Batoegon. These villages were
23 both situated on the northeast coast of Ambon, both
24 on the sea front. The overland trip between these
25 two villages would be approximately eight miles over

VAN NOCTEN

DIRECT

1 a very tortuous track. The prisoners were required
2 to carry, firstly, one 90-pound bag of cement each
3 over this track and when the cement had been completed,
4 it was about three weeks after the start of the job,
5 they were required to carry 150-pound bombs between
6 two men. The track was of such a nature that men had
7 to proceed on all fours on many occasions. The work
8 party would commence at 0630 and continue until 1930
9 each day. Men would be driven along this course
10 by guards who were traveling with very light equip-
11 ment only. After the work party had been in operation
12 for about a week, men were in the most cases exhausted
13 and, in our opinion, and in the doctor's -- according
14 to the doctor's instructions -- not capable of carry-
15 ing out the job. Nevertheless, they were ordered to
16 carry out the work and would be extremely exhausted
17 on returning to camp. On many occasions men would
18 be carried back into camp and on some occasions
19 these men were unconscious; and on at least one
20 occasion the man was admitted immediately to the
21 hospital and never regained consciousness.
22

23 Each day the Japanese would requisition
24 for at least ten or fifteen more men than we could
25 supply. The normal morning procedure was then to
call out all the sick men and select those that they

V./N NOOTEN

DIRECT

1 considered capable of doing the job. These men,
2 many of whom could walk only with the aid of a stick,
3 were then forced to carry these loads over the "long
4 carry" course.

5 Q What rations were they getting at that time?

6 A In November, 1944, the ration was no rice
7 and nine ounces of tapioca flour.

8 Q Could this lime and these bombs have been
9 carried more easily in another way?

10 A Yes, both the villages were on the seacoast.
11 The Japanese had a large number of landing barges and
12 other barges which were available to do the job and
13 the cement and bombs, once they had been transported
14 to Hitoemori, were never used.

15 THE PRESIDENT: How could men in that condi-
16 tion be made to carry such loads over such a course?

17 THE WITNESS: The guards who accompanied the
18 work party were armed with pistols and each carried
19 a pick handle or its equivalent, and men would be
20 driven over the course by the use of a pick handle.

21 THE PRESIDENT: We will recess for fifteen
22 minutes.

23
24 (Whereupon, at 1445, a recess
25 was taken until 1500, after which the pro-
ceedings were resumed as follows:)

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THE PRESIDENT: Colonel Mornane.

BY LIEUT. COLONEL MORNANE (Continuing):

Q You have told us how the Japanese called -- went through the sick parades to get men to work. Would they ever go through the hospital for that purpose?

A Yes. On many occasions when we could not supply the numbers that they demanded they would go through the hospital and endeavor to select them from them.

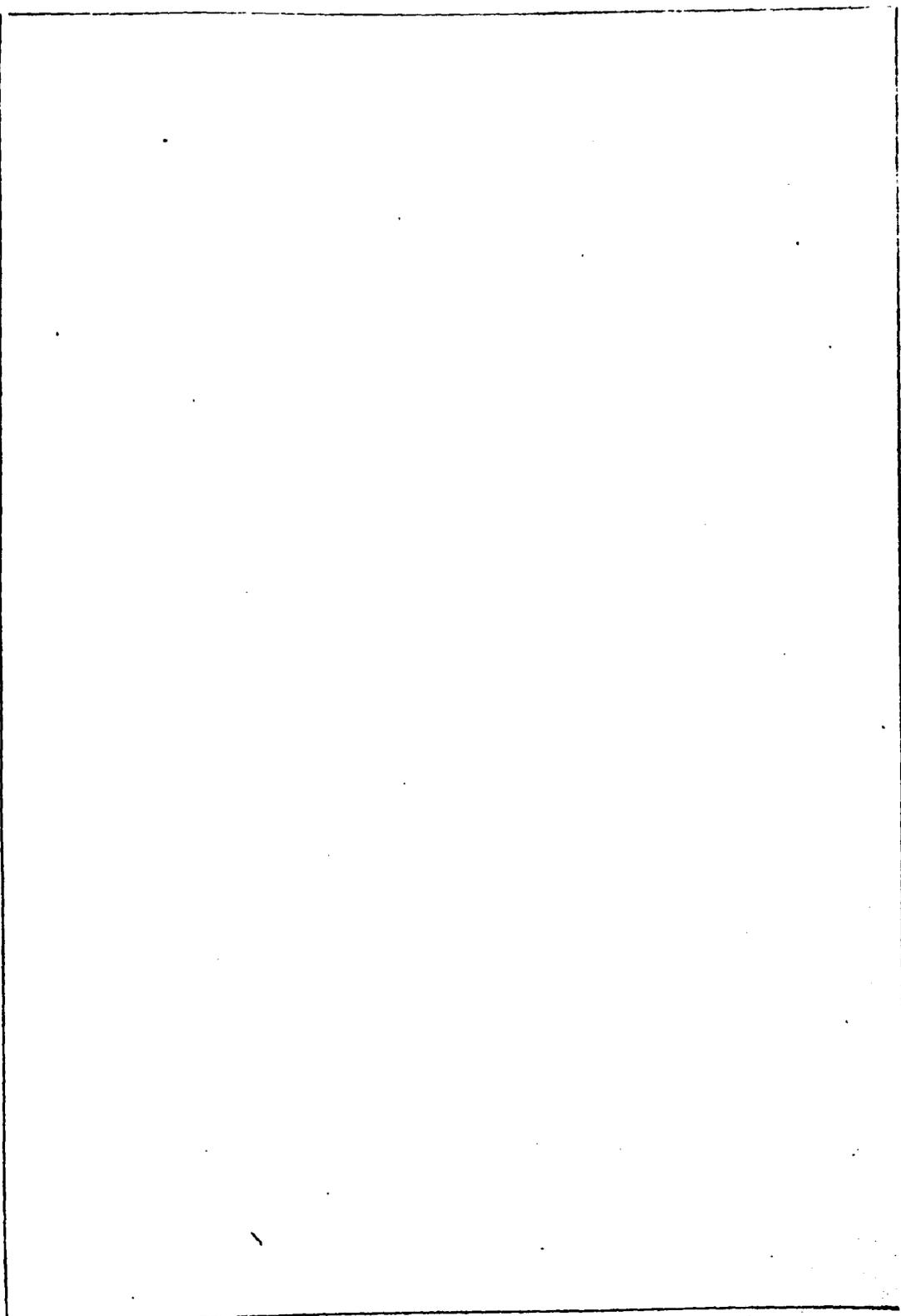
Q And what would they do there?

A I have seen the Japanese camp manager and individual guards order men up out of hospital beds. If they said that they were incapable of going to work they would beat them until they did get out.

Q Will you tell the Tribunal about the case of Private Wilkinson?

A Private Wilkinson was one of those patients who were forced to go to work daily but who, in the Japanese opinion, were not qualified to become members or patients in the hospital. One morning when we could not supply the numbers demanded by the Japanese, guards made a round of the sleeping huts and any man who was found lying on his bed was beaten until he came out on the road. A guard saw Private

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VAN NOOTEN

DIRECT

Wilkinson on his bed covered with a blanket. He
1 pulled the blanket off and had struck several blows
2 before he realized that Private Wilkinson was dead.
3 Private Wilkinson had died before we could admit him
4 to hospital.

5 Q What did he die of?

6 A Malnutrition, beriberi, and sheer exhaustion.

7 Q Well, now, did the medical officer ever try
8 to prevent the Japanese from taking sick men to work?

9 A Yes. On many occasions he tried to prevent
10 it, but although he was allowed to run his own sick
11 parades and treat his own hospital patients, his
12 advice was very rarely taken by the Japanese.

13 Q And what -- was he subjected to ill-treatment
14 on that account?

15 A He was often threatened with punishment but
16 I could only recall one occasion on which he was
17 actually struck.

18 Q When these sick men were taken out from the
19 hospital, have you noticed what happened to them then?

20 A They were taken from the hospital out onto
21 the camp road, where they were lined up with a work
22 party to go out of camp. If they protested about
23 going to work, they were struck. If they were
24 incapable of standing, even, in the line, if they
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VAN NOOTEN

DIRECT

1 fell and collapsed, they were kicked whilst on the
2 ground.

3 Q Tell the Tribunal about the case of Private
4 J. F. Smith.

5 A Private Smith, on the particular day in
6 question, was not detailed for a party. He had been
7 classified as too sick to work. But some of the
8 other members who had been detailed for the work
9 party had collapsed and he was ordered by the Japanese
10 to take their place. He was standing in the work
11 party, leaning on a stick, showing he was obviously
12 suffering great pain from a tropical ulcer. He was
13 also very thin and weak, and when asked what was the
14 matter with him, his reply to IKEUCHI, the camp manager,
15 was to the effect that he could not work because of
16 his tropical ulcer. He was then struck and IKEUCHI
17 deliberately kicked his tropical ulcer. Kicking and
18 punching continued until Private Smith was able to
19 get onto his feet again.

20 The work party was scheduled to do gardening
21 about two miles out of our camp area. They had to
22 walk to the gardens, and Private Smith collapsed after
23 he had gone about 200 yards. He was again kicked and
24 punched by IKEUCHI and then permitted to come back to
25 camp, but was forced to continue working in sight of

VAN NOOTEN

DIRECT

the guard for the rest of the day.

1 THE PRESIDENT: Have you finished with the
2 "long carry"?

3 LIEUT. COLONEL MORNANE: Yes, sir.

4 THE PRESIDENT: What were the deaths on the
5 "long carry"?

6 THE WITNESS: I can only recall one man who
7 died on the "long carry" or at the completion of the
8 "long carry," but many men were left in such condition
9 that they died during the next two or three months.

10 THE PRESIDENT: What proportion died?

11 THE WITNESS: At least sixty per cent of
12 the men who were engaged on the "long carry" died at
13 some period immediately following, or prior to the
14 date of recovery.

15 Q Now, with regard to inward mail, did you
16 receive any?

17 A In December 1943, one batch of about eight
18 hundred letters arrived at the camp. These letters
19 were addressed to men who were prisoners on Ambon
20 or who had been transferred to Hainan Island, and
21 some to men who were in units based on Rabaul and
22 Timor.

23 Q How many were to men still in your camp?

24 A About four hundred.
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VAN NOOTEN

DIRECT

1 Q What happened to them?

2 A A very few, about twenty or thirty letters,
3 were given out within one week to various indi-
4 viduals in the camp. Later on the camp manager
5 adopted the attitude of, as a man was dying in
6 hospital he would give him a letter. The main bulk
7 of letters were delivered to the camp about a fort-
8 night prior to the end of the war.

9 Q Do you mean the main bulk of that four
10 hundred?

11 A Yes.

12 Q Were you permitted to forward any requests
13 to your own government?

14 A No.

15 Q Or to any protecting power?

16 A No, we had no communication with anybody
17 at all outside the camp.

18 Q Well, now, with regard to discipline and
19 punishments, how was discipline enforced?

20 A It was enforced in the main by summary
21 punishment.

22 Q Of what nature?

23 A Physical beatings, punching, kicking, and
24 minor forms of torture.

25 Q What were these minor forms of torture?

VAN NOOTEN

DIRECT

1 A A prisoner would be forced to stand in front
2 of the guard with a heavy boulder held above his
3 head for any period from an hour to two or three
4 hours; forced to stand at a position of attention,
5 only with knees bent, for long periods; being forced
6 to assume the body press position and hold it for
7 quite long periods until collapse.

8 Q How often did such punishments take place?

9 A Over the last twelve months they were
10 practically a daily occurrence.

11 Q In July of 1942 did you see any ill-
12 treatment of the Dutch?

13 A Yes. Some Dutch men had been apprehended
14 when they were endeavoring to pass letters to their
15 wives who were interned in a civilian internment
16 camp in the township of Ambon.

17 Q What happened as a result of that?

18 A About thirty Dutch officers and NCOs were
19 taken to a position in front of Japanese head-
20 quarters -- the headquarters was situated about
21 twenty yards outside our prison compound and over-
22 looking it. About forty Japanese, who were a mix-
23 ture of guards and marine police, were then instruct-
24 ed to beat them. The beating was carried out with
25 pick handles, iron star pickets, chains, sticks,

VAN NOOTEN

DIRECT

1 pieces of wire, anything that the guards could put
2 their hands on. The beating lasted for about two
3 or three hours, and as a direct result three Dutch
4 men died and there were eighteen stretcher cases.
5 Quite a few of them were suffering from broken
6 limbs as well as abrasions and contusions.

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Q Upon whose orders were these men beaten?

A Naval Captain ANDO who, at that stage, was in command of the garrison.

Q Now, I want you to come to the treatment of four Australians in November of 1942.

A In November, 1942, four Australians were apprehended outside the prison camp compound at night. They were taken to Japanese Headquarters overlooking our camp and beaten and questioned for the remainder of the night, which was about three or four hours. Efforts were made to gain information from them which would **implicate** other members of the camp. When no result -- results came from this interrogation and beating, a message was promulgated to the prisoners of war telling-- ordering all those who had been out of camp to come forward. These men on the parade were informed that, if they admitted to their guilt, they would receive only a light punishment. Some men came forward, but the Japanese authorities considered that there were more and called in some natives from a neighboring village on an identification parade.

Q As a result of this parade, how many did the Japanese consider implicated?

A Twenty-five men.

VAN NOOTEN

DIRECT

1 Q What was done to them?

2 A They were all beaten and questioned, and,
3 over varying periods, sometimes from two days up to
4 eleven days from the beginning of the punishment.
5 Some were returned to camp. They finally kept eleven
6 men and took them away from the camp. About a month
7 later we were informed that they had been executed.
8 After the war was completed, I was informed by the
9 Japanese that these eleven men had been executed
10 by decapitation on the 26th of November, 1942.

11 Q Were other tortures than those you have
12 mentioned inflicted on the twenty-five or any of
13 them?

14 A Yes. During the night individual guards
15 would thrust cigarette butts into these men's noses--
16 nostrils, ears, and stab them on their backs. I
17 saw one man with his wrists bound together with wire.
18 He was suspended from the branch of a tree so that
19 his toes would just touch the ground.

20 Q Did any of the fourteen who were not
21 executed go into the hospital?

22 A One man, Sapper Kennedy, was admitted to
23 the hospital and was an inmate for three weeks.

24 Q What was he suffering from?

25 A The doctor's diagnosis was internal injury

VAN NOOTEN

DIRECT

1 in the vicinity of the kidneys, also a concussion.

2 Q Did you see the treatment of Private Tait
3 on a subsequent occasion?

4 A Yes. Private Tait was--whilst a member of
5 a work party he endeavored to souvenir a pair of
6 binoculars. When he was apprehended, he was given
7 summary punishment by the guards who were on the
8 spot, and on his return to camp, it was reported to
9 the Camp Commander and the Camp Manager. They
10 ordered that he be punished, and the punishment
11 took place within the camp area in front of the
12 guardhouse. I was forced to be present throughout
13 the whole of the punishment, and the punishment con-
14 sisted of about one hundred strokes with a pick
15 handle. When Tait was no longer able to stand, he
16 was beaten whilst on the ground. When he lost
17 consciousness, he was doused with cold water in an
18 effort to bring him back. Efforts to have the punish-
19 ment reduced met with no success.

20 Q After losing consciousness, did he
21 again recover consciousness?

22 A On two occasions he recovered consciousness.
23 On the last occasion I managed to receive permission
24 to have him admitted to our camp hospital and he
25 recovered consciousness there.

VAN NOOTEN

DIRECT

Q What happened to you when you intervened?

1 A I was struck on several occasions for trying
2 to intervene on his behalf.

3 Q What happened to Private Tait the following
4 morning?

5 A The Camp Manager IKEUCHI came around to
6 lock for Tait the following morning and found that
7 he was in a hospital bed. He then beat him with
8 his walking stick and ordered that he lie on a
9 concrete floor with one blanket only.

10 Q What eventually happened to Tait?

11 A Prior to this beating Tait was suffering
12 from slight beri-beri, and immediately following
13 he appeared to suffer far more; the beri-beri con-
14 dition had been aggravated.

15 Q And when did he die?

16 A About six months later.

17 Q Now, will you tell the Tribunal about Privates
18 Schaefer and Elmore?

19 A In, I think, April, 1945, Private Schaefer
20 and Private Elmore escaped from the prison compound
21 and were at large for about a fortnight. Schaefer
22 was recaptured and brought back to the camp area,
23 forced to divulge his method of escape and intentions,
24 and was then taken away again. A few days later, I
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VAN FOOTEN

DIRECT

1 was informed by Japanese Headquarters that he had
2 been executed by decapitation.

3 Q With regard to Private Elmore, what happened
4 to him?

5 A About a week after Schaefer's recapture,
6 Elmore was captured; and, according to the Japanese
7 report made to me at the time, he was suffering
8 from dysentery and died a day after being captured.

9 Q Now, I would like you to tell the Tribunal
10 about what happened to Corporal Solomon and three
11 other prisoners on the 18th of April or thereabouts.

12 A A work party of about fifteen men were
13 engaged in digging a tunnel in the vicinity to the
14 Japanese ration store. Some members of the work
15 party had been successful in getting some of these
16 rations, some of which they consumed on the spot;
17 others they managed to smuggle back into the camp
18 area. Japanese Marine Police, having found the
19 loss, searched the camp area. They found signs of
20 foodstuffs in the camp and called a parade of those
21 who had been working in the area.

22 Q As a result of the questioning, did four
23 men admit having taken foodstuffs?

24 A Four men admitted after they had been promised
25 that, if they did accept the responsibility, they

VAN NOOTEN

DIRECT

1 would not be punished severely.

2 Q And what happened then?

3 A They were given hard labor within the
4 camp area for a period of about ten days and then
5 taken away with their hands bound; and a few days
6 later I was informed that they, too, had been
7 executed by decapitation.

8 Q Who informed--

9 THE PRESIDENT: Informed by whom?

10 THE WITNESS: IKEUCHI, the Camp Manager,
11 informed me in the first instance; and, on completion
12 of the war, I was informed by Commander of the
13 Garrison through his interpreter, and he also showed
14 me the location of their burial.

15 BY LIEUT. COLONEL MORNANE (Continued):

16 Q Did he tell you who was in charge at their
17 execution?

18 A Yes. At the same time he told me who was
19 in charge of the execution of Private Schaefer, and
20 informed me that he had no records whatsoever as to
21 who officiated the execution of the previous eleven.
22 The names of the Japanese who officiated were Lieutenant
23 HONJI on one occasion and Lieutenant UEDA on another.

24 Q And who were the prisoners executed on this
25 occasion?

VAI NOOTEN

DIRECT

1 A There was Corporal Solomon, Private Wadham,
2 Sapper Morrison and Driver Simpson.

3 Q Now, coming to the case of Private Boyce,
4 on the 11th of July, 1945, will you tell the
5 Tribunal what happened in respect to him?

6 A Private Boyce was also apprehended with
7 rations which he had secured whilst on a work party.
8 He was punished summarily and then taken to police
9 headquarters at Lateri where he was tied up and
10 questioned further. He was later returned to our
11 camp area where he was put in a solitary confinement
12 cell and tied with his hands behind his back. He
13 was kept in solitary confinement for about ten days,
14 allowed one meal per day, and about every second day
15 was allowed to have treatment for a very bad tropical
16 ulcer. Private Boyce broke out of his solitary
17 confinement cell and went through the camp in an
18 effort to get more food. His absence was noticed by
19 a guard, and he was recaptured and tied to a post
20 in front of the guardhouse. The following morning
21 he was taken away on a truck together with some
22 Japanese guards who were armed with rifles and
23 another party with picks and shovels. About a week
24 later IKEUCHI informed me that he had been executed.
25 After the end of the war I was informed that Lieutenant

VAN NOOTEN

DIRECT

1 SHIMAKAWA, who was our Camp Commandant, was in
2 charge of the firing squad that shot Private Boyce.

3 Q Who informed you of that?

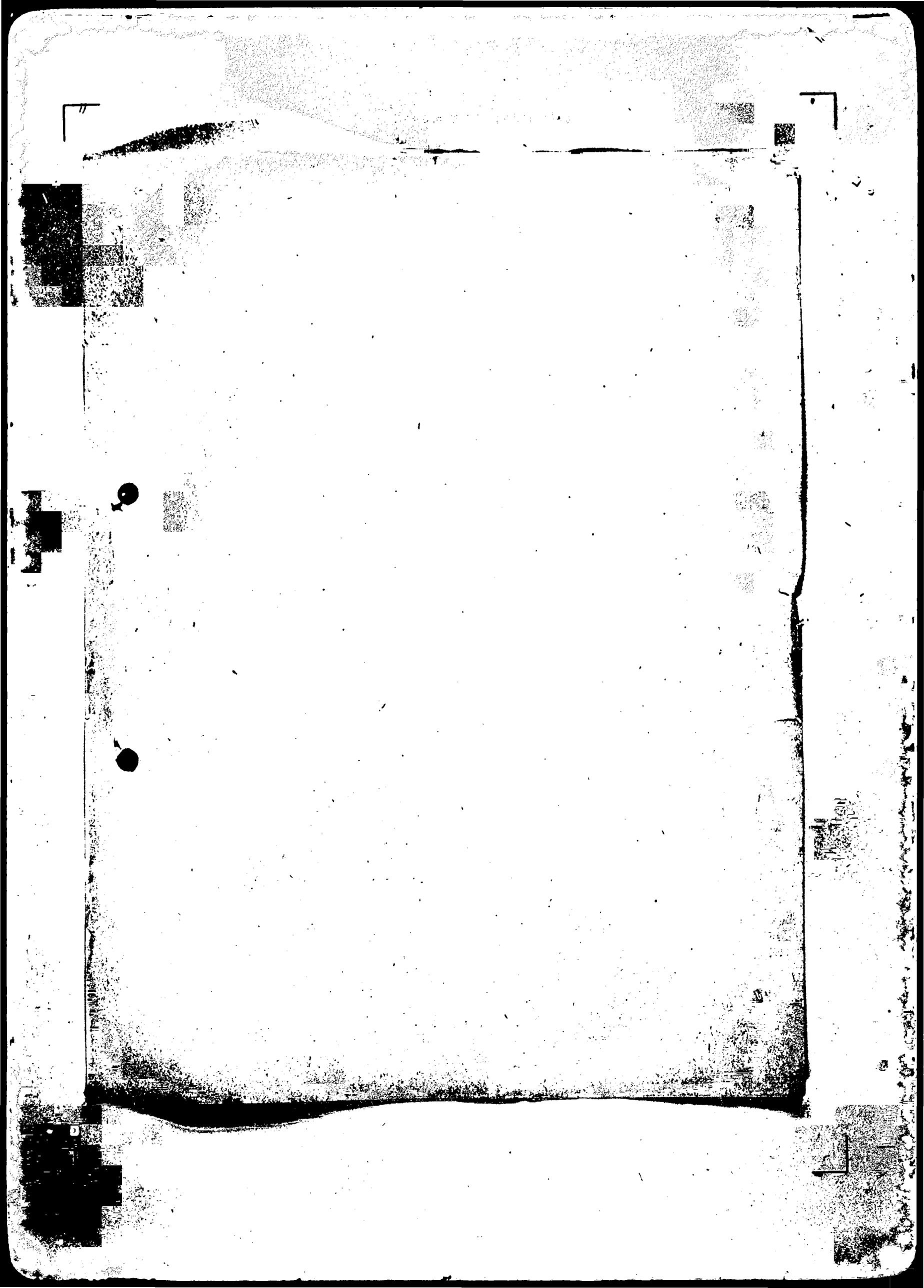
4 A Colonel KATSUDA, who was Staff Officer to
5 Colonel SHIRIZU, the Commander of the Garrison.

6 THE PRESIDENT: Are you about to break
7 new ground?

8 LIEUT. COLONEL MORNANE: Yes.

9 THE PRESIDENT: We will adjourn until half-
10 past nine tomorrow morning.

11 (Whereupon, at 1600, an adjournment
12 was taken until Tuesday, 31 December 1946
13 at 0930.)
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Monday, 30 December 1946

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Chambers of the Tribunal
War Ministry Building
Tokyo, Japan

PROCEEDING IN CHAMBERS

On

Paper No. 623 - Application of the
prosecution for leave to present the French aspect
of Class B and C Offenses in the French language.

Before:

HON. SIR WILLIAM WEBB,
President of the Tribunal and
Member from the Commonwealth of
Australia.

Reported by:

JACK GREENBERG
Chief Court Reporter
IMTFE.

Appearances:

For the Prosecution Section:

MR. FRANK S. TAVENIER, JR.;

MR. ROBERT ONETO, Associate Prosecutor for the Republic of France;
and

MAJOR R. DEPO, French Army.

For the Defense Section:

MR. WILLIAM LOGAN, JR., Counsel for
the Accused KIDO, Koichi; and

MR. GEORGE C. WILLIAM, Counsel for
the Accused HOSHINO, Naoki.

For the Office of the General Secretary,
IMTFE:

MR. CHARLES A. MANTZ, Clerk of the
Court.

(The proceeding was begun at 0900.)

THE PRESIDENT: This is Paper No. 623.

It is an application by the prosecution for leave to present the French case in the French language in respect of Class B and C offenses.

Mr. Oneto.

MR. ONETO: Mr. President, I respectfully request from your Honor the privilege to be admitted to present, with my assistant Major Depo, the French phase of the case, like the first time, in French in reserve of the difficulty we have -- Major Depo and I -- to present this phase in a sufficiently fluent English, in the same condition that last time the Court has agreed.

THE PRESIDENT: Just to the same extent?

MR. ONETO: Yes.

THE PRESIDENT: You do not want any further concessions?

MR. TAVENNER: There is, possibly, one phase -- that synopsis -- which should be in French instead of in English.

THE PRESIDENT: The synopsis will be translated simultaneously. There will be no objection.

MR. TAVENNER: Yes.

THE PRESIDENT: What do you say, Mr. Logan?

MR. LOGAN: We have already noted our

objections previously to the conduct of the case in any other language than English or Japanese, and we just renew our objections at this time.

THE PRESIDENT: I will grant the application under the same conditions as before; but, in addition, the synopsis may be read in French provided there is a simultaneous translation in English and in Japanese so that no time will be lost.

MR. ONETO: Your Honor, may I add also that we expect the arrival of a French witness; and does the Court agree so that I examine this witness in French with simultaneous translation in English and in Japanese? This witness will not be able to speak English and does not understand English.

THE PRESIDENT: You have an absolute right, if you call a person who cannot speak English, to examine him in his own language; there is no difficulty about that.

MR. LOGAN: Mr. President.

THE PRESIDENT: In fact, we insist -- we would have to -- unless he spoke, say, some sort of English. Then we might have an option. But, if a witness who does not speak English well wants to speak French, he is allowed to do so. It applies to any foreign language.

MR. LOG. N: Mr. President, some time ago you granted us our application to bring up this question of recess this morning in open court. We are prepared to go ahead with it with simultaneous translation.

THE PRESIDENT: This morning; that's good.

(Whereupon, at 0910, the proceeding was concluded.)

31 Dec 46

31 DECEMBER 1946

I N D E X
of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
van Nooten, John Charles, Lieutenant, Australian Imperial Forces (resumed)	13984
Direct by Lieutenant Colonel McCrane (cont'd)	13984
Cross by Mr. Brooks	13993

I N D E X
of
EXHIBITS
(none)

1 Tuesday, 31 December, 1946

2 - - -

3 INTERNATIONAL MILITARY TRIBUNAL
4 FOR THE FAR EAST
5 Court House of the Tribunal
6 War Ministry Building
7 Tokyo, Japan

8 The Tribunal met, pursuant to adjournment,
9 at 0930.

10 - - -

11 Appearances:

12 For the Tribunal, same as before with the
13 exception of: HONORABLE JUSTICE D. JARANILLA, Member
14 from the Republic of the Philippines and HONORABLE
15 JUSTICE JU-AO MEI, Member from the Republic of China,
16 not sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 The Accused:

20 All present except OKAWA, Shumei, who is
21 represented by his counsel.

22 - - -

23 (English to Japanese and Japanese
24 to English interpretation was made by the
25 Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Colonel Mornane.

4 - - - -

5
6 J O H N C H A R L E S V A N N O O T E N, called
7 as a witness on behalf of the prosecution, resumed
8 the stand and testified further as follows:

9 DIRECT EXAMINATION

10 BY LIEUT. COLONEL MORNANE (Continued):

11 Q Mr. Van Nooten, will you tell the Tribunal
12 about the treatment of American Second Lieutenant
13 Grainger?

14 A Camp manager IKEUCHI sent a message by an
15 Australian soldier which was due to be given to me.
16 This message was instructing me to report to Japanese
17 headquarters at a certain time. The Australian soldier
18 passed the message to Second Lieutenant Grainger of
19 the United States Army, who in turn was to pass it
20 to me. When the message was finally given to me there
21 was a discrepancy of half an hour in the time to report
22 to headquarters. I reported to headquarters late and
23 was beaten. IKEUCHI found that Second Lieutenant
24 Grainger had passed the message and he deliberately
25 came down into the camp and searched for Grainger.

VAN NOOTEN

DIRECT

1 He was armed with a short heavy club and on finding
2 Grainger delivered a blow on Grainger's head, felling
3 him to the ground. Grainger regained consciousness
4 after a few minutes and was forced then to stand in
5 the sun in front of the guardhouse for a period of
6 about two to three hours. He was without headdress
7 in the hot sun and on numerous occasions collapsed.

8 Q Now, coming to inspections of the camp by
9 senior officers, could you tell the Tribunal anything
10 as to that?

11 A For the first period until the middle of
12 1943 inspections were made regularly by the commander
13 of the garrison That was Captain ANDO. The next
14 commander of the garrison who relieved Captain ANDO
15 did not make so many inspections. During the earlier
16 part, that is, until the middle of 1943, on several
17 occasions the camp was inspected by very high naval
18 officers, vice admirals and admirals. On one occasion
19 we were inspected by a high Japanese naval officer
20 who, we were informed by the camp manager, was a brother
21 of the Emperor. Another inspection was made shortly
22 later by an individual who was reported to have been
23 the Emperor's personal aide.
24

25 Q Who reported him to be the Emperor's aide?

A IKEUCHI. All of these inspections were cursory.

VAN NOOTEN

DIRECT

1 Prisoners of war were lined up and sick men were kept
2 indoors, out of sight.

3 Q Were conditions bad when these inspections
4 were made?

5 A Conditions were not bad when you compare
6 with the latter two years in the camp.

7 Q But from the absolute point of view were
8 they bad?

9 A Living quarters were good and the camp was
10 very clean, but we did have approximately 50 or 60
11 sick and weak men who were usually put in hospital
12 during that period.

13 Q Were every any written requests or complaints
14 made as to conditions?

15 A On numerous occasions I personally handed
16 written requests and written complaints to IKEUCHI
17 with a request that they be forwarded on to higher
18 authority. These requests were usually torn up and
19 thrown back in my face. The reply was usually, "We
20 have no use for complaints. Japan will surely win the
21 war, and we will not have to answer questions."

22 Q Could you tell the Tribunal anything as to
23 the Japanese treatment of natives?

24 A On many occasions I observed the Japanese
25 sentries and Japanese camp commander and the Japanese

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camp manager ill treating natives.

VAN NOOTEN

DIRECT

1 Q Of what did that ill treatment consist?

2 A Face-slappings, kicking, punching and
3 beatings with sticks that were very like pick handles.
4 These beatings were delivered for no apparent reason,
5 and, more often than not, after having delivered the
6 punishment, the natives would be forced to assume
7 one of the standing positions such as body-press,
8 balancing on one leg for a fairly long period in the
9 sun.

10 Q Do you remember the treatment of a pregnant
11 woman in 1942?

12 A I can vividly recall how a native woman who
13 was obviously pregnant was punched and knocked to
14 the ground by a guard. Whilst she was on the ground
15 she was viciously kicked in the stomach. Other
16 Japanese members of the guard who were not on duty
17 watched this punishment or this treatment with obvious
18 signs of amusement. After the native woman had lost
19 consciousness she was handed over to some native men
20 who were passing through who were instructed to take
21 her back to her home.

22 Q Do you know anything about the treatment of
23 members of the Gosporis family?

24 A The Gosporis family were very badly treated.
25 They were -- the head man of the family was the Chief

VAN NOOTEN

DIRECT

1 Rajah of Ambon. One member of this family, one of
2 the sons, was executed at the same time as 11 Australians
3 were executed in 1942. Another son was beaten to
4 such an extent that he was permanently crippled.

5 Q Well now, with regard to Allied airmen,
6 were there any Allied airmen among the prisoners?

7 A On four separate occasions, from about
8 February 1943 until July 1945, parties of Allied
9 airmen who were members of crews of planes shot down
10 over Ambon came into our camp area. They were
11 under very strict supervision and we were not permitted
12 to contact them.

13 Q Were any of them there at the time of the
14 Japanese surrender?

15 A No, they had all been taken away from the
16 camp. Shortly after they had joined the camp they
17 were taken away under very suspicious circumstances.

18 Q What were these circumstances?

19 A The airmen were taken away from camp with
20 armed guards and a Japanese working party with picks
21 and shovels. The airmen were never seen again
22 whilst we were prisoners; but, in the case of seven
23 airmen, four Australian and three American, their
24 bodies have been recovered in a cemetery near Ambon
25 town.

VAN NOOTEN

DIRECT

1 Q Can you tell the Tribunal anything about
2 the misuse of the Red Cross by the Japanese?

3 A I can recall having seen a large ship which
4 was armed as an auxiliary cruiser bearing Red Cross
5 signs and was still armed and carrying members of the
6 fighting forces and was also carrying patients.

7 Q Would you know the name of that ship?

8 A The Rio de Janeiro Maru.

9 Q Did you ever see any other hospital ships
10 used for war purposes other than carrying the sick?

11 A A work party of Australian prisoners was
12 detailed for wharf work in 1943 -- 1944. They were
13 loading and unloading small craft that were moored
14 alongside a hospital ship. The Australian officer
15 in charge of the work party reported to me on his
16 return to camp that he had observed bombs and ammunition
17 being unloaded from the hospital ship.

18 Q Of the total force of 528 Australians who
19 were on Ambon on the 26th of October 1942, how many
20 were alive at the date of the Japanese surrender?

21 A At the date of recovery, the 10th of September
22 1945, 123 Australians were alive. About 5 Australian
23 prisoners had died between the date of the Japanese
24 surrender and the date of recovery.
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1 Q Did any die very shortly after the date of
2 recovery?

3 A When the prisoners were recovered, they
4 were taken to Morotai where two prisoners died within
5 three or four days.

6 Q With regard to the Americans, how many of
7 them died during their imprisonment at Ambon?

8 A Of the fourteen Americans that were with
9 us on the 26th of October, 1942, five died.

10 LIEUT. COLONEL MORNANE: Could the witness
11 be shown exhibit 1676A?

12 (Whereupon, a document was
13 handed to the witness.)

14 Q Will you have a look at the third document.

15 (To the Court) I think the witness has only
16 stated "1676"; the number of photos, 1676A.

17 THE MONITOR: Mr. Prosecutor, what is the
18 prosecution number on that?

19 LIEUT. COLONEL MORNANE: The prosecution
20 number is 5294A. I think it is 5294A. 5294B it is.

21 (Whereupon, a document was
22 handed to the witness.)

23 BY LIEUT. COLONEL MORNANE (Continued):

24 Q Will you have a look at the fifth document.
25 Can you identify the man shown there?

VAN NOOTEN

DIRECT

1 A Yes. I can identify the photograph as that
2 of Staff Sergeant Storer, S. D.

3 THE MONITOR: Witness, what is "S. D."?

4 THE WITNESS: S. D.

5 LIEUT. COLONEL MORNINE: Initials.

6 Q And the following document?

7 THE PRESIDENT: I am handicapped. The
8 witness is using my photographs.

9 (Whereupon, a document was handed
10 to the President.)

11 A Exhibit F is also the photograph of Staff
12 Sergeant Storer.

13 Q Will you have a look at exhibit G of that
14 exhibit.

15 A That is a photograph of Private Cook, R. T.,
16 one of those prisoners who died on arrival at
17 Morotai.

18 Q And exhibit H?

19 A That is also Private Cook, R. T.

20 Q And exhibit I?

21 A That is a photograph of Private Wright, H. J.

22 Q And, now, exhibit D?

23 A The man on the stretcher is Private Ellis,
24 J. E.

25 Q Were all of those men you have named

VAN NOOTEN

DIRECT
GROSS

1 prisoners of war who were recovered at Ambon?

2 A Yes.

3 Q And were they in the condition shown in
4 these photographs?

5 A At the date of arrival at Morotai, that
6 was their condition.

7 LIEUT. COLONEL MORNANE: That completes the
8 examination in chief, if the Tribunal pleases.

9 THE PRESIDENT: Captain Brooks.

10 - - -

11 CROSS-EXAMINATION

12 BY MR. BROOKS:

13 Q Were you present when these photographs
14 were taken? Do you know when these photographs were
15 taken you have just examined?

16 A I knew the photographs were taken, but I
17 was not present.

18 Q When were they taken?

19 A During the first two or three days of our
20 stay in Morotai after having been recovered.

21 Q Yesterday you were speaking about some
22 Japanese quartermaster that you talked with informing
23 you about the supply that was available there. How
24 much did you talk with this quartermaster about this
25 supply?

VAN NOOTEN

CROSS

1 A I only had the opportunity of speaking with
2 him on two occasions.

3 Q What were those occasions?

4 A One occasion was towards the end of 1944
5 when I spoke with him for about five minutes. The
6 other occasion was after the Japanese surrender when
7 he was present when quite a large amount of food-
8 stuffs was delivered to the camp for the use of the
9 prisoners.

10 Q Was this foodstuff that was delivered part
11 of the supply that you talked with him about?

12 A The foodstuffs that were delivered at that
13 time were large quantities of tinned food as well
14 as rice. The rice was the only thing that he re-
15 ferred to as being the supplies on the island to
16 cover that period and the reserve.

17 Q Then the tinned foods that you received
18 were not part of this reserve supply that was on
19 the island?

20 A The tinned foods must have been a portion
21 of the reserve supply, but my conversation with the
22 Japanese quartermaster referred to rice only.

23 Q Did you discuss with this Japanese the
24 period of time that this reserve supply had been
25 available?

VAN NOOTEN

CROSS

1 A He informed me that since the war had been
2 completed there was no longer any need to keep this
3 rice in reserve but that while the war was on he was
4 forced to keep a year to a year and a half's supplies
5 in advance.

6 Q Then from your conversation with him, is
7 it correct to say that they had a reserve supply for
8 emergency purposes all during the period of the war?

9 A From my conversation with him I gathered
10 that there was that reserve on hand at the end of
11 the war.

12 Q And you do not know whether there was such
13 a reserve on hand all of the time during the period
14 of the war, is that correct?

15 A I do know that over the last twelve to
16 eighteen months only very small shipments of rice
17 arrived at the island.

18 Q I believe you testified also that during this
19 period that you were there at one time the Japanese
20 ration had been cut for a period of time, is that
21 correct -- of rice?

22 A That is correct. It was cut in about
23 November of December, 1944. to seventeen ounces,
24 approximately.

25 Q Now, as to the medical supplies, do you know

VAN NOOTEN

CROSS

1 whether they kept any emergency reserve of medical
2 supplies?

3 A After the war had finished, within a few
4 days of the finish of war we had requisitioned for
5 further medical supplies, and these requisitions
6 were fulfilled.

7 Q You said the other day that you were making
8 monthly requisitions and that you never received
9 them in full but only unnecessary items. Don't you
10 mean less essential items? You weren't requisition-
11 ing unnecessary items, were you?

12 A "Less essential items" would cover it
13 probably better than "unnecessary," but they were
14 items such as permanganate of potash which we had
15 quite a lot of.

16 Q And might you not further describe these
17 less essential items as those there was a less
18 demand for?

19 A We had plenty of use for them ourselves.

20 Q That is not what I mean. I mean that there
21 are certain items that you requisitioned which were
22 greatly in demand and, therefore, would tend to
23 diminish the supply available, and if the ones that
24 you received for which there was less demand and less
25 need, less drawing upon from that supply -- is that

VAN NOOTEN

CROSS

correct?

1
2 A. The demand in our camp for these items that
3 were not supplied was great, but I do not know what
4 the demand as far as the Japanese side was concerned
5 nor what their supply was.

6 Q. Now, this building, there that you say
7 IKEUCHI was requested to mark for a hospital, was it
8 ever marked in any way to designate it as a hospital?

9 A. It was not marked so that it could be seen
10 from the air. It was marked over the door with a
11 small Red Cross sign, which was just one of our own,
12 indicating that it was not a sleeping hut.

13 Q. Were there any other Japanese buildings in
14 that area marked with a Red Cross that could be
15 distinguished from the air as a hospital?

16 A. About five miles from our camp the Japanese
17 had a hospital of their own, and there was a Japan-
18 ese-controlled Indonesian hospital. Both of these
19 were very well marked with red crosses painted on
20 the roofs.

21 Q. Neither one of these buildings had ever
22 suffered any air attack, had they?

23 A. They were two of the very few buildings on
24 the island that were never hit.

25 Q. The red cross on these buildings, then,

VAN NOOTEN

CROSS

was a protection, was it not?

1 A It appeared so.

2 Q Now, in this hospital that was not marked,
3 there was Japanese personnel in that hospital em-
4 ployed there, were there not?

5 A Our camp hospital was run and staffed by
6 Allied personnel only, and Japanese only entered
7 the building on very rare occasions for inspections.

8 Q And who were the Japanese that entered the
9 building on these inspections?

10 A The camp manager entered in order to check
11 on the doctor and see whether he was withholding men,
12 and on very rare occasions a Japanese medical officer
13 made a very quick inspection through the hospital.

14 Q These quick inspections for the doctor, were
15 they made so he could get out of the building before
16 an air attack?

17 A No, not necessarily. He very rarely entered
18 the camp when there were Allied airplanes in the
19 vicinity.

20 Q Were there any guards around this area?

21 A There were six guard posts around the
22 perimeter of the camp and one guard at the guard-
23 house in the center of the camp.

24 Q Now, where was the administrative head-
25

VAN NOOTEN

CROSS

1 quarters building?

2 A The local administrative headquarters was
3 about twenty yards outside our prison compound on a
4 hill overlooking us.

5 Q Now, these instruments that were available
6 in this hospital, you have stated, for amputations --
7 butcher knives, saws and scissors, and so forth --
8 were any prisoners ever taken out of that hospital
9 or out of that camp to the other two hospitals in
10 that vicinity for operations of any kind?

11 A On the 16th of February, 1943, that is, a
12 day following the day on which the bomb dump was
13 bombed, two Australians, one officer and one other
14 rank, were taken to the Japanese hospital to be
15 treated for fractured femurs.

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1 Q Now, did the Japanese doctors in the other
2 hospitals ever come to this area and to your prison
3 hospital for making any kind of operations?

4 A On the 15th of February 1943, several
5 Japanese doctors came to the camp area and I saw them
6 perform one operation when they amputated the foot of
7 Lieutenant Campbell. He died a few minutes after the
8 operation.

9 Q Do you know of any other cases where they
10 came there for emergency operations?

11 A They did not come to our camp for emergency
12 operations, although they did attend the five men
13 who were injured when the bomb exploded on a work party.

14 Q At such times, did they not bring with them
15 the necessary medical equipment and tools for performing
16 the surgical work necessary at that time?

17 A Yes. I gained the impression that they had
18 adequate instruments.

19 Q So that in case of necessity of an operation
20 of some kind, the instruments could be and had been
21 made available from time to time, had they not?

22 A On several occasions when we did ask for
23 instruments to be made available, they were not made
24 available. On one occasion they were made available
25 late.

VAN NOOTEN

CROSS

1 Q This equipment that these doctors were using
2 was the regular army issue Japanese type of medical
3 equipment, was it not? I am talking about the Japanese
4 doctors, now.

5 A They were instruments that they carried in a
6 medical field pannier. I presume they are the army
7 type instruments.

8 Q Now, as to these alleged experiments, you
9 state there were several groups of men selected. At
10 the time this selection was made, how many patients
11 were there in the hospital?

12 A Somewhere between sixty and seventy-five.

13 Q And how many patients were left in the hos-
14 pital after this group had been selected?

15 A They were not taken away from the hospital
16 so there were still sixty to seventy-five there. But
17 probably all patients were used for the experiments
18 with the exception of about ten.

19 Q And these ten were men that were selected who
20 were not patients in the hospital, is that correct?

21 A No. All of the patients in hospital excepting
22 those ten were subject to these medical experiments.
23 Many men who were not in hospital were also subject to
24 experiments.

25 Q How many men that were not in the hospital

VAN NOOTEN

CROSS

1 were subjected to such medical experiments?

2 A There were at least nine or ten groups, each
3 consisting of ten men. It would mean that there were
4 at least thirty or forty men who were not in hospital
5 who were on the lists.

6 Q Did these men work during this period?

7 A The majority of them, yes.

8 Q What kind of work were they doing at that time?

9 A The weaker men were doing gardening work on
10 Japanese-controlled gardens out of camp; and the
11 groups which were comprised of fit men or allegedly
12 fit men were doing the hard labor works of digging
13 tunnels, defensive positions, preparing roads and
14 other works that I have previously described.

15 Q These allegedly fit men, were they of the
16 working group, the strongest of the working group
17 or the weakest?

18 A They were the stronger ones.

19 Q You mean by that that of the working men that
20 were not in the hospital, that there were others that
21 were not being subjected to these treatments that were
22 in worse physical condition?

23 A There may have been some men who were weaker
24 who were not subjected to these experiments. I have
25 lists with me now, which are carbon copies, of the

VAN NOOTEN

CROSS

1 groups that were treated, the medical officer's
2 remarks shown alongside them, and the lists are marked
3 with a cross showing each man who died.

4 Q Were you given any of these injections?

5 A No, I was never given them in the form of a
6 course, although on two occasions I did ask the
7 Japanese medical orderly who was present, giving the
8 injections, to give me one that was allegedly
9 Vitamin B₁ so that I could see what the reaction was.

10 THE PRESIDENT: At page 13958, line 24, this
11 witness said yesterday, referring to medical supplies:
12 "Occasionally, we received the more unnecessary items."
13 In that context, "more unnecessary" means less necessary
14 or less essential.

15 We will recess for fifteen minutes.

16 (Whereupon, at 1045, a recess was
17 taken until 1100, after which the proceedings
18 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Captain Brooks.

4 MR. BROOKS: Mr. President, I asked the
5 reporter to check back if there was any other words
6 used besides "more unnecessary items." I caught
7 it the other day. The witness said "only unnecessary
8 items," and I thought it might be a mistake in
9 translation because "more" does make better sense.
10 However, "more" is what does appear in the record
11 now.

12 THE PRESIDENT: There is nothing in it
13 except that he was too ready to admit an error which
14 he did not make.

15 MR. BROOKS: I thought I wrote down exactly
16 what he said, and I have on my paper "We never received
17 them in full, only unnecessary items."

18 BY MR. BROOKS (Continued)

19 Q Now, Mr. Witness, we were talking about
20 these injections. It was customary among the Japanese
21 to use a liquid type of vitamin injection, was it not?
22 In other words, at no time did they have concentrated
23 tablets as we are accustomed to?

24 A They had liquid and powder vitamin B, but
25 I never saw concentrated tablets.

VAN NOOTEN

CROSS

1 Q Would you tell us what the effect was, if
2 you were affected in any way by the injections that
3 you received?

4 A The effect of the injection on me was not
5 noticeable with the exception that I distinctly
6 noted that there was no smell of vitamin B in the
7 place of injection. A vitamin B injection has a
8 distinctive smell as of fresh bread or yeast, and
9 there was no such smell on this injection.

10 Q Now, of these thirty or forty men, allegedly
11 fit men that received the treatment, how many of
12 those died that you can attribute to the treatment
13 administered?

14 A I cannot attribute any deaths solely to
15 the treatment.

16 Q You are not a medical officer, are you?

17 A I am not, but I was in close liaison and
18 working very closely with our medical officer who
19 frequently made reports to me of the matter.

20 A I see. Would you tell me whether at the time
21 you left this camp, this hospital that you said was
22 not marked for aerial observation--had that been
23 marked with a red cross prior to surrender?

24 A Our camp hospital was never marked with a
25 red cross during the period of the war excepting the

VAN HOOTEN

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1 emergency hospital which was marked for those few
2 hours that I described on the day of the bombing.

3 Q Well, was this an auxiliary hospital to
4 a larger place that was so marked?

5 A Our camp hospital was the only hospital
6 that we could use, and no patients were ever trans-
7 ferred from our hospital to any other hospital
8 excepting the two who were injured in the bomb blast,
9 and they were never actually admitted to our own
10 camp hospital. They were taken straightaway.

11 Q You stated on one of the work parties that
12 you were transporting bombs that were opened up by
13 a blacksmith crew. Were these the bombs that you
14 have described on this long carry?

15 A The work party that I described as a black-
16 smithing job of opening bombs was not transporting
17 bombs. They were bombs that were at a particular
18 area, specifically put there to be opened. They were
19 500-pound bombs as distinct from the 150-pound bombs
20 being carried on the overland long carry.

21 Q For what period of time was this blacksmith
22 crew employed on these bombs?

23 A The work party was doing that work for about
24 fifteen or twenty separate days, not necessarily
25 consecutive days.

VAN NOOTEN

CROSS

1 Q How large was this work party?

2 A It normally consisted of five men.

3 Q How many bombs did they handle in this
4 period of time?

5 A Probably two or three bombs a day, that is,
6 completely dismantling and powdering the explosive
7 compound.

8 Q Now, were there any Japanese injured as
9 a result of this explosion?

10 A The Japanese non-commissioned officer who
11 was supervising the party was also injured.

12 Q Now, this other party on this long carry,
13 where did they carry this cement from?

14 A From the village of Batoegon.

15 Q And what was the name of the village that
16 they carried it to?

17 A Hitoemori.

18 Q And how far was Batoegon from their camp?

19 A About eight or ten miles.

20 Q How far was Hitoemori from their camp?

21 A A further eight miles. The only way that
22 I know to get to it goes over the long carry course,
23 excepting by sea.

24 Q You say this route that they went over was
25 such that they had to go in some places on all fours?

VAN NCOTEN

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1 A Yes.

2 Q On how much of this route was it necessary
3 for them to go on all fours?

4 A According to reports that I received from
5 men who were on the work party and from NCO's in
6 charge of the work party, on three or four different
7 places over the sides of steep hills.

8 Q You say "on the sides of steep hills"?

9 A Over.

10 Q Over the sides of steep hills?

11 THE PRESIDENT: Had they to climb over the
12 spurs of ranges converging on the seacoast -- seashore?

13 A THE WITNESS: That is correct, sir.

14 BY MR. BROOKS (Continued):

15 Q Then there was not anything overhanging
16 that would cause them to get on all fours?

17 THE PRESIDENT: There is no need to go into
18 those details, Captain Brooks. He said that between
19 the point from which they traveled and the point to
20 which they traveled was along the seashore.

21 BY MR. BROOKS (Continued):

22 Q This terrain, then, that you traveled was
23 level along the seashore, or was it back from the
24 seashore into the cliffs?

25 THE PRESIDENT: Was the beach broken by

VAI NOOTEN

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the spurs of hills?

1 THE WITNESS: Yes, sir, for short distances
2 the course was actually along the beach sands and
3 then would go over these spurs.

4 BY W.F. BROOKS (Continued):

5 Q Then, when these men were on all fours,
6 they were either climbing or descending, is that
7 correct?

8 A That is correct.

9 Q And during all of this period of time they
10 were carrying this cement in what fashion?

11 A The cement was in a ninety-pound bag carried
12 on their shoulders.

13 Q Was it fastened on the man's shoulders in
14 any manner?

15 A No. They carried them in the same manner
16 as a man lugging a bag of wheat or a bag of rice.

17 Q Now, when these 150-pound bombs were carried
18 by the two men, what manner of disposition of the load
19 was made between the two men?

20 A The bomb was slung on a pole between the
21 two men.

22 Q Now, were there any natives or Japanese
23 help used in this work?

24 A The work party were Australian prisoners
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VAN NOOTEN

CROSS

1 only with Japanese supervisors.

2 Q How long did this work continue?

3 A It continued over a period of about six
4 weeks with a few days' break spread over the whole
5 period. During those breaks normal heavy work
6 was continued.

7 Q You stated, I think, that all of the stock
8 pile of cement was moved. Was all of the stock pile
9 of bombs moved?

10 A To the best of my knowledge, yes.

11 Q Had there been any cement or bombs moved
12 by Japanese labor prior to your prisoner-of-war gang
13 being furnished for this work?

14 A The senior non-commissioned officer on the
15 party, the first party, reported to me that there
16 was no stores whatsoever in the village of Hitoemori
17 when they arrived there.

18 Q How large a work party was this?

19 A The first work party ordered for this task
20 was 120 men. By the end of six weeks it had been
21 reduced to 80 men.

22 Q How many guards were used for this detail
23 of men?
24

25 A The original parties were divided into
four gangs of thirty and there were two guards to

VAN NOOTEN

CROSS

1 each gang.

2 Q Then, for your original party there were
3 eight guards, is that so?

4 A There were definitely eight guards. There
5 might have been ten.

6 Q These guards used the -- I strike that.
7 How many trips per day did these men make?

8 A The work party started at six-thirty in
9 the morning and to cover that trip with a load there
10 and empty-handed back, they could do it once, and
11 the party was finished by nineteen-thirty.

12 Q You mean that by nineteen-thirty the men
13 were finished and were at Hitoemori, or were they
14 back in their camp?

15 A The party usually arrived back at Batoegon
16 about nineteen hundred and were brought back to our
17 camp by motor truck and were there by nineteen-thirty.

18 THE PRESIDENT: How many days a week had
19 the men to work like that?

20 THE WITNESS: Most men had to do four days
21 in succession and would then have one day's change
22 of work and then back for three or four more days.
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1 Q These men were taken to their work from
2 their camp by motor truck in the morning, is that
3 correct?

4 A That is correct.

5 Q At what time did they leave their camp? Did
6 they leave their camp at 6:30 a.m.?

7 A Yes, at 6:30.

8 Q Now, during the time that they were between
9 Batoegon and Hitoemori, how were they supplied with
10 food and water?

11 A Each gang of thirty men was divided up into
12 twenty-six who were carrying and four who were carrying
13 rations, water, and the like.

14 Q You say there was one man died on the long
15 carry. Where did he die and under what circumstances?

16 THE PRESIDENT: He died in bed and his name
17 was Wilkinson, wasn't it?

18 THE WITNESS: No, sir.

19 THE PRESIDENT: Smith?

20 THE WITNESS: No, sir. The man who I said
21 died collapsed on the return trip to Batoegon, was
22 carried to Batoegon by some of his comrades, placed
23 on a truck and arrived in camp where I received him
24 in an unconscious condition and took him to our camp
25 hospital.

VAN NOOTEN

CROSS

1 Q What was the diagnosis of his death -- of
2 the cause of his death?

3 A The diagnosis as shown on the Japanese death
4 certificate was beriberi; actually it was malnutrition
5 and exhaustion.

6 THE PRESIDENT: What was his name?

7 THE WITNESS: I never quoted his name, sir,
8 but I think from memory it was Private Williams, A.D.

9 THE PRESIDENT: Williams, not Wilkinson.

10 BY MR. BROOKS:

11 Q What age man was he?

12 A About twenty-three years old.

13 Q Now, as to the mail that arrived at this
14 camp, did you receive any mail?

15 A Yes, I received two letters.

16 Q Have you ascertained whether your family
17 heard from you during the period of time that you were
18 in confinement?

19 A My family received no news or notification
20 as to my whereabouts or condition from the period of
21 captivity until two days after the date of recovery.

22 Q How was your family notified of your address
23 so that you could receive this mail? And when were
24 they notified?

25 A Australian Army authorities advised my family

VAN NOOTEN

CROSS

1 that I was missing and believed a prisoner of war.
2 Australian Red Cross advised my family that if they
3 wrote letters addressed to me care of my old unit
4 at the station at which I was captured they may be
5 delivered.

6 Q How many letters did you write to your family
7 during this period?

8 A We were not permitted to write any letters
9 or letter cards or send any information away from
10 our camp whatsoever.

11 Q Did you make any request to contact your
12 government or any other government agency?

13 A On several occasions, yes.

14 Q Were these written requests that were made?

15 A At least two written requests were handed to
16 the Japanese authorities requesting contact with our
17 government or with the Red Cross.

18 Q Were any of these contacts ever made?

19 A They were never made.

20 Q You have described one of the daily punish-
21 ments was that of having a boulder or rock placed in
22 your hand and holding it over your head. Were you
23 ever punished in that manner?

24 A No.

25 Q Now, you stated that in November, 1942, four

VAN NOOTEN

CROSS

1 Australians were caught at night outside the prison
2 area. What were they doing outside the camp at
3 approximately 2:00 a.m.?

4 A I mentioned that they were recaptured or
5 they were taken in custody at approximately 2:00 a.m.
6 Prior to that they had been out of the camp, I believe,
7 making an effort to get additional food and things
8 like fresh fruit from the natives.

9 Q Now, were they part of the 25 men that you
10 say were executed?

11 A Yes, those four men were executed.

12 Q Now, as to Tait that arranged to get some
13 binoculars as a souvenir, you say he was beaten with
14 a pick handle. How large were those pick handles
15 you are discussing here?

16 A They are the normal size pick handle, about
17 three feet six or three feet nine long and about two
18 inches at the widest end, about one inch at the handle
19 end.

20 Q Were all of these guards carrying pick handles?

21 A Not always. Sometimes they carried a wooden
22 replica of a sword but there were always pick handles
23 available for when they required them.

24 Q You say that you were struck for trying to
25 intervene on his behalf on several occasions. Where

VAN NOOTEN

CROSS

1 did this happen?

2 A Right where Tait was being punished at the
3 guardhouse.

4 Q What were you doing there?

5 A In my position of camp adjutant the Japanese
6 held me responsible for every misdemeanor and I was
7 invariably called to witness the punishments and was
8 usually punished alongside the men.

9 Q You mean that because of your administrative
10 position that you usually received the same punishment
11 as any man that was punished in the camp?

12 A I was held responsible and frequently received
13 the same punishment but on a lot of occasions the
14 punishment was a direct result of trying to have the
15 punishment reduced and intervening.

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VAN NOOTEN

CROSS

1 Q What authority -- what authority were you
2 permitted to exercise in this capacity?

3 A I was allowed to be present during punish-
4 ments, but actually had no authority to stop the
5 punishment.

6 Q You did not have the power to punish in any
7 way yourself, or take preventative measures to avoid
8 these acts of breaking rules or regulations?

9 A My commanding officer gave me authority to
10 punish any man, or to do anything, take any course
11 to prevent offenses which I thought necessary.

12 Q Then your commanding officer was authorized
13 certain disciplinary powers to use for maintaining
14 proper conduct among the prisoners, is that correct?

15 A They were our own internal arrangements. We
16 did not punish a man ourselves for a breach of a
17 Japanese regulation.

18 Q Did you punish any for breaches of your own
19 regulations?

20 A Yes.

21 Q What did that punishment consist of?

22 A Detailing a man to go on a work party which
23 was monotonous; giving him no change from a work party.

24 Q Did you ever report any to the Japanese for
25 disciplinary action, or for confinement?

VAN NOOTEN

CROSS

1 A Certainly not.

2 Q Then none of your disciplinary measures ever
3 involved the confinement to the guardhouse of any of
4 the prisoners of war under your jurisdiction?

5 A To confine a man in the guardhouse we would
6 have to have Japanese permission, and Japanese per-
7 mission was never sought to punish a man.

8 Q Now, you said that Tait died six months after
9 this trouble that he had. What was the cause of his
10 death at that time?

11 A Malnutrition, beriberi and a tropical ulcer.

12 Q Now, in talking of Solomon and three others,
13 you state that he was given ten days hard labor as a
14 punishment, and then later was taken out and beheaded.
15 Now, between the time that he started this ten days
16 hard labor and the time that he was executed had he
17 made any attempt to escape or any other act that would
18 call for a more severe punishment?

19 A No. These men were under the impression that
20 their punishment was to be ten days hard labor, and
21 then they would be -- their punishment would have been
22 completed.

23 Q Do you know of your own knowledge whether any
24 act was committed by these men, or this man, during
25 this ten days hard labor which would have led to a

VAN NOOTEN

CROSS

1 different type of punishment being inflicted?

2 A I know that they definitely did not commit
3 any act which would have jeopardized their chances.

4 THE PRESIDENT: Did the Japanese ever say they
5 had?

6 THE WITNESS: The Japanese informed me, sir,
7 that after they had been taken from the camp that they
8 had made further confessions of having stolen from
9 Japanese stores.

10 Q Did they state what they had stolen?

11 A The Japanese accused them of having stolen
12 several cases of tinned salmon, a case of tinned meat,
13 and four or five 40 kilo bags of rice.

14 Q Were these men armed at the time of their
15 capture?

16 A These four men were not captured. They were
17 members of a party who were lined up within our camp
18 area and asked: "Did you or did you not steal?" They
19 confessed.

20 Q Now, on these inspections, were any of the
21 prisoners allowed to complain to the inspecting party?

22 A Official complaints could only be made through
23 the interpreter and camp manager, IKIUCHI, and no
24 Australian prisoner had the right of direct approach
25 to him. Whilst out of camp they became under the control

V.M. NOOTEN

CROSS

1 of guards who had been allocated to supervise the
2 particular work.

3 Q Do you speak Japanese?

4 A No.

5 Q Now, were any of these prisoners beaten or
6 mistreated in the presence of inspecting officers when
7 they were there?

8 A Not in the presence or in front of high rank-
9 ing inspecting officers, but the commander of the gar-
10 rison, Captain ANDO, did order beatings and carry out
11 beatings personally while he was on inspections.

12 Q I am talking of inspections now of camps by
13 senior officers, not by camp inspectors.

14 THE PRESIDENT: Was Captain ANDO an army cap-
15 tain?

16 THE WITNESS: No, sir. He was a naval captain
17 in command of a complete garrison unit of some two
18 thousand men.

19 THE PRESIDENT: We will recess now until half
20 past nine on Thursday morning.

21 (Whereupon, at 1200, an adjournment
22 was taken until Thursday, 2 January 1947, at
23 0930.)
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187

2 JANUARY 1947

I N D E X

Of

"WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
van Nooten, John Charles, Lieutenant, Australian Imperial Forces (resumed)	14022
Cross by Mr. Brooks (cont'd)	14022
" " Mr. Blewett	14024
" " Mr. Levin	14037
" " Mr. SHIMANOUCI	14043
Redirect by Lt. Colonel Mornane	14050
(Witness excused)	14051

I N D E X

Of

EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5417	1821		Affidavit of Ian Farquhar Macrae	14052	
5417	1821-A		Excerpt therefrom		14052
5302	1822		Affidavit of Private Verdun Clive Ball of the 8th Division, Australian Army Service Corps	14053	
5302	1822-A		Excerpt therefrom		14053
5301	1823		Affidavit of Private John Leslie Searant	14054	
5301	1823-A		Excerpt therefrom		14054
5306	1824		Affidavit of Potinus Boediman (Menadonees)	14054	
5306	1824-A		Excerpt therefrom		14054

I N D E X

O f

E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5297	1825		Affidavit of Flying Officer Denis Brian Mason of the Royal Air Force	14056	
5297	1825-A		Excerpt therefrom		14056
5298	1826		Affidavit of Flying Officer Denis Brian Mason of the Royal Air Force	14057	
5298	1826-A		Excerpt therefrom		14057
5299	1827		Affidavit of Leading Aircraftsman Henry Kitteringham of the Royal Air Force	14059	
5299	1827-A		Excerpt therefrom		14059
5300	1828		Extract from the War Diary of 2/5 Australian General Hospital of 12 September 1945	14061	
5300	1828-A		Excerpt therefrom		14061
5399	1829		Report dated 14 September 1945 on Recovered Prisoners of War by Officer in Charge, Medical Division 2/5 Australian General Hospital	14062	
5399	1829-A		Excerpt therefrom		14062
5303	1830		Affidavit of 1st Lieutenant Paul Alfred Stansbury of the U. S. Army Air Force	14063	
5303	1830-A		Excerpt therefrom		14063

I N D E X
 of
 EXHIBITS
 (cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5223	1831		Interrogation of Warrant Officer YOSHIKAZI, Kiyosato	14065	
5223	1831-A		Excerpt therefrom		14065
5442	1832		Synopsis of Evidence - New Britain		14067
5379	1833		Affidavit of Major Charles Henry Bicks of the Australian Imperial Forces	14067	
5379	1833-A		Excerpt therefrom		14067
5378	1834		Affidavit of former Captain Charles Walter Kendall of 18 Australian Infantry Brigade	14069	
5378	1834-A		Excerpt therefrom		14069
5388	1835		Affidavit of former Captain Alan Staden Palmer	14072	
5388	1835-A		Excerpt therefrom		14072
405	1836		ATIS Bulletins	14073	
405B	1836-A		Excerpts therefrom		14074
405A	1836-B		Excerpt from a captured Diary and the Record of a Statement made by a Japanese Prisoner		14075
5390	1837		Statement by Sepoy Bachan Singh of 1/13 F.F.R.	14080	
5390	1837-A		Excerpt therefrom		14080

I N D E X
Of
EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>For Evider</u>
5384	1838		Sworn Statement of Jemader Abdul Latif of the 4/9 Jat Regiment	14088	
5384	1838-A		Excerpt therefrom		14088
5391	1839		Sworn Statement of Lance Corporal Dina Nath of 3/17 Dogra Regiment	14089	
5391	1839-A		Excerpt therefrom		14089
5382	1840		Sworn Statement of Private Chain Singh of 2/12 Frontier Force	14090	
5382	1840-A		Excerpt therefrom		14090
5383	1841		Statement by Japanese Lance Private YASUAKA, Masaji	14091	
5383	1841-A		Excerpt therefrom		14091
5380	1842		Statement by Japanese Lance Private YASUAKA, Masaji	14092	
5380	1842-A		Excerpt therefrom		14092
5381	1843		Sworn Statement of Private Lakhu Ram	14093	
5381	1843-A		Excerpt therefrom		14093
5386	1844		Sworn Statement of Jemader Chint Singh	14094	
5386	1844-A		Excerpt therefrom		14094

I N D E X

O f

E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Eviden</u>
5387	1845		Sworn Statement of Sergeant Hamir Singh of 2/12 Frontier Force	14095	
5387	1845-A		Excerpt therefrom		14095
5229	1846		Record of Interrogation of Japanese Captain ONO, Satoru	14096	
5229	1846-A		Excerpt therefrom		14096
5385	1847		Record of Interrogation of Japanese Captain KATO, Kihachiro	14097	
5385	1847-A		Excerpt therefrom		14097
5314	1848		Netherlands Forces Intelligence Service Report	14098	
5314	1848-A		Excerpt therefrom		14098
5389	1849		Netherlands Forces Intelligence Service Report	14101	
5389	1849-A		Excerpt therefrom		14101
409	1850		ATIS Bulletin	14101	
409A	1850-A		Excerpt therefrom		14101
5445	1851		Synopsis of Evidence - New Britain		14104

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5311	1852		Record of Evidence given by Private William Cook, 2/10 Australian Field Ambulance	14105	
5311	1852-A		Excerpt therefrom		14105
5312	1853		Record of Evidence of Driver Wilkie Desmond Collins	14109	
5312	1853-A		Excerpt therefrom		14109
5313	1854		Record of Evidence of Private Hugh Joseph Webster	14110	
5313	1854-A		Excerpt therefrom		14110
5400	1855		Affidavit of Lieutenant Wong Yo Sin of 200 Battalion 67 Division	14112	
5400	1855-A		Excerpt therefrom		14112
5401	1856		Affidavit of Major Lee Wai Sin of 3rd Field Volunteer Army	14112	
5401	1856-A		Excerpt therefrom		14112
5402	1857		Affidavit of Major Lee Wai Sin of 3rd Field Volunteer Army	14113	
5402	1857-A		Excerpt therefrom		14113

I N D E X

O f

E X H I B I T S

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5393	1858		Affidavit of Captain Liu Wei Pao of the Chinese National Army	14114	
5393	1858-A		Excerpt therefrom		14114
5404	1859		Affidavit of Captain Yung Pang Fae of the Central Volunteer Chinese Army	14116	
5405	1859-A		Excerpt therefrom		14116
5405	1860		Record of Evidence of Shier Tchen Tse	14117	
5405	1860-A		Excerpt therefrom		14117
5406	1861		Affidavit of Captain Cheung Yee Yu of the Third Field Volunteer Army	14118	
5406	1861-A		Excerpt therefrom		14118
5407	1862		Affidavit of Lieutenant Tan Bai Ming of the Central Chinese Army	14119	
5407	1862-A		Excerpt therefrom		14119
5408	1863		Affidavit of Corporal Pang Nam Ting of the 88th Division	14120	
5408	1863-A		Excerpt therefrom		14120

I N D E X

of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5409	1864		Record of Evidence of Mrs. Lee Yitsai Kunyang	14120	
5409	1864-A		Excerpt therefrom		14120
5217	1865		Affidavit made jointly by 1st Lieutenant James A. McMurria, 2nd Lieutenant Jose L. Holguin and 2nd Lieutenant Alphonse D. Quinones, all of the 5th U. S. Air Force	14121	
5217	1865-A		Excerpts therefrom		14121
5438	1866		Sworn Statement by Captain John J. Murphy of the Allied Intelligence Bureau	14123	
5438	1866-A		Excerpt therefrom		14123.
5410	1867		Affidavit of Mauta Leonard	14124	
5410	1867-A		Excerpt therefrom		14124
5433	1868		Record of an Australian Military Court re trial of Navy Workman KIKAWA, Haruo	14125	
5433	1868-A		Excerpt therefrom		14125
5412	1869		Affidavits of Sweeper Giani and Pioneer Lungi Kobe, both of the Indian Army	14126	
5412	1869-A		Excerpt therefrom		14126
5414	1870		Record of Evidence of Jem Qutubuddin of the 1st Battalion Hyderabad Infantry	14127	
5414	1870-A		Excerpt therefrom		14127

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
5413	1871		Sworn Statement of a native named Num-a of Nangagua	14127	
5413	1871-A		Excerpt therefrom		14128
5411	1872		Affidavit of Pioneer Parasuram of the Indian Army	14128	
5411	1872-A		Excerpt therefrom		14128
5416	1873		Affidavit of Havildar Chandgi Ram of the Indian Army	14129	
5416	1873-A		Excerpt therefrom		14129
5446	1874		Synopsis of Evidence - Solomon Islands, Gilbert and Ellice Islands, Naru and Ocean Island Sector		14131
5447	1875		Record of Interrogation of Captain WATANABE, Kaoru and Major ITO, Taichi, both of 17 Army Military Police Unit	14131	
5447	1875-A		Excerpt therefrom		14131
5452	1876		Netherlands Forces Intelligence Service Report	14132	
5452	1876-A		Excerpt therefrom		14132
5262	1877		Affidavit of Cher Chee, a Chinese civilian	14132	
5262	1877-A		Excerpt therefrom		14133

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
5263	1878		Record of Interrogation of Kaneshiro Fukukan (Korean)	14137	
5263	1878-A		Excerpt therefrom		14137
5425	1879		Affidavit of Lieutenant Commander OSAKA, Toshiziko of 18th Naval Construction Battalion	14138	
5425	1879-A		Excerpt therefrom		14138
5398	1880		Report of Proceedings of an Inquest held at Tarawa in October 1944	14141	
5398	1880-A		Excerpt therefrom		14141
5248	1881		Affidavit of Mr. Taua	14147	
5248	1881-A		Excerpt therefrom		14148
5252	1882		Sworn Statement of Lee Chong Wong, a Chinese	14149	
5252	1882-A		Excerpt therefrom		14149
5246	1883		Record of Interrogation of David Murdock, a Gilbertese	14150	
5246	1883-A		Excerpt therefrom		14150
5245	1884		Record of Interrogation of Kabunare, a native of Nikunau Island	14151	
5245	1884-A		Excerpt therefrom		14151

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of

EXHIBITS

(cont'd)

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5398	1880-A		Excerpt therefrom		14141
5248	1881		Affidavit of Mr. Taua	14147	
5248	1881-A		Excerpt therefrom		14148
5252	1882		Sworn Statement of Lee Chong Wong, a Chinese	14149	
5252	1882-A		Excerpt therefrom		14149
5246	1883		Record of Interrogation of David Murdock, a Gilbertese	14150	
5246	1883-A		Excerpt therefrom		14150
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5245	1884-A		Excerpt therefrom		14151

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(cont'd)

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5247	1885		Record of Interrogation of Lieutenant SAKATA, Jiro of 67 Garrison Regiment	14152	
5247	1885-A		Excerpt therefrom		14152
5427	1886		Sworn Statement by Chief Petty Officer ARAI, Kakuzo of the 67 Naval Garrison	14152	
5427	1886-A		Excerpt therefrom		14152

Thursday, 2 January, 1947

- - -

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

- - -

Appearances:

For the Tribunal, same as before with the
exception of: HONORABLE JUSTICE D. JARANILLA, Member
from the Republic of the Philippines, HONORABLE JUSTICE
JU-AO MEI, Member from the Republic of China and LORD
PATRICK, Member from the United Kingdom of Great
Britain, not sitting.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

The Accused:

All present except OKAWA, Shumei, who is
represented by his counsel.

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(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Captain Brooks.

4 - - -

5 J O H N C H A R L E S V A N N O O T E N, called
6 as a witness on behalf of the prosecution, re-
7 sumed the stand and testified as follows:

8 CROSS-EXAMINATION

9 BY MR. BROOKS (Continued):

10 Q Mr. Witness, we were discussing the inspections
11 of the camp by senior officers when we adjourned last
12 session. You had testified on direct examination that
13 the camp had been reasonably cleaned up for such in-
14 spections. Was there any extra food issued during the
15 time of inspection?

16 A On no occasion whilst there was an inspection
17 being made of the camp was there any additional food
18 issued.

19 Q Were there any other efforts that you have
20 not mentioned to show the camp in a better light?

21 A Other than an order that all prisoners should
22 be regimentally dressed or dressed as near to regi-
23 mental as possible, there were no such things made.

24 Q You mean by that they would be wearing
25 shirts and fully clothed as possible during this time

VAN NOOTEN

CROSS

1 of inspection?

2 A. Regimental dress consisted of -- of course,
3 provided the men had it in the camp -- shirts, shorts,
4 boots, long stockings, putties, and head dress.

5 Q. Now, if there were some that did not have
6 such dress, what was done with them during the time of
7 inspection?

8 A. They dressed as near to regimental as was
9 possible.

10 Q. And stood the inspection alone with the rest,
11 is that correct?

12 A. That is correct, and usually in the back ranks.

13 Q. Now, you testified as to a Red Cross ship that
14 was armed and carried patients and also members of the
15 fighting forces. What was the number of patients
16 aboard in relation to the members of fighting forces?

17 A. The ship that I mentioned as having been
18 armed was the Rio de Janeiro Maru, for it was actually
19 an armed cruiser or auxiliary cruiser. That ship
20 carried quite a large number of patients; I won't be
21 prepared to state how many, I didn't endeavor to count
22 them.

23 Q. The members of the fighting forces that were
24 aboard the ship --- they were Japanese, and of what
25 branch?

V. N. NOOTEN

CROSS

1 A As I recall it, they were Marines.

2 Q Did you at any time see any ships marked
3 as prisoners of war ships?

4 A No.

5 THE PRESIDENT. Mr. Blewett.

6 MR. BLEWETT If the Court please:

7 CROSS-EXAMINATION (Continued)

8 BY MR. BLEWETT:

9 Q How large is this island; is it Ambon or
10 Amboina?

11 A The island is known by both names, Amboina
12 and Ambon. The island would be about thirty-two
13 miles long and, at the widest part, about sixteen
14 miles wide; and the center is taken up with a big bay
15 and an inland sea.

16 Q What were the circumstances and terms of
17 surrender?

18 A As I understand them, to lay down our arms
19 and hand over our force to the Japanese invasion force.

20 Q To whom did your force surrender, the Army or
21 the Navy?

22 A Our particular force, that is, the force on
23 the Ambon town side of the island, capitulated to the
24 Army.

25 Q Was there any question raised subsequent to

VAN NOOTEN

CROSS

1 the surrender as to the expediency of the surrender?

2 A Not to my knowledge.

3 Q Do you know what force the landing party
4 consisted of as contrasted with the number of troops
5 on the island, Allied troops?

6 A The Allied personnel on the island numbered
7 1194 Australians and approximately 2000 Dutch troops,
8 mostly native troops. I was informed that the Japan-
9 ese landing force was approximately one division of the
10 Army, and on the other side of the island, that is,
11 Laha side, it was carried out by special Marine landing
12 force.

13 Q Did you, certainly after the surrender or
14 any time subsequent thereto, have any knowledge as to
15 the situation on the Laha side?

16 A Nothing definite until about six months
17 later when two Australians who had taken to the hills
18 immediately following being injured in action -- they
19 became sick and handed themselves to the Japanese after
20 living in the hills sixteen months. These two
21 Australians could give us information as to the course
22 of action but nothing as to the ultimate fate of the
23 force because they had left and gone to the hills
24 prior to the final capitulation.

25 Q Did you know at any time of any movement on

VAN NOOTEN

CROSS

1 the part of the Allied troops that might have been
2 apprehended by the Japanese as they moved for freedom
3 or revolt?

4 A Up to the time of my recovery, the only
5 information I had of the Laha force was as I have
6 just related.

7 Q Did your force come in contact at any time
8 with HATAKEYAMA or any of the Japanese national
9 people on the island at that time?

10 A Towards the end of February, 1942 -- I think
11 the date was the 27th of February -- our force was
12 handed over in bulk to the Major, and we were gathered
13 by Marines and remained Navy prisoners for the full
14 period of the war. Some of those Navy personnel, and
15 particularly the administrative staff, were still in
16 office when we were handed over to the Japanese -- to
17 the Navy.

18 Q Was Commander HIYASHI in any position of
19 control with reference to the Tan Toey Camp?

20 A I did not have any direct contact with the
21 Japanese in the early stages of our camp, and thus
22 did not know the names of any of the Japanese excepting
23 those who were -- had local administrative jobs in
24 our camp headquarters. I would not have known his name
25 if he had been there.

VIN NOOTEN

CROSS

1 Q I think you mentioned the name of the cap-
2 tain of a garrison, but I assume that was much later
3 than the early part of '42; was it?

4 A I mentioned the name of Naval Captain Ando,
5 and I think he took over a few months later.

6 Q The person directly in charge of this camp,
7 I think you referred to him as "Camp Manager." What
8 is the meaning of that, Lieutenant?

9 A The man I referred to as "Camp Manager" was
10 IKEUCHI, who was actually an interpreter, but later
11 assumed far greater powers, and he, in his own termi-
12 nology, was "Camp Manager" or "Naval Commissioner."

13 Q Was he a civilian?

14 A He was a civilian attached to the Navy, wearing
15 uniform, carrying a sword, and he informed me that he
16 had the honorary rank of a major.

17 Q Were there any Allied planes coming over
18 the island in February, around the 18th, 1942?

19 A I saw about that time two Allied planes that
20 were PB4Y-4's.

21 Q Were there not quite a number of desertions
22 in the early days of the occupation, that is, subse-
23 quent to February on in for a few months?

24 A There were no desertions. You don't desert
25 from a prison camp. There were three official escape

V.N NOONTEH

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1 parties.

2 Q I think your correction is well taken,
3 Lieutenant, and I will accept that.

4 A Thank you.

5 Q Did you not at that time or later know of any
6 fear on the part of the Japanese that these escaped
7 prisoners of war might be able to convey to the Allies
8 the Japanese forces on the island?
9

10 A The Japanese tried to convey the impression
11 to us that no parties had been successful in getting
12 completely away from the island. They informed us
13 that all attempted escapees had been caught.

14 Q Is it true or not that shortly after the
15 surrender there were more Allied personnel on the
16 island than Japanese?

17 A I would say it was definitely not correct.
18 There were thousands of Japanese on the island.

19 Q Well, how about the comparison as regards
20 the first landing party of Japanese?

21 A I should think there were a few less than
22 the original landing party.
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VAN NOOTEN

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1 Q Was there any guerrilla fighting after the
2 surrender?

3 A Not to my knowledge.

4 Q Now, between the 3rd and 12th of February,
5 1942, you were in the hands of the army, I believe
6 you said, Lieutenant. Is that right?

7 A I think the date I mentioned was the 27th
8 of February. We were in the hands of the army from
9 the 4th of February until, I think the date was the
10 27th, when we were handed over to the navy.

11 Q What was the nature of the treatment accord-
12 ed you by the army?

13 A The treatment in the early stages, whether
14 by army or navy, it was quite good.

15 Q After the surrender and while living in
16 your own barracks, what equipment were you allowed?

17 A We were allowed personal equipment and
18 clothing, but steel helmets were withdrawn and
19 respirators were withdrawn.

20 Q Am I right, Lieutenant, that this bomb
21 dump was built or erected in October 1942?

22 A In November 1942.

23 Q Between that date and February 15, 1943,
24 were there any American Allied planes, reconnaissance
25 planes, over the island?

VAN NOOTEN

CROSS

A Yes, quite regularly.

1 Q What was the physical appearance of the
2 POW camp?

3 A It would appear exactly the same as an
4 army barracks.

5 Q Was there any barbed wire entanglements
6 surrounding the camp?

7 A Yes, there was a barbed wire entanglement
8 around the perimeter of the camp.

9 Q Was it possible, in your opinion, in your
10 experience, that the conditions could have been
11 recognized or might be recognized as a POW intern-
12 ment camp?

13 A It was possible that it could be recognized
14 as having a barbed wire barrier around it, but on
15 the 26th of October 1942 a portion of the camp had
16 been moved -- a number of personnel, I mean. It is
17 also possible that Allied intelligence had noted
18 the movement of troops and thought that we had all
19 been moved.
20

21 Q The raids had been pretty heavy up before
22 the 15th of February of that year, had they not,
23 Lieutenant?

24 A There had been fairly consistent raids of
25 groups of planes up to squadron strength, all B-24s.

VAN NOOTEN

CROSS

1 Q Where were the Jap planes maintained as
2 respects your camp?

3 A Land planes were based at Laha, which is
4 about nine or ten miles across the bay from the
5 town of Ambon. Some land-based fighter planes were
6 at Liang airstrip, on the northern coast of the
7 island of Amboina, about fifteen miles from our
8 camp, and seaplanes were based at the Halong sea-
9 plane base, about three to four miles northeast of
10 our prison camp.

11 Q Was there any resistance by the Japanese to
12 this bombing of the 15th of February?

13 A If I remember correctly, about six or seven
14 Japanese fighters went up, but were not successful
15 in their operations against the Allied craft.

16 Q Was this fight in the vicinity of the camp?

17 A No, it was after the planes had dropped
18 their bombs.

19 Q Do you personally know of any message sent
20 by your camp to account for the lone Jap plane
21 you have described?

22 A Account for a lone Jap plane? I don't
23 recall having described any such incident.

24 Q THE PRESIDENT: Is that the plane he said
25 was taking photographs?

VAN NOOTEN

CROSS

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1 MR. BLEWETT: Yes, your Honor.

2 THE PRESIDENT: You were going to cross-
3 examine as to why he should know that?

4 MR. BLEWETT: Yes, sir.

5 THE WITNESS: This lone Japanese plane
6 that took photographs over our camp was based on
7 Halong, about, as I said, three to four miles from
8 our camp. Since we had complained and requested
9 for markings for our hospital and for our camp,
10 messages could be sent quite easily by telephone
11 to Halong, but I do not know of any such message.
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VAN NOOTEN

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Q What type of plane was it, sir?

1 A It was a four-engine flying boat, the type
2 that we used to term a Kawanishi.

3 Q Was it a fighter plane or a reconnaissance?

4 A It was a four-engine flying boat; it could
5 be either reconnaissance or bomber.

6 Q Have you experience as a flier, Lieutenant?

7 A No.

8 Q Am I right in your testimony that you are in
9 the artillery?

10 A No. I am an infantry officer.

11 Q Now, was it uncommon to see a lone plane,
12 Japanese plane, above your camp?

13 A Flying over backwards and forwards over our
14 camp, yes, it was most uncommon, because the planes
15 used to go out a constant route and come in a constant
16 route.

17 Q Could you tell from your position whether or
18 not this plane actually was taking photographs?

19 A This plane flew over our camp at a constant
20 height on a constant course, and when it had completed
21 that run it returned and came in from the same direction,
22 slightly over, and repeated this at least four times.

23 Q What was the usual method of ascertaining
24 damage by the Japanese air force at the conclusion of
25

VAN NOOTEN

CROSS

the raid?

1 THE PRESIDENT: Had there been any raid up
2 till then?

3 THE WITNESS: Yes, sir, there had been raids
4 up to then, but the island is so small that you can
5 see from the land exactly what happens in an air raid
6 without having to take aerial photographs.

7 THE PRESIDENT: Why take photographs for
8 any purpose?

9 THE WITNESS: I should say only if they
10 required them for propaganda purposes, sir.

11 THE PRESIDENT: How long before the lone plane
12 came was the last raid?

13 THE WITNESS: Probably about four hours.
14 The camp was still smoking and burning.

15 Q Do you know personally whether or not any
16 photographs were ever used for propaganda purposes
17 with regard to this incident?

18 A No, I do not.

19 Q Lieutenant, were there any materials avail-
20 able for rebuilding which were refused to you?

21 A There was quite a lot of timber, sawn timber,
22 on the island, any amount of nails because we were using
23 them daily on construction work for the Japanese, and
24 there was also plenty of cement.
25

VAN NOOTEN

CROSS

1 Q Did you ask for this material and was it
2 actually refused?

3 A The reply was, when we asked for the material,
4 that building materials were very short and we would
5 have to conserve and make use of what we had.

6 Q I think you testified on Tuesday that
7 eventually most of the island was laid bare by raids,
8 by Allied raids. Is that right?

9 A Most of the island that was inhabited, yes.

10 Q Did the Japanese have clothes and boots avail-
11 able and suitable which they refused to supply to
12 your men?

13 A About a week after the war had ended, we
14 were inundated with Japanese clothing, footwear, head-
15 dress, of every description. This clothing had been
16 on the island for at least two years.

17 Q Was it the Japanese or Allied stores?

18 A It was all Japanese.

19 Q In what capacity were you engaged after the
20 Japanese surrender?

21 A Our own internment administration and essen-
22 tial camp duties.
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1 Q Was it in connection with your official
2 duties that you spoke to Colonel KATSUDA?

3 A Yes. My conversation with Colonel KATSUDA
4 and Colonel SHIHOZU were official.

5 Q I think you testified on Tuesday that you
6 did not personally make this trip on the long carry,
7 am I right?

8 A That is right.

9 Q Did you know Private John L. S-e-a-r-a-n-t?

10 A Yes, Private Searant.

11 MR. BLEWETT: If your Honor please, docu-
12 ment No. 5301 is on the list to be presented. May
13 I read a portion of it to the witness?

14 THE PRESIDENT: Yes, certainly.

15 Q I shall read from the bottom of Page 1 of
16 document 5301.

17 THE PRESIDENT: Are the prosecution tender-
18 ing that part?

19 LIEUT. COLONEL MORNAME: Yes.

20 MR. BLEWETT: It is marked, sir. I am not
21 sure, but it is referred to in the synopsis.

22 Q (Continuing): "I was put on the long carry
23 thirteen times during 1944. The last occasion was
24 just before Christmas. The distance of the long carry
25 was about eight miles over very rough, rugged country

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23 thirteen times during 1944. The last occasion was
24 just before Christmas. The distance of the long carry
25 was about eight miles over very rough, rugged country

VAN NOOTEN

CROSS

1 made up of broken coral with gullies and steep hills.
2 We had to go on all fours sometimes to crawl up the
3 hills. It took us about five hours to complete the
4 journey with a load. I carried bags of cement and
5 150-pound bombs. The bags of cement weighed 94
6 pounds. Two men were detailed for each bag. When
7 one could carry it no further, the other took over.
8 The Japanese guards did not actually bash us, but
9 made us hurry along. Sometimes we had good guards
10 who would give us a fair go; but, on one occasion,
11 we were guarded by some Koreans who kept us moving
12 all the time."

13 I ask you, Lieutenant, if that is a fair
14 description of the work on the long carry?

15 A That is one private soldier's personal
16 experiences and would probably be very accurate from
17 his point of view. My reports came from non-commis-
18 sioned officers who were expressly detailed to bring
19 back accurate information on the task.

20 MR. BLEWETT: That is all. Thank you.
21 That is all, your Honor.

22 THE PRESIDENT: Mr. Levin.

23 MR. LEVIN: Mr. President.

24 CROSS-EXAMINATION (Continued)

25 BY MR. LEVIN:

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1 Q Lieutenant, did you have any special training
2 or qualifications to enable you to determine with
3 the naked eye what particular planes did during
4 certain flights?

5 THE PRESIDENT: Mr. Levin, seeing that
6 the only suggestion is that the plane was taking
7 photographs for propaganda purposes, it will not
8 help us. That could never be an offence.

9 MR. LEVIN: That is satisfactory, Mr.
10 President.

11 Q You testified that the guard kicked one
12 of the men while on the ground. Was that a sporadic
13 incident or a general practice?

14 A Especially over the last eighteen months,
15 kickings, punchings, and bashings were daily occur-
16 rences.

17 Q When you speak of daily occurrences, do
18 you mean one or two each day or more than that?

19 A At least one or two each day, sometimes
20 many more.

21 Q Do you know whether there was any reason
22 why the pregnant woman that you testified about was
23 punched?

24 A No. She bowed correctly to the sentry and
25 appeared to carry out all regulations.

VAN NOOTEN

CROSS

1 Q That, of course, was the act of the sentry
2 or guard?

3 A That was the act of an NCO sentry who
4 was on duty at the guardhouse which was the senior
5 post of the sentries around the camp.

6 THE PRESIDENT: You say that woman was
7 kicked in the stomach?

8 THE WITNESS: Yes, sir, kicked in the
9 stomach.

10 THE PRESIDENT: Was the incident reported
11 to the Camp Commandant?

12 THE WITNESS: I think it was reported to
13 the Camp Manager, sir.

14 THE PRESIDENT: Was any action taken?

15 THE WITNESS: Not that I know of, sir.

16 Q Had other women been treated in that manner
17 that you know of?

18 A Some native women had been slapped and
19 beaten, but it was the first occasion on which I
20 had seen a pregnant woman brutally assaulted.

21 Q Now, you speak of the American airmen that
22 had been taken away under suspicious circumstances.
23 Did you see them taken away yourself?

24 A Yes, I watched the whole incident.

25 Q Was this in the daytime or the nighttime?

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1 A In the daytime.

2 Q Did you know Private Verdun Clive Ball?

3 A Yes.

4 MR. LEVIN: Mr. President, I desire to
5 refer to one sentence in document No. 5302 which
6 was not offered in evidence. That is the third
7 sentence -- rather the last sentence in the third
8 paragraph of the document.

9 LIEUT. COLONEL MORNANE: Mr. President,
10 the prosecution proposed to tender that document
11 in evidence.

12 THE PRESIDENT: But Mr. Levin may cross-
13 examine on it.

14 Q This refers to the bashing of Dutch
15 personnel from the camp. The last sentence of the
16 third paragraph reads as follows:

17 "The guards who did the bashing were not
18 local guards and were taken away later."

19 Do you know whether or not they were taken
20 away because of the mistreatment of the Dutch
21 personnel?
22

23 A On both of the mass beatings, marines, who
24 we used to refer to as expert bashers, were brought
25 out to carry out the beatings.

Q You speak of the quartermaster supplies,

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1 that is, that the quartermaster had informed you
2 that the Japanese had sufficient supplies for a
3 year and a half for three thousand to ten thousand
4 people. There seems to be such a great variation
5 that I am wondering if there is any explanation of
6 that statement.

7 A From my observations it appeared that
8 Ambon was used as a resting place for the front-
9 line troops as well as garrison forces.

10 THE PRESIDENT: We will recess for fifteen
11 minutes.

12 (Whereupon, at 1045, a recess was
13 taken until 1100, after which the proceedings
14 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Levin.

4 BY MR. LEVIN (Continuing):

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5 Q Lieutenant, during the last two years of
6 your imprisonment was it difficult for the Japanese
7 to obtain supplies at Ambon?

8 A To obtain additional supplies from outside
9 of the island or the island group, yes.

10 Q Were you in a position to judge and determine
11 the health of the Japanese?

12 A I was in a position to observe the health
13 of the Japanese.

14 Q And it is on that basis that you offered
15 your testimony?

16 A I don't recall having offered my testimony.

17 Q Perhaps I wasn't clear. I believe you testi-
18 fied that the health of the Japanese was uniformly
19 good.

20 A According to my observations, the health
21 of the Japanese was good.

22 Q You made some reference in the early part
23 of your testimony to a headquarter's order. Do you
24 know what headquarters the order came from?

25 A It is most likely that it was Naval Island

VAN NOOTEN

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1 Headquarters but it is possible that it was from the
2 Macassar Headquarters which was South Seas Fleet
3 Headquarters.

4 Q Then you don't know exactly from what --
5 actually from what headquarters the order came from?

6 A No. The statement was made to me by IKIUCHI
7 to the effect that "headquarters ordered, so you will
8 do as you are told."

9 Q What is your age, lieutenant?

10 A Twenty-eight.

11 MR. LEVIN: That is all.

12 THE PRESIDENT: Counsellor SHIMANOUCHI.

13 CROSS-EXAMINATION (Continued)

14 BY MR. SHIMANOUCHI:

15 Q You testified on Tuesday that the food
16 rations of the prisoners became worse after July,
17 1943, and their rice ration was reduced to less than
18 ten ounces per man per day. Was not the food ration
19 of prisoners seventeen ounces per day until August,
20 1944?

21 THE MCWITOR: Per day per man.

22 A No. The food ration for prisoners was
23 seventeen ounces per day per man until about July,
24 1943.

25 Q Do you know Major George Westley?

VAN NOOTEN

CROSS

1 A Yes. Major Westley was senior Australian
2 officer in our prison camp.

3 Q If Major Westley says that the prisoners'
4 food ration was seventeen ounces per man per day
5 until August, 1944, what recollection do you have on
6 this point?

7 A I say that the food ration until July, 1943,
8 was seventeen ounces per day per man and it was later
9 decreased, or it was from that date decreased firstly
10 to ten ounces, then to eight ounces, then to six
11 ounces, and around August or September, 1944, it was
12 reduced to four ounces per day per man.

13 MR. SHIMANOCHI: Your Honor, I call the
14 Court's attention to Court exhibit 1820A, the fourth
15 paragraph. In this paragraph Major Westley testified
16 that until August, 1944, the rice ration for prisoners
17 was seventeen ounces per man per day.

18 Q Do you know, Mr. Witness, whether the ration
19 for Japanese troops was also reduced beginning from
20 the end of 1944?

21 A Yes. I testified earlier in my evidence
22 that the Japanese ration had been reduced to about
23 fifteen or seventeen ounces per day per man as from
24 approximately the end of 1944.

25 Q On Tuesday you testified that after the

VAN NOOTEN

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1 prisoner of war camp at Tan Toey was bombed the
2 facilities at the Bethany Church for internees were
3 very bad. How many days were you in this church?

4 A I was never in the church at the Bethany
5 Church. I mentioned that the Dutch women and children
6 had been transferred from Tan Toey prison compound
7 and were quartered at Bethany Church.

8 Q Then how do you know of conditions in that
9 church at that time?

10 A I personally went past the church in a
11 motor truck and observed it and I have since had
12 contact with a Dutch woman who made that report to me.

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5 Church. I mentioned that the Dutch women and children
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9 church at that time?

10 A I personally went past the church in a
11 motor truck and observed it and I have since had
12 contact with a Dutch woman who made that report to me.

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1 Q You also testified that after the large
2 scale air raid on the city of Ambon in August 1944,
3 when the new camp for prisoners of war was built
4 facilities there were also very bad. What was the
5 extent of the damage suffered by the city of Ambon
6 in this raid?

7 A The city of Ambon was practically completely
8 destroyed.

9 Q Did the citizens of Ambon rebuild their
10 houses after this air raid?

11 A Yes. They rebuilt not the same type of
12 house, but temporary living quarters.

13 Q How were the facilities of the new camp
14 built by the prisoners as compared with the new
15 homes built by the citizens?

16 A The camp as rebuilt by the prisoners had to
17 be done with the materials which we were able to sal-
18 vage. The citizens of Ambon were able to collect from
19 a far greater area than we were because they were free.
20 We were prisoners.

21 Q You say that the city of Ambon was completely
22 destroyed. Do you know the number of houses in the
23 city previous to the air raid?

24 A The town of Ambon would have originally quar-
25 tered approximately ten thousand people.

VAN NOOTEN

CROSS

1 Q Then can you say that there was a great
2 shortage of building materials after the air raid?

3 A There was a great shortage of building mater-
4 ials. But it was not necessary to give sufficient
5 or greater quantities of materials to the natives,
6 because the majority of them had two homes; one in
7 the town and one in the hills, and the greater number
8 of natives evacuated their town and lived in their more
9 sheltered homes in the hills.

10 Q You have testified that medicines and medical
11 instruments were very scarce, were insufficient. When
12 the prisoner of war camp was hit in the air raid of
13 February 1943 was the attached hospital also destroyed?

14 A Yes, the hospital building was completely
15 destroyed, and the destruction was completed by fire.

16 Q Then, were the medical instruments and medi-
17 cines, and so forth, in the hospital at the time also
18 completely lost?

19 A Excepting for the instruments which we were
20 able to salvage, and those that were not completely
21 destroyed, or were of such a nature that the fire did
22 not completely destroy them. We lost a great number.

23 Q You testified that after the destruction of
24 the prisoner of war camp at Tan Toey Allied aircraft
25 regularly came over the island on bombing missions

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1 until the island was laid bare. Could you say that the
2 civilian hospitals in the area, as well as drug stores,
3 were also burned in these raids?

4 A The civilian hospital, the Japanese hospital,
5 and the Japanese controlled Indonesian hospital were
6 completely undamaged as a result of all raids.

7 Q Were there many patients in these hospitals?

8 A From my observations these hospitals had
9 quite a number of patients in each.

10 Q Did any Japanese supply ships reach Ambon
11 after the air raid on Tan Tcey?

12 A After the air raid of 28 August '44 no Japan-
13 ese supply ship of any size reached Ambon; only small
14 wooden craft up to about two hundred tons.

15 Q Do you know whether or not Japanese shipping
16 was destroyed as a result of the activities of American
17 planes and submarines?

18 A I have no firsthand knowledge on that fact, but
19 I believe that the Japanese shipping found it very dif-
20 ficult to break the blockade of that area.

21 Q You testified that on a night in November 1942
22 several Australians were taken outside the camp area and
23 beaten. Why had these Australians gone outside the
24 camp area?
25

THE WITNESS: Is that why or when?

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1 THE INTERPRETER: Why.

2 A They had gone outside the camp area in efforts
3 to obtain additional rations, fresh fruit and comforts.

4 Q Did they go outside this area with the
5 permission of the Japanese?

6 A No, it was done surreptitiously.

7 Q Did they break out of this camp?

8 THE PRESIDENT: I have heard enough about
9 that. They went out surreptitiously. That is the last
10 thing you heard.

11 Q Have you ever seen Japanese soldiers kicking
12 and beating Japanese soldiers, their own men?

13 A Yes.

14 Q Have you ever heard of this?

15 A I have both heard of it and seen it.

16 Q Was it a frequent occurrence?

17 A Fairly frequent, yes.

18 Q What was the reasons for these Japanese sol-
19 diers hitting their own men?

20 A Presumably for normal service, for Army of-
21 fenses. They were hit as a form of summary punishment.

22 MR. SHIMANOCHI: That concludes my cross-
23 examination. Thank you. There will be no more--
24 that concludes the cross-examination on the part of
25 the defense.

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1 THE PRESIDENT: Colonel Mornane.

2 LIEUT. COLONEL MORNANE: With the permission
3 of the Tribunal, I propose to ask the witness a few
4 questions arising out of the cross-examination.

5 REDIRECT EXAMINATION.

6 BY LIEUT. COLONEL MORNANE:

7 Q What particular opportunity did you have for
8 observing the ration received by Australian prisoners?

9 A On every occasion that rations were delivered
10 to our prison camp I was personally on the receiving
11 end, and I also observed daily the ration as delivered
12 to the individual prisoners.

13 THE PRESIDENT: Did Major Westley have that
14 opportunity?

15 THE WITNESS: Not always, sir.

16 BY LIEUT. COLONEL MORNANE:

17 Q Did the medical officer tell you of what the
18 injections given for these experimental groups con-
19 sisted of?

20 A The medical officer told me on frequent oc-
21 casions that he did not believe the substance of the
22 injections was genuine. He told me on many occasions
23 that we would have to make more strenuous efforts to
24 get these injections stopped, as, in his opinion, they
25 were accelerating and hastening the death of the men

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1 who were receiving them.

2 LIEUT COLONEL MORNANE: We have no further
3 questions to put to this witness, if the Tribunal
4 please.

5 THE PRESIDENT: Well, he is released on the
6 usual terms.

7 (Whereupon, the witness was excused.
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1 LIEUT. COLONEL MARNANE: Just before this
2 witness was called I had put in evidence evidentiary
3 document No. 5418 which received exhibit No. 1820-A.
4 This document deals with the life of the Ambon
5 Prison Camp, and, unless the Tribunal wishes me to
6 read any of the paragraphs, I do not propose to do so.

7 THE PRESIDENT: No we do not want you to
8 read those affidavits.

9 LIEUT. COLONEL MORNANE: If the Tribunal
10 pleases.

11 Prosecution document No. 5417 is the affidavit
12 of former Major Ian Farquhar Macrae of 2/21 Australian
13 Infantry Battalion. I tender the document for
14 identification and excerpts therefrom in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution document
17 No. 5417 will receive exhibit No. 1821 for identifica-
18 tion only. The excerpt therefrom will receive exhibit
19 No. 1821-A.

20 (Whereupon, the document above
21 referred to was marked prosecution's ex-
22 hibit No. 1821 for identification; the
23 excerpt therefrom being marked prosecution's
24 exhibit No. 1821-A and received in evidence.)

25 LIEUT. COLONEL MORNANE: Prosecution document

1 No. 5302 is the affidavit of Private Verdun Clive
2 Ball of 8th Division, Australian Army Service Corps.
3 I tender it for identification and marked excerpts
4 thereof in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document
7 No. 5302 will receive exhibit No. 1822. The excerpt
8 therefrom exhibit No. 1822-A.

9 (Whereupon, the document above
10 referred to was marked prosecution's ex-
11 hibit No. 1822 for identification; the
12 excerpt therefrom being marked prosecution's
13 exhibit No. 1822-A and received in evidence.)

14 LIEUT. COLONEL MORNAME: The affiant describes
15 the beating and torture of deponent and 22 other
16 Australians because they had gone outside the camp
17 limits. As a result deponent lost the use of his
18 legs for three or four months.

19 Prosecution document No. 5301 is the affidavit
20 of Private John Leslie Searant of 8th Division
21 A.A.S.C. I tender the document for identification
22 and the excerpt in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution document
25 No. 5301 will receive exhibit No. 1823 for identification

1 only, and the excerpts therefrom exhibit No. 1823-A.

2 (Whereupon, the document above
3 referred to was marked prosecution's ex-
4 hibit No. 1823 for identification; the
5 excerpt therefrom being marked prosecu-
6 tion's exhibit No. 1823-A and received
7 in evidence.)

8 LIEUT. COLONEL MORNANE: Prosecution document
9 No. 5306 is an official report of the Netherlands
10 Forces Intelligence Service. I tender the document
11 for identification and the marked excerpt in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution document
14 No. 5306 will receive exhibit No. 1824 for identifica-
15 tion only. The excerpt therefrom will be exhibit
16 No. 1824-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's ex-
19 hibit No. 1824 for identification; the
20 excerpt therefrom being marked prosecu-
21 tion's exhibit No. 1824-A and received
22 in evidence.)

23 LIEUT. COLONEL MORNANE: I will read the
24 excerpt which appears on the last page of the docu-
25 ment:

1 only, and the excerpts therefrom exhibit No. 1823-A.

2 (Whereupon, the document above
3 referred to was marked prosecution's ex-
4 hibit No. 1823 for identification; the
5 excerpt therefrom being marked prosecu-
6 tion's exhibit No. 1823-A and received
7 in evidence.)

8 LIEUT. COLONEL MORNANE: Prosecution document
9 No. 5306 is an official report of the Netherlands
10 Forces Intelligence Service. I tender the document
11 for identification and the marked excerpt in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution document
14 No. 5306 will receive exhibit No. 1824 for identifica-
15 tion only. The excerpt therefrom will be exhibit
16 No. 1824-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's ex-
19 hibit No. 1824 for identification; the
20 excerpt therefrom being marked prosecu-
21 tion's exhibit No. 1824-A and received
22 in evidence.)

23 LIEUT. COLONEL MORNANE: I will read the
24 excerpt which appears on the last page of the docu-
25 ment:

1 "I, P. Boediman, of Sangirese race, rank
2 of fusillier, No. 32878, while I was at Ambon quartered
3 at the former Dutch artillery barracks at Kempoeng
4 Benting and while I was working in the Heiho (Labour
5 Corps) in July 1943 saw 5 Australian PW, 15 Ambonese
6 male civilians and 4 Ambonese (female) women all
7 with hands tied and they passed in front of the
8 barracks aforesaid escorted by a number of Japs carrying
9 shovels and swords. Those with their hands tied afore-
10 said were taken behind the barracks abovementioned.
11 I did not see what happened to these people but
12 before long the Japs who had escorted them came back
13 with the shovels and swords but without the people
14 aforesaid. I think and really believe that all those
15 persons who had their hands tied were killed by
16 beheading by the Japs mentioned because they had given
17 food and other things to the Australian PWs."

18 Prosecution document No. 5297 is an affidavit
19 made by Flying Officer Denis Brian Mason of the
20 Royal Air Force. I tender the original for identifica-
21 tion and the marked excerpts in evidence.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution document
24 No. 5297 will receive exhibit No. 1825 for identifica-
25 tion only. The excerpt therefrom, bearing the same

1 document number will receive exhibit No. 1825-A.

2 (Whereupon, the document above
3 referred to was marked prosecution's ex-
4 hibit No. 1825 for identification; the
5 excerpt therefrom being marked prosecution's
6 exhibit No. 1825-A and received in evidence.)

7 LIEUT. COLONEL MORRANE: The affiant and
8 a party of 2050 prisoners of war landed at Haroekoe
9 Island on 5th May, 1943. Upon arrival the camp was only
10 partly built and did not provide adequate shelter.
11 At this camp prisoners were starved and beaten. Al-
12 though most of them were sick they were compelled to
13 work ten hours a day, mainly on the construction of
14 an aerodrome. Clothing and boots were not supplied
15 to prisoners. Large numbers suffered from beriberi,
16 malaria and dysentery. Hospital patients were starved
17 and had to supplement their diet with rats, mice,
18 dogs, cats and snails. No medical supplies were
19 provided. Open trench latrines only were permitted
20 for the first twelve months and this resulted in
21 spread of dysentery. Over 15 months 386 died from
22 sickness and starvation.

23 Prosecution document No. 5298, is an affidavit
24 made by Flying Officer Denis Brian Mason of the
25 Royal Air Force. I tender this document for

1 identification and marked excerpts in evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution document
4 No. 5298 will receive exhibit No. 1826 for identifica-
5 tion only. The excerpt therefrom will be given
6 exhibit No. 1826-A.

7 (Whereupon, the document above
8 referred to was marked prosecution's ex-
9 hibit No. 1826 for identification; the
10 excerpt therefrom being marked prosecution's
11 exhibit No. 1826-A and received in evidence.)

12 LIEUT. COLONEL MORNANE: This is a short
13 affidavit and I propose to read marked excerpts from
14 "When I arrive at Lahat Camp" down to "constructing
15 A.R.P. trenches for the Japanese."

16 "When I arrived at Hahat Camp from Amboina
17 town on 18 August 1944 I found that there was no
18 accommodation for my party as the camp was already
19 very badly overcrowded. The Japs took us to some huts
20 on the outskirts of the camp that had been occupied
21 by a Javanese Labour Battalion from Java.

22 "Part of the huts were still occupied by the
23 remainder of the Battalion i.e. their rotting corpses.
24 We had to dispose of these corpses and extend the
25 existing accommodation to make room for the incoming

1 identification and marked excerpts in evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution document
4 No. 5298 will receive exhibit No. 1826 for identifica-
5 tion only. The excerpt therefrom will be given
6 exhibit No. 1826-A.

7 (Whereupon, the document above
8 referred to was marked prosecution's ex-
9 hibit No. 1826 for identification; the
10 excerpt therefrom being marked prosecution's
11 exhibit No. 1826-A and received in evidence.)

12 LIEUT. COLONEL MORNANE: This is a short
13 affidavit and I propose to read marked excerpts from
14 "When I arrive at Lahat Camp" down to "constructing
15 A.R.P. trenches for the Japanese."

16 "When I arrived at Hahat Camp from Amboina
17 town on 18 August 1944 I found that there was no
18 accommodation for my party as the camp was already
19 very badly overcrowded. The Japs took us to some huts
20 on the outskirts of the camp that had been occupied
21 by a Javanese Labour Battalion from Java.

22 "Part of the huts were still occupied by the
23 remainder of the Battalion i.e. their rotting corpses.
24 We had to dispose of these corpses and extend the
25 existing accommodation to make room for the incoming

1 party of British and Dutch PWs.

2 "This new part of the camp was now joined
3 to the existing one.

4 * * *

5 "Accommodation was shockingly overcrowded,
6 each PW of which there were about four thousand,
7 was lucky to have 12 sq. ft. per man. My party had
8 to lie on the earth floor.

9 "Water was reasonable, being obtained from
10 a spring.

11 "Food was very bad, consisting of never more
12 than 150 grammes of rice a day and nothing else.

13 "Sickness and deaths among the PWs still
14 continued at an alarming rate.

15 "Working parties still continued principally
16 loading ships.

17 "No clothing, boots or bedding etc. was issued
18 to us.

19 "No recreation or Church services were allowed.
20 Nor were any letters or Red Cross parcels ever received
21 by us while we were there.

22 "Medical supplies were almost unobtainable.
23 The only medical supplies we had, were those scrounged
24 by the PWs from the Jap stores whilst loading the
25 ships.

1 "Even the British OC camp and all the PW
2 Officers, including the very sick had to work construct-
3 ing ARP trenches for the Japanese.

4 "With regard to personalities there was a
5 particularly brutal and cruel Korean named KAMINOKA
6 who was employed in the PW cookhouse. Previously I
7 had been badly beaten by the man at Liang Camp. He
8 used to take a special delight in maltreating British
9 Officers. I remember two PW Officers in particular,
10 whom he almost killed in this camp. They were F/O
11 Meathrel and F/O J. Reece, now both dead."

12 Prosecution document No. 5299 is an affidavit
13 by Leading Aircraftsman Henry Kitteringham of Royal
14 Air Force. I tender this document for identification
15 and marked excerpts in evidence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution document
18 No. 5299 will receive exhibit No. 1827 for identifica-
19 tion only. The marked excerpt therefrom exhibit No.
20 1827-A.

21 (Whereupon, the document above
22 referred to was marked prosecution's ex-
23 hibit No. 1827 for identification; the
24 excerpt therefrom being marked prosecution's
25 exhibit No. 1827-A and received in evidence.)

1 LIEUT. COLONEL MORNANE: The affiant states
2 that 1000 prisoners of war went to Liang on Ambon
3 Island in May, 1943. Accommodation was bad consisting
4 for the most part of leaky tents. Food was totally
5 inadequate. Prisoners were engaged on the construction
6 of an aerodrome. Work was very heavy and the guards
7 inflicted brutal beating on the prisoners. Medical
8 supplies were insufficient. One man, Champion, was
9 murdered. In October, 1944, a draft of 600 were sent
10 by sea back to Java. Prisoners were overcrowded.
11 Only a third of a pint of drinking water was provided
12 for each man daily. 28 died on the voyage.
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1 Prosecution document No. 5300 is an extract
2 from the War Diary of 2/5 Aust. Gen. Hosp. of 12 Sep-
3 tember 1945. I tender the document for identification
4 and the marked excerpts in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document
7 No. 5300 will receive exhibit No. 1828 for identifi-
8 cation only; and the excerpts therefrom exhibit
9 No. 1828-A.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1828 for identification; and the excerpts
13 therefrom were marked prosecution's exhibit
14 No. 1828-A and received in evidence.)

15 LIEUT. COLONEL MORNANE: I will read the
16 entry: "MOROTAI. 12 September. Sixty four Austr-
17 lian and Dutch Recovered Prisoners of War were re-
18 ceived from Amboina. Included in this number were
19 38 stretcher cases. The patients were in a very weak
20 and emaciated condition and were all suffering from
21 malnutrition, a number being severely ill. One patient
22 died early in the morning of 13.9.45. Bed state at
23 midnight 1020 equipped, 572 occupied 448 vacant."

24 Prosecution document No. 5399 is a report on
25 recovered prisoners of war by Officer in Charge,

1 Medical Division, 2/5 Aust. Gen. Hosp. I tender the
2 document for identification and the marked excerpts
3 in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution document
6 No. 5399 will receive exhibit No. 1829 for identifi-
7 cation only, and the excerpts therefrom exhibit
8 No. 1829-A.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's document
11 No. 1829 for identification; and the excerpts
12 therefrom were marked prosecution's exhibit
13 No. 1829-A and received in evidence.)

14 LIEUT. COLONEL MORNAME: I will read the
15 first three paragraphs:

16 "REPORT ON RECOVERED P.Ws. Ex AMBOINA, dated
17 14 September 1945.

18 "The outstanding impressions of these 65 men
19 over the first 48 hours observation are as follows:

20 "15 men were extremely emaciated, hollow-eyed,
21 pallid, had swollen abdomens and ankles and extensive
22 ulceration in inferior extremities. This group was
23 strongly reminiscent of Belsen and one, shockingly
24 wasted, died without regaining full consciousness.
25 Four others of this group are giving concern and are

1 not out of danger.

2 "A large group of about 45 were a fairly
3 homogeneous collection exhibiting various stages of
4 malnutrition, beri-beri, tropical ulcers and anaemia.
5 Some of this group had been able to bear their weight
6 and walk with assistance in the prison camp and on the
7 naval vessels which brought them to Morotai.

8 "The remainder, some 6 to 8, were in quite
9 good condition apart from obvious loss of weight."

10 Prosecution document No. 5303 is an affidavit
11 made by 1st. Lieutenant Paul Alfred Stansbury of the
12 U. S. Army Air Force. I put the document in for iden-
13 tification and the marked excerpts in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 5303 will receive exhibit No. 1830 for identifi-
17 cation only, and the excerpts therefrom exhibit No.
18 1830-A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit No. 1830
21 for identification; and the excerpts therefrom
22 were marked prosecution's exhibit No. 1830-A
23 and received in evidence.)

24 LIEUT. COLONEL MORNANE: The affiant was a
25 bombardier on a B24 which crashed over Kai Islands on

1 21 September 1943. It was in three feet of water on
2 a coral reef. The crew had sustained serious injuries
3 in the crash and the navigator was pinned down on the
4 flight deck. A Japanese boat came out. The airmen
5 with the exception of the navigator were taken prisoners.
6 The Japanese refused to do anything for the navigator
7 but left him there to die. The rest of the airmen were
8 taken to Ambon. They were placed in mosquito infested
9 cells without blankets, bedding or mosquito nets. No
10 sunlight could penetrate the cells and there was no
11 ventilation. They were starved on weevily rice. No
12 medical attention was given them. For 68 days they
13 were interrogated to the accompaniment of beatings
14 almost daily. Later the deponent and the co-pilot
15 were shipped to Japan. They were frequently beaten by
16 the guards. They both became paralyzed with beri-beri
17 but received no treatment for this during the 60 days
18 sea voyage. The deponent remained paralyzed for nine
19 months and the co-pilot for 20 months.

21 Prosecution document No. 5223 is a sworn
22 interrogation of Warrant Officer Kinoshita YOSHIZAKI,
23 of Japanese Navy. I tender it for identification and
24 the marked excerpts in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution document

1 No. 5233 will receive exhibit No. 1831 for identifi-
2 cation only, and the excerpts therefrom exhibit
3 No. 1831-A.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1831 for identification; and the excerpts
7 therefrom exhibit No. 1831-A and received in
8 evidence.)

9 LIEUT. COLONEL MORNANE: On the 20th August
10 1944, the deponent took part in the beheading of three
11 American airmen at Sarara Prisoner of War Camp. This
12 was done on orders of superior officers. The district
13 had been bombed by American planes on the previous day.

14 This completes the evidence in relation to the
15 Ambon section of this phase, if the Tribunal please.

16 THE PRESIDENT: We will recess now until half
17 past one.

18 (Whereupon, at 1200, a recess was taken.
19
20
21
22
23
24
25

AFTERNOON SESSION

1
2
3 The Tribunal met, pursuant to recess, at
4 1330, the HON. BERNARD VICTOR A. ROLING, Member from
5 the Kingdom of the Netherlands, not sitting.

6 - - -

7 MARSHAL OF THE COURT: The International
8 Military Tribunal for the Far East is now resumed.

9 THE PRESIDENT: Colonel Mornane.

10 LIEUT. COLONEL MORNANE: My next document
11 is evidentiary document No. 5442, a synopsis of
12 treatment of prisoners of war in New Guinea. I
13 tender this document in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 5442 will receive exhibit No. 1832 for identifi-
17 cation only, and the excerpt therefrom will receive
18 exhibit No. 1832A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1832 for identification; and the ex-
22cerpt therefrom was marked prosecution's
23 exhibit No. 1832A and received in evidence.)

24 LIEUT. COLONEL MORNANE: Prosecution docu-
25 ment No. 5379 is an affidavit of Major Charles Henry

1 Bicks of the Australian Imperial Forces. I tender
2 this document for identification and the marked ex-
3 cerpts in evidence.

4 THE PRESIDENT: Admitted on the usual
5 terms.

6 CLERK OF THE COURT: Correction on that
7 last item that was announced, to wit, prosecution's
8 document No. 5442. That was admitted according to
9 the rule of Court and given exhibit No. 1832.

10 (Whereupon, prosecution's docu-
11 ment No. 5442, previously marked exhibit
12 No. 1832 for identification and the ex-
13 cerpt therefrom exhibit 1832A in evidence,
14 was remarked prosecution's exhibit 1832
15 and received in evidence.)

16 Now, prosecution's document No. 5379 will be
17 given exhibit No. 1833 for identification only, and
18 the excerpt will be given exhibit No. 1833A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1833 for identification, and the ex-
22 cerpt therefrom was marked prosecution's
23 exhibit No. 1833A and received in evidence.)

24 LIEUT. COLONEL MORNAME: I will read para-
25 graphs three, four, five and six of this exhibit:

1 "I was at Milne Bay on Tuesday, 25 August,
2 1942, when the Japanese landed in that area, and I
3 took part in the fighting which occurred in that area
4 between the Japanese and Australian Forces from the
5 25th August, 1942 until the 31st August, 1942.

6 "On the morning of the 30th August, 1942,
7 I took a patrol consisting of myself and four others
8 into Japanese occupied territory. At a place called
9 MOTEQ, where our forces had engaged the Japanese on
10 the night of the 26th, I saw a native lying on his
11 face in the middle of the road. His hands were tied
12 behind him with signal wire (Don-3 Cable). He had
13 been shot three or four times through the body, and
14 he had also been bayoneted through the stomach about
15 three times. I did not know who this native was,
16 but he appeared to me to have been a native of that
17 district. From my observations, I would say definite-
18 ly that he had been bayoneted and shot after having
19 been tied up.

20 "Further on in the jungle, near the same
21 willage, I found the body of a native woman. She had
22 been tied down with signal wire by the wrists and
23 legs to stakes. She was lying on her back and was
24 naked. She had been killed by a knife or a bayonet
25 slash from the stomach upwards.

1 "Further on near Koebelo, where fighting
2 had taken place on the night of the 27th, between the
3 2/10th and the Japanese, I found the bodies of six
4 Australians lying near the track. Their hands had
5 been tied behind their backs with signal wire, and
6 they had been bayoneted through the stomach. Two of
7 them had had their arms smashed with rifle bullets
8 fired at close range. These men were lying with their
9 knees up. I looked for the Identity Discs, but these
10 had all been removed."

11 Prosecution document No. 5378 is affidavit
12 of former Captain Charles Walter Kendall of 18
13 Australian Infantry Brigade. I tender this document
14 for identification and the marked excerpt in evi-
15 dence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 5378 will receive exhibit No. 1834 for identifi-
19 cation only, and the excerpt therefrom will be exhibit
20 No. 1834A.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1834 for identification; and the excerpt
24 therefrom was marked prosecution's exhibit
25 No. 1834A and received in evidence.)

1 LIEUT. COLONEL MORNANE: I will read para-
2 graphs two to eight of this document:

3 "About 1st. or 2nd. September. 1942, at Waga
4 Waga in Milne Bay we captured the headquarters of a
5 Japanese Marine Regiment. In clearing the jungle
6 around these headquarters for our own defensive
7 position, I saw the bodies of two Australian soldiers
8 who had been members of the 61st Militia Battalion.

9 "One of these bodies was lying on the
10 ground with his hands tied together in front of him,
11 and his trousers pulled down around his knees and
12 tied down to his boots by his belt. He had the tops
13 of his ears cut off, and about twenty knife or bayonet
14 wounds in the body. His hands were tied in front of
15 his chest and his forearms were cut as though he had
16 been trying to protect himself. His buttocks and
17 genitals had been frightfully mutilated.

18 "About six feet away from his body the other
19 body was tied to a tree, with his hands behind his
20 back. He had about six small wounds on the upper arm.
21 The ground around the base of the tree was very dis-
22 turbed as though he had been tied there for some days.

23 "Both these bodies were not more than fifty
24 yards from the Japanese Headquarters which had been
25 captured.

1 "On the track leading from Waga Waga to
2 Lillih, I saw the body of another Australian sold-
3 ier with his hands tied behind his back, lying face
4 downwards. He was tied with string. He had a wound
5 on his leg with a service field dressing on it, and
6 he had the top of his head cut right off. The top
7 portion of the skull was lying forward as if it had
8 been cut right through with a heavy knife or sword,
9 and had been chopped from the rear. He also had
10 lacerations criss-crossing his back and shoulders.
11 They appeared to be knife or sword wounds and had
12 cut right through the shirt in the flesh.

13 "Between the villages of Waga Waga and Goroni,
14 near a Japanese wireless station, I saw the body of a
15 native woman pegged out on the ground. She was tied
16 with twine from her wrists and ankles to pegs driven
17 in the ground. Both of her breasts had been cut off
18 and one was placed on her face and the other one on
19 her stomach. The body appeared to be that of a young
20 native woman about 20 years old. She was naked, and
21 did not appear to have been dead for very long. In
22 my opinion, her breasts had been severed with a knife
23 as they were very raggedly cut.

24 "Within a couple of days a Japanese soldier
25 was captured at Ahima. He spoke English, and I

1 showed him the bodies of the two Australian
2 soldiers whom I have previously mentioned. He told
3 me that he was attached to the landing party, and
4 that the ill-treatment and torturing of Australian
5 troops was done by the orders of their officers so
6 that the Japanese soldiers would fight and not
7 surrender, because the same things would be done to
8 them now that these atrocities had been committed on
9 the Australians."

10 Prosecution document No. 5388 is the affi-
11 davit of former Captain Alan Staden Palmer of 1
12 Australian Independent Company. I tender this docu-
13 ment for identification and the marked excerpts in
14 evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 5388 will receive exhibit No. 1835 for identifi-
18 cation only, and the excerpt will receive exhibit
19 No. 1835A.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1835 for identification; and the ex-
23 cerpt therefrom was marked prosecution's
24 exhibit No. 1835A and received in evidence.)

25 LIEUT. COLONEL MORNANE: I will read

1 paragraphs one and two of this affidavit:

2 "In August, 1942, I was on patrol duty in
3 the vicinity of Milne Bay in New Guinea and was
4 passing through a small native village about half
5 a mile inland from Rabi mission. On the outskirts
6 of the village I saw eight native men and women
7 lying dead. They had been dead from two to five
8 days, and all were shot or bayoneted.

9 "I went on into the village and saw an
10 Australian soldier tied to a coconut palm by D5
11 telephone cable. His arms had been tied around the
12 tree and the wire had cut deeply into his wrists,
13 and this led me to believe that he was alive when
14 tied to the tree. He was, practically naked, wearing
15 only a pair of tattered shorts. He had a number of
16 bullet wounds in his body. He was dead. I also
17 saw quite a number of natives lying about dead, in-
18 cluding two native women and one native man who were
19 tied to trees. They had been killed by either sword
20 or bayonet thrusts."

21 Prosecution document No. 405 is my next
22 document. It contains various ATIs bulletins. I
23 tender it for identification.

24 CLERK OF THE COURT: Prosecution's document
25 No. 405 will receive exhibit No. 1836 for identifica-

1 tion only.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 1836 for identification.)

5 LIEUT. COLONEL MORNANE: Prosecution docu-
6 ment No. 405B consists of excerpts from evidentiary
7 document No. 405. It contains records of the inter-
8 rogation of two Japanese prisoners and excerpts from
9 six Japanese diaries. I tender this document in
10 evidence.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 No. 405B will receive exhibit No. 1836A.

14 (Whereupon, the document above re-
15 ferred to was marked prosecution's exhibit
16 No. 1836A and received in evidence.)

17 LIEUT. COLONEL MORNANE: From these excerpts
18 it appears that seven to nine Australians, of whom
19 three or four were women and one a child, were cap-
20 tured by the Japanese near Buna towards the middle
21 of August and executed on the following day.
22
23
24
25

1 Prosecution's document No. 405A contains
2 further excerpts from evidentiary document No. 405.
3 It contains an excerpt from a captured diary and the
4 record of a statement made by a Japanese prisoner.
5 I tender this document in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 405A will receive exhibit No. 1836B.

9 ("hereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1836B and received in evidence.)

12 LIEUT. COLONEL MORNANE: I will read the
13 diary excerpt from the words, "Blood Carnival," down
14 to the words, "instructor to the A. T. C. at Moresby."

15 "'BLOOD CARNIVAL'

16 "'29 Mar 43. All four of us (Technician
17 KUFUKAWA, NISHIGUCHI, YAMATA and myself) assembled
18 in front of the Headquarters at 1500 hours. One of
19 the two members of the crew of the Douglas which was
20 shot down by A/A on the 18th, and who had been under
21 cross-examination by the 7th Base Force for some days,
22 had been returned to the Salamua Garrison, and it had
23 been decided to kill him. Unit Commander KOMAI, when
24 he came to the observation station today, told us
25 personally that, in accordance with the compassionate

1 sentiments of Japanese Bushido, he was going to kill
2 the prisoner himself with his favourite sword. So
3 we gathered to observe this. After we had waited a
4 little more than ten minutes, the truce came along.

5 "The prisoner, who is at the side of the
6 guard house, is given his last drink of water, etc.
7 The Chief Medical Officer, Unit Commander KOMAI and
8 the Headquarters Platoon Commander came out of the
9 officers' mess, wearing their military swords. The
10 time has come, so the prisoner, with his arms bound
11 and his long hair now cropped very close, totters
12 forward. He probably suspects what is afoot; but
13 he is put on the truck and we set out for our desti-
14 nation. I have a seat next to the Chief Medical
15 Officer, but ten guards ride with us. To the
16 pleasant rumble of the engine we run swiftly along
17 the road in the growing twilight. The glowing sun
18 has set behind the western hills, gigantic clouds rise
19 before us, and the dusk is falling all around. It
20 will not be long now. As I picture the scene we are
21 about to witness, my heart beats faster.

22 "I glance at the prisoner; he has probably
23 resigned himself to his fate. As though saying fare-
24 well to the world, as he sits in the truck he looks,
25 at the hills, at the sea, and seems deep in thought.

1 I feel a surge of pity and turn my eyes away.

2 "As we passed by the place where last year
3 our lamented squad leader was cremated, Technician
4 NISHIOUCHI must have been thinking about him too,
5 for he remarked "It's a long time since we were here
6 last." It certainly is a long time. We could see
7 the place every day from the observation post, but
8 never got a chance to come. It is nearly a year since
9 the squad leader was cremated. I was moved in spite
10 of myself, and as I passed the place I closed my eyes
11 and prayed for the repose of SHIMIZU's soul.

12 "The truck runs along the sea shore. We
13 have left the Navy guard sector behind us and now
14 come into the Army guard sector. Here and there we
15 see sentries in the grassy fields, and I thank them
16 in my heart for their toil as we drive on. They must
17 have got it in the bombing the night before last --
18 there are great holes by the side of the road, full
19 of water from the rain. In a little over twenty
20 minutes, we arrive at our destination, and all get off.

21 "Unit Commander KOMAI stands up and says
22 to the prisoner, "We are now going to kill you." When
23 he tells the prisoner that in accordance with Japan-
24 ese Boshido he would be killed with a Japanese sword,
25 and that he would have two or three minutes' grace,

1 he listens with bowed head. The Flight-Lieutenant
2 says a few words in a low voice. Apparently he wants
3 to be killed with one stroke of the sword. I hear
4 him say the word "One." The Unit Commander becomes
5 tense and his face stiffens as he replies, "Yes."

6 "Now the time has come, and the prisoner
7 is made to kneel on the bank of a bomb crater filled
8 with water. He is apparently resigned; the precau-
9 tion is taken of surrounding him with guards with
10 fixed bayonets, but he remains calm. He even
11 stretches out his neck, and is very brave. When I
12 put myself in the prisoner's place, and think that in
13 one more minute it will be good-bye to this world,
14 although the daily bombings have filled me with hate,
15 ordinary human feelings make me pity him.

16 "The Unit Commander has drawn his favourite
17 sword. It is the famous OSALUNE sword which he
18 showed us at the observation post. It glitters in
19 the light and sends a cold shiver down my spine. He
20 taps the prisoner's neck lightly with the back of
21 the blade, then raises it above his head with both
22 arms, and brings it down with a sweep.

23 "I had been standing with my muscles tensed,
24 but in that moment I closed my eyes.

25 "'SSH!..... It must be the sound of blood

1 spurting from the arteries. With a sound as though
2 something had been cut, the body falls forward. It
3 is amazing -- he had killed him with one stroke. The
4 onlookers crowd forward. The head, detached from the
5 trunk, rolls in front of it. SSH! SSH!..... The
6 dark blood gushes out.

7 "All is over. The head is dead white,
8 like a doll. The savageness which I felt only a
9 little while ago is gone, and now I feel nothing
10 but the true compassion of Japanese Bushido. A
11 Senior corporal laughs loudly, "Well, he will enter
12 Nirvana now!" Then, a superior seaman of the medical
13 unit takes the Chief Medical Officer's Japanese sword
14 and, intent on paying off old scores, turns the
15 headless body over on its back, and cuts the abdomen
16 open with one clear stroke. "They are thick-skinned,
17 these Keto -- even the skin of their bellies is thick."
18 Not a drop of blood comes out of the body. It is
19 pushed over into the crater at once and buried.

20 "Now the wind blows mournfully and I see
21 the scene again in my mind's eye. We get on to the
22 truck and start back. It is dark now. We get off
23 in front of the Headquarters. I say good-bye to Unit
24 Commander KOMAI, and climb up the hill with Technician
25 KUROKAWA. This will be something to remenger all my

1 life. If ever I get back alive it will make a good
2 story to tell, so I have written it down.

3 "At Salamua Observation Post, 30 Mar 43,
4 0110 hrs, to the sound of the midnight waves.

5 "Note: The prisoner killed today was an air
6 Force Flight-Lieutenant from Moresby. He was a young
7 man, 23 this year, said to have been an instructor to
8 the A. T. C. at Moresby."

9 Prosecution document No. 5390 is a statement
10 made by Sepoy Bachan Singh of 1/13 F. F. R. I tender
11 the document for identification and the excerpts
12 marked therein in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 5390 will receive exhibit No. 1837 for identi-
16 fication only, and the excerpts therefrom will re-
17 ceive exhibit No. 1837A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1837 for identification, and the excerpts
21 therefrom were marked prosecution's exhibit
22 No. 1837A and received in evidence.)

23 LIEUT. COLONEL MORNANE: I propose to read
24 the marked excerpts other than the translator's
25 certificate. (Reading):

1 "On 5 May 1943, I left Singapore for New
2 Guinea as a prisoner of war in a Japanese ship.
3 There were about 595 men in the party. I cannot
4 describe the hardships we suffered during the voyage.
5 For bathing and washing we had to use sea water. Food
6 was very little and there was a space only 10 feet by
7 10 feet for all of us in which to sleep. I could
8 neither sleep nor sit down. These hardships lasted
9 for ten days.

10 "On 16 May 1943, I disembarked at Wewak,
11 New Guinea. For two days following our arrival we
12 were given no shelter, clothing or food of any kind.
13 We were tormented by mosquitoes and several men fell
14 ill. When our officers reported about the lack of
15 food the Japanese beat them saying, 'That's our af-
16 fair. Whatever we do is right.' Two days later we
17 were taken to a place 3 miles away. There an order
18 was given that every man will build his own hut out
19 of jungle plants. Nobody could make smoke, etc. by
20 day nor light a fire at night because they were afraid
21 of American aircraft. If anyone did anything to the
22 contrary he was punished with death. After about a
23 week, our men began dying of fever, dysentery, beri-
24 beri and several other diseases. Our party was sent
25 from Wewak to another place. From there 350 men were

1 life. If ever I get back alive it will make a good
2 story to tell, so I have written it down.

3 "At Salamua Observation Post, 30 Mar 43,
4 0110 hrs, to the sound of the midnight waves.

5 "Note: The prisoner killed today was an air
6 Force Flight-Lieutenant from Moresby. He was a young
7 man, 23 this year, said to have been an instructor to
8 the A. T. C. at Moresby."

9 Prosecution document No. 5390 is a statement
10 made by Sepoy Bachan Singh of 1/13 F. F. R. I tender
11 the document for identification and the excerpts
12 marked therein in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 5390 will receive exhibit No. 1837 for identi-
16 fication only, and the excerpts therefrom will re-
17 ceive exhibit No. 1837A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1837 for identification, and the excerpts
21 therefrom were marked prosecution's exhibit
22 No. 1837A and received in evidence.)

23 LIEUT. COLONEL MORNANE: I propose to read
24 the marked excerpts other than the translator's
25 certificate. (Reading):

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2 Guinea as a prisoner of war in a Japanese ship.
3 There were about 595 men in the party. I cannot
4 describe the hardships we suffered during the voyage.
5 For bathing and washing we had to use sea water. Food
6 was very little and there was a space only 10 feet by
7 10 feet for all of us in which to sleep. I could
8 neither sleep nor sit down. These hardships lasted
9 for ten days.

10 "On 16 May 1943, I disembarked at Wewak,
11 New Guinea. For two days following our arrival we
12 were given no shelter, clothing or food of any kind.
13 We were tormented by mosquitoes and several men fell
14 ill. When our officers reported about the lack of
15 food the Japanese beat them saying, 'That's our af-
16 fair. Whatever we do is right.' Two days later we
17 were taken to a place 3 miles away. There an order
18 was given that every man will build his own hut out
19 of jungle plants. Nobody could make smoke, etc. by
20 day nor light a fire at night because they were afraid
21 of American aircraft. If anyone did anything to the
22 contrary he was punished with death. After about a
23 week, our men began dying of fever, dysentery, beri-
24 beri and several other diseases. Our party was sent
25 from Wewak to another place. From there 350 men were

1 to But. The remainder (those who were in "owak)
2 were sick. For them there was no arrangement for
3 rations or medicine, I went with the 350 men to But.
4 For the next 3 months fit P's got rations but no
5 food was given to the sick. We used to share our
6 rations with them. We were worked so hard that we
7 got no rest during the day or night. For about 8
8 days we were made to work continuously without any
9 relief. The result was that 5 or 6 men died every
10 day. Nothing could be done to dispose of their bodies
11 by cremation or burial. Those who became ill were
12 only relieved of fatigues when they could not walk.
13 They would relieve a man one or two days before he
14 died. If our officers complained they would be
15 brutally beaten. No heed was given to any report or
16 grievance.

17 "On 14 December 43, at about 1 a. m.
18 American aircraft began to bomb the locality and
19 afterwards they came regularly. Then our officers
20 told the Jap officer i/c of the party that a flag
21 should be put over our camp to indicate prisoners of
22 war. There was a Jap. Lt. Col. TAKANO present to
23 whom this was reported by the Jap. officer. He
24 replied, 'No permission from our Government to
25 place flags over P. W. camps has been received.'

1 "While air raids were going on he put us
2 to work on the airfield. Our officers complained
3 that their men should not have to remain on the air-
4 field during an air raid but this complaint was
5 rejected. On aircraft approaching, all the Japs of
6 our party used to run into the jungle, but our orders
7 were that none was to move a step. If any I. O. R.
8 or officer fled for cover they were severely beaten.
9 Due to this they could not sleep for several nights.

10 "On 15 Dec. 43, at But when we were working
11 on the airfield there was a very heavy air attack in
12 which 5 of our men were killed and 10 wounded. The
13 latter were given no treatment or food. They were
14 taken to a Jap hospital where several of them were
15 killed by some injection of poison. I worked at But
16 for about 10 months during which I got 4 biscuits
17 and 5 (ounces?) of boiled rice per day. From But we
18 returned to Wewak. At But 160 men died out of 350.
19 Only 190 men reached Wewak. When I got there I learnt
20 that all the sick, whom we had left there, had died.
21 After 2 days at Wewak we were sent to Boiken -- about
22 half way between But and Wewak.

23 "On 25 Apr. 44 after we had been working
24 there for 3 months the Japs ordered all of us who could
25 walk to get ready to accompany them to Ranja (AITAPE?)

1 carrying Jap stores and a month's rations as Ranji
2 was about 300 miles from Boiken. We were told that
3 we would go on foot and would have to make our own
4 ration arrangements. If anyone fell out through
5 illness during the march he would get no attention
6 except to be shot. We were given each about 12 lbs
7 rice and $\frac{1}{2}$ lb salt as a month's ration and told that
8 that would be our food for the journey from Boiken
9 to Ranja.

10 "The Jap officer commanding our party
11 (No. 17) was named Lt. YAMHOKO. His 2 i/c was
12 Lt. NAKADO and junior to them were YAMMOTO and
13 YAMASHITA. The first three beat a great number of
14 our men and left several of them to die on the march.
15 YAMASHITA WAS A VERY GOOD OFFICER. He never beat
16 anybody himself. When we had set out from Boiken
17 and reached But we were stopped there by the Japs
18 who ordered us to return to our original camps from
19 which we had come. I heard that the Americans had
20 landed at Hollandia and for that reason we would be
21 sent back. We were brought back to Boiken. I became
22 very happy when I heard that the Allied Armies had
23 landed at Hollandia. We came back to Boiken and
24 stayed there for 18 days and rejoined the original
25 party of sick men which had been left there.

1 "On 5 May 44 the Japs ordered all fit men
2 to go with them into the jungle. The sick were to
3 stay at the hospital where a Jap doctor would remain
4 to attend to them. The fit men with the Japanese set
5 out for the jungle. The sick men including myself
6 were left in hospital about 4 miles from Boiken. As
7 I remained with the sick I know nothing about the fit
8 men who went with the Japs. Then the Jap doctor,
9 whose name I do not know but whom I could identify,
10 gave an order that 30 patients from those who
11 were the most seriously ill were to be sent to the big
12 Jap hospital. It was 1700 hours when he gave this
13 order. The big hospital was about 1 mile distant.
14 I did not go with the 30 men as I remained with the
15 others. I do not know where those 30 were taken
16 but that night 2 seriously wounded men crawled back
17 into our camp where I was lying ill. They told us
18 that the Japs had killed the other 28 and that they
19 were the only survivors. All had been killed by
20 bayoneting and shooting. They had escaped only by
21 good luck but had been badly wounded. Our officers
22 asked the Jap officers asked the Jap officers why
23 the 28 men had been killed. They replied that the
24 two men were lying, that all were alive and that
25 after three days they would be taken there to see them.

1 "On 10 May 44 the Jap doctor ordered 35 men
2 from the worst cases to be sent to the big hospital.
3 They too went and were destroyed. At 10 o'clock
4 that night one man returned. He had bayonet wounds
5 in the chest and was covered with earth, but had not
6 died. When he had regained consciousness (he said)
7 he got up and fled back to our camp. He told us that
8 the remaining 34 men had been bayoneted and buried
9 in a trench. 'I was with them, too,' he said. 'My
10 life was spared but with this wound there is no hope
11 for me. Look after your own lives, if possible, because
12 the Japs will kill you all one by one.'

13 "Then we considered that it would be better
14 to escape from there than to be killed. At midnight
15 all of us ran away in different directions and became
16 separated. I and 20 others went to a place in the
17 jungle and began to live there. Nothing was ever heard
18 about the rest of the party. I lived as a fugitive
19 under terrible hardships, living on plants in the
20 jungle for 1 year 9 days -- from 10 May 44 to 22
21 May 45. Then the Australian Army rescued me from the
22 claws of the Japs. I don't know what became of the
23 Japs in our camp because we had run away from them
24 that night. Out of the 20 men who were with me in the
25 jungle 5 were recovered and reached Australia. The

1 Japs searched for the others and killed them."
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1 Prosecution document No. 5384 is a statu-
2 tory declaration made by Jemadar Abdul LATIF, of
3 4/9 Jat Regiment. I tender the document for identi-
4 fication and the marked excerpts in evidence.

5 THE PRESIDENT: Admitted on the usual
6 terms.

7 CLERK OF THE COURT: Prosecution's docu-
8 ment No. 5384 will receive exhibit No. 1838 for
9 identification only, and the excerpts therefrom
10 will receive exhibit No. 1838-A.

11 (Whereupon, the document above
12 referred to was marked prosecution's ex-
13 hibit No. 1838 for identification, and
14 the excerpts therefrom were marked prose-
15 cution's exhibit No. 1838-A and received
16 in evidence.)

17 LIEUT. COLONEL MORNANE: I will read para-
18 graph 3 of this declaration.

19 "In April, 1944, I was with 26 Indian work-
20 ing party during a march from Wewak towards Hol-
21 landia. Private Fateh Khan was with me on that
22 march. In the vicinity of Boiken he complained to
23 Lieut. KASHIMOTO that he was too weak to carry his
24 load and asked that it be lightened. Lieut. KASHI-
25 MOTO was in charge of the party. He ordered

1 Corporal YAMADA (now deceased) and other Japanese
2 soldiers to bind Private Fateh Khan's hands and
3 feet and put him in the sea. He was thereupon tied
4 up by four soldiers, carried out into four feet of
5 water, and left there. He drowned, while Lieut.
6 KASHIMOTO and the other Japanese looked on. I and
7 the other Indians now deceased witnessed the inci-
8 dent."

9 Prosecution document No. 5391 is a statu-
10 tory declaration made by Lance Corporal Dina Nath,
11 of 3/17 Dogra Regiment. I tender it for identifica-
12 tion and the marked excerpts in evidence.

13 THE PRESIDENT: Admitted on the usual
14 terms.

15 CLERK OF THE COURT: Prosecution's docu-
16 ment No. 5391 will receive exhibit No. 1839 for
17 identification only, and the excerpts therefrom
18 will receive exhibit No. 1839-A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1839 for identification, and the ex-
22 cerpts therefrom were marked prosecution's
23 exhibit No. 1839-A and received in evidence.)

24 LIEUT. COLONEL MORNANE: The declarant, as
25 an Indian prisoner of war, was a member of 18

1 Indian working party. In May, 1944, the main body
2 of this party went to Rabang, leaving behind at But
3 LOC sick Indians. About a month later Jap Lance
4 Corporal TAKASHI, who had remained with these sick
5 prisoners, said they had been killed by machine
6 guns and hand grenades as a reprisal because some
7 Gurkhas had signalled to Allied aircraft.

8 Prosecution document No. 5382 is a statu-
9 tory declaration by Private Chain Singh, of 2/12
10 Frontier Force. I tender this document for identi-
11 fication and the marked excerpts in evidence.

12 THE PRESIDENT: Admitted on the usual
13 terms.

14 CLERK OF THE COURT: Prosecution's docu-
15 ment No. 5382 will receive exhibit No. 1840 for
16 identification only, and the excerpts therefrom
17 will receive exhibit No. 1840-A.

18 (Whereupon, the document above
19 referred to was marked prosecution's ex-
20 hibit No. 1840 for identification, and the
21 excerpts therefrom were marked prosecu-
22 tion's exhibit No. 1840-A and received in
23 evidence.)

24 LIEUT. COLONEL MORNANE: The declarant
25 states that in August, 1944, two Indian prisoners

1 of war, Sergeant Wariam Singh and Lance Corporal
2 Fazara Singh, were beaten by the Japanese with a
3 shovel and sticks and were then taken away. He
4 never saw them again.

5 Prosecution document No. 5383 is a state-
6 ment of Japanese Lance Private YASUSAKA, MASAJI, of
7 19 Special Water Duty Coy. I tender this document
8 for identification and the marked excerpts in
9 evidence.

10 THE PRESIDENT: Admitted on the usual
11 terms.

12 CLERK OF THE COURT: Prosecution's docu-
13 ment No. 5383 will receive exhibit No. 1841 for
14 identification only, and the excerpts therefrom will
15 receive exhibit No. 1841-A.

16 (Whereupon, the document above
17 referred to was marked prosecution's ex-
18 hibit No. 1841 for identification, and
19 the excerpts therefrom were marked prose-
20 cution's exhibit No. 1841-A and received
21 in evidence.)

22 LIEUT. COLONEL MORNANE: YASUSAKI admits
23 that he and another Japanese shot and killed the
24 two Indian prisoners of war, Sergeant Wariam Singh
25 and Lance Corporal Hazara Singh, referred to in the

1 previous exhibit.

2 Prosecution document No. 5380 is a state-
3 ment by Japanese Lance Private YASUSAKA. I tender
4 this document for identification and the marked
5 excerpts in evidence.

6 THE PRESIDENT: Admitted on the usual
7 terms.

8 CLERK OF THE COURT: Prosecution's docu-
9 ment No. 5380 will receive exhibit No. 1842 for
10 identification only, and the excerpts therefrom
11 will receive exhibit No. 1842-A.

12 (Whereupon, the document above
13 referred to was marked prosecution's ex-
14 hibit No. 1842 for identification, and the
15 excerpts therefrom were marked prosecu-
16 tion's exhibit No. 1842-A and received in
17 evidence.)

18 LIEUT. COLONEL MORNANE: He states that at
19 Ranimboa, in September, 1944, an Indian officer,
20 Reshid Mohd and an Indian NCO complained to the
21 Japanese that another Japanese soldier had taken
22 tobacco and shoes from them. YASUSAKA and another
23 Japanese then tied the Indians' hands, took them
24 into the bush and shot them.
25

Prosecution document No. 5381 is a statu-

1 tory declaration by Private Lakhu Ram. I tender it
2 for identification and the marked excerpts in
3 evidence.

4 THE PRESIDENT: Admitted on the usual
5 terms.

6 CLERK OF THE COURT: Prosecution's docu-
7 ment No. 5381 will receive exhibit No. 1843 for iden-
8 tification only, and the excerpts therefrom will
9 receive exhibit No. 1843-A.

10 (Whereupon, the document above
11 referred to was marked prosecution's ex-
12 hibit No. 1843 for identification, and
13 the excerpts therefrom were marked prose-
14 cution's exhibit No. 1843-A and received
15 in evidence.)

16 LIEUT. COLONEL MORNANE: This document
17 refers to the same happening as the previous exhibit.

18 Prosecution document No. 5386 is a statu-
19 tory declaration made by Jemadar Chint Singh, of
20 2/12 Frontier Force. I tender it for identification
21 and the marked excerpts in evidence.

22 THE PRESIDENT: Admitted on the usual
23 terms.

24 CLERK OF THE COURT: Prosecution's docu-
25 ment No. 5386 will receive exhibit No. 1844 for

1 identification only, and the excerpts therefrom will
2 receive exhibit No. 1844-A.

3 (Whereupon, the document above
4 referred to was marked prosecution's ex-
5 hibit No. 1844 for identification, and
6 the excerpts therefrom were marked prose-
7 cution's exhibit No. 1844-A and received
8 in evidence.)

9 LIEUT. COLONEL MORNANE: The declarant
10 tells of an Indian prisoner of war being beaten
11 into unconsciousness by a Japanese in February, 1945,
12 at Furringo. Three weeks later he died from the
13 effects of this beating.

14 Prosecution document No. 5387 is a statu-
15 tory declaration made by Sergeant Hamir Singh, of
16 2/12 Frontier Force. I tender it for identification
17 and the marked excerpts in evidence.

18 THE PRESIDENT: Admitted on the usual
19 terms.

20 CLERK OF THE COURT: Prosecution's docu-
21 ment No. 5387 will receive exhibit No. 1845 for
22 identification only, and the excerpts therefrom
23 will receive exhibit No. 1845-A.

24 (Whereupon, the document above
25 referred to was marked prosecution's ex-

1 . exhibit No. 1845 for identification, and
2 the excerpts therefrom were marked prose-
3 cution's exhibit No. 1845-A and received
4 in evidence.)

5 The declarant tells of the shooting and
6 killing of four sick Indian officers, who were
7 prisoners of war, by the Japanese at Yawa, New
8 Guinea, in February, 1945.

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1 Prosecution document No. 5229 is a record
2 of the interrogation of Japanese Captain ONO, Satoru,
3 of 53 Field Anti-aircraft Artillery Battalion,
4 36 Division, Second Army. I tender the document for
5 identification, and the marked excerpts in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 5229 will receive exhibit No. 1846 for identifi-
9 cation only, and the excerpt therefrom will receive
10 exhibit No. 1846-A.

11 (Whereupon, prosecution's document
12 No. 5229 was marked prosecution's exhibit
13 No. 1846 for identification; and the excerpt
14 therefrom, bearing the same document number,
15 was marked prosecution's exhibit No. 1846-A
16 and received in evidence.)

17 LIEUT. COLONEL MORNANE: ONO, Satoru, states
18 that he applied to Yoshino unit commander for an
19 American prisoner of war to kill. He was given two.
20 He had them bayoneted and then beheaded. One was
21 finally beheaded with a shovel. This was in 1944.
22 He did it because he had a strong, hostile feeling
23 on account of Americans' bombing his battery.

24 Prosecution document No. 5385 is sworn
25 record of interrogation of Captain KATO, Kihachiro, of

1 Fujimurra Unit. I tender the document for identifi-
2 cation and marked excerpts in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5385 will receive exhibit No. 1847 for identifi-
6 cation only, and the marked excerpt therefrom will
7 receive exhibit No. 1847-A.

8 (Whereupon, prosecution's document
9 No. 5385 was marked prosecution's exhibit
10 No. 1847 for identification; and the excerpt
11 therefrom, bearing the same document number,
12 was marked prosecution's exhibit No. 1847-A
13 and received in evidence.)

14 LIEUT. COLONEL MORNAME: The deponent stated
15 that on orders of Chief of Staff, Divisional Head-
16 quarters, he executed an Australian soldier who had
17 been captured at Otakwa about 12 November 1944.

18 Prosecution document No. 5314 is a Nether-
19 lands Forces Intelligence Service report, with two
20 photographs attached. I tender the document for iden-
21 tification and the marked excerpts, including photo-
22 graphs, in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 5314 will receive exhibit No. 1848 for identification

1 only, and the marked excerpts therefrom, including
2 the photographs, will receive exhibit No. 1848-A.

3 (Whereupon, prosecution's document
4 No. 5314 was marked prosecution's exhibit
5 No. 1848 for identification; and the excerpts
6 therefrom, bearing the same document number,
7 were marked prosecution's exhibit No. 1848-A
8 and received in evidence.)

9 LIEUT. COLONEL MORNANE: The report contains
10 a statement by a Japanese prisoner of war admitting
11 that he took part in the execution of an Australian
12 sergeant and two Ambon natives at Aitape on 24 Oct-
13 ober 1943.

14 I will read the statement of prisoner
15 YUNOME, Kunio.

16 "About September, 1943, I was ordered to
17 report by the Aitape agent Commander Shingawa to go
18 to Maroe where a branch of the Aitape agent was located.
19 The Commander of that branch was HIROE of the Naval
20 garrison troops. The Takasa Unit which consisted of
21 about six men and two civilian employees were also in
22 Maroe. The natives in the area reported to HIROE that
23 there was an element of enemy reconnaissance unit in
24 the rear side of the mountains. Thereupon, HIROE,
25 the Takasa Unit, and I, went to investigate the said

1 area. We also brought some natives to guide us.
2 However, we were unable to find the enemy. HIROE told
3 the natives in that area that if anyone should cap-
4 ture this enemy he would be well rewarded. About two
5 weeks later, about ten natives brought to HIROE an
6 Australian sergeant and two Ambon natives. Upon
7 request, I interpreted for HIROE and interrogated them.
8 A report about this was made to SHINAGOWA of the Aitape
9 agent. Then these three prisoners were taken to Aitape.
10 Sergeant Major WATANABE who was the garrison troop
11 leader made the report through wireless to the Wewak
12 Headquarters. I heard from YASUNO that an answer from
13 headquarters came through a wireless saying to execute
14 the men. Therefore, I believe we executed them the
15 following day.

16 "On 24 October 1943, Sergeant Major WATANABE
17 ordered the natives to dig a hole in the sand along the
18 seacoast. Then Sergeant Major WATANABE, Sergeant
19 YASUNO, myself, MITSUBASHI, ADACHI, six men of the
20 Takasa Unit and about 25 or 26 men of the Navy garrison
21 unit went to the place of execution. There were
22 natives also present at the execution. The first
23 execution was done by YASUNO, who beheaded the Austra-
24 lian sergeant with a sword. By the order of YASUNO,
25 I then beheaded one of the Ambon natives with a sword.

1 MITSUBASHI executed the other native in the same
2 manner. I believe ALASHI, a civilian employee, was
3 the one who took the picture of the execution. After
4 the execution we buried them and covered the hole with
5 sand. I was told by YASUNO that the reason for the
6 execution was that they were guilty of reconnoitering
7 the area and giving secret information through wireless,
8 the natives acting as a spy."

9 I would draw the Tribunal's attention to the
10 two photographs which accompany this exhibit, one
11 showing a native about to be beheaded.

12 Prosecution document No. 5389 is a Netherlands
13 Forces Intelligence Service report. I tender it for
14 identification, and the marked excerpts in evidence.

15 This report contains a statement by Fusilier
16 Nawi bin Gimam that in July 1944, on Noemfoor Island,
17 he and sixteen other Indonesians were tied up and
18 bayoneted by the Japanese. He and one other feigned
19 death and ultimately escaped. At least fourteen of the
20 remainder were killed.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 5389 will receive exhibit No. 1849 for identification
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1 only. The marked excerpt therefrom will receive
2 exhibit No. 1849-A.

3 (Whereupon, prosecution's document
4 No. 5389 was marked prosecution's exhibit
5 No. 1849 for identification; and the excerpt
6 therefrom, bearing the same document number,
7 was marked prosecution's exhibit No. 1849-A
8 and received in evidence.)

9 LIEUT. COLONEL MORNANE: Prosecution's
10 document No. 409 is an ATIS bulletin. I tender
11 prosecution's document No. 409 for identification;

12 CLERK OF THE COURT: Prosecution's document
13 No. 409 will receive exhibit No. 1850 for identification
14 only.

15 (Whereupon, the document above
16 referred to was marked prosecution's exhibit
17 No. 1850 for identification.)

18 LIEUT. COLONEL MORNANE: Prosecution's
19 document No. 409-A contains extracts from evidentiary
20 document No. 409. Paper 578 contains an order made
21 by the Tribunal on the 25th of November, 1946, author-
22 izing service of excerpts from evidentiary document
23 No. 409 on accused instead of copies of evidentiary
24 document No. 409. I tender prosecution document
25 No. 409-A in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 409-A will receive exhibit No. 1850-A.

4 (Whereupon, the document above
5 referred to was marked prosecution's exhibit
6 No. 1850-A, and was received in evidence.)

7 LIEUT. COLONEL MORNAME: I will read subpara-
8 graphs a and b from first page of document.

9 "a. Extract from document entitled 'Daily
10 Record of Investigation of Prisoners,' dated 8 March -
11 14 May, 1942, unit unknown, containing daily records
12 of investigation of Chinese, natives and civilians,
13 under surveillance in LAE Area:

14 "28 April - Although we today re-examined
15 them at the Mountain Gun Unit sentry group, they did
16 not confess. Perhaps MAHI and the other natives took
17 separate roads to come here, so the latter did not see
18 them. However, considering the future, one person was
19 handed over to the Chief Medical Officer of No. 4
20 Air Medical Unit for medical experiments, and the other
21 five persons were stabbed to death.' (ATIS Enemy
22 Publications No. 65, page 6).

23 "b. Prisoner of War FUSEI, Iwataro,
24 (JA 145118) labourer, member of 15 Pioneer Battalion,
25 surrendered near Buna, 3 January 1943, stated:

1 "An Australian Second Lieutenant was
2 captured at Buna in September and was questioned by
3 Interpreter SATO. He was examined as to Allied treat-
4 ment of prisoners of war and stated that we placed
5 them in internment camps and that they were well
6 treated. After examination he was beheaded that night.
7 The medical officer of 14 Pioneer Unit acted as
8 executioner using his own sword.

9 "Two American soldiers were captured. One
10 of them is said to have claimed to be a Mexican. The
11 other was an American. Prisoner of war stated he did
12 not know full details. Interpreter SATO told him that
13 these prisoners of war were blindfolded while being
14 questioned and afterwards were both beheaded by the
15 same medical officer of the 14 Pioneers who used his
16 own sword.' (ATIS Advanced Echelon No. 1. Subsequent
17 Preliminary Interrogation of Prisoner of War
18 JA 145118, page 3.)"

19 That completes the evidence I have to offer
20 on the New Guinea section of this phase.

21 THE PRESIDENT: Have you considered the
22 whole of this document in hand, and have you read all
23 you intend to read?

24 LIEUT. COLONEL MORNANE: I am sorry, I did
25 not catch what you said, Mr. President.

1 (Whereupon, the question of the
2 President was read by the official court
3 reporter.)

4 LIEUT. COLONEL MORNANE: Of the New Guinea
5 phase, I have, your Honor.

6 If there are any documents that your Honor
7 suggests, any parts of those documents your Honor
8 thinks would be of assistance to the Tribunal, I would
9 be glad to read them.

10 I may say, with regard to the remainder of
11 that document, I am bringing that in in the Solomon
12 Islands phase dealing with Guadalcanal.

13 My next document is evidentiary document
14 No. 5445, a synopsis of the treatment of prisoners
15 of war in New Britain. I tender this document in
16 evidence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 5445 will receive exhibit No. 1851.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 1851, and was received in evidence.)

23 LIEUT. COLONEL MORNANE: Prosecution's
24 document No. 5311 is a record of evidence given by
25 Private William Cook, 2/10 Australian Field Ambulance.

1 I tender the document for identification and the
2 marked excerpts in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5311 will receive exhibit No. 1852 for identifica-
6 tion only, and the marked excerpt therefrom, bearing
7 the same document number, will receive exhibit
8 No. 1852-A.

9 (Whereupon, prosecution's document
10 No. 5311 was marked prosecution's exhibit
11 No. 1852 for identification; and the excerpt
12 therefrom, bearing the same document number,
13 was marked prosecution's exhibit No. 1852-A
14 and received in evidence.)

15 LIEUT. COLONEL MORNANE: The deponent says
16 that on the 4th of February 1942, the Japanese cap-
17 tured a party of twenty-four Australian soldiers and
18 one civilian at Tol, in New Britain. The soldiers
19 were army medical corps men, and drew the attention
20 of the Japanese to the Red Cross armbands. The
21 Japs ripped their armbands off.
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1 I will now read the third, fourth and
2 fifth paragraphs on page 3 of the document.

3 (Reading): "Just before reaching TOL, a
4 civilian European policeman from RABAU and another
5 soldier were added to our party, making it 25 all
6 told. On arriving at TOL, the Japanese soldiers
7 were allowed to ransack our packs and to search for
8 anything which may have been of value to them. Rings
9 and watches were taken from us.

10 "We were told to put everything out of
11 our pockets on to the ground, and our pay books
12 were collected. They then tied our hands behind our
13 backs with fishing cord, and we were tied together
14 in parties of twos and threes. They then separated
15 from us the European member of the police force.
16 They then took off our tin hats, and as we were marched
17 off, they were questioning the member of the police
18 force. They marched us to a plantation about half
19 a mile from TOL in the direction of RABAU. We were, by
20 signs, told to sit down on a slight rise on the track
21 leading into the plantation, with our back towards
22 the plantation. At this stage we protested against
23 the treatment, as we were of the Red Cross, and each
24 of us wore a Red Cross arm band. The officer-in-charge
25 just ripped our arm bands off our sleeves and kept

1 them in his hand.

2 "They started to take the men down the
3 track in parties, but the first man was taken down
4 separately. Then we followed in groups of two or
5 three. I was in the second last party consisting
6 of three. There were two in the last party.

7 "The officer, by signs, asked us would we
8 sooner be bayoneted or shot. We asked to be shot.
9 We were taken down the track. When we reached the
10 bottom of the track, three other Japanese with fixed
11 bayonets intercepted us and walked behind us. The
12 first blow" --

13 I am afraid the translation -- May I
14 have another one? I have got it here, two lines
15 from the next page.

16 (Reading continued): "The first blow
17 knocked the three of us to the ground. Our thumbs
18 were tied behind our backs and native lap laps were
19 used to connect us together through our arms. They
20 stood above us and stabbed us several more times. I
21 received five stabs. I pretended death and held my
22 breath.

23 "The Japanese then walked away. The soldier
24 who was lying next to me groaned. One Japanese came
25 back and stabbed him again. I could not hold my breath

1 any longer , and when I breathed he heard it and
2 stabbed me another six times. The last thrust went
3 through my ear, face and into my mouth, severing
4 an artery which caused the blood to gush out of my
5 mouth. He then placed cocoanut fronds and vines
6 over the three of us. I lay there and heard the
7 last two men being shot.

8 "I lay there for approximately one hour,
9 when I decided to try to escape. I untied the
10 cloth which connected me with the other two and
11 walked towards the sea, which was about 50 yards
12 away. After a few steps, I collapsed. It seemed
13 only a short time before I regained consciousness.
14 I then tried to saw the bonds from my thumbs on the
15 iron heel of my boot, but could not do so because my
16 thumbs were swollen. After a short while, I managed
17 to get my leg between my two hands and I chewed at
18 the knot until it became undone. I then walked towards
19 the beach. I made my way along the beach, walking as
20 much as possible in the water to avoid leaving traces
21 of blood and at the same time bathing my back in the
22 salt water. Just at dusk I sighted the smoke of a
23 camp fire in the jungle near the beach, and made
24 towards it."
25

Prosecution document No. 5312 is a record

1 of evidence of Driver Wilkie Desmond Collins, the
2 2/10 Australian Field Ambulance. I tender it for
3 identification and the marked excerpts in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5312 will receive exhibit No. 1853 for identi-
7 fication only, and the marked excerpt therefrom will
8 receive exhibit No. 1853-A.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1853 for identification; and the excerpts
12 therefrom were marked prosecution's exhibit
13 No. 1853-A and received in evidence.)

14 LIEUT. COLONEL MORNANE: Collins was one of
15 a party of 123 Australian soldiers captured by the
16 Japs at TOL. They were broken up into parties of
17 ten or twelve and marched into the bush. The members
18 of his party were bayoneted or shot. He, himself,
19 was shot, but escaped after feigning death.

20 Prosecution document No. 5313 is a record
21 of the evidence of Private Hugh Joseph Webster of
22 2/22nd Australian Infantry Battalion. I tender the
23 document for identification and the marked excerpts
24 in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document
2 No. 5313 will receive exhibit No. 1854 for identi-
3 fication only, and the marked excerpt therefrom
4 will receive exhibit No. 1854-A.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1854 for identification; and the excerpt
8 therefrom was marked prosecution's exhibit
9 No. 1854-A and received in evidence.)

10 LIEUT. COLONEL MOFNANE: The deponent says
11 that on the 4th of February, 1942, he and eleven
12 other Australian soldiers were captured by the Japanese
13 at Waitavlo in New Britain, tied up and shot. Ten
14 were killed. The deponent and one other man were
15 wounded.

16 In addition to this I have evidence, if
17 the Tribunal please, that recently investigations
18 were made and the Battalion Commander of the Battalion--
19 Japanese battalion that was at Tol was interrogated
20 and ordered to go away, write out a statement, and
21 return for further interrogation. At about the same
22 time a request was sent out to a man who was medical
23 officer of this battalion demanding that he should
24 come to Tokyo for interrogation. Neither of them
25 came to Tokyo and on investigations being made, it was

1 found that the Battalion Commander had committed
2 suicide at Kotemba, and the Medical Officer had also
3 committed suicide. If the Tribunal thinks that they
4 could possibly draw any inference from these facts,
5 I have a witness whom I could put into the box to-
6 morrow morning.

7 THE PRESIDENT: Did the deceased Japanese make
8 any admissions which you could prove through that
9 witness or any other witness?

10 LIEUT. COLONEL MORNANE: The deceased colonel
11 left a diary which has not been completely translated
12 yet -- a diary of the last eleven days of his life.
13 I am told that in that he accepted full responsibility
14 for his battalion, but do not know whether he referred
15 to this particular incident.

16 THE PRESIDENT: Obviously we can draw no
17 inferences from anything you have said because you
18 have not proved anything; and the mere proof of the
19 suicides would warrant no inference of any kind.

20 LIEUT. COLONEL MORNANE: If the Tribunal
21 please, prosecution document No. 5400 is an affi-
22 davit made by Lieutenant Wong Yo Sin of 200 Battalion,
23 67th Division, Chinese National Army. I tender the
24 document for identification and the marked excerpts
25 in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 5400 will receive exhibit No. 1855 for identi-
4 fication only, and the excerpt exhibit No. 1855-A.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1855 for identification only; and the
8 excerpt therefrom was marked prosecution's
9 exhibit No. 1855-A and received in evidence.)

10 LIEUT. COLONEL MORNANE: The deponent says
11 that ten Chinese soldiers, whom he names, were shot
12 and killed by the Japs at Rabaul on the 29th of
13 January, 1943, because they were too sick to work.

14 Prosecution's document No. 5401 is affidavit
15 of Major Lee Wai Sin of the Third Field Volunteer Army.
16 I tender it for identification and the marked excerpts
17 in evidence.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 5401 will receive exhibit No. 1856 for identi-
21 fication only; and the excerpt will receive exhibit
22 No. 1856-A.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit No.
25 5401 for identification; and the excerpt

1 LIEUT. COLONEL FORNANE: The deponent says
2 that on the 4th of February, 1943, at Rabaul, the
3 Japanese shot and killed six Chinese officers and
4 soldiers because they were too ill to work.

5 Prosecution's document No 5393 is record
6 of evidence given by Captain Liu Wei Pao of the
7 Chinese National Army. I tender the document for identi-
8 fication and the marked excerpt in evidence.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 5393 will receive exhibit No. 1858 for identi-
12 fication only, and the excerpt therefrom will be
13 exhibit No. 1858-A.

14 (Whereupon, the document above re-
15 ferred to was marked prosecution's exhibit
16 No. 1858 for identification; and the excerpt
17 therefrom was marked prosecution's exhibit
18 No 1858-A and received in evidence.)

19 LIEUT. COLONEL FORNANE: The affidavit states
20 that at Rabaul on the 3rd of March, 1943, the Japanese
21 took twenty-four sick Chinese soldiers from the sick
22 quarters, forced them into a grave that had already
23 been dug, and shot them all. On the 10th of March,
24 1943, a further batch of sick Chinese soldiers who
25 were ill were killed by the Japanese in the same manner.

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THE PRESIDENT: We will recess for fifteen minutes.

(Whereupon, at 1445, a recess was taken until 1500, after which the proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Colonel Mornane.

4 LIEUT. COLONEL MORNANE: Prosecution document
5 No. 5404 is the affidavit made by Captain Yung Pang
6 Fae of the Central Volunteer Chinese Army Headquarters.
7 I tender this document for identification and the
8 marked excerpts in evidence.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution document
11 No. 5404 will receive exhibit No. 1859 for identifi-
12 cation only, and the excerpts therefrom will be exhibit
13 No. 1859A.

14 (Whereupon, prosecution's document
15 No. 5404 was marked prosecution's exhibit No.
16 1859 for identification, the excerpts there-
17 from being marked prosecution's exhibit No.
18 1859A and received in evidence.)

19 LIEUT. COLONEL MORNANE: The deponent states
20 that on the 3rd of April, 1943, eleven sick Chinese
21 soldiers were executed with swords because they were
22 too ill to work.

23 Prosecution's document No. 5405, the record
24 of evidence of Corporal Shieh Tschén Tse of the Chinese
25 National Army. I tender this document for identification

1 and the marked excerpts in evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 5405 will receive exhibit No. 1860 for identifica-
5 tion only, and the excerpts therefrom will be exhibit
6 No. 1860A.

7 (Whereupon, prosecution's document
8 No. 5405 was marked prosecution's exhibit No.
9 1860 for identification, the excerpts there-
10 from being marked prosecution's exhibit No.
11 1860A and received in evidence.)

12 LIEUT. COLONEL MORNANF: This document refers
13 to the same killing as the previous exhibit. This
14 fixes Kokopo as the place of execution.

15 Prosecution document No. 5406, an affidavit
16 made by Captain Cheung Yee Yu of the Third Field
17 Volunteer Army. I tender it for identification and
18 the marked excerpts in evidence.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 5406 will receive exhibit No. 1861 for identifica-
22 tion only; the excerpt therefrom will receive exhibit
23 No. 1861A.

24 (Whereupon, prosecution's document
25 No. 5406 was marked prosecution's exhibit No.

1 1861 for identification, the excerpts there-
2 from being marked prosecution's exhibit No.
3 1861A and received in evidence.)

4 LIEUT. COLONEL MORNANE: I will read the first
5 two paragraphs of this affidavit:

6 "Pte Lo Yan Cheung of my 3rd Field Volunteer
7 Army, was shot by Japanese because he was too ill to
8 work. He was shot by Lt. SASAKI, member of the (Yang
9 Butai) No. 9644 Kerevat Aerodrome. This occurred in
10 Kerevat 9 October 1943. He was shot by rifles.

11 "This man with his comrades was working
12 together in Kerevat Aerodrome - treated him like a
13 slave, lived in filthy places, bitten by mosquitoes
14 and became ill. No doctor attended him while he was
15 sick, besides no medicine was given to him, supply
16 insufficient food for him to eat - on account of this,
17 he could not work, so this Lt. SASAKI, officer in
18 charge of this party, take him into the bush and shot
19 him through the skull.
20

21 "I saw this happen."

22 Prosecution document No. 5407 is an affidavit
23 made by Lieutenant Tan Bai Ming of Central Chinese
24 Volunteer Army. I tender it for identification and
25 the marked excerpts in evidence.

THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document
2 No. 5407 will receive exhibit No. 1862 for identifi-
3 cation only, and the marked excerpt therefrom will
4 receive exhibit No. 1862A.

5 (Whereupon, prosecution's document
6 No. 5407 was marked prosecution's exhibit
7 No. 1862 for identification, the marked
8 excerpts therefrom being marked prosecution's
9 exhibit No. 1862A and received in evidence.)

10 LIEUT. COLONEL MORNANE: The deponent states
11 that on the second of November, 1943, at Kakawat
12 Aerodrome the Japanese killed by shooting a Chinese
13 soldier who was too ill to work.

14 Prosecution document No. 5408 is an affidavit
15 by corporal Pang Nam Ting of the 88th Division. I
16 tender it for identification and the marked excerpts
17 in evidence.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 5408 will receive exhibit No. 1863 for identifica-
21 tion only, and the excerpts therefrom will receive
22 exhibit No. 1863A.

23 (Whereupon, prosecution's document
24 No. 5408 was marked prosecution's exhibit
25 No. 1863 for identification, the excerpts

1 therefrom being marked prosecution's exhibit
2 No. 1863A and received in evidence.)

3 LIEUT. COLONEL MORNANE: Deponent states
4 that on the 26th of July, 1944, at Rabaul a Chinese
5 soldier was clubbed to death by the Japanese because
6 he was too ill to work.

7 Prosecution document No. 5409 is a record
8 of evidence of Mrs. Lee Yitsai Kunyang of Chinatown,
9 Rabaul. I tender this document for identification
10 and the marked excerpts in evidence.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 No. 5409 will receive exhibit No. 1864 for identifica-
14 tion only, and the excerpt therefrom will have exhibit
15 No. 1864A.

16 (Whereupon, prosecution's document
17 No. 5409 was marked prosecution's exhibit
18 No. 1864 for identification, the excerpts
19 therefrom being marked prosecution's exhibit
20 No. 1864A and received in evidence.)

21 LIEUT. COLONEL MORNANE: The deponent is
22 fifty-nine years of age. In April, 1943, because of
23 having a radio set she was beaten by the Japanese
24 until she fainted. Her six sons were also beaten and
25 finally one was beheaded.

1 Prosecution's document No. 5217 is an affi-
2 davit made jointly by 1st Lieutenant James A. McMurria,
3 2nd Lieutenant Jose L. Holquin, and 2nd Lieutenant
4 Alphonse D. Quinones, all of the 5th United States
5 Air Force. I tender this document for identification
6 and the marked excerpts in evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 5217 will receive exhibit No. 1865 for identifica-
10 tion only, and the marked excerpts therefrom will
11 receive exhibit No. 1865A.

12 (Whereupon, prosecution's document
13 No. 5217 was marked prosecution's exhibit
14 No. 1865 for identification, the excerpts
15 therefrom being marked prosecution's exhibit
16 No. 1865A and received in evidence.)

17 LIEUT. COLONEL MORNANE: I will read the
18 fourth paragraph of this affidavit:

19 "While at Rabaul we were quartered in a small
20 wood building where we slept on the floor. Conditions
21 were very crowded and at times it was impossible for
22 all of us to lie down. We received about a coffee
23 cup three-fourths full of rice and half a cup of
24 soup three times a day. Beating of prisoners was
25 common at the camp for the slightest infraction of the

1 rules and many times for no reason at all. These
2 beatings were sometimes rather severe and Japanese
3 often used bamboo clubs, bayonet cases, belts, their
4 fists, and ramrods from their rifles. They also
5 used rifle butts, and often when a prisoner was down
6 they would kick him in the testicles. Corporal WADA
7 was the worst offender in the beating of prisoners.
8 He was nicknamed 'the Bull.' We had no American medical
9 attention. At first there were 64 allied prisoners
10 at the camp. Forty of these were reported by the
11 Japanese as having been killed by bombing while being
12 transported to another camp. Twelve American prisoners
13 of war and five other American prisoners died in camp
14 from starvation, beri beri, dysentery, combined with
15 lack of medical care. There were only six allied
16 prisoners who were alive when the camp was liberated
17 on 7 September 1945."

18 Prosecution document No. 5438 is a statement
19 made by Captain John J. Murphy of Allied Intelligence
20 Bureau. I tender the document for identification
21 and the marked excerpts in evidence.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 5438 will receive exhibit No. 1866 for identifica-
25 tion only, and the excerpts therefrom will receive

1 exhibit No. 1866A.

2 (Whereupon, prosecution's document
3 No. 5438 was marked prosecution's exhibit
4 No. 1866 for identification, the excerpts
5 therefrom being marked prosecution's exhibit
6 No. 1866A and received in evidence.)

7 LIUT. COLONEL MORNANE: I will read this
8 statement:

9 "Normen Vickers of the Royal New Zealand
10 Air Force, was with us as a prisoner of war off Tunnel
11 Hill Road, Rabaul.

12 "He stated that he was shot down in the
13 Bougainville-Shortlands area I believe.

14 "When he arrived at the prison camp in Rabaul
15 he had been cruelly ill-treated. He had been bound
16 by ropes to which fish hooks had been attached in such
17 a way that whenever he moved his head the fish hooks
18 would pierce his face.

19 "Vickers' health deteriorated and in July,
20 1944, he died in my presence as a result of malnutri-
21 tion and dysentery."

22 Prosecution document No. 5410 is an affidavit
23 made by Mauta Leonard, a native boy. I tender this
24 document for identification and the marked excerpts
25 in evidence.

1 THE PRESIDENT: Admitted on the usual terms.
2 CLERK OF THE COURT. Prosecution's document
3 No. 5410 will receive exhibit No. 1867 for identifica-
4 tion only; the marked excerpts therefrom will receive
5 exhibit No. 1867A.

6 (Whereupon, prosecution document
7 No. 5410 was marked prosecution's exhibit
8 No. 1867 for identification, the excerpts
9 therefrom being marked prosecution's exhibit
10 No. 1867A and received in evidence.)

11 LIEUT. COLONEL MORNANE: The deponent states
12 that at Tobara Airfield a Japanese struck a native
13 boy who retaliated by punching the Japanese in the
14 eye. The native boy and four other native boys were
15 tied up. The Japanese then struck them all on the
16 head with a mallet. Three were killed in this manner.
17 The whole five, including two who were still alive, were
18 then buried.

19
20 Prosecution document No. 5433 is a record of
21 an Australian Military Court in relation to trial of
22 Navy Workman KIKAWA, Haruo on two charges of murder.
23 I tender the document for identification and the marked
24 excerpts in evidence.

25 THE PRESIDENT: Admitted on the usual terms.
CLERK OF THE COURT: Prosecution's document

1 No. 5433 will receive exhibit No. 1868 for identifica-
2 tion only, and the excerpts therefrom will receive
3 exhibit No. 1868A.

4 (Whereupon, prosecution document
5 No. 5433 was marked prosecution's exhibit
6 No. 1868 for identification, the excerpts
7 therefrom being marked prosecution's exhibit
8 No. 1868A and received in evidence.)

9 LIEUT. COLONEL MORNANE: This refers to the
10 same happening as the previous exhibit. It fixes the
11 time of the happening as August, 1943.
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1 Prosecution document No. 5412 consists of
2 affidavits of Sweeper Gian, Pioneer Lungi Kobe, both
3 of the Indian Army. I tender this document for
4 identification, and the marked excerpts in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5412 will receive exhibit No. 1869 for identifi-
8 cation only, and the marked excerpt therefrom will
9 receive exhibit No. 1869-A.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1869 for identification; and the excerpt
13 therefrom was marked prosecution's exhibit
14 No. 1869-A and received in evidence.)

15 LIEUT. COLONEL MORNANE: The deponents say
16 that in May 1944 an Indian named Fakira was beaten
17 by the Japanese and then hung.

18 Prosecution document No. 5414 is a record
19 of the evidence of Jem Qutubuddin of the 1st Battalion,
20 Hyderabad Infantry. I tender this document for iden-
21 tification and the marked excerpts in evidence.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 5414 will receive exhibit No. 1870 for identifi-
25 cation only. The marked excerpt therefrom will receive

1 exhibit No. 1870-A.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 1870 for identification; and the excerpt
5 therefrom was marked prosecution's exhibit
6 No. 1870-A and received in evidence.)

7 LIEUT. COLONEL MORNANE: The deponent with
8 a party of 35 Indian was at Nishizakiyama in November
9 1944 as prisoners of war. They were starved by the
10 Japanese. Two sepoys were alleged by the Japanese
11 to have stolen rice. They were taken away and exe-
12 cuted by the Japanese without any trial.

13 Prosecution document No. 5413 is a statutory
14 declaration made by a native named Numa. I tender it
15 for identification and the marked excerpts in evi-
16 dence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 5413 will receive exhibit No. 1871 for identifi-
20 cation only; and the excerpt therefrom will receive
21 exhibit No. 1871-A.
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23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1871 for identification; and the excerpt
therefrom was marked prosecution's exhibit

1 No. 1871-A and received in evidence.)

2 LIEUT. COLONEL MORNANE: The declarant states
3 that between December 1944 and March 1945 at Nangagua
4 Japanese took a mosquito net and some calico from
5 three Indian prisoners of war. The Indians objected
6 to this, whereupon the Japanese had them beheaded.

7 Prosecution document No. 5411 is an affidavit
8 of Pioneer Parasuram of the Indian Army. I tender it
9 for identification and the marked excerpts in evidence.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 5411 will receive exhibit No. 1872 for identifica-
13 tion only; the excerpt therefrom will receive exhibit
14 No. 1872-A.

15 (Whereupon, the document above re-
16 ferred to was marked prosecution's exhibit
17 No. 1872 for identification; and the excerpt
18 therefrom was marked prosecution's exhibit
19 No. 1872-A and received in evidence.)
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21 LIEUT. COLONEL MORNANE: The deponent states
22 that on 12 February 1945 an Indian, Bindhu Mistri,
23 became exhausted at his work and asked the Japanese
24 commander for permission to rest. The prisoner was
25 then beaten into unconsciousness by the Japanese

1 commander. The prisoner died two days later as a
2 result of this treatment.

3 Prosecution document No. 5416 is an affidavit
4 by Havildar Chandgi Ram of the Indian Army. I tender
5 the document for identification and the marked ex-
6 cerpts in evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 5416 will receive exhibit No. 1873 for identifica-
10 tion only. The marked excerpt therefrom will receive
11 exhibit No. 1873-A.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 1873 for identification; and the excerpt
15 therefrom was marked prosecution's exhibit
16 No. 1873-A and received in evidence.)

17 LIEUT. COLONEL MORNANE: I will read the
18 second and third paragraphs of this affidavit:

19 "On the 12th of November 1944 I was digging
20 a trench for Japanese truck in Totabil Area. About
21 1600 hours one single engined United States fighter
22 plane made a forced landing about 100 yards away from
23 where I was working. The Japanese belonging to Go
24 Butai Kendebo Camp rushed to the spot and got hold
25 of the pilot, aged about 19 years, who had come out of

1 the machine himself before the Japanese reached him.
2 General INAMORA also lived there in the Japanese Army
3 Headquarters.

4 "About half an hour from the time of forced
5 landing, Japanese Military Police, Kempeitai, beheaded
6 the Allied pilot. I saw this from behind a tree and
7 noticed Japanese cut his flesh from arms, legs, chest
8 and hips and carried the same to their quarters. I
9 was shocked at the scene and followed the Japanese
10 just to find out what they do to the flesh. They
11 cut the flesh to small pieces and fried it. About
12 1800 hours a Japanese high official (a Major-General)
13 addressed about 150 Japanese, mostly officers. At the
14 conclusion of the speech a piece of the fried flesh
15 was given to all present, who ate it on the spot."

16 That completes the evidence for the New Bri-
17 tain Section of this phase. I will now come to the
18 Solomon Islands, Gilbert and Ellice Islands, Naru
19 and Ocean Island sector. The synopsis is evidentiary
20 document No. 5446. I tender it in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 5446 will receive exhibit No. 1874.

24 (Whereupon, the document above re-
25 ferred to was marked prosecution's exhibit

1 No. 1874 and received in evidence.)

2 LIEUT. COLONEL MORNANE: Prosecution document
3 No. 5447 is a record of the interrogation of Captain
4 WATANABE, Kaoru, and Major ITO, Taichi, both of 17
5 Army Military Police Unit. I tender it for identi-
6 fication and the marked excerpts in evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 5447 will receive exhibit No. 1875 for identifi-
10 cation only; the excerpt therefrom will receive exhibit
11 No. 1875-A.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 1875 for identification; and the excerpt
15 therefrom was marked prosecution's exhibit
16 No. 1875-A and received in evidence.)

17 LIEUT. COLONEL MORNANE: In the course of the
18 interrogation it was admitted that two American airmen
19 who had come down in the sea between Taiof Island
20 and Porton in Bougainville were beheaded on orders of
21 Headquarters, 17 Army. This happened in December 1943.

22 Prosecution document No. 5452 is a Netherlands
23 Forces Intelligence Service report. I tender it for
24 identification and marked excerpts in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document
2 No. 5452 will receive exhibit No. 1876 for identifica-
3 tion only. The marked excerpt therefrom will receive
4 exhibit No. 1876-A.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1876 for identification; and the excerpt
8 therefrom was marked prosecution's exhibit
9 No. 1876-A and received in evidence.)

10 LIEUT. COLONEL MORNANE: This report states
11 that nine Ambonese members of the Netherlands East
12 Indies Forces were executed by the Japanese at Bou-
13 gainville in 1944 for stealing food.

14 Prosecution document No. 5262 is an affidavit
15 of Cher Chee a Chinese civilian captured in Hong Kong.
16 I tender the document for identification and marked
17 excerpts in evidence.

18 THE PRESIDENT: admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 5262 will receive exhibit No. 1877 for identifica-
21 tion only, and the excerpt therefrom will receive exhib-
22 it No. 1877-A.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1877 for identification; and the excerpt

1 therefrom was marked prosecution's exhibit
2 No. 1877-A and received in evidence.)

3 LIEUT. COLONEL MORRANE: I will read the
4 marked excerpts of this affidavit:

5 "I am a Chinese and was residing at Hong Kong
6 and was captured there by the Japanese in December 1941.
7 I was taken from Hong Kong to Canton and from there to
8 Saigon. From there I went to Batavia and then to
9 Sourabaya. From there I went to Singapore and then
10 to Rabaul and then to Tulagi. In November 1942 I was
11 brought to Buin area and remained there until the war
12 finished. I was a member of a labor party attached to
13 the TANAKA battalion. In April or May 1943 I was en-
14 gaged in road making. About that time one of the
15 Chinese became sick and was unable to work. I do not
16 know what his name was.

17 "Three or four of the guards took this man,
18 tied his thumbs together behind his back, and pulled
19 him up with a block and tackle attached to his thumbs
20 until he was off the ground. They left him like that
21 for twenty minutes. They then took him down and he
22 died within a few minutes. I saw all this myself.
23 About ten Chinese witnessed this incident. This took
24 place about one mile from Kahili, on the road. The
25 guards used to be changed each day, and the perpetrators

1 of this incident were guarding us for this day only.
2 The guards were private soldiers. I would not be able
3 to identify them again. They were members of the
4 TANAKA Battalion. Other Chinese took the body away
5 to bury it.

6 "Soon after this event another Chinese whose
7 name I do not know was sick with fever. Allied planes
8 came over Buin and this Chinese was sick and fright-
9 ened and made a noise. One of the guards went away and
10 came back with two or three other Japanese. These men
11 were private soldiers of the TANAKA Battalion. I
12 heard them order some Chinese to dig a hole. Some
13 Chinese went away and I heard them digging. When the
14 Chinese came back they told me that the Chinese who
15 was sick and had made a noise had been buried alive. I
16 did not actually witness this. The sick man was quar-
17 tered in a hut half a mile away, and most of what I
18 know of this incident is hearsay.

19 "Sometime in 1944 I was employed with other
20 Chinese in felling trees to make a bridge over a small
21 stream in a garden near the Mission Station at Muguai.
22 After we had chopped a tree down the bridge was built.
23 We told the guard that the tree was too heavy for two
24 men to carry. The guard wrote the order in Chinese and
25 we replied verbally in Chinese. The guard belonged to

1 a unit the number of which was 4801. They were guard-
2 ing No. 76 Hospital. Three of the guards struck me in
3 the face with their open hand for about five minutes.
4 They knocked twelve teeth out. They were all good
5 strong teeth. There was only the other Chinese present.
6 They then struck Chang Kow Ye, the other Chinaman, in
7 the same way but not so severely."
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1 a unit the number of which was 4801. They were guard-
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 3 the face with their open hand for about five minutes.
 4 They knocked twelve teeth out. They were all good
 5 strong teeth. There was only the other Chinese present.
 6 They then struck Chang Kow Ye, the other Chinaman, in
 7 the same way but not so severely."

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1 "About April or May, 1943, near Kahili a
2 Chinese living in the same hut as we had been sick for
3 four or five days and couldn't work. One of the Japanese
4 guards told him that he was all right and was only
5 trying to get out of work. The sick man was lying
6 down and the guard poured a quantity of water down
7 his throat until his stomach was swelled up. After
8 this the guard brought two more Japanese and they
9 placed a board across the sick man's stomach while
10 he was lying on the ground and one guard sat on each
11 end of the board. The pressure made the water come
12 back out of the man's mouth. A quantity of water came
13 out of his mouth and a few minutes later he died. I
14 do not know the name of this Chinese. The guards were
15 privates of the TANAKA Battalion. I do not know the
16 names of the Japanese but I could recognise the
17 guard who poured water. Four Chinese carried the
18 body away for burial."
19

20 Down at the bottom:

21 "In May 1943, near Buin I saw a white man
22 dressed in overalls like a Pilot would wear. He was
23 a young man. The Japanese tied his hands behind his
24 back, and made him sit on the ground. They put a
25 drum of boiling water beside him. About nine of them
then filed past him and each one emptied a tin of

1 boiling water over him. The man screamed with pain.
2 I saw him fall flat on the ground and lie still and
3 he stopped screaming. He appeared to me to be dead.
4 The Japanese were soldiers not officers. The white
5 man was tall, of medium build, clean-shaven and fair.
6 The overalls were khaki. I was the only Chinese who
7 witnessed this.

8 "There are Chinese in this Compound who can
9 give evidence of about 300 white men who were either
10 killed by the Japanese or died while they were held
11 as prisoners on Shortlands Islands."

12 Prosecution document No. 5263 is record of
13 interrogation of Kaneshiro Fukukan a Formosan. I
14 tender this document for identification and marked
15 excerpts in evidence.

16 THE PRESIDENT: Admitted on the usual terms.
17 CLERK OF THE COURT: Prosecution document
18 No. 5263 will receive exhibit No. 1878 for identifica-
19 tion only and the marked excerpt therefrom will receive
20 exhibit No. 1878-A.

21 (Whereupon, the document above
22 referred to was marked prosecution's ex-
23 hibit No. 1878 for identification; the
24 marked excerpts therefrom being marked
25 prosecution's exhibit No. 1878-A and

1 received in evidence.)

2 LIEUT. COLONEL MORNANE: The deponent said
3 that in December, 1942, or January, 1943, 600 white
4 prisoners of war landed on Ballah Island. He was told
5 that one was beheaded by a Japanese GZAKI on the night
6 they landed. On night of 30 June, 1943, Ballah Island
7 was shelled. The Japs were afraid of an allied land-
8 ing and killed by bayonets or swords the surviving
9 prisoners.

10 Prosecution document No. 5425 is an affidavit
11 by Lt. Commander Osaka Toshiziko of 18th Naval Construct-
12 ion Battalion. I tender it in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution document
15 No. 5425 will receive exhibit No. 1879 for identifica-
16 tion only and the excerpt therefrom will receive exhibit
17 No. 1879-A.

18 (Whereupon, the document above
19 referred to was marked prosecution's ex-
20 hibit No. 1879 for identification; the
21 marked excerpts therefrom being marked
22 prosecution's exhibit No. 1879-A and
23 received in evidence.)

24 LIEUT. COLONEL MORNANE: The deponent says
25 that towards the end of 1942, 527 white POWs were

1 brought to Ballah Island. They were to be used as
2 labour for the construction of an aerodrome. He says,
3 "On watching the POWs as they were disembarking from
4 the transport although there were some who were
5 extremely 'peppy' the majority of them were so weak
6 that they could not walk by themselves and were only
7 barely able to do so with the help of their comrades."
8 On the night the prisoners landed one was alleged to
9 have attempted to escape. Upon recapture he was executed
10 on instructions of deponent. Prisoners died rapidly
11 owing to disease. At one stage three deaths were
12 occurring daily. A large number of prisoners were
13 killed by allied bombing.

14 A defense plan of the island was prepared.
15 Under this prisoners of war were to be killed if an
16 allied landing was made on the island. In April,
17 1943, news was received of the approach of allied
18 ships. The surviving prisoners, about 90, were then
19 bayoneted to death by the Japanese in accordance
20 with plan.

21 I refer the Tribunal to prosecution document
22 No. 469-A which is in evidence as exhibit No. 1850-A.

23 I propose to read paragraph 8 of that docu-
24 ment which was put in evidence today:

25 "a. While B-363 was at Khandok, he saw the

1 following committed on a healthy, unwounded African
2 prisoner of war:

3 "The man was tied to a tree outside the
4 Hikari Kikan Office. A Japanese doctor and four
5 Japanese medical students stood around him. They first
6 removed the finger nails, then cutting open his chest
7 removed his heart, on which the doctor gave a practical
8 demonstration.'

9 "(C&DIC Information Section Report No. 40,
10 page 3).

11 "b. Extract from diary, apparently belonging
12 to an officer, unit unknown. Vivisection took place
13 in Kokumbona Area of Guadalcanal.

14 "24 September, 1942 - Because two prisoners
15 escaped, each unit was notified and we searched until
16 it finally became daylight.

17 "26 September - Discovered and captured the
18 two prisoners who escaped last night in the jungle,
19 and let the Guard Company guard them. To prevent their
20 escaping a second time, pistols were fired at their
21 feet, but it was difficult to hit them. The two prisoners
22 were dissected while still alive by Medical Officer
23 YAMAJI and their livers were taken out, and for the
24 first time I saw the internal organs of a human being.
25 It was very informative.'

1
2 "(SCPAC Translation; Serial No. 01497,
3 Item 614, pages 1-7.)"

4 Prosecution document No. 5398, contains the
5 proceedings of an inquest held at Tarawa in October,
6 1944. I tender the proceedings for identification
7 and the marked excerpts in evidence.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution document
10 No. 5398 will receive exhibit No. 1880 for identific-
11 ation only. The excerpt therefrom will receive exhibit
12 No. 1880-A.

13 (Whereupon, the document above
14 referred to was marked prosecution's ex-
15 hibit No. 1880 for identification; the
16 marked excerpts therefrom being marked
17 prosecution's exhibit No. 1880-A and
18 received in evidence.)

19 LIEUT. COLONEL MORNANE: The coroner found
20 that twenty-two prisoners were killed by the Japanese
21 at Belio, Tarawa on or about 15th October, 1942. At
22 about that time American planes had bombed Japanese
23 shipping at the island. After this had happened the
24 Japanese beheaded the prisoners eighteen of whom were
25 coast watchers in the service of the New Zealand
Government.

1 I propose to read the evidence from Frank
2 Highland and F. Mikaere on pages six to nine of the
3 English version:

4 "Frank Highland, of Tarawa deposes on oath
5 as follows:-

6 "My wife and myself were on Betio for three
7 days, a week or two weeks before Betio was shelled for
8 the first time by a U.S. ship (or sub) on October 15,
9 1942. I saw Reverend Sudd, one trader, McArthur by
10 name, two New Zealanders in uniform (shorts and drill
11 jackets with buttons) two New Zealanders in civilian
12 clothes. Each one had his hands tied behind his back
13 by several feet of rope, the other end was attached
14 to coconut trees. This was in Burns Philips area.
15 The hands of one soldier were swollen. A Jap went to
16 him and said, 'Do you want to be untied a little?'
17 The New Zealander said 'No, you tied it tight, you
18 can leave it on as it is.' The same Jap went to
19 McArthur and asked the same question. McArthur said,
20 'Yes, it is too tight.' I and my wife saw them feed
21 a tin of food and a handful of rice. Their hands were
22 untied for this, a guard being with each man. My
23 wife and I were about two fathoms away at the time.
24 The same evening it rained. The men slept on the grass
25 under the trees.

1 "The third morning after that we saw them
2 still tied up. My wife and I were not allowed to go
3 near them. Midday that day we saw them locked up in
4 the lunatic asylum. Their hands were not tied. We
5 saw Mr. Cleary, Mr. Morgan and Capt. Handley with them.
6 Mr. Cleary wrote me a letter, tied it to a stone and
7 threw it outside the fence. The letter begged me
8 to help them with sugar if I had any or if not,
9 native molasses so after I read that letter the Jap
10 saw me and rushed at me. He tried to hit me with a
11 big stick. I just walked away. I put a match to the
12 letter after that. The same afternoon, I left Betio
13 and came over to Eita. I stayed here for a few days
14 then my wife and I took back to them some sugar the
15 Japs had given my boy and two bottles of molasses. I
16 threw the sugar over the fence. Mr. Morgan made signs
17 to me to send a girl we had with us to go and talk
18 to the guard at the gate of the enclosure. When the
19 guard was busy with the girl I climbed up the fence.
20 Mr. Cleary climbed up inside and I gave him the two
21 bottles of molasses. Reverend Sudd saw this and got
22 a tin of biscuits and threw it over the fence to some
23 young boys with me and told them to keep it. The guard
24 saw this and chased us away. We left Betio then.

25 "Three days after the ship shelled Betio,

1 I heard the news that they the European prisoners
2 had been killed and went down with some native boys.
3 I asked the natives working there where they were
4 killed. They took me two hundred yards back of the
5 west side of the lunatic asylum fence. There were
6 many Japs around so next morning at nine, I went with
7 Constable Takaua and saw where the bodies were burned
8 in a Babai pit. Takaua watched and I went in the pit
9 and lifted up coconut branches and corrugated iron.
10 The bodies were all partly burnt. I lifted one body
11 with just an arm burnt and showed it to Takaua. There
12 were no heads on the bodies. I saw another heap in
13 the pit and under the iron were the skulls. When I
14 saw this I dropped the tin. I then kept watch
15 while Takaua looked. That is all I have to say.

16 "Q When you saw the bodies, did you attempt
17 to count them?

18 "A No. They were covered with corrugated
19 iron and coconut leaves on top of it."

20 * * *

21 "Mikaere of Tarawa, Gilbert and Ellice
22 Islands Colony, deposes on oath as follows:-

23 "When the first United States aeroplanes
24 came to Betio, it was at about 2 o'clock in the after-
25 noon. Two United States aeroplanes bombed Japanese

1 ships in the port. All the native labourers ran on
2 to the reef. When the two aeroplanes went away, the
3 natives returned to the place where the British
4 Government station used to be. I was with the Bishop
5 in his house. One of the Japanese went to the natives
6 and told them that one of the Europeans had escaped
7 from the Lunatic Asylum enclosure. All the natives
8 were sent to the building which was the office of the
9 District Officer. After that they were sent back to
10 their camp, because the Japanese said that the European
11 had been caught.

12 "Q Did you remain with the Bishop or did
13 you go to the office of the District Officer?

14 "A I went with the other natives to the
15 office of the District Officer.

16 "Q Did the Japanese say who the European
17 was who had escaped?

18 "A No. The natives all went to their camp
19 and I went to the Bishop's house. Then one Japanese
20 came to us and showed his sword to us. That sword
21 was covered with blood. He said that he had killed
22 the Europeans with his sword.

23 "Q Did you know who that Japanese was?

24 "A I do not know, but perhaps some of the
25 natives might know. He was not a soldier, he used to

1 sit all the time in the office.

2 "Q When he came to the Bishop's house
3 to show his sword, from what direction did he come?

4 "A He came from the direction of the old
5 native village. He left us and went to the former
6 British Government Station. Shortly after 5 p.m.
7 I went to cut toddy beside the Lunatic Asylum. I
8 heard a lot of noise and saw a lot of Japanese inside
9 the Lunatic Asylum enclosure. I wanted to see what
10 was happening so I went to the house which was formerly
11 used by the natives looking after the lunatics. When
12 I reached the house I saw the Europeans sitting in
13 a line inside the enclosures. While I lay in that
14 house, the Europeans being already lined up, I saw
15 one of the Europeans, it might have been Captain
16 Handley, pulled out from the house by the Japanese
17 and placed in front of the Europeans.

18 "Q Was he alive?

19 "A He was dead. When he was placed in
20 front of the Europeans, he was lying down, covered
21 with blood. Then one Japanese started to kill the
22 Europeans. He cut off the head of the first European,
23 then the second, then the third, then I did not see
24 any more because I fainted. When I came to, I saw
25 the Japanese carrying the dead bodies to two pits on
the West side of the Lunatic enclosure. I could not

1 see how many bodies there were. When I was lying in
2 the house, a Japanese coolie ran past and fell down
3 close beside, with a tin full of European clothes.
4 He put the tin down in the house, and went back to
5 help to carry the corpses. I took the tin of clothes
6 and went back to the Bishop's house. I informed the
7 Bishop about the death of the Europeans. The clothes
8 were taken from me by other natives, except for one
9 pair of shorts and one shirt.

10 "Q Can you tell the date on which that
11 happened?

12 "A I do not remember."

13 I don't propose to read any further than
14 that, your Honor. That covers the incident.

15 Prosecution document No. 5248 is affidavit
16 of Mr. Taua, a civilian. I tender it for identifica-
17 tion and marked excerpts in evidence.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution document
20 No. 5248 will receive exhibit No. 1881 for identifica-
21 tion only. The marked excerpt therefrom will receive
22 exhibit No. 1881-A.

23 (Whereupon, the document above
24 referred to was marked prosecution's ex-
25 hibit No. 1881 for identification; the

1 marked excerpts therefrom being marked
2 prosecution's exhibit 1881-A and received
3 in evidence.)

4 LIEUT. COLONEL MORNANE: The deponent says
5 that on the night of the first Allied bombing of
6 Nauru five white prisoners, including Colonel
7 Chalmers were beheaded by the Japanese.
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1 Prosecution document No. 5252 is a statement
2 by Lee Chong Wong, a Chinese. I tender it for identi-
3 fication and the marked excerpts in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution document
6 No. 5252 will receive exhibit No. 1882 for identifi-
7 cation only, and the excerpts therefrom will receive
8 exhibit No. 1882-A.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1882 for identification; the excerpts
12 therefrom being marked prosecution's exhibit
13 No. 1882-A and received in evidence.)

14 LIEUT. COLONEL MORNANE: The deponent was
15 house boy to Colonel Chalmers. An American bombing
16 raid took place on 25th March, 1943. Deponent never
17 saw Colonel Chalmers or other European prisoners after
18 this. He noticed that there was blood on the floor of
19 the house where the Europeans had lived.

20 Prosecution document No. 5246 is a record of
21 interrogation of David Murdock, a Gilbertese. I tender
22 it for identification and the marked excerpts in
23 evidence.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution document

1 No. 5246 will receive exhibit No. 1883 for identifi-
2 cation only, and the excerpts therefrom will receive
3 exhibit No. 1883-A.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1883 for identification, the excerpts
7 therefrom being marked prosecution's exhibit
8 No. 1883-A and received in evidence.)

9 LIEUT. COLONEL MORNANE: Murdock was on Ocean
10 Island up to July 1943. There were six Europeans on
11 the island. They were beaten and starved by the
12 Japanese. Two of the Europeans had died by July 1943.
13 The Japs beheaded three natives for stealing early in
14 1943. Later the same year the Japanese erected an
15 electric wire around Ooma Point. Three natives were
16 told to race to the wire. As the natives touched the
17 wire they were killed by electrocution.

18 Prosecution document No. 5245 is a record of
19 the interrogation of KABUNARE, a native of Nikunau
20 Island. I tender it for identification and the marked
21 excerpts in evidence.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution document
24 No. 5245 will receive exhibit No. 1884 for identifi-
25 cation only, and the excerpts therefrom exhibit

1 No. 1884-A.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 1884 for identification, the excerpts
5 therefrom being marked prosecution's exhibit
6 No. 1884-A and received in evidence.)

7 LIEUT. COLONEL MORNANE: KABUNARE states that
8 all Europeans on Ocean Island died or were killed.
9 There were about 100 natives on the island when the
10 war ended. The Japanese formed them into sections
11 and marched them away. The hands of the natives of
12 KABUNARE's section were tied. They were lined up
13 on the edge of a cliff and the Japs opened fire.
14 KABUNARE recovered consciousness in the sea. There
15 were a lot of dead bodies around him. He hid in a
16 cave. Later the Japanese towed the dead bodies out
17 to sea. KABANURE remained hidden until 2nd. December
18 1945, when he first learnt that the Allies were in
19 occupation of the island.

20 Prosecution document No. 5247 is a record of
21 interrogation of Lieutenant SAKATA, Jiro, of 67 Garrison
22 Regiment. I tender it for identification and the marked
23 excerpts in evidence.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution document

1 No. 5247 will receive exhibit No. 1885 for identifi-
2 cation only, and the excerpts therefrom exhibit No.
3 1885-A.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1885 for identification, the excerpts
7 therefrom being marked prosecution's exhibit
8 No. 1885-A and received in evidence.)

9 LIEUT. COLONEL MORNAME: SAKATA says that in
10 October 1944 the natives on the island, about 100,
11 were rounded up and killed by the Japanese.

12 Prosecution document No. 5427 is a statement
13 by Chief Petty Officer ARAI, Kakuzo. I tender it for
14 identification and the marked excerpts in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution document
17 No. 5427 will receive exhibit No. 1886 for identifi-
18 cation only, and the excerpts therefrom exhibit
19 No. 1886-A.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1886 for identification, and the excerpts
23 therefrom were marked prosecution's exhibit
24 No. 1886-A and received in evidence.

25 LIEUT. COLONEL MORNAME: ARAI gives an account

1 of the killing of eight natives on Ocean Island on
2 20th August.

3 That completes the evidence relating to this
4 section of the phase.

5 Commander C. T. Cole of the United States
6 Navy will continue with the presentation of the case
7 for the prosecution.

8 THE PRESIDENT: It is hardly worth while
9 opening up a new phase this afternoon. We will ad-
10 journ until half past nine to-morrow morning.

11 (Whereupon, at 1555, an adjournment
12 was taken until Friday, 3 January 1947, at 0930.)
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Jan 3¹47 ✓

3 JANUARY 1947

I N D E X
Of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
Chisholm, James Strickland, Captain, Infantry, Australian Imperial Forces	14270
Direct by Mr. Woolworth	14270
Cross by Mr. Blewett	14276
" " Mr. Shimanouchi	14278
" " Mr. Levin	14280
(Witness excused)	14280
TANAKA, Ryukichi	14285
Direct by Mr. Woolworth	14285

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
8392	1887		Synopsis of Evidence - China		14156
8178	1888		Affidavit of Ernest P. Higgs	14157	
8178	1888-A		Excerpts therefrom		14158
8180	1889		Affidavit of Ernest Solomon	14160	

I N D E X

O f

E X H I B I T S

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
8180	1889-A		Excerpt therefrom		14160
8137	1890		Affidavit of James Hector Cole	14161	
137	1890-A		Excerpt therefrom		14161
662 Part 12	1891		Report of the Central Investigation Committee re Prisoners of War		14162
2662	1892		Report of Lieutenant Colonel Richard E. Rudisill, Chief, Investigation Division, Legal Section SCAP		14163
3172	1893		Affidavit of Captain Edward Eric Williamson	14165	
8172	1893-A		Excerpt therefrom		14165
8175	1894		Affidavit of William Slade Bungey	14166	
8175	1894-A		Excerpt therefrom		14166
8127	1895		Affidavit of James Scott Browning	14169	
8127	1895-A		Excerpt therefrom		14169
8033	1896		Sworn statement of Sergeant Robert McCulloch Brown	14171	
033	1896-A		Excerpt therefrom		14171

I N D E X

O f

E X H I B I T S

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
8180	1889-A		Excerpt therefrom		14160
8137	1890		Affidavit of James Hector Cole	14161	
137	1890-A		Excerpt therefrom		14161
662 Part 12	1891		Report of the Central Investigation Committee re Prisoners of War		14162
2662	1892		Report of Lieutenant Colonel Richard E. Rudisill, Chief, Investigation Division, Legal Section SCAP		14163
3172	1893		Affidavit of Captain Edward Eric Williamson	14165	
8172	1893-A		Excerpt therefrom		14165
8175	1894		Affidavit of William Slade Bungey	14166	
8175	1894-A		Excerpt therefrom		14166
8127	1895		Affidavit of James Scott Browning	14169	
8127	1895-A		Excerpt therefrom		14169
8033	1896		Sworn statement of Sergeant Robert McCulloch Brown	14171	
033	1896-A		Excerpt therefrom		14171

I N D E X

Of

EXHIBITS

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
8180	1889-A		Excerpt therefrom		14160
8137	1890		Affidavit of James Hector Cole	14161	
137	1890-A		Excerpt therefrom		14161
662 Part 12	1891		Report of the Central Investigation Committee re Prisoners of War		14162
2662	1892		Report of Lieutenant Colonel Richard E. Rudisill, Chief, Investigation Division, Legal Section SCAP		14163
3172	1893		Affidavit of Captain Edward Eric Williamson	14165	
3172	1893-A		Excerpt therefrom		14165
8175	1894		Affidavit of William Slade Bungey	14166	
8175	1894-A		Excerpt therefrom		14166
8127	1895		Affidavit of James Scott Browning	14169	
8127	1895-A		Excerpt therefrom		14169
8033	1896		Sworn statement of Sergeant Robert McCulloch Brown	14171	
033	1896-A		Excerpt therefrom		14171

I N D E X

Of

EXHIBITS

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
8007A	1897		Sworn statement of John Francis Ryan	14172	
8007A	1897-A		Excerpt therefrom		14172
8130	1898		Affidavit of Private Carl Edward Stegmaier	14173	
8130	1898-A		Excerpt therefrom		14173
8072A	1899		Affidavit of Corporal Morris Littman	14174	
8072A	1899-A		Excerpt therefrom		14174
8209	1900		Affidavit of Captain Winfield Scott Cunningham	14178	
8209	1900-A		Excerpt therefrom		14178
279	1901		Sworn Affidavit of Commander C.D. Smith	14179	
8279	1901-A		Excerpt therefrom		14179
8194	1902		Affidavit of Sergeant Harold J. Hogue	14184	
8194	1902-A		Excerpt therefrom		14184
8193	1903		Affidavit of 1st Lieutenant Harold Jacob Klota	14185	
8193	1903-A		Excerpt therefrom		14185
8024	1904		Affidavit of John Robert de Lara	14186	
8024	1904-A		Excerpt therefrom		14186

I N D E X

Of

EXHIBITS

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1211A	1905		Affidavit of Elmer A. Morse	14187	
8211A	1905-A		Excerpt therefrom		14187
8220	1906		Affidavit of Corporal Herman E. Fayal	14187	
8220	1906-A		Excerpt therefrom		14188
8123	1907		Affidavit of John B. L. Anderson	14188	
8123	1907-A		Excerpt therefrom		14189
8063	1908		Affidavit of John F. Bronner	14189	
8063	1908-A		Excerpt therefrom		14189
8004	1909		Affidavit of Sergeant Roger P. Bamford	14190	
8004	1909-A		Excerpt therefrom		14190
8450	1910		Certificate by Captain C. W. Willoughby, Assistant Chief of Criminal Registry Division, Legal Section, SCAP		14191
3004B	1911		Affidavit of Sergeant Roger Dick Bamford	14191	
8004B	1911-A		Excerpt therefrom		14191
8218	1912		Sworn Statement of Private James A. Gilbert	14192	
8218	1912-A		Excerpt therefrom		14192

I N D E X

Of

EXHIBITS

(Cont.)

<u>Joc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
3206	1913		Sworn Statement of Corporal Herman Hall	14193	
3206	1913-A		Excerpt therefrom		14193
3312	1914		Sworn Statement of Corporal Floyd Herman Comfort	14194	
8312	1914-A		Excerpt therefrom		14194
8136	1915		Affidavit of Private Stephen M. Zivko	14195	
8136	1915-A		Excerpt therefrom		14195
8391	1916		Synopsis of Evidence - Japan		14197
8006	1917		Affidavit of Major Thomas H. Hewlett	14197	
3006	1917-A		Excerpt therefrom		14197
3022	1918		Affidavit of 1st Lieutenant John H. Allen	14200	
3022	1918-A		Excerpt therefrom		14200
3117	1919		Affidavit of Fusilier William Johnson	14202	
8117	1919-A		Excerpt therefrom		14202
8026	1920		Affidavit of Ian Douglas Newlands	14203	
8026	1920-A		Excerpt therefrom		14203

I N D E X

Of

EXHIBITS

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2662 Part 23	1921		Report of the Japanese Central Investigation Committee re Prisoners of War dated 9 January 1946		14204
2662 Part 24	1922		Report of the Japanese Investigation Committee re Prisoners of War dated 26 December 1945		14209
2662 Part 27	1923		Report of the Japanese Investigation Committee re Prisoners of War dated 27 March 1946		14212
662 art 25	1924		Report of the Japanese Investigation Committee re treatment of Allied Air Force Personnel in the Western District of Japan dated 23 January 1946		14218
8223	1925		Affidavit of OGIUA, Yorio	14221	
8223	1925-A		Excerpt therefrom		14221
3285	1926		Affidavit of Staff Sergeant Marshall S. Shellhart	14223	
8285	1926-A		Excerpt therefrom		14223
8071	1927		Affidavit of Corporal John Bryan Lippard	14224	
8071	1927-A		Excerpt therefrom		14224
8263	1928		Affidavit of Gunner John Boud Mullins	14225	
8263	1928-A		Excerpt therefrom		14225

I N D E X

Of

EXHIBITS

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
8284	1929		Affidavit of Private Owen R. Kobert	14229	
8284	1929-A		Excerpt therefrom		14229
8051	1930		Affidavit of Corporal Alvin Louis Cwens	14230	
8051	1930-A		Excerpt therefrom		14230
8142	1931		Affidavit of Warrant Officer James Gatley	14231	
8142	1931-A		Excerpt therefrom		14231
8016	1932		Affidavit of Lieutenant Cyril Edward Bucke	14232	
8016	1932-A		Excerpt therefrom		14232
8077	1933		Affidavit of Captain Arthur Laurence Maher	14233	
8077	1933-A		Excerpt therefrom		14233
8043	1934		Affidavit of William Rudolph Leibold	14235	
8043	1934-A		Excerpt therefrom		14235
8289	1935		Affidavit of George McRae	14235	
8289	1935-A		Excerpt therefrom		14236
8234	1936		Affidavit of Chief Boatswain's Mate Philip E. Sanders	14236	
8234	1936-A		Excerpt therefrom		14236

I N D E X

of

EXHIBITS

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
8197	1937		Affidavit of Private Henry Horace Pawley	14239	
8197	1937-A		Excerpt therefrom		14239
8074	1938		Affidavit of Sergeant William Robert Linderfelt	14240	
8074	1938-A		Excerpt therefrom		14240
8291	1939		Affidavit of Sergeant Frank Edward Pick	14242	
8291	1939-A		Excerpt therefrom		14242
8078	1940		Affidavit of Staff Sergeant William Mahoney	14243	
8078	1940-A		Excerpt therefrom		14243
8095	1941		Affidavit of Sergeant Matthew David Monk	14244	
8095	1941-A		Excerpt therefrom		14244
8171	1942		Affidavit of Corporal Alexis J. Mott	14246	
8171	1942-A		Excerpt therefrom		14246
8118	1943		Affidavit of Lieutenant Colonel Robin Robertson Petrie	14247	
8118	1943-A		Excerpt therefrom		14247
8266	1944		Affidavit of Oliver Edwin George Roberts	14248	
8266	1944-A		Excerpt therefrom		14248

I N D E X

Of

EXHIBITS

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
8029	1945		Affidavit of Captain James Forbes Lawrence	14250	
8029	1945-A		Excerpt therefrom		14250
8082	1946		Sworn Statement of John H. Marshall	14251	
8082	1946-A		Excerpt therefrom		14251
8065	1947		Affidavit of Corporal Charles Eugene Maurer	14252	
8065	1947-A		Excerpt therefrom		14252
8104	1948		Affidavit of Alexander Meredith	14253	
8104	1948-A		Excerpt therefrom		14253
8203	1949		Affidavit of Lance Sergeant Arnold Fraser Caddy	14254	
8203	1949-A		Excerpt therefrom		14254
8119	1950		Affidavit of Major Francis J. Murray	14255	
8119	1950-A		Excerpt therefrom		14255
8116	1951		Affidavit of Captain Allan Berkeley	14257	
8116	1951-A		Excerpt therefrom		14257
8161	1952		Affidavit of John William Viney	14258	
8161	1952-A		Excerpt therefrom		14258

I N D E X

Of

EXHIBITS

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
8107	1953		Affidavit of Staff Sergeant Michael J. Robertson	14259	
8107	1953-A		Excerpt therefrom		14259
8163	1954		Affidavit of Sergeant Harry Slater	14260	
8163	1954-A		Excerpt therefrom		14260
8349	1955		Affidavit of Philip E. Sanders	14261	
8349	1955-A		Excerpt therefrom		14261
847F	1956		Letter signed by the Gaimusho, Tokyo, 29 January 1942		14295
1465B	1957		Statement re reply of Japanese Foreign Minister to the Argentine Charge d'Affaires in Tokyo on 29 January 1942		14297
1465A	1958		Record of Conference in War Ministry re decision not to apply the Geneva Convention and orders issued in consequence thereof		14299

1 Friday, 3 January, 1947

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 **Appearances:**

13 For the Tribunal, same as before with
14 the exception of: HONORABLE JUSTICE D. JARANILLA,
15 Member from the Republic of the Philippines,
16 HONORABLE JUSTICE JU-AO MEI, Member from the
17 Republic of China and HONORABLE JUSTICE BERNARD
18 VICTOR A. ROLING, Member from the Kingdom of the
19 Netherlands, not sitting.

20 LORD PATRICK, Member from the United
21 Kingdom of Great Britain, now sitting.

22 For the Prosecution Section, same as before.
23 For the Defense Section, same as before.

24 - - -

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The Accused:

All present except OKAWA, Shumei and
NAGANO, Osami, who are represented by their
respective counsel.

- - -

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

D 1 MARSHAL OF THE COURT: The International
u 2 Military Tribunal for the Far East is now in session.
d 3

& 4 THE PRESIDENT: All the accused are present
B 5 except OKAWA and NAGANO, who are represented by their
d 6 respective counsel. We have a certificate from the
e 7 prison surgeon of Sugamo stating that NAGANO is ill and
r 8 unable to attend the trial today. The certificate
9 will be recorded and filed.

10 COMMANDER COLE: If it please the Tribunal,
11 it is now proposed to present evidence relating to the
12 treatment of prisoners of war and civilian internees by
13 the Japanese in China.

14 I offer in evidence prosecution document
15 No. 8392, which is a synopsis of evidence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 8392 will receive exhibit No. 1887.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1887, and was received in evidence.)

22 COMMANDER COLE: Prosecution document No. 8178,
23 the affidavit of Ernest P. Higgs, sworn to 4 March 1946,
24 is offered for identification.

25 CLERK OF THE COURT: Prosecution's document
No. 8178 will receive exhibit No. 1888 for identification

1 only.

2 (Whereupon, the document above
3 referred to was marked prosecution's exhibit
4 No. 1888 for identification.)
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1 COMMANLER COLE: The marked excerpts therefrom
2 are now offered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: And the marked excerpt
5 therefrom will be given exhibit No. 1888-A.

6 (Whereupon, the document above
7 referred to was marked prosecution's exhibit
8 No. 1888-A, and was received in evidence.)

9 COMMANLER COLE: This affidavit relates to
10 the killing of a civilian internee by the Japanese
11 military police in Shanghai in August, 1943.

12 Inspector William Hutton was taken from
13 Haiphong Road Camp to the headquarters of the Japanese
14 Gendarmerie for questioning and was returned to the
15 camp in an unconscious condition. The marks on his
16 body showed that he had been tortured by innumerable
17 small cuts with a razor blade. He died several days
18 later.

19 The affidavit states, on page 1:

20 "With reference to Inspector William Hutton.
21 I saw a man named Watson arrested by one of the guards
22 and taken to the camp office for questioning. I found
23 out later that he was accused of trying to get a message
24 out of the camp. The Japanese authorities looked for
25 a man who was stated to have been sitting next to

1 Watson at the time. A guard identified a certain man
2 as being the one. Actually however this was not so,
3 and the next morning Inspector Hutton went to the
4 authorities and told them that they had made a mistake,
5 and that he was the man who had been sitting next to
6 Watson. Both men were taken out of the camp, I under-
7 stand to Jessfield Road, headquarters of the Japanese
8 Gendarmerie. When they were brought back again several
9 days later the man Watson could walk with assistance,
10 and after a week or so in the camp hospital seemed to
11 be quite fit. The man Hutton however was lying in the
12 bottom of the car, naked except for a small pair of
13 pants about his middle. He was unconscious and was
14 placed on a stretcher and taken to the doctor in the
15 clinic. A few minutes later I saw him on the stretcher
16 being carried into the camp hospital. There were marks
17 on his wrists which suggested that he had been strapped
18 down and that both his legs from ankles to hips were
19 criss-crossed with small cuts which had the appearance
20 of having been done with an instrument such as a sharp
21 razor blade. I did not see the remainder of his body,
22 although the man sleeping next to me in the camp told
23 me that he had seen Hutton's chest and that this also
24 was similarly disfigured with cuts. It was common
25 knowledge amongst the internees at the camp that other

1 injuries had been sustained by Hutton during the time
2 that he was out of the camp including damage to his
3 kidneys and private parts, and that the torture that
4 he had undergone had snapped his brain. After three
5 or four days in the camp hospital he was placed in an
6 ambulance and sent to a mental hospital run by a Russian
7 doctor, but he died that night."

8 Prosecution document No. 8180, the affidavit
9 of Ernest Solomon, sworn to 18 May 1946, is offered
10 for identification, and marked excerpts from this docu-
11 ment are offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 8180 will receive exhibit No. 1889 for identifica-
15 tion only. The marked excerpt therefrom will receive
16 exhibit No. 1889-A.

17 (Whereupon, prosecution's document
18 No. 8180 was marked prosecution's exhibit
19 No. 1889 for identification; and the excerpt
20 therefrom, bearing the same document number,
21 was marked prosecution's exhibit No. 1889-A
22 and received in evidence.)

23 COMMANDER COLE: This affidavit confirms
24 the killing of Inspector Hutton described in the
25 previous document No. 8178.

1 injuries had been sustained by Hutton during the time
2 that he was out of the camp including damage to his
3 kidneys and private parts, and that the torture that
4 he had undergone had snapped his brain. After three
5 or four days in the camp hospital he was placed in an
6 ambulance and sent to a mental hospital run by a Russian
7 doctor, but he died that night."

8 Prosecution document No. 8180, the affidavit
9 of Ernest Solomon, sworn to 18 May 1946, is offered
10 for identification, and marked excerpts from this docu-
11 ment are offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 8180 will receive exhibit No. 1889 for identifica-
15 tion only. The marked excerpt therefrom will receive
16 exhibit No. 1889-A.

17 (Whereupon, prosecution's document
18 No. 8180 was marked prosecution's exhibit
19 No. 1889 for identification; and the excerpt
20 therefrom, bearing the same document number,
21 was marked prosecution's exhibit No. 1889-A
22 and received in evidence.)

23 COMMANDER COLE: This affidavit confirms
24 the killing of Inspector Hutton described in the
25 previous document No. 8178.

1 Prosecution document No. 8137, the affidavit
2 of Private James H. Cole, sworn to 6 October 1945,
3 is offered for identification, and marked excerpts
4 from this document are offered in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 8137 will receive exhibit No. 1890 for identifi-
8 cation only, and the marked excerpt therefrom will
9 receive exhibit No. 1890-A.

10 (Whereupon, prosecution's document
11 No. 8137 was marked prosecution's exhibit
12 No. 1890 for identification; and the excerpt
13 therefrom, bearing the same document number,
14 was marked prosecution's exhibit No. 1890-A
15 and received in evidence.)

16 COMMANDER COLE: The affidavit describes the
17 shooting of an American civilian by a Japanese guard
18 at Shanghai Prisoner of war Camp in March 1942. The
19 civilian was standing near the prison fence when the
20 guard, without provocation, shot and killed him.

21 Defendant was forced to work polishing anti-
22 aircraft shell cases. If the prisoners did not
23 complete sixteen cases per day they were beaten with
24 clubs and rifle butts. For minor offences such as
25 failure to salute or failure to bow upon meeting a

1 Japanese, the prisoners were stripped of all clothing
2 and forced to stand at attention for three to four
3 hours during winter months when the temperature was
4 below freezing. Several men developed pneumonia due
5 to this punishment.

6 Prosecution document No. 2662, part 12,
7 being the report of the Central Investigation Com-
8 mittee relating to prisoners of war, dated 4 November
9 1945, is offered in evidence.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 2662, part 12, will receive exhibit No. 1891.

13 (Whereupon, the document above
14 referred to was marked prosecution's exhibit
15 No. 1891, and was received in evidence.)

16 COMMANDER COLE: Prosecution document
17 No. 2662, signed by Lieutenant Colonel Richard E.
18 Rudisill, Chief, Investigation Division, Legal Section,
19 SCAP, being the certificate of source and authen-
20 ticity covering this investigation report as well as
21 other similar reports to be introduced in evidence
22 later, is offered in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 2662 will receive exhibit No. 1892.

1 (Whereupon, the document above
2 referred to was marked prosecution's exhibit
3 No. 1892, and was received in evidence.)

4 COMMANDER COLE: Prosecution document
5 No. 2662, part 12, describes the killing of three
6 American airmen in Hankow, China, in December 1944.
7 Preliminary reports indicate that the three captured
8 airmen with their hands tied behind their backs were
9 marched through the streets of Hankow, severely
10 beaten, and then covered with gasoline and burned to
11 death. This document includes (page 6) a report by
12 Major General KABURAGI, Chief of Staff of the Japanese
13 34th Army at the time of the incident, which disclaims
14 knowledge of the details of the atrocity, but admits
15 that permission to march the fliers through the city
16 was granted by the commanding general of the 34th Army.
17 The report states on page 6:

18 "4 November 1945. Major General KABURAGI.

19 "I. Circumstances of the incident.

20 "1. Since around autumn of last year, the
21 indiscriminate shooting and bombing of the city of
22 Hankow caused considerable damage to the homes of the
23 citizens. Not only that, but the casualties inflicted
24 upon the people, chiefly upon the Chinese forces, was
25 great, and the indignation of the citizens gradually

increased.

1 "2. The Hankow Youth Organization (?) forced
2 the American fliers who participated in attacks against
3 Hankow, to march through the city, as a reprisal for
4 the above-mentioned indiscriminate bombing and shoot-
5 ing. The citizens carried out beatings and violence
6 against these fliers.

7 "I do not have a detailed knowledge of the
8 methods, means, and degree of the atrocity.

9 "3. Before the above-mentioned incident
10 was carried out, application for permission to do so
11 was made to the 34th Army Headquarters by the Hankow
12 Youth Organization (?). However, the Commander of
13 the Army (Lieutenant General SANO) would not give
14 permission at first, because the ill-treatment of
15 prisoners of war is not only a violation of International
16 Law, but would also have a bad influence upon the
17 treatment of Japanese nationals interned in the United
18 States. However, the Youth Organization repeatedly
19 requested the permission for carrying it out, saying
20 that the plan was a reprisal for the indiscriminate
21 shooting and bombings and that it would be carried out
22 under the responsibility of the Chinese people and that
23 they will absolutely refrain from troubling the Japanese
24 Forces. Consequently, the permission for the afore-
25 mentioned was granted."

1 Prosecution document No. 8172, the affi-
2 davit of Captain Edward E. Williamson, sworn to 6
3 June 1946, is offered for identification and marked
4 excerpts therefrom are now offered in evidence.

5 THE PRESIDENT: Admitted on the usual
6 terms.

7 CLERK OF THE COURT: Prosecution's docu-
8 ment No. 8172 will receive exhibit No. 1893 for
9 identification only, and the excerpts therefrom
10 will receive exhibit No. 1893-A.

11 (Whereupon, the document above
12 referred to was marked prosecution's ex-
13 hibit No. 1893 for identification, and
14 the excerpts therefrom were marked prose-
15 cution's exhibit No. 1893-A and received
16 in evidence.)

17 COMMANDER COLE: Prosecution document No.
18 8175, the affidavit of William S. Bungey, sworn to
19 21 February 1945, is offered for identification, and
20 marked excerpts from this document are offered in
21 evidence.

22 THE PRESIDENT: Admitted on the usual
23 terms.

24 CLERK OF THE COURT: Prosecution's docu-
25 ment No. 8175 will receive exhibit No. 1894 for

1 identification only, and the excerpts therefrom will
2 receive exhibit No. 1894-A.

3 (Whereupon, the document above
4 referred to was marked prosecution's ex-
5 hibit No. 1894 for identification, and
6 the excerpts therefrom were marked prose-
7 cution's exhibit No. 1894-A and received
8 in evidence.)

9 CLERK OF THE COURT: The previous document,
10 prosecution, given exhibit No. 1893, was document
11 No. 8172.

12 COMMANDER COLE: These affidavits describe
13 the methods of torture used during interrogation of
14 civilian internees by the Japanese Gendarmarie at
15 Bridge House in Shanghai.

16 Document No. 8172 states, on page 2:

17 "At various dates following the occupation
18 of the Settlements in Shanghai the Japanese Gendarm-
19 erie, acting on information and from years of in-
20 quiries, proceeded to arrest prominent Allied nation-
21 als, that is, heads of business firms and leading
22 members of national societies. These persons were
23 then taken to an apartment house known as 'Bridge
24 House,' which had been the headquarters of the
25 Japanese Gendarmarie since 1937, the date of the

1 outbreak of the Sino-Japanese hostilities. When
2 these Allied nationals were taken to Bridge House
3 they were thrown into a filthy verminous cell which
4 was already overcrowded with persons of various
5 nationality, both male and female, numbering between
6 fifteen and twenty persons. For the toilet a bucket
7 in the corner of the cell was the only facility pro-
8 vided, serving both male and female occupants. The
9 food provided was mainly rice in porridge form with
10 weak tea in quantities not sufficient to sustain
11 life. Sleep was impossible in these cells, as all
12 could not lie down at once. They, the prisoners,
13 were only supplied with one blanket which was also
14 verminous.

15 "On the days previous to interrogations
16 these prisoners were placed in a cell usually next
17 door to a torture chamber, where they could hear the
18 yells and cries of persons being beaten and tortured,
19 hearing moans as if the person beaten were actually
20 dying. This treatment of arrested civilians, that
21 is, locked in a filthy cell, little or no food,
22 made to listen to the tortures and beating of other
23 prisoners such as, Chinese, Indian and Russians, was
24 an organized, premeditated and inhuman way of break-
25 ing down the resistance and morale of these prisoners,

1 so as to put them in mental and bodily fear of
2 torture when their turn for 'interrogation' came.

3 "TORTURE"

4 "Various tortures were administered during
5 interrogation, the main ones being 'Water Torture,'
6 which is done by laying a person flat on a bench
7 with his head overhanging one end. A funnel is then
8 placed in the mouth and water forced into the abdomen
9 and lungs. The torturer then jumps on the stomach of
10 his victim, producing a drowning sensation.

11 Electric Treatment. This is done by tying the
12 victim to a 'painters' ladder'
13 in the shape of a crucifix, and applying a hand
14 manipulated shocking coil to the body. The parts
15 chosen usually were around the private members or
16 near the nose. Before this treatment is given the
17 body is sprayed with cold water.

18 Beatings. These came into various categories, such
19 as: (1) Beating across the back and
20 buttocks with a stock or hose. (2) Slap-
21 ping of the face. (3) Kicking of the shins and
22 various other sadistic methods such as kicking the
23 private parts.

24 Other. In one case they removed both toe nails
25 from the big toes of a victim without an

1 anaesthetic. The rack torture was also administered
2 and many others too numerous to mention.■

3 At all civil internment camps food and liv-
4 ing conditions were bad and beatings were frequent.
5 Many of the camps were located in military areas and
6 the internees were exposed to air raids.

7 Prosecution document No. 8127, the testi-
8 mony of Private James S. Browning, sworn to 4 January
9 1946, is offered for identification, and marked ex-
10 cerpts from this document are offered in evidence.

11 THE PRESIDENT: Admitted on the usual
12 terms.

13 Commander Cole, why didn't you give us copies
14 of exhibit 1892? It is a certificate covering an
15 index. I have it, thank you, but the other Judges
16 haven't. Please distribute it.

17 CLERK OF THE COURT: Prosecution's docu-
18 ment No. 8127 will receive exhibit No. 1895 for iden-
19 tification only, and the excerpts therefrom will re-
20 ceive exhibit No. 1895-A.

21 (Whereupon, the document above
22 referred to was marked prosecution's ex-
23 hibit No. 1895 for identification, and the
24 excerpts therefrom were marked prosecu-
25 tion's exhibit No. 1895-A and received in

1 anaesthetic. The rack torture was also administered
2 and many others too numerous to mention."

3 At all civil internment camps food and liv-
4 ing conditions were bad and beatings were frequent.
5 Many of the camps were located in military areas and
6 the internees were exposed to air raids.

7 Prosecution document No. 8127, the testi-
8 mony of Private James S. Browning, sworn to 4 January
9 1946, is offered for identification, and marked ex-
10 cerpts from this document are offered in evidence.

11 THE PRESIDENT: Admitted on the usual
12 terms.

13 Commander Cole, why didn't you give us copies
14 of exhibit 1892? It is a certificate covering an
15 index. I have it, thank you, but the other Judges
16 haven't. Please distribute it.

17 CLERK OF THE COURT: Prosecution's docu-
18 ment No. 8127 will receive exhibit No. 1895 for iden-
19 tification only, and the excerpts therefrom will re-
20 ceive exhibit No. 1895-A.

21 (Whereupon, the document above
22 referred to was marked prosecution's ex-
23 hibit No. 1895 for identification, and the
24 excerpts therefrom were marked prosecu-
25 tion's exhibit No. 1895-A and received in

evidence.)

1
2 CLERK OF THE COURT: Prosecution's docu-
3 ment to which the Bench has just referred, to wit:
4 No. 2662, was given exhibit No. 1892.

5 COMMANDER COLE: Deponent describes the
6 torture of approximately fifty American prisoners of
7 war at the Shanghai prisoner of war camp in Feb-
8 ruary 1944. The prisoners were punished for trading
9 their personal effects to the Chinese to obtain
10 money. They were stripped, taken out in the snow
11 and given the water cure by having water forced into
12 their stomachs and then were jumped on by the
13 Japanese. When the prisoners became unconscious they
14 were revived by tying them to a post in the snow and
15 pouring ice water over them. They were also beaten
16 with a riding crop loaded with lead.

17 Prosecution document No. 8033, the deposi-
18 tion of Sergeant Robert McCulloch Brown, sworn to
19 15 February 1946, is offered for identification, and
20 marked excerpts from this document are offered in
21 evidence.
22

23 THE PRESIDENT: Admitted on the usual
24 terms.

25 CLERK OF THE COURT: Prosecution's docu-
ment No. 8033 will receive exhibit No. 1896 for

1 identification only, and the excerpts therefrom
2 will receive exhibit No. 1896-A.

3 (Whereupon, the document above
4 referred to was marked prosecution's
5 exhibit No. 1896 for identification, and
6 the excerpts therefrom were marked prose-
7 cution's exhibit No. 1896-A and received
8 in evidence.)

9 COMMANDER COLE: This deposition confirms
10 the previous document and states that prisoners of
11 war at Shanghai camp were given the water torture
12 for trading with the Chinese. This affidavit states,
13 on page 2:

14 ". . . The men were first severely beaten
15 by ISHIHARA and MYAZAKI. Some of these beatings
16 consisted of being struck with a riding crop frequent-
17 ly used by ISHIHARA to inflict discipline upon the
18 prisoners. After they had been mauled in this manner,
19 each prisoner was held on the floor and was forced
20 to open his mouth. Then, with a Japanese holding
21 the prisoner's nose, water was poured into the
22 prisoner's open mouth until he became unconscious.
23 The Japanese then slapped the prisoner's face and
24 threw cold water on his body in order to revive him.
25 This incident took place in January 1944 and the

1 weather was very cold. It is therefore apparent that
2 the use of cold water on prisoners under such cir-
3 cumstances imposed a severe shock upon their systems.
4 These five men were subjected to this treatment for
5 twelve days, until the Japanese finally decided that
6 additional mistreatment would cause their deaths.
7 The men were then hospitalized and later returned
8 to duty."

9 Prosecution document No. 8007-A, the testi-
10 mony of John F. Ryan, sworn to 15 February 1946, is
11 offered for identification and marked excerpts
12 therefrom are offered in evidence.

13 THE PRESIDENT: Admitted on the usual
14 terms.

15 CLERK OF THE COURT: Prosecution's docu-
16 ment No. 8007-A will receive exhibit No. 1897 for
17 identification only, and the excerpts therefrom will
18 receive exhibit No. 1897-A.

19 (Whereupon, the document above
20 referred to was marked prosecution's
21 exhibit No. 1897 for identification, and
22 the excerpts therefrom were marked prose-
23 cution's exhibit No. 1897-A and received
24 in evidence.)

25 COMMANDER COLE: The deponent states that

1 he was one of about one hundred prisoners at Woosung
2 camp in September 1942 who suffered mass punishment
3 for the escape of four Marines. The prisoners were
4 confined for six days in a single room without heat
5 or bed clothing, at a time when the temperature was
6 very cold and with inadequate rations. The command-
7 ing officer of the camp was responsible for this
8 punishment.

9 Prosecution document No. 8130, the affi-
10 davit of Private Carl E. Stegmaier, sworn to 8
11 October 1945, is offered for identification and
12 marked excerpts therefrom are now offered in evidence.

13 THE PRESIDENT: Admitted on the usual
14 terms.

15 CLERK OF THE COURT: Prosecution's docu-
16 ment No. 8130 will receive exhibit No. 1898 for
17 identification only, and the excerpts therefrom will
18 receive exhibit No. 1898-A.

19 (Whereupon, the document above
20 referred to was marked prosecution's
21 exhibit No. 1898 for identification, and
22 the excerpts therefrom were marked prose-
23 cution's exhibit No. 1898-A and received
24 in evidence.)
25

COMMANDER COLE: Deponent was one of five

1 prisoners of war at Kiang Wan camp in January 1945,
2 who were bayoneted by a Japanese guard during an
3 air raid by U.S. planes. The only provocation was
4 that some of the prisoners had cheered during the
5 air raid.

6 Prosecution document No. 8072-A, the affi-
7 devit of Corporal Morris Littman, sworn to 15
8 October 1945, is offered for identification and
9 marked excerpts from this document are offered in
10 evidence.

11 THE PRESIDENT: Admitted on the usual
12 terms.

13 CLERK OF THE COURT: Prosecution's docu-
14 ment No. 8072-A will receive exhibit No. 1899 for
15 identification only, and the excerpts therefrom
16 will receive exhibit No. 1899-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's
19 exhibit No. 1899 for identification, and
20 the excerpts therefrom were marked prose-
21 cution's exhibit No. 1899-A and received
22 in evidence.)
23

24 COMMANDER COLE: Deponent states that three
25 American prisoners who were recaptured after escaping
from the Mukden camp in April 1943, were brutally

14,175

1 beaten and beheaded. The affidavit states, on
2 page 1:
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1 "Along about the middle of April 1943
2 three of the Americans at Camp Mukden escaped from
3 the camp and were not missed by the Japanese guards
4 until roll call the following morning. Each of the
5 three men were from separate barracks. I don't recall
6 their names. The three men were absent from camp for
7 about three days before they were caught by the Japan-
8 ese and returned to camp. I saw the men when they
9 were returned to the camp. They were walking one be-
10 hind the other with a guard along the side of them
11 holding them up; I don't think they were able to walk
12 by themselves; one of them had a rag wrapped around
13 his head which was blood soaked; all three of them
14 had their clothing on their backs ripped up and was
15 very bloody; their ankles were chained together and
16 could only take small steps; the chain extended up
17 their back and their hands were chained together.
18 We went on to work in the factory that day and later
19 on in the day the guards brought them out to camp
20 and tried to make them pick out the Americans who
21 had helped them to escape, also the Japanese who had
22 aided in the escape. They refused to give any infor-
23 mation and were removed from camp. Two days later
24 the Japanese officials had the wood shop to make
25 three crosses with their names on the cross."

1 "The Japanese guards took a detail of three or more men
2 to the cemetery where there were three freshly covered
3 graves and the detail set up the crosses over these
4 three graves which they had prepared in the wood shop
5 of the camp. The Japanese guards in the camp said
6 that they were beheaded with samurai swords. The day
7 following the date on which the three men were caught
8 the Japanese didn't let us go to work; they came in
9 and called attention and showed us a position that
10 they wanted us to sit in and placed a guard over us
11 to see that we stayed in that position and kept us
12 this way for two weeks in the daytime. They made us
13 sit at attention with our legs crossed above the knee,
14 our hands resting on our leg with palm up. We sat on
15 the edge of our beds. We were not allowed to speak
16 and could move our hands only when we ate. Each of
17 the three men that had escaped were from each of three
18 barracks so the Japanese made the barracks, three in
19 number, all sit like this for two weeks."
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1 Prosecution document No. 8209, the testimony
2 of Captain Winfield S. Cunningham, USN, sworn to 26
3 November 1945, is offered for identification, and
4 the marked excerpts from this document are offered
5 in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 8209 will receive exhibit No. 1900 for identifi-
9 cation only, and the marked excerpt therefrom will
10 receive exhibit No. 1900A.

11 (Whereupon, the document above re-
12 ferred to was marked "prosecution's exhibit
13 No. 1900 for identification; and the ex-
14 cerpt therefrom was marked prosecution's
15 exhibit No. 1900A and received in evidence.)

16 COMMANDER COLE: Deponent escaped from
17 Woosung Camp in March, 1942, and after being recap-
18 tured and confined in Bridge House for a month was
19 tried by court martial under the provisions of
20 Japanese military law as a deserter from the Japan-
21 ese Army. Deponent pointed out that under inter-
22 national law the maximum punishment for escape that
23 could be imposed was thirty days' solitary confinement.
24 The Japanese court contended that they were not bound
25 by the Geneva Convention and sentenced deponent to

1 Prosecution document No. 8209, the testimony
2 of Captain Winfield S. Cunningham, USN, sworn to 26
3 November 1945, is offered for identification, and
4 the marked excerpts from this document are offered
5 in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 8209 will receive exhibit No. 1900 for identifi-
9 cation only, and the marked excerpt therefrom will
10 receive exhibit No. 1900A.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1900 for identification; and the ex-
14cerpt therefrom was marked prosecution's
15 exhibit No. 1900A and received in evidence.)

16 COMMANDER COLE: Deponent escaped from
17 Woosung Camp in March, 1942, and after being recap-
18 tured and confined in Bridge House for a month was
19 tried by court martial under the provisions of
20 Japanese military law as a deserter from the Javan-
21 ese Army. Deponent pointed out that under inter-
22 national law the maximum punishment for escape that
23 could be imposed was thirty days solitary confinement.
24 The Japanese court contended that they were not bound
25 by the Geneva Convention and sentenced deponent to

1 ten years confinement. Deponent escaped from Ward
2 Road Jail in October, 1944 and, after being re-
3 captured, was sentenced to life imprisonment.

4 Deponent states at page 9 that from the
5 evidence it appears that the prisoners of war were
6 deliberately underfed to keep them in a low physical
7 state.

8 Prosecution document No. 8279, the sworn
9 affidavit of Commander C. D. Smith, dated 26 Feb-
10 ruary 1945, is offered for identification, and
11 marked excerpts therefrom are offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution document
14 No. 8279 will receive exhibit No. 1901 for identifi-
15 cation only, and the marked excerpt therefrom will
16 receive exhibit No. 1901A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1901 for identification; and the ex-
20cerpt therefrom was marked prosecution's
21 exhibit No. 1901A and received in evidence.)

22 COMMANDER COLE: Deponent escaped from
23 Woosung prisoner of war camp and was recaptured.
24 After thirty days at Bridge House he was taken to
25 Kiang Wan Camp and, after fifty-three days in

1 solitary confinement, was given a general court
2 martial on a charge of "desertion from the Japanese
3 Army in time of war." The trial resulted in a sen-
4 tence of ten years imprisonment to be served in a
5 criminal jail with loss of all military rights.

6 Deponent states on page 4:

7 "At Bridge House I was confined in a cell
8 with 18 others -- Chinese, Japanese, and foreigners.
9 The conditions in this place were appalling. I was
10 living next to a man with leprosy and was forced to
11 sleep in close contact with him as the place was
12 so crowded. We were kept here for 30 days under-
13 going what the Japanese called an investigation.
14 The food consisted of congee in the morning and
15 four ounces of bread a day. One small cup of tea
16 was given us twice a day, no other liquids being
17 procurable.

18 "The moral degradation here was of con-
19 siderably more importance than the actual physical
20 discomfort, which in itself was sufficient punish-
21 ment for anyone. This was during the month of March,
22 and it was very cold. We were given one blanket each,
23 which was completely insufficient when one is sleeping
24 on the bare floor. During the day we were forced
25 to sit in formation, cross legged on the floor,

1 without any support or rest for the back or arms.
2 At times an unusually cruel guard would make the
3 rounds of the cells, forcing everyone to kneel on
4 the wooden floor. This would sometimes be kept
5 up for six or eight hours."

6 Deponent gives a further description of
7 torture at Bridge House on pages 6 and 7:

8 "I saw a number of tortures to a minor
9 degree in Bridge House while passing through the
10 car doors on my many trips up to the office. I
11 saw men being given the water treatment, being
12 burned with cigarettes, being given shocks with
13 an electrical machine of some kind, and almost
14 innumerable beatings with clubs and with the backs
15 of swords. Violent kicking with heavy army boots
16 on the prisoners' shins was so common as to be
17 almost unnoticed. Several Chinese suffered broken
18 legs from this while I was in Bridge House.

19 "The water treatment consists of lashing
20 a man down face up across the desk top. A bath
21 towel is then so rolled as to form a circle around
22 his nose and mouth, and a five-gallon
23 can of water, which was generally mixed with the
24 vilest of human refuse and other filth, such as
25 kerosene, was then put handy. The man was then

1 questioned, and if he did not respond, the water
2 was poured into the space made by the bath towel,
3 forcing the prisoner either to swallow and inhale
4 the vile concoction or to strangle himself. This
5 is kept up, questioning between doses, until the
6 man is at a point of unconsciousness. Shortly be-
7 fore unconsciousness is reached, the man is frequent-
8 ly beaten across the belly with a small iron rod.
9 After consciousness has left, he is usually sus-
10 pended by the heels from a tackle directly overhead
11 and the water allowed to drain out of him. When he
12 has sufficiently recuperated, the treatment is
13 resumed.

14 "...After the war I can produce the names
15 and addresses of more than 30 white men who were
16 seriously tortured in Bridge House if they are
17 still alive. Only one of these was an American --
18 Healy.

19 "I do not know what the Japs were trying
20 to learn by these tortures. The men who were tor-
21 tured seldom had any idea as to what was required
22 of them. For some reason they frequently picked
23 on men who knew nothing and who had done nothing.
24 The principal question was 'Are you mixed up with
25 underground activities to aid the enemy or against

1 Japan? and senseless questions like this were
2 asked for hours and hours. The harshness of
3 treatment depended on the particular sergeant
4 and interpreter who were questioning. Each handled
5 the prisoner according to his own ideas. One man
6 might be tortured once or possibly a dozen times.
7 One could never guess. The sergeants were given a
8 completely free hand apparently. Several Chinese
9 were so severely beaten that they died in their
10 cells. I gathered the impression that the officers
11 did not give explicit directions for questioning,
12 but merely ordered so and so out for interrogation.
13 It seemed to be generally understood among all
14 Japanese personnel that punishment would be inflicted
15 as and when required. It is certain that all
16 officers attached to the gendarmerie knew practi-
17 cally every detail of what was going on because
18 the cries, moans, and sounds of blows could be
19 heard over the whole building at most any time."
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1 Prosecution document No. 8194, the affi-
2 davit of Sergeant Harold J. Hogue, sworn to 12
3 December 1945, is offered for identification, and
4 the marked excerpts from this document are offered
5 in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 8194 will receive exhibit No. 1902 for identifi-
9 cation only, and the marked excerpt therefrom will
10 receive exhibit No. 1902A.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1902 for identification; and the ex-
14 cerpt therefrom was marked prosecution's
15 exhibit No. 1902A and received in evidence.)

16 COMMANDER COLE: This affidavit relates to
17 the mistreatment of captured airforce personnel at
18 Yochow, China. Upon refusing to give any informa-
19 tion, deponent was beaten with fists and a large
20 bamboo bat. Thereafter, he was strapped to a
21 ladder, given the water treatment and beaten. Next
22 day he was handcuffed and paraded through the village
23 for public ridicule.

24 Prosecution document No. 8193, the affi-
25 davit of 1st Lieutenant Harold J. Klota, sworn to

1 5 December 1945, is offered for identification, and
2 marked excerpts therefrom are offered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 8193 will receive exhibit No. 1903 for identifi-
6 cation only, and the marked excerpts therefrom will
7 receive exhibit No. 1903A.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1903 for identification; and the ex-
11 cerpt therefrom was marked prosecution's
12 exhibit No. 1903A and received in evidence.)

13 COMMANDER COLE: Deponent bailed out of his
14 plane over China and was captured by the Japanese.
15 His right leg which was injured was amputated several
16 inches above the ankle by a Japanese civilian using
17 a crude knife and without anesthesia. A few days
18 thereafter, deponent, for not answering questions,
19 was beaten into unconsciousness, while he lay in bed,
20 on three occasions by a Japanese officer who used an
21 encased saber.
22

23 Prosecution document No. 8024, the testimony
24 of John R. deLara, sworn to 18 February 1946, is
25 offered for identification, and marked excerpts
therefrom are offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 8024 will receive exhibit No. 1904 for identifi-
4 cation only, and the marked excerpt therefrom will
5 receive exhibit No. 1904A.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1904 for identification; and the ex-
9 cerpt therefrom was marked prosecution's
10 exhibit No. 1904A and received in evidence.)

11 COMMANDER COLE: This deposition relates to
12 conditions at Pootung Internment Camp. Deponent
13 states that during the winters of 1944 and 1945 the
14 internees had no heat whatever although the tempera-
15 ture was as low as 20° F. and although the Japanese
16 guards had heating facilities. Internees received
17 no clothing from the Japanese. The food ration was
18 gradually reduced until, at the end, they were get-
19 ting one-fourth the amount of meat originally issued.
20 Internees were exposed to air attacks and were not
21 permitted to mark the buildings until a week before
22 the end of the war.

23 Prosecution document No. 8211A, the testi-
24 mony of Sergeant Elmer A. Morse, sworn to 2 November
25 1945, is offered for identification, and the marked

excerpts therefrom are offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 8211A will receive exhibit No. 1905 for identifi-
4 cation only, and the marked excerpts therefrom will
5 receive exhibit No. 1905A.
6

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1905 for identification; and the ex-
10 cerpt therefrom was marked prosecution's
11 exhibit No. 1905A and received in evidence.)

12 COMMANDER COLE: Prosecution document No.
13 8220, the affidavit of Corporal Herman E. Fayal,
14 sworn to 10 October 1945, is offered for identifi-
15 cation, and the marked excerpts therefrom are offered
16 in evidence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 8220 will receive exhibit No. 1906 for identifi-
20 cation only, and the marked excerpts therefrom will
21 receive exhibit No. 1906A.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1906 for identification; and the ex-
25 cerpt therefrom was marked prosecution's

exhibit No. 1906A and received in evidence.)

1
2 COMMANDER COLF: These two affidavits de-
3 scribe the conditions under which prisoners lived at
4 Hoten Camp near Mukden. Over two hundred prisoners
5 died as a result of malnutrition, lack of medical
6 care, and lack of fuel. The buildings were inade-
7 quately heated although plenty of coal was available
8 for issue. During the first month and a half the
9 prisoners received maize and Chinese cabbage soup and
10 two sour buns a day. The food was frequently so con-
11 taminated that the prisoners could not eat it. All
12 requests for additional food, fuel and medical sup-
13 plies were refused by the Japanese.

14 Prosecution document No. 8123, the affi-
15 davit of John B. L. Anderson, sworn to 23 January
16 1946, is offered for identification, and marked
17 excerpts therefrom are offered in evidence.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 8123 will receive exhibit No. 1907 for identifi-
21 cation only, and the excerpt therefrom will receive
22 exhibit No. 1907A.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1907 for identification; and the ex-

cerpt therefrom was marked prosecution's exhibit No. 1907A and received in evidence.)

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COMMANDER COLE: This affidavit states that at Kiang Wan Camp the food was poor and the work very hard. Deponent lost almost forty pounds while at this camp. The prisoners were forced to work in constructing a rifle range for the Japanese Army and also in polishing shells and repairing tanks and trucks. At Feng Tai Camp the prisoners slept on the floor and received a cup of rice or flour and a cup of watery soup three times a day.

Prosecution document No. 8063, the affidavit of John F. Bronner, sworn to 20 October 1945, is offered for identification, and the marked excerpts therefrom are offered in evidence.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 8063 will receive exhibit No. 1908 for identification only, and the marked excerpts therefrom will receive exhibit No. 1908A.

(Whereupon, the document above referred to was marked prosecution's exhibit No. 1908 for identification; and the excerpt therefrom was marked prosecution's exhibit No. 1908A and received in evidence.)

1 COMMANDER COLE: This affidavit states that
2 at Pootung Camp the food ration of the internees
3 was cut thirty-five per cent during the year 1944.

4 Prosecution document No. 8004, the affidavit
5 of Sergeant Roger P. Bamford, sworn to 5 March 1946,
6 is offered for identification, and marked excerpts
7 therefrom are offered in evidence.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 8004 will receive exhibit No. 1909 for identifi-
11 cation only, and the marked excerpts therefrom will
12 receive exhibit No. 1909A

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1909 for identification; and the ex-
16cerpt therefrom was marked prosecution's
17 exhibit No. 1909A and received in evidence.)

18 COMMANDER COLE: Prosecution document No.
19 8450, a certificate by Captain C. W. Willoughby,
20 Assistant Chief of Criminal Registry Division, Legal
21 Section, GHQ, SCAP, sworn to 27 December 1946, is
22 offered in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 8450 will be given exhibit No. 1910.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1910 and received in evidence.)

4 COMMANDER COLE: This certificate covers
5 the source and authenticity of prosecution document
6 No. 8004 as well as a number of other documents which
7 will be offered in evidence shortly.

8 Prosecution document No. 8004B, the affi-
9 davit of Sergeant Roger D. Bamford, sworn to 5
10 March 1946, is offered for identification, and
11 marked excerpts therefrom are offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 8004B will receive exhibit No. 1911 for identifi-
15 cation only, and the marked excerpts therefrom will
16 receive exhibit No. 1911A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1911 for identification; and the ex-
20 cerpt therefrom was marked prosecution's
21 exhibit No. 1911A and received in evidence.)

22 COMMANDER COLE: Prosecution documents No.
23 8004 and No. 8004B relate to conditions at Kiang
24 War and Woosung Camps. Deponent states that at both
25 camps the prisoners received a small tescup full of

1 rice three times a day and a small amount of watery
2 soup twice a day. Prisoners slept in barns on the
3 earth floor with no stoves and no fuel for fires.
4 The Japanese made no attempt to provide medical care
5 The only medical attention was received from a
6 medical officer among the prisoners. Four or five
7 prisoners at Kiang Wan Camp and approximately thirty
8 or forty prisoners at Woosung Camp died due to mal-
9 nutrition, beri-beri and dysentery.

10 Prosecution document No. 8218, the testimony
11 of Private James A. Gilbert, sworn to 14 November
12 1945, is offered for identification, and marked
13 excerpts therefrom are offered in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 8218 will receive exhibit No. 1912 for identifi-
17 cation only, and the marked excerpts therefrom will
18 receive exhibit No. 1912A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1912 for identification; and the ex-
22 cerpts therefrom were marked prosecution's
23 exhibit No. 1912A and received in evidence.)

24 COMMANDER COLE: Deponent states that during
25 the first few months he was at Mukden Camp about 250

1 American prisoners died either from starvation or
2 dysentery. No medical supplies were available. The
3 food consisted of maize and soy beans.

4 The prisoners worked in nearby factories
5 making steel helmets for the Japanese Army, air-
6 plane parts and gears for large calibre guns. Depon-
7 ent worked in a steel mill sixteen hours a day.
8 During his stay in Mukden Camp as a result of the
9 hard work and poor food, he lost over sixty pounds in
10 weight.

11 Prosecution document No. 8206, the testimony
12 of Corporal Herman Hall sworn to 5 October 1945, is
13 offered for identification, and marked excerpts
14 are offered in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution document
17 No. 8206 will receive exhibit No. 1913 for identifi-
18 cation only, and marked excerpts therefrom will re-
19 ceive exhibit No. 1913A.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1913 for identification, and the ex-
23 cerpts therefrom were marked prosecution's
24 exhibit No. 1913A and received in evidence.)

25 COMMANDER COLE: Deponent was confined at

1 Camp Hoten, Mukden. The camp was about six hundred
2 yards from a large Japanese ammunition factory. There
3 was no designation on the prisoner-of-war camp. Dur-
4 ing a B-29 air raid nineteen prisoners were killed
5 and about thirty were injured.

6 Prosecution document No. 8312, the testimony
7 of Corporal Floyd H. Comfort sworn to 17 December
8 1945, is offered for identification, and marked
9 excerpts therefrom are offered in evidence.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 8312 will receive exhibit No. 1914 for identifi-
13 cation only, and the marked excerpt therefrom will
14 receive exhibit No. 1914A.

15 (Whereupon, the document above re-
16 ferred to was marked prosecution's exhibit
17 No. 1914 for identification; and the ex-
18 cerpt therefrom was marked prosecution's
19 exhibit No. 1914A and received in evidence.)

20 COMMANDER COLE: Deponent states that at
21 Woosung Camp and Kiang Wan Camp the prisoners were
22 used in working at a repair depot for all kinds of
23 military vehicles and also in polishing artillery
24 shell cases.

25 Prosecution document No. 8136, the affi-

1 davit of Private Stephen M. Zivko, sworn to 6
2 Octob r 1945, is offered for identification, and
3 marked excerpts therefrom are offered in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 6136 will receive exhibit No. 1915 for identifi-
7 cation only, and marked excerpts therefrom will re-
8 ceive exhibit No. 1915A.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1915 for identification; and the ex-
12 cerpts therefrom were marked prosecution's
13 exhibit 1915A and received in evidence.)

14 COMMANDER COLE: This affidavit confirms
15 the fact that prisoners at Kiang Wan Camp helped
16 to construct a rifle range and repaired Japanese
17 Army motor equipment. The affidavit also states
18 that at Kiang Wan Camp the prisoner working parties
19 were not permitted to take cover during air raids
20 until the planes were directly overhead. No sleep-
21 ing facilities were provided other than a straw mat
22 upon the brick floor.

23 That completes the evidence for the China
24 phase of this case.

25 THE PRESIDENT: The affidavits submitted in

1 the last hour will take us a day to read, but we prefer
2 it that way.
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1 COMMANDER COLE: I offer in evidence prose-
2 cution document No. 8391 which is a further synopsis
3 of evidence relating to Japan.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 8391 will receive exhibit No. 1916.

7 (Whereupon, the document above
8 referred to was marked prosecution's
9 exhibit No. 1916 and received in evidence.)

10 COMMANDER COLE: Synopsis of Evidence. Japan.
11 Prosecution document No. 8006, the affidavit
12 of Major Thomas H. Hewlett, sworn to 2 October 1945,
13 is offered for identification; the marked excerpts
14 therefrom are offered in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 8006 will receive exhibit No. 1917 for identifica-
18 tion only; the marked excerpts therefrom will receive
19 exhibit No. 1917A.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 1917 for identification, the excerpts
23 therefrom being marked prosecution's ex-
24 hibit No. 1917A and received in evidence.)

25 COMMANDER COLE: This affidavit describes

1 the brutal treatment of prisoners of war in Camp
2 No. 17, Fukuoka, at which Major Hewlett was senior
3 medical officer during his internment, and gives the
4 following instances:

5 (A) Marine Corporal James G. Pavlokos was
6 confined in the guardhouse in December, 1943, on a
7 charge of theft, without food for a period of approx-
8 imately 35 days, at the end of which period he died
9 of starvation. Deponent examined the body and esti-
10 mates that the weight of deceased had gone down from
11 170 pounds to 55 pounds at the time of death.

12 (B) Private Noah C. Heard was executed in
13 May, 1944, by bayoneting for the repeated offense of
14 theft of food.

15 (C) Corporal Walter Johnson was confined
16 in the guardhouse in April, 1945, for talking to a
17 Japanese civilian miner. He was permitted no food
18 and was subjected to severe beatings day and night as
19 a result of which he died. Deponent examined the
20 body after death and saw many signs of severe beatings.

21 (D) Private William N. Knight was confined
22 to the guardhouse in May, 1945, for stealing a bun
23 in the mess hall. He was subjected to repeated beat-
24 ings and torture, and died after about fifteen days.
25 Deponent was not permitted to examine the body but

1 the brutal treatment of prisoners of war in Camp
2 No. 17, Fukuoka, at which Major Hewlett was senior
3 medical officer during his internment, and gives the
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9 of starvation. Deponent examined the body and esti-
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11 170 pounds to 55 pounds at the time of death.

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13 May, 1944, by bayoneting for the repeated offense of
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20 body after death and saw many signs of severe beatings.

21 (D) Private William N. Knight was confined
22 to the guardhouse in May, 1945, for stealing a bun
23 in the mess hall. He was subjected to repeated beat-
24 ings and torture, and died after about fifteen days.
25 Deponent was not permitted to examine the body but

1 is of the opinion that the man died of starvation,
2 possibly complicated by pneumonia.

3 (E) Private Worldly was placed in the guard-
4 house in the spring of 1945 for having a small piece
5 of zinc in his possession. After death, an examina-
6 tion of his body by deponent indicated that death was
7 the result of beating. Men in the guardhouse were
8 beaten with a 2 x 4 about the length of a baseball
9 bat.

10 (F) In March, 1944, two prisoners of war
11 were placed in the guardhouse and forced to kneel
12 for long periods of time on bamboo, as a result of
13 which they developed gangrene. It was necessary to
14 amputate both feet of one prisoner, and three toes of
15 the other.

16 (G) Deponent was confined to the guardhouse
17 for six days in October, 1944, for submitting a
18 written complaint to the Japanese doctor concerning
19 sick men who were forced to work in the mine.

20 (H) During two years in this camp the medical
21 department was issued only sufficient Red Cross
22 medicines to care for five hundred men for three months,
23 although the camp reached the total population of
24 1780. Deponent performed 135 major operations with-
25 out gloves and with inadequate instruments.

1 Prosecution document No. 8022, the affidavit
2 of 1st Lieutenant John H. Allen, sworn to 30 December
3 1945, is offered for identification; the marked ex-
4 cerpts therefrom are offered in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 8002 will receive exhibit No. 1918 for identifica-
8 tion only; the marked excerpts therefrom will receive
9 exhibit No. 1918A.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1918 for identification, the excerpts
13 therefrom being marked prosecution's exhibit
14 No. 1918A and received in evidence.)

15 COMMANDER COLE: This affidavit is an eye-
16 witness account of the execution by bayoneting of
17 Private Noah C. Heard, previously referred to in
18 prosecution document No. 8006. Deponent witnessed
19 the execution, which took place without trial, from
20 the window of a nearby building. The Japanese guards
21 formed a semi-circle around the prisoner who was
22 dazed from repeated beatings, and bayoneted him as
23 he sat on the ground. The affidavit states at page 4:

24 "From the window, I saw that a semi-circle
25 of guards had formed behind Pvt Heard. At a command

1 from Lt. Ken YURI, one of the guards came forward
2 and bayoneted Heard in approximately the middle of
3 his back. I do not know this guard's name. Pvt. Heard
4 grunted and fell forward from the impact of the onrush-
5 ing guard and began to retch and twitch, making
6 gesticulations similar to those of a brute that has
7 been mortally wounded. These gesticulations caused
8 him to roll on his back with his right side exposed
9 to the semi-circle of guards. Upon the return of
10 the first guard to the semi-circle, on the command
11 of Lt. Ken YURI, a second guard went forward and
12 plunged his bayonet into the exposed right side of
13 Heard's abdomen. I do not know the name of this
14 guard either. The guard withdrew and the Japanese
15 doctor MURAO, Lt. Ken YURI, Sg. Major MORATAKI, Inter-
16 preter OYI and some of the guards went up to examine
17 Heard's body. By this time, Heard's actions were
18 no longer violent; however, a slight spasmodic twitch
19 could be noticed in his hands and feet. A third
20 guard whose name I do not know then turned his rifle
21 butt up and thrust the bayonet vertically into Heard's
22 throat. The guards then proceeded to rake across
23 Heard's abdomen, cutting it to bloody ribbons."

24 Prosecution document No. 8117, the affidavit
25 of Fusilier William Johnson, sworn to 4 February 1946,

1 is offered for identification; the marked excerpts
2 therefrom are offered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 8117 will receive exhibit No. 1919 for identifica-
6 tion only; the marked excerpts therefrom will re-
7 ceive exhibit No. 1919A.

8 (Whereupon, the document above
9 referred to was marked prosecution's ex-
10 hibit No. 1919 for identification, the
11 excerpts therefrom being marked prosecu-
12 tion's exhibit No. 1919A and received in
13 evidence.)

14 COMMANDER COLF: This affidavit describes
15 the brutal treatment of a prisoner of war at Sendai
16 Camp No. 1B on 4 February 1945. The prisoner was
17 in a very weak condition resulting from beriberi
18 and malnutrition and asked to see the medical officer.
19 Whereupon he was knocked down by a Japanese military
20 guard and kicked in the stomach while lying on the
21 ground. He died that evening.

22 Prosecution document No. 8026, the sworn
23 affidavit of Ian Douglas Newlands, dated 12 April
24 1946, is offered for identification; the marked ex-
25 cerpts therefrom are offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 8026 will receive exhibit No. 1920 for identifica-
4 tion only; the marked excerpts therefrom will receive
5 exhibit No. 1920A.

6 (Whereupon, the document above
7 referred to was marked prosecution's ex-
8 hibit No. 1920 for identification, the
9 excerpts therefrom being marked prosecu-
10 tion's exhibit No. 1920A and received in
11 evidence.)

12 COMMANDER COLE: This affidavit describes
13 conditions in prisoner of war camps at Moji and at
14 Hakodate No. 1. At the Moji Hospital there were 180
15 prisoners and during the two months that deponent
16 was a patient about fifty of these died, chiefly from
17 lack of medical attention. At Hakodate Camp No. 1
18 deponent saw the killing of a Dutch prisoner who had
19 been accused by the Japanese guards of theft. The
20 Dutch prisoner was confined in the guardroom without
21 food and every few hours he was taken from the cell
22 and beaten by the guards with fists, sticks and belts.
23 After a few days the prisoner died.

24 The deponent was severely beaten by the
25 Japanese guards for refusing to order prisoners to

1 THE PRESIDENT: Admitted on the usual terms.
2 CLERK OF THE COURT: Prosecution's document
3 No. 8026 will receive exhibit No. 1920 for identifica-
4 tion only; the marked excerpts therefrom will receive
5 exhibit No. 1920A.

6 (Whereupon, the document above
7 referred to was marked prosecution's ex-
8 hibit No. 1920 for identification, the
9 excerpts therefrom being marked prosecu-
10 tion's exhibit No. 1920A and received in
11 evidence.)

12 COMMANDER COLE: This affidavit describes
13 conditions in prisoner of war camps at Moji and at
14 Hakodate No. 1. At the Moji Hospital there were 180
15 prisoners and during the two months that deponent
16 was a patient about fifty of these died, chiefly from
17 lack of medical attention. At Hakodate Camp No. 1
18 deponent saw the killing of a Dutch prisoner who had
19 been accused by the Japanese guards of theft. The
20 Dutch prisoner was confined in the guardroom without
21 food and every few hours he was taken from the cell
22 and beaten by the guards with fists, sticks and belts.
23 After a few days the prisoner died.

24 The deponent was severely beaten by the
25 Japanese guards for refusing to order prisoners to

1 perform work for which they were unfit.

2 The prisoners at this camp were employed
3 in the Muroran Steel Works which produced steel for
4 making gun barrels. Collective punishments were
5 imposed on the prisoners for minor offenses by forc-
6 ing the entire camp to stand on parade all night and
7 then go to work the next morning.

8 Prosecution document No. 2662, Part 23,
9 the Report of the Japanese Central Investigation
10 Committee relating to Prisoners of War, dated
11 9 January 1946, is offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecutor's document
14 No. 2662, Part 23, will receive exhibit No. 1921.

15 (Whereupon, the document above
16 referred to was marked prosecution's ex-
17 hibit No. 1921 and received in evidence.)

18 COMMANDER COLF: This report relates to the
19 treatment of captured Allied airmen in the Eastern
20 Military District of Japan. From this document which
21 was written by the Japanese authorities themselves,
22 it appears that Allied airmen were treated with great
23 brutality. The report states at the bottom of page 2,
24 as follows:

25 "The treatment of the airmen of the Allied

1 Forces captured in the Eastern Region were divided
2 into two categories. First, if they were suspected
3 of violating military regulations, they were disposed
4 of by courts-martial. Second, if they were acquitted,
5 they were interned in the POW camps and treated as
6 ordinary POW. However, before these steps were taken
7 they at first were detained in the guardhouse of the
8 Eastern Military Police Unit Headquarters as sus-
9 pected violators of military regulations....During
10 the period of detention there were 17 deaths."

11 Additional incidents showing the brutal
12 treatment of Allied airmen are set forth on pages 1
13 and 2 of the report as follows:

14 On the night of May 25, 1945, 62 Allied
15 airmen who were interned in the detention house of
16 the Tokyo Army Prison as suspected violators of the
17 military regulations were burned to death in the air
18 raids.

19 A seriously injured pilot of a P-29 which
20 fell in Hiyoshi Village in Chiba Prefecture received
21 Kaishaku, that is, he was beheaded on May 26, 1945,
22 on the orders of the Japanese captain of the patrol.
23 The report adds that there is an indication that
24 bayoneting of the body took place after death.
25

On page 27 of this document is set forth

1 an additional report by the Japanese Investigation
2 Committee dated 26 December 1945, relating to the
3 treatment of captured Allied airmen in the Tokai
4 or Eastern Sea Region. This report states (para-
5 graph II, page 27):

6 "From February 11, 1945, when the Tokai
7 (T.N. Eastern Sea) Military District was established
8 until the time of truce, the number of surviving
9 airmen of Allied planes who descended within the
10 District was 44. Of these, six men at the beginning
11 were interned as prisoners of war since it was clear
12 that they had attacked military objects; and the
13 eleven men who later descended on May 14th were sent
14 to courts-martial because they had conducted indis-
15 criminate bombings and were deeply suspected of
16 being major war criminals; 27 men who later descended
17 after the latter part of May, were disposed of by
18 military regulations without formal procedures of
19 the courts martial due to the situation at that
20 time. It was decided that these men were clearly
21 guilty of inhuman and indiscriminate bombings."

22 THE PRESIDENT: We will recess for fifteen
23 minutes.

24 (Whereupon, at 1045, a recess was taken
25 until 1100, after which the proceedings were
resumed as follows:)

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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Commander Cole.

COMMANDER COLE: The document last introduced was prosecution document No. 2662, Part 23. In regard to the execution of the 27 airmen without trial, the report further states on page 28 as follows:

"Around May of this year, the Headquarters of the 13th Area Army (operational army formed in conjunction with the Headquarters of the Tokai Military District, with most of the personnel holding concurrent positions in the Headquarters of the Military District) estimated that the time of the landing on the mainland by the Allied Forces would be around August. At that time, the whole Army was concentrating on the preparations for the operation, and the work of the Headquarters was also extremely busy. By chance the headquarters received 11 men, airmen who participated in the indiscriminate bombing of Nagoya on May 14th, and discussions were going on about courts martial for them. However, accompanying the air raids which were getting more violent, the situation was such that the number of airmen was increasing further. After the latter part of May, the

1 enemy bombings seemed to have shifted to inhuman and
2 indiscriminate bombing of cities, aiming mainly at
3 destroying private houses with incendiary bombs, and
4 killing and wounding of citizens. This was also
5 clearly perceived through investigation of these airmen.
6

7 "With the passing of time, the operational
8 work became busier than ever. Various situations
9 had to be taken care of speedily, and despite the
10 thorough efforts of the officials and the people,
11 the damages caused by the indiscriminate bombings
12 became gigantic, and the hostile feelings were reach-
13 ing the limit. Meanwhile, under the severe and contin-
14 uous air raids day after day, the administration of
15 these airmen was very difficult. In other words, the
16 area army decided that under the circumstances, sending
17 these men to courts martial which are complicated and
18 delaying, would not be consistent with the prevailing
19 state of affairs. Consequently, 11 men were executed
20 in the mountains of Miyazu, Akazu-Cho, Seto City on
21 June 28th, and 16 men were executed at the rear of
22 No. 2 office building of the Headquarters on July 14."

23 Prosecution document No. 2662, Part 24, the
24 report of the Japanese Investigation Committee relating
25 to Prisoners of War, dated 26 December 1945, is
offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 2662, Part 24, will receive exhibit No. 1922.

4 (Whereupon, the document above
5 referred to was marked prosecution's ex-
6 hibit No. 1922 and received in evidence.)

7 COMMANDER COLE: This report relates to the
8 treatment of Allied Air Force personnel in the
9 Central Military District of Japan. The report
10 states (paragraph 2, page 1): -

11 "Total number of the Allied Air Force Flight
12 Personnel who were captured within the Central Military
13 District by the Japanese Army was about forty-nine,
14 of whom three were sent to Tokyo; about six died from
15 injuries and sickness; two were put to death after
16 trail by court-martial; and the rest, of about thirty-
17 eight, were put to death without being court-martialed."

18 The report states (page 4) that the thirty-
19 eight airmen were executed without trial due to the
20 fact that the Japanese army personnel were too busy
21 preparing defense operations against the intensified
22 air raids and anticipated an invasion by U.S. forces
23 and that the Judicial Department was too busy with
24 cases of violation of military discipline. This is
25 set forth on page 4 as follows:

1 "The intensification of air raids from June,
2 1945 onwards, brought about a gradual increase also
3 in the number of captured air flight personnel, but
4 although the Central District M.P. Unit, following
5 thorough investigations on the strength of the afore-
6 mentioned orders, secured evidence of violation of
7 Martial Law in each of these cases, these flight pers-
8 onnel could not be brought before Court-Martial due
9 to the 15th Area Army Headquarters (an operational
10 unit incorporated into one body with the Central
11 Military District Headquarters, and the greater part
12 of whose personnel were holding additional posts with
13 the Military District Headquarters) being too busily
14 occupied in the preparation of defense operations
15 against the intensified air-raids and supposed landing
16 on our mainland by the U.S. forces, and on account
17 of the Judicial Department, too, being kept busy in
18 dealing with cases of violation of military discipline.

19 "At that time, the Central Military District
20 Army opined that the intensification of air-raids since
21 the autumn of the year before - especially the fact
22 that many lives and considerable private property
23 had been destroyed as a result of the indiscriminate
24 incendiary bombings on Tokyo, Nagoya, Osaka and Kobe,
25 etc., since March of this year, had roused the indignation

1 of the nation - especially towards the flight personnel -
2 to an exceedingly high pitch..

3 "As, under the afore-mentioned circumstances,
4 the Central District M.P. Unit received no instructions
5 from the Central Military District Headquarters,
6 regarding the measures to be taken against the flight
7 personnel, they contacted the Tokyo M.P. Headquarters,
8 and on the occasion of the first execution in the
9 beginning of July, same was carried out by also con-
10 tacting the Military District Headquarters.

11 "As stated above, the said total of forty-
12 three persons were executed by shooting in several
13 lots by special personnel at the manoeuver area at
14 Nobutayama, Izumi-Kita Gun, Osaka Prefecture and the
15 firing range at Higashi-ku, Osaka City, from the
16 period between the beginning of July to the middle
17 of August, and their bodies were buried at the same
18 places."

19 Prosecution document No. 2662, Part 27, the
20 report of the Japanese Investigation Committee relating
21 to Prisoners of War dated 27 March, 1946, is offered
22 in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution document
25 No. 2662, Part 27, will receive exhibit No. 1923.

1 (Whereupon, the document above
2 referred to was marked prosecution's ex-
3 hibit No. 1923 and received in evidence.)

4 COMMANDER COLE: This report confirms the
5 statement in prosecution document No. 26f2, Part 24,
6 that of the forty-nine captured airmen two were
7 executed by order of a court-martial and six died of
8 injuries and illnesses, but indicates (page 5, annexed
9 sheet No. 1) that the number of airmen who were
10 otherwise executed was actually forty-one instead of
11 thirty-eight. The report also states (paragraph C,
12 1, 2 and 3, pages 27 and 28) that Lt. General OKIDA,
13 Sanji, the Military Police Commandant, in June, 1945,
14 issued a message to each Military District Police
15 Headquarters advising them that if captured airmen
16 could not be disposed of immediately by courts-martial
17 perhaps other methods might unavoidably be used.

18 The report states at the top of page 2:
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1 "B. In regard to the public feeling
2 against the captured airmen.

3 "After the bombings of the Japanese Mainland
4 were initiated, not only were fearful air raids against
5 important facilities continued, but in various places
6 the losses in lives and properties of non-combatants
7 started to mount. Accompanying this, the hostile
8 feelings of the people began to increase. However,
9 in March when large cities such as Tokyo, Nagoya,
10 Osaka and Kobe began to suffer indiscriminate incen-
11 diary bombing raids, and huge losses were suffered,
12 the people's feelings suddenly became violent and
13 their hostile feelings increased. The general public
14 opinion against the captured airmen hardened conspic-
15 uously. Later on, the indiscriminate bombings by
16 Allied aircraft became increasingly and ceaselessly
17 violent and the people's spirit of vengeance reached
18 its limit. The situation came to the point where
19 even Japanese airmen who parachuted down were in
20 danger of harm, because the people did not take time
21 to make distinctions.

22 "C. Relationship between the Central
23 District Military Police Unit Headquarters and the
24 Military Police Headquarters in regard to punishments.
25

"1. Accompanying the sharp increase in

1 air raids against the mainland in the spring and
2 summer of 1945, the number of captured airmen in-
3 creased considerably. However, for various reasons,
4 every unit was unable to speedily bring these men to
5 courts martial. Because of this, the Military Police
6 Unit in the various areas had difficulties in the
7 internment of these men on account of the poor and
8 crowded internment facilities. Around June of 1945,
9 Lieutenant General OKIDO, Sanji, the Military Police
10 Commandant, after considering the general state of
11 affairs, issued a personal message using the name of
12 Colonel YAMAMURA, Yoshio, Chief of the External
13 Affairs Section of the Military Police Headquarters.
14 The message was issued to each Military Police Head-
15 quarters Commandant in the Northern, Northeastern,
16 Eastern, Tokai, Central, Chugoku, Shikoku, and the
17 Western District in regard to the handling of
18 captured airmen.

19 "2. The gist of the said personal message,
20 according to the memories of those who were then
21 connected with the Military Police Headquarters, is
22 generally as follows:

23 "Courts martial for captured airmen are
24 generally at a standstill. Because of this, it seems
25 that the interned personnel have increased and the

1 various Military Police Units are feeling extreme
2 difficulties in the handling of these men. From
3 the standpoint of the Military Police, they hope for
4 the acceleration of the courts martial. There are
5 probably some men among the prisoners who carried
6 out inhuman and indiscriminate bombings. It is only
7 right that these men be immediately punished severely
8 according to military regulations.

9 "If it is impossible to make immediate
10 dispositions by courts martial, perhaps other
11 methods may unavoidably be used. However, it is
12 up to the Military District Headquarters to decide
13 which of the two methods should be adopted, and it
14 is not a matter to be handled by the Military Police.
15 Therefore, it is best to make contacts with the
16 Chief of Staff of the Military District concerned,
17 according to necessity. Moreover, it seems that he
18 added that this case should first have the independent
19 decision of the Chief of Staff of each Military
20 District.

21 "3. According to Major-General NAGATOMO,
22 Tsuguo, Commandant of the Military Police Unit Head-
23 quarters of the Central District, he was trying to
24 find a solution to the difficulties of the internment
25 of the increased number of captured airmen. Since

1 he received the aforementioned personal message at
2 this time, it seems that he interpreted the intention
3 of the message to mean immediate punishment of the
4 captured airmen and he ordered his officers to make
5 preparations accordingly.

6 "D. Relationship between the Military Police,
7 Unit Headquarters of the Central District and the
8 Central Military District Headquarters in regard to
9 punishments.

10 "1. Around the end of June (or the begin-
11 ning of July), Major-General NAGATOMO, Commandant
12 of the Military Police Unit of the Central District
13 who received the said message, paid a visit to
14 Lieutenant General KUNITAKE, Michio, the Chief of
15 Staff of the Central Military District. NAGATOMO
16 made the following statement: 'As a result of in-
17 vestigating captured airmen, we find that their
18 statements are generally all alike. Therefore,
19 hereafter we will not submit every bit of information
20 and we wish to take the appropriate measures for
21 these airmen.'

22 "Lieutenant General KUNITAKE did not think
23 that this negotiation was something in connection
24 with anything as important as the punishment of the
25 airmen, but he thought it was just a simple intelligence

1 report. Therefore, he answered, 'I acknowledge it,'
2 and turned his attention to extremely pressing
3 problems of operation preparations, and counter-
4 measures against air raids.

5 "According to Lieutenant General KUNITAKE,
6 it seems that he never even dreamed that the purpose
7 of Major-General MAGATOH's visit was the contact
8 for the important matter based upon the personal
9 message from the Military Police Unit Headquarters.

10 "2. In the early part of June (the exact
11 date is not known) Major SHINAI, Ikomaro, of the
12 Military Police Unit Headquarters of the Central
13 District visited Colonel OBA, Kojiro, a Staff Officer
14 of the Central Military District and said, 'Since we
15 have had contact from the Military Police Headquarters,
16 we will punish the captured airmen who are at present
17 interned at the Military Police Unit of the Central
18 District.'

19 "Thereupon, Colonel OBA asked, 'Is it proved
20 that all of these captured airmen actually carried
21 out indiscriminate bombings?' It seems that Major
22 SHINAI answered, 'Yes.'

23 "It appears that Colonel OBA thought that
24 these punishments were matters concerning captured
25 airmen who were under the administration of the

1 Military Police Unit of the Central District and
2 based upon the plans of the higher Military Police
3 Headquarters to which the unit belonged. Therefore
4 it seems that he answered, 'It is inevitable, if
5 they are to be punished by the Military Police Unit,'
6 thinking that it was unavoidable, since they were to
7 be punished in the light of military regulations."

8 Prosecution document No. 2662, Part 25,
9 the report of the Japanese Investigation Committee
10 dated 23 January 1946, relating to treatment of
11 Allied Air Force Personnel in the Western District
12 of Japan, is offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 2662, Part 25, will receive exhibit No. 1924.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1924 and received in evidence.)

19 COMMANDER COLE: This report states
20 (paragraph 2, page 1):

21 "Of the Allied Air Force Flight Personnel
22 captured by the Japanese Army within the Western
23 Military District, about eight were put to death on
24 the 20th of June, 1945 (Group 1), another, approx-
25 imately eight men, on the 12th of August in the same

1 year (Group II), and another, approximately fifteen
2 men, on the 15th of the same month in the same year
3 (Group III), by personnel of the said Military
4 District Headquarters."

5 The report further states in paragraphs
6 3, 4, and 5, commencing on page 1 as follows:

7 "III. RE-EXECUTION OF GROUP I.

8 "As a result of various cities in the Main-
9 land having suffered one after another from incen-
10 diary bombing by the Allied Forces ever since the end
11 of 1944, the hostile feeling of the military and
12 government authorities, as well as the people, be-
13 came steadily aggravated, especially upon Fukuoka
14 City, the seat of the Military District Headquarters,
15 being air-raided on the 19th of June, 1945, which
16 resulted in the principal parts of the City being
17 reduced to ashes, and presenting the tragic sight of
18 large numbers of the general populace being made
19 victims, whereupon the hostile feeling appears to
20 have become still further intensified.

21 "It was under the circumstances as per the
22 foregoing paragraph that about eight of the captured
23 Flight Personnel were executed by personnel of the
24 Military District Headquarters within its compound
25 on the 20th of June.

1 "IV. RE-EXECUTION OF GROUP II.

2 "On entering into August, successive atomic
3 bomb raids were made by the U.S. Army on the cities
4 of Hiroshima and Nagasaki, victimizing the majority
5 of the citizens of both cities, and upon it becoming
6 known that the miserable plight of the said victims
7 was absolutely beyond words, the general feeling of
8 animosity appears to have soared up to its zenith
9 again.

10 "It was under the circumstances as per the
11 foregoing paragraph that about eight captured Flight
12 Personnel were executed by personnel of the Military
13 District Headquarters in a hill near the Aburayama
14 Crematorium in the southwest part of Fukuoka City, on
15 the 12th of August.

16 "V. RE-EXECUTION OF GROUP III.

17 "Upon the war coming to an end on August
18 15th, various wild rumors became circulated through-
19 out Kyushu District, and Fukuoka District especially
20 was thrown into an indescribable state of confusion
21 due to the weaker sex fleeing to places of refuge,
22 etc., due to the fabricated report that a part of the
23 Allied Forces had already landed, etc., and these
24 factors appear to have aroused a sense of intense en-
25 mity among a section of the officers of the Military

1 District Headquarters.

2 "It was under the circumstances as per the
3 foregoing paragraph that about fifteen captured
4 Flight Personnel were executed by personnel of the
5 Military District Headquarters in a hill near the
6 Aburayama Crematorium in the southwestern part of
7 Fukuoka City, on the 15th of August."

8 Prosecution document No. 8223, the affidavit
9 of Yorio OGIYA, sworn to 8 February 1946, is offered
10 for identification and marked excerpts therefrom are
11 now offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 8223 will receive exhibit No. 1925 for identifi-
15 cation only; the marked excerpts therefrom will receive
16 exhibit No. 1925-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 1925 for identification only; the excerpts
20 therefrom being marked prosecution's exhibit
21 No. 1925-A and received in evidence.)

22 COMMANDER COLE: This affidavit relates to
23 the execution of two United States airmen at Osaka on
24 18 July 1945. These are the same two airmen referred
25 to in evidentiary document No. 2662, Part 24. The

1 affidavit states that deponent acted as witness
2 Public Procurator at the court martial of the two
3 airmen and asked for the death penalty. In answer
4 to the question as to what questions were asked of
5 the airmen at the trial, the deponent stated (at the
6 top of page 4):

7 "Q. What were the questions asked and what
8 answers were given?

9 "A. The questions asked were as follows:

10 "1. What unit they belonged and duties,
11 name, rank, age, schooling, profession.

12 "2. Places they bombed: March 9, 1945,
13 Tokyo - Incendiary bomb from Saipan. March 14, 1945,
14 bombed Osaka. March 17, 1945, bombed Kobe.

15 "3. Radar explanation. Nelson was asked
16 to explain American radar system. Nelson stated that
17 he admitted the fact that he bombed Japan, but he only
18 obeyed his higher officers' orders.

19 "Q. What was the verdict of the Military
20 Discipline Conference?

21 "A. Lt. Nelson and Sgt. Auganus were found
22 guilty and sentenced to die by the firing squad."

23 Prosecution Document No. 8285, the affidavit
24 of Staff Sgt. Marshall S. Shellhart, sworn to 7 October
25 1945, is offered for identification and marked excerpts

1 therefrom are now offered in evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 8285 will receive exhibit No. 1926 for identifi-
5 cation only; the excerpt therefrom will receive
6 exhibit No. 1926-A.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1926 for identification only; the excerpts
10 therefrom being marked prosecution's exhibit
11 No. 1926-A and received in evidence.)

12 COMMANDER COLE: This affidavit states that
13 at Camp 5D, Kawasaki, the Japanese guards would beat
14 the prisoners with sticks, clubs and steel rods until
15 they were unconscious in many cases, and would then
16 throw water on them to revive them and beat them
17 into unconsciousness again. In many instances the
18 prisoners were burned with small pieces of burning
19 punk under the guise of giving medical care. The
20 prisoners were also required to hold a bucket of water
21 or a sack filled with beans with their arms outstretched
22 until they dropped unconscious from fatigue.
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1 Prosecution document No. 8071, the affi-
2 davit of Corporal John B. Lippard, sworn to 2 Octo-
3 ber 1945, is offered for identification. The marked
4 excerpts from this document are now offered in evi-
5 dence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution document
8 No. 8071 will receive exhibit No. 1927 for identi-
9 fication only, and the excerpts therefrom will
10 receive exhibit No. 1927A.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1927 for identification, and the excerpts
14 therefrom were marked prosecution's exhibit
15 No. 1927A and received in evidence.)

16 COMMANDER COLE: This affidavit relates to
17 conditions at Kamioka Camp and confirms the fact that
18 a common form of punishment involved placing pieces
19 of smoldering punk upon the wrist, stomach, or neck
20 of the prisoners. A guard would stand over the
21 prisoners and beat him if he flinched or collapsed.
22 Deponent was burned in this manner and then beaten.

23 Prosecution document No. 8263, the affidavit
24 of Gunner John B. Lullins, sworn to 3 November 1945,
25 is offered for identification. The marked excerpt

1 therefrom is now offered in evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution document
4 No. 8263 will receive exhibit No. 1928 for identi-
5 fication only, and the marked excerpt therefrom will
6 receive exhibit No. 1928A.

7 ("hereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1928 for identification, and the marked
10 excerpt therefrom was marked prosecution's
11 exhibit No. 1928A and received in evidence.)

12 COMMANDER COLE: This affidavit describes
13 the torture of two prisoners of war at Yamani Camp,
14 Shikoku, in March 1945. The affidavit states, on
15 page 5: ,

16 "At Yamani Camp on the Jap Island of
17 Shikoku, about March 1945, Gunner Basil Jones and
18 Gunner Allan Orr, both of the 2/15 Fd. Regt., were
19 accused of stealing sugar.

20 "They were taken away under the orders of
21 the Jap WO known as 'Happy Jack' for questioning.
22 They denied having stolen the sugar, and told the
23 truth, that they had obtained it from their Jap
24 guards in exchange for cigarettes from their Red
25 Cross parcel.

1 ' refused to believe this and in
2 confession of theft from them
3 o tables, using an ordinary
e; The spike was driven right
times near the knuckle joints.
forcibly the finger nails of
ing a paper knife as a lever.

9 The affidavit states that working conditions
10 at this camp were very bad. The prisoners had to live
11 on a small quantity of rice and barley and use their
12 few cents a day work pay to buy any food they could.
13 They were so starved they ate the entrails of dogs and
14 when they could get it horse flesh. The work in the
15 copper mine was twelve hours a day, with one day off
16 each month.

17 THE PRESIDENT: Commander Cole, my attention
18 is directed to page 3 of exhibit No. 1925A. In that
19 exhibit the War Ministry in Tokyo is mentioned and also
20 General UCHIYAMA and General HATA.

21 COMMANDER COLE: I will be glad to read that
22 paragraph from court exhibit No. 1925A.

23 THE MONITOR: Mr. Prosecutor, would you kindly
24 point out --

25 COMMANDER COLE: This is document 8223,
page 3.

1 "Happy Jack" refused to believe this and in
2 an effort to extract a confession of theft from them
3 he spiked their hands to tables, using an ordinary
4 type of office spike file. The spike was driven right
5 through the hand several times near the knuckle joints.
6 He then prised and lifted forcibly the finger nails of
7 the men, using a paper knife as a lever.

8 The affidavit states that working conditions
9 at this camp were very bad. The prisoners had to live
10 on a small quantity of rice and barley and use their
11 few cents a day work pay to buy any food they could.
12 They were so starved they ate the entrails of dogs and
13 when they could get it horse flesh. The work in the
14 copper mine was twelve hours a day, with one day off
15 each month.

16 THE PRESIDENT: Commander Cole, my attention
17 is directed to page 3 of exhibit No. 1925A. In that
18 exhibit the War Ministry in Tokyo is mentioned and also
19 General UCHIYAMA and General HATA.
20

21 COMMANDER COLE: I will be glad to read that
22 paragraph from court exhibit No. 1925A.

23 THE MONITOR: Mr. Prosecutor, would you kindly
24 point out --

25 COMMANDER COLE: This is document 8223,
page 3.

1 THE MONITOR: What paragraph, Mr. Prosecutor?

2 COMMANDER COLE: On page 3, in the middle of
3 the page, commencing: "Q Who instructed you to ask
4 for the death penalty of Nelson and Auganus?"

5 THE MONITOR: Thank you very much. Will you
6 give me just one moment, please.

7 COMMANDER COLE: Document 8223, on page 3,
8 reads as follows:

9 "Q Who instructed you to ask for the death
10 penalty of Nelson and Auganus?"

11 "A After Maj. Gen. OTAHARA completed his investi-
12 gation, he wrote an opinion based on his investigation
13 and forwarded this opinion to Lt. Gen. Eitaro UCHIYAMA,
14 Commander of the Central Army Headquarters, to get an
15 approval of the death sentence. Then after obtaining
16 the approval of Gen. UCHIYAMA, Maj. Gen. OTAHARA took
17 his opinion to General HATA who was in command of the
18 Second General Army and also got his approval of the
19 death penalty. Lastly Maj. Gen. OTAHARA took the
20 opinion to the War Ministry in Tokyo and the death
21 penalty was also approved. Then on the 18th day of
22 July, 1945, I presented this opinion with the approvals
23 of Gen. UCHIYAMA, Gen. HATA and the War Ministry, to
24 the Military Discipline Conference and demanded the
25 death penalty by reading the opinion and the approvals

1 to the Judges of the Military Discipline Conference.

2 "Q Was Lt. Nelson and Sgt. Auganus permitted to
3 say anything in their own defense at the Military
4 Discipline Conference?

5 "A I remember Nelson saying that he was only
6 obeying the orders of his higher officers that he
7 bomb Japan. I don't remember Sgt. Auganus saying
8 anything. That was his defense."

9 MR. BLEWETT: If the Court please --

10 THE PRESIDENT: Mr. Blewett.

11 MR. BLEWETT: Inasmuch as one of the
12 accused has been mentioned in this affidavit, we feel
13 that the witness should be produced, if available. May
14 we have a ruling on the request, sir.

15 THE PRESIDENT: The matter is of vital
16 importance, and the witness, if available, should be
17 produced.

18 COMMANDER COLE: Since the Court desires it,
19 the prosecution will make every effort to procure this
20 witness.

21 Prosecution document No. 8284, the affidavit
22 of Private Owen R. Kobert, sworn to 16 September 1945,
23 is offered for identification. The marked excerpts
24 therefrom are offered in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution document
2 No. 8284 will receive exhibit No. 1929 for identifica-
3 tion only, and the marked excerpts therefrom will re-
4 ceive exhibit No. 1929A.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1929 for identification, and the marked
8 excerpts therefrom were marked prosecution's
9 exhibit No. 1929A and received in evidence.)

10 COMMANDER COLE: This affidavit describes the
11 maltreatment of the prisoners at Camp No. 17, Onuta.
12 Deponent was forced to kneel on bamboo poles in the
13 guardhouse for five hours and was beaten with a club
14 about six inches wide, 1½ inches thick and about as
15 long as a baseball bat. An Australian had to have
16 both legs amputated above the ankle because his feet
17 froze when he was forced to kneel on bamboo poles.

18 Deponent saw prisoners beaten with steel
19 rods about ¼ inch thick and three or four feet long.
20 Some of the prisoners were made to stand in a puddle
21 of water and then were shocked unconscious by a 110
22 volt electric wire. Some prisoners caught pneumonia
23 by having cold water thrown on them in the winter just
24 as they started out for work.
25

 Prosecution document No. 8051, the affidavit

1 of Corporal A. L. Owens, sworn to 1 November 1945,
2 is offered for identification. The marked excerpts
3 therefrom are offered in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution document
6 No. 8051 will receive exhibit No. 1930 for identifi-
7 cation, and the marked excerpts therefrom will receive
8 exhibit No. 1930A.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1930 for identification, and the marked
12 excerpts therefrom were marked prosecution's
13 exhibit No. 1930A and received in evidence.)

14 COMMANDER COLE: This affidavit describes
15 the torture of a U. S. Marine Private at Camp No. 8,
16 Hitashi in June, 1945. All the Japanese guards,
17 numbering about ten, beat the prisoner with sticks,
18 fists, and clubs off and on for about five hours.
19 They threw water on him to revive him, and then beat
20 him again. He was beaten so badly that the United
21 States Army doctors at first did not expect him to
22 live.

23 Prosecution document No. 8142, the affidavit
24 of Warrant Officer James Gatley, sworn to 18 May 1946,
25 is offered for identification. The marked excerpt

therefrom is offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution document
3 No. 8142 will receive exhibit No. 1931 for identifica-
4 tion only, and the marked excerpt therefrom will re-
5 ceive exhibit No. 1931A.

6 ("hereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1931 for identification, and the marked
9 excerpt therefrom was marked prosecution's
10 exhibit No. 1931A and received in evidence.)

11 COMMANDER COLE: This affidavit states that
12 in December, 1944, at Kobe a prisoner was accused of
13 selling a raincoat to a Japanese workman and was
14 beaten by a Japanese lieutenant and twelve Japanese
15 guards with fists, rifle butts, and wooden swords.
16 Thereafter he was put in the guardroom with no
17 clothing whatever and only one blanket. The average
18 temperature at this time was 20 degrees below zero.
19 The prisoner was beaten for half an hour every day
20 for 19 days and eventually went mad and died.

21 Prosecution document No. 8016, the affidavit
22 of Lieutenant C. E. Bucke, sworn to 24 January 1946,
23 is offered for identification. Marked excerpts
24 therefrom are offered in evidence.
25

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution document
3 No. 8016 will receive exhibit No. 1932 for identifica-
4 tion only, and the marked excerpts therefrom will re-
5 ceive exhibit No. 1932A.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1932 for identification, and the marked
9 excerpts therefrom were marked prosecution's
10 exhibit No. 1932A and received in evidence.)

11 COMMANDER COLE: This affidavit relates to
12 the maltreatment of prisoners of war at the mining
13 camp of Miyata. Officers as well as enlisted prisoners
14 were compelled to work 13 hours a day in the fields,
15 unloading sacks of rice and coal and emptying latrines.
16 Officers were allowed 360 grams of rice and 190 grams
17 of flour a day. During the first two weeks at the
18 camp the officers lost an average of about six pounds
19 in weight. All Japanese, military and civilian, were
20 allowed to administer corporal punishment for any
21 offense real or fancied. All Japanese, including boys
22 of sixteen, had to be saluted at all times, even in the
23 dark.

24 Medical arrangements were very bad. Deponent
25 was of the opinion that the Japanese could have made

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1 things very much better if they had wanted to. The
2 Japanese non-commissioned officers who had no knowledge
3 of medicine could overrule the Dutch medical officers
4 who were looking after the prisoners.

5 On 7 August 1945, about ninety to a hundred
6 British officers were beaten with bamboo poles and
7 sticks because the senior officer had attempted to
8 see the camp commandant to make a complaint about a
9 ten per cent reduction in the rice ration.

10 Prosecution document No. 8077, affidavit of
11 Captain A. L. Maher, sworn to 27 November 1945, is
12 offered for identification. Marked excerpts there-
13 from are offered in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution document
16 No. 8077 will receive exhibit No. 1933 for identifica-
17 tion only, and the marked excerpts therefrom will re-
18 ceive exhibit No. 1933A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1933 for identification, and the marked
22 excerpts therefrom were marked prosecution's
23 exhibit No. 1933A and received in evidence.)

24 COMMANDER COLE: This affidavit relates to
25 the mistreatment of prisoners of war at Ofuna Camp.

1 Deponent states (page 3):

2 "We were compelled to line up in the court-
3 yard and the Japanese guards would take turns beat-
4 ing us with wooden clubs about four feet long and one
5 and one-half inches square, which they held in both
6 hands. These were not clubs selected at random, but
7 were regular issue to the Japanese guards. While many
8 of the beatings were due to the sadism of the Japanese
9 guards, others were meted out by the camp commandant
10 as well as his superior officer in the Japanese Navy***
11 Under the guise of physical reconditioning, Japanese
12 meted out severe punishment and beating. We were
13 forced to run for long periods of time and any prisoner
14 lagging behind or dropping from the line from exhaus-
15 tion was beaten with the two-handed wood clubs. We
16 were forced to do 'push ups' and other violent exer-
17 cises for long periods of time. Failure to complete
18 these 'exercises' in a manner satisfactory to the
19 Japanese guards would result in a beating."

20
21 Prosecution document No. 8043, the affidavit
22 of William R. Leibold, sworn to 26 October 1945,
23 is offered for identification. Marked excerpts there-
24 from are offered in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution document

1 No. 8043 will receive exhibit No. 1934 for identifi-
2 cation only, and the marked excerpts therefrom will
3 receive exhibit No. 1934A.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1934 for identification, and the marked
7 excerpts therefrom were marked prosecution's
8 exhibit No. 1934A and received in evidence.)

9 COMMANDER COLE: This affidavit confirms
10 the mistreatment of prisoners of war at Ofuna Camp
11 and gives several instances of mistreatment of
12 captured airmen resulting in death.

13 Prosecution document No. 8289, the affidavit
14 of George McRae, sworn to 9 October 1945, is offered
15 for identification. Marked excerpts therefrom are
16 offered in evidence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution document
19 No. 8289 will receive exhibit No. 1935 for identification
20 only, and the marked excerpts therefrom will receive
21 exhibit No. 1935A.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1935 for identification, and the marked
25 excerpts therefrom were marked prosecution's

exhibit No. 1935A and received in evidence.)

1
2 COMMANDER COLE: This affidavit states that
3 at Headquarters Camp, Osaka, following a B-29 air
4 raid in April, 1945, evening roll call was called
5 for the 500 or 600 prisoners and every man answering
6 to the number "29" was taken out, beaten severely
7 with bamboo sticks and forced to kneel on rock piles
8 for about 1½ hours.

9 Prosecution document No. 8234, the affidavit
10 of Chief Boatswain's Mate Philip E. Sanders, USN,
11 sworn to 21 September 1945, is offered for identifi-
12 cation. Excerpts therefrom are offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution document
15 No. 8234 will receive exhibit No. 1936 for identifica-
16 tion, and the marked excerpts therefrom will receive
17 exhibit No. 1936A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1936 for identification, and the marked
21 excerpts therefrom were marked prosecution's
22 exhibit No. 1936A and received in evidence.)

23 COMMANDER COLE: This affidavit describes
24 conditions existing at the Osaka Main Camp at Honcho
25 and confirms the previous affidavit as to the B-29

1 beatings.

2 The prisoners at this camp were compelled
3 to work in various Osaka steel plants making parts
4 for tanks, trucks and ships, and also as stevedores
5 they loaded and unloaded ammunition, tank parts,
6 plane parts, rifles and other military equipment.
7 The camp was within a few blocks of warehouses,
8 ferries and piers at which men of war frequently
9 were tied up. The camp was not marked and was wiped
10 out with the surrounding area in a B-29 raid in
11 June 1945.

12 The affidavit states that beatings were
13 a very common procedure. Deponent was severely
14 beaten at least twenty-five times during his stay
15 at this camp. Over 95 per cent of the prisoners
16 received a severe beating at one time or another.
17 About twenty-five or thirty prisoners had their ear
18 drums broken by blows on the head.

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1 The affidavit states on pages 6, 7 and 8:

2 "Other favorite punishments used by the Jap-
3 anese were restrictions on the amount of food a man
4 could have, including completely cutting off his
5 food for one or two days, cutting out the food of
6 the whole barracks for the offense of one man, forc-
7 ing a man to stand with a bucket of sand over his
8 head with his arms stiff, forcing a man to kneel
9 on the cobblestones, which were very sharp, for a
10 period of two or three hours, or putting a man in
11 a water tank, which served the camp with fire water,
12 for the night. The tank was about five feet deep
13 and this punishment was administered even in cold
14 weather. At least two or three men in the camp
15 were hit daily with swords in scabbards, rifles, sticks
16 or any other weapon handy at that time. ***

17 "The average number of men in our camp was
18 between 650 and 700 men. Of these, about 120 or
19 more men died in the 2½ years we were interned at
20 Honcho. *** Most of the deaths occurred from pneu-
21 monia, beriberi or dysentery.

22 "About 15 of the deaths in the camp were due,
23 I believe, to forcing the men to work while sick
24 and while giving them no medical attention."
25

"The Japanese provided us with practically no

1 medicine or medical or surgical facilities while we
2 were in camp. Although we had experienced men to
3 treat our sick and wounded, we had no facilities
4 they could use. In March 1943 we received 40 cases
5 of medicine and medical supplies from the Red Cross.
6 These were supposed to serve the 22 camps in the
7 Osaka area. However, the Japanese refused to allow
8 anything more than a small trickle of these supplies
9 to be delivered to the other Osaka camps. At the
10 time the camp was wiped out on 1 June 1945, we still
11 had about 90 per cent of these medical supplies on
12 hand, although they could have been used very well
13 to save the lives of men and prevent their suffering
14 in the other Osaka camps."

15 Prosecution Document No. 8197, the affidavit
16 of Pvt. H. H. Pauley, sworn to 6 October 1945, is
17 offered for identification. The marked excerpts
18 therefrom are now offered in evidence.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution document
21 No. 8197 will receive exhibit No. 1937 for identifica-
22 tion, and the marked excerpts therefrom will receive
23 exhibit No. 1937-A.

24 (Whereupon, the document above referred
25 to was marked prosecution's exhibit No. 1937

1 for identification; the excerpt therefrom being
2 marked prosecution's exhibit No. 1937-A and
3 received in evidence.)

4 COMMANDER COLE: This affidavit states that
5 at Kobe Camp No. 3 there were about sixty deaths
6 the first winter, most of which were due to lack
7 of medical care and malnutrition.

8 Prosecution Document No. 8074, the affi-
9 davit of Sgt. W. H. Linderfelt, sworn to 4 October
10 1945, is offered for identification. The marked
11 excerpts therefrom are now offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution document No.
14 8074 will receive exhibit No. 1938 for identification
15 only, and the marked excerpts therefrom will receive
16 exhibit No. 1938-A.

17 (Whereupon, the document above referred
18 to was marked prosecution's exhibit No. 1938
19 for identification; the excerpt therefrom
20 being marked prosecution's exhibit No. 1938-A
21 and received in evidence.)

22 COMMANDER COLE: This affidavit describes the
23 excessive and illegal punishment inflicted for minor
24 infractions of the rules upon prisoners of war at
25 Yokkaichi Camp. Deponent states at page 1:

1 "At three separate times I witnessed priso-
2 ners (five in all) who were strung upon ladders,
3 hands tied to upper rungs so that their feet could
4 not touch the ground. They were made to remain in
5 that position from three to four hours at a time
6 for several days. Sometimes weights were placed
7 on their feet. When in that position they were
8 beaten with sticks, belts and fists. Generally
9 these beatings produced open cuts on their bodies
10 into which guards threw salt. During this treatment
11 the prisoners were given no food. Three of this
12 group of five men were given this punishment for
13 having stolen food and the other two for trying to
14 get out of the barracks building during air raids.
15 This punishment was so severe that the men begged
16 the Japanese guards to kill them."

17 Prosecution document No. 8291, the affidavit
18 of Sgt. Frank E. Pick, sworn to 8 October 1945, is
19 offered for identification. The marked excerpts
20 therefrom are offered in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution document
23 No. 8291 will receive exhibit No. 1939 for identifica-
24 tion only, and the excerpts therefrom will be exhibit
25 No. 1939-A.

1 (Whereupon, the document above referred
2 to was marked prosecution's exhibit No. 1939
3 for identification; the excerpt therefrom being
4 marked prosecution's exhibit No. 1939-A and re-
5 ceived in evidence.)

6 COMMANDER COLE: This affidavit describes a
7 case of mass punishment at Hirohata Camp in May,
8 1945. Affiant states that as a result of the theft
9 of a quantity of food all the prisoners were com-
10 pelled to remain kneeling for approximately six hours.
11 At the end of that time nine prisoners confessed to
12 the theft and were thereupon beaten by the camp
13 staff with baseball bats, clubs, rope and fire hose
14 for about four and one-half hours. When one of the
15 prisoners became unconscious he would be revived
16 and then beaten again.

17 In another case described in the affidavit
18 a prisoner who inadvertently failed to salute a Japan-
19 ese guard was given the water cure for about an hour
20 and then beaten into unconsciousness.

21 THE PRESIDENT. We will recess now until half-
22 past one.

23 (Whereupon, at 1200, a recess was taken.)
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1 AFTERNOON SESSION

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3 The Tribunal met, pursuant to
4 recess, at 1330.5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Commander Cole.

8 COMMANDER COLE: Prosecution document
9 No. 8078, the affidavit of Staff Sergeant William
10 Mahoney, sworn to 12 March 1946, is offered for iden-
11 tification. Marked excerpts therefrom are offered
12 in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 8078 will receive exhibit No. 1940 for identifi-
16 cation only. The marked excerpt therefrom will
17 receive exhibit No. 1940-A.18 (Whereupon, prosecution's document
19 No. 8078 was marked prosecution's exhibit
20 No. 1940 for identification; and the excerpt
21 therefrom was marked prosecution's exhibit
22 No. 1940-A and received in evidence.)23 COMMANDER COLE: This affidavit states that
24 at Camp No. 3, Fukucka, one prisoner stole three fish
25 and as a result all the prisoners in the camp were

1 denied food during two meals. Not only the culprit,
2 but all the other men on his detail were severely
3 beaten.

4 Another prisoner stole a Japanese shirt, and
5 as a punishment all the prisoners in his barracks
6 were required to stand up all night and were then
7 denied breakfast. Six other prisoners in the same
8 barracks were severely beaten for not turning the
9 culprit in. Such collective punishments were sanctioned
10 by the commanding officer of the camp, who was always
11 present at the time. Protests were made about these
12 collective punishments, but nothing was ever done.

13 Prosecution document No. 8095, the affidavit
14 of Sergeant Matthew D. Monk, sworn to the third day
15 of October 1945, is offered for identification. Marked
16 excerpts therefrom are offered in evidence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 8095 will receive exhibit No. 1941 for identification
20 only. The marked excerpt therefrom will receive
21 exhibit No. 1941-A.

22 (Whereupon, prosecution's document
23 No. 8095 was marked prosecution's exhibit
24 No. 1941 for identification; and the excerpt
25 therefrom was marked prosecution's exhibit

1 No. 194 A and received in evidence.)

2 COMMANDER COLE: This affidavit describes an
3 instance of excessive and illegal punishment which
4 occurred at Norima Camp near Nagoya. A prisoner named
5 Wagner was driven by hunger to steal food from the
6 camp gallery on several occasions. After the second
7 theft, Wagner was unable to return to his barracks in
8 time to avoid discovery, and in order to escape punish-
9 ment he attempted suicide. While in a weakened
10 condition from loss of blood, Wagner suffered the fol-
11 lowing tortures at the hands of the Japanese camp
12 personnel:

13 a. The Japanese commanding officer, the
14 camp non-commissioned officer and the interpreter each
15 kicked Wagner in the head four or five times as he lay
16 on the ground.

17 b. Wagner was tied hand and foot and seated in
18 front of the guardhouse for a period of 72 hours, during
19 which time he was permitted no food or water, and the
20 Japanese camp personnel beat him with clubs.

21 c. Thereafter Wagner was placed in the guard-
22 house on reduced rations. He was to receive a GI spoon-
23 ful of rice and one-half cup of tea three times a day
24 for thirty days.

25 d. When this period had almost elapsed, the

1 Japanese announced that Wagner was dead. No examination
2 of the body was permitted, but it was the opinion of
3 the prisoners who saw Wagner placed in the casket that
4 he was still alive and breathing at that time.

5 Prosecution document No. 8171, the affidavit
6 of Corporal Alexis J. Mott, sworn to 13 October 1945,
7 is offered for identification. Marked excerpts there-
8 from are offered in evidence.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 8171 will receive exhibit No. 1942 for identification
12 only. The marked excerpt therefrom will receive exhibit
13 No. 1942-A.

14 (Whereupon, prosecution's document
15 No. 8171 was marked prosecution's exhibit
16 No. 1942 for identification; and the excerpt
17 therefrom was marked prosecution's exhibit
18 No. 1942-A and received in evidence.)

19 COMMANDER COLE: This affidavit states that at
20 Camp D1, Yokohama, prisoners were forced to work in
21 shipyards building different types of vessels, including
22 naval cruisers, aircraft carriers and tenders, and
23 preparing many types of Japanese naval vessels. No
24 bomb shelters other than open ditches were provided
25 for the prisoners.

1 Prosecution document No. 8118, affidavit of
2 Lieutenant Colonel Robin R. Petrie, sworn to the 29th
3 day of January 1946, is offered for identification, and
4 marked excerpts therefrom are offered in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 8118 will receive exhibit No. 1943 for identification
8 only. The marked excerpt therefrom will receive exhibit
9 No. 1943-A.

10 (Whereupon, prosecution's document
11 No. 8118 was marked prosecution's exhibit
12 No. 1943 for identification; and the excerpt
13 therefrom was marked prosecution's exhibit
14 No. 1943-A and received in evidence.)

15 COMMANDER COLE: This affidavit states that
16 at Motoyama Camp the prisoners were compelled to work
17 in a coal mine an average of twelve hours daily.
18 Safety conditions were wholly inadequate and this
19 led to a number of unnecessary injuries. The floor of
20 the mine was often covered with water up to one foot in
21 depth.

22 In the spring of 1943, deponent complained to
23 the Red Cross representative about the long working
24 hours under unsatisfactory conditions and the fact that
25 the men had been given no day off during the entire month

1 preceding. Shortly after this, deponent was beaten
2 by the senior Japanese non-commissioned officer on the
3 pretext that he was responsible for a breach of some
4 minor camp regulation. A month later when the Red Cross
5 representative made another inspection, deponent was
6 placed in solitary confinement for five days upon the
7 same pretext in order that he should not be able to
8 repeat his complaint to the Red Cross representative.

9 Prosecution document No. 8266, the affidavit
10 of Oliver E. G. Roberts, sworn to 30 August 1946, is
11 offered for identification, and marked excerpts there-
12 from are offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 8266 will receive exhibit No. 1944 for identifica-
16 tion only, and the marked excerpt therefrom will receive
17 exhibit No. 1944-A.

18 (Whereupon, prosecution's document
19 No. 8266 was marked prosecution's exhibit
20 No. 1944 for identification; and the excerpt
21 therefrom was marked prosecution's exhibit
22 No. 1944-A and received in evidence.

23 COMMANDER COLE: This affidavit describes the
24 illegal conditions of work in the camp at Orio.

25 The affidavit states that the prisoners were

1 put to work in a coal mine where conditions were very
2 bad. There was a lot of water in the mine and the roof
3 was dangerous. On one occasion the roof fell in and
4 caused two or three deaths. The men were forced to
5 work ten hours a day and on one occasion went for
6 twenty-one days without rest.

7 Affiant states, page 1:

8 "In the winter time the cold was intense and
9 we were given very thin blankets which did not keep
10 us warm. In consequence, there were a number of cases
11 of pneumonia and five or six Australians died from
12 pneumonia.

13 "American Red Cross parcels were sent to the
14 camp but most of the contents were stolen by Japanese
15 guards.

16 "Throughout the whole of the time that we were
17 in this camp medical supplies were very short and be-
18 cause of this a number of deaths took place.

19 "One Japanese at this camp with a name like
20 'Degus' used to pick the lice off the men's clothes
21 and make the men eat them."

22 Prosecution document No. 8029, the affidavit
23 of Captain James F. Lawrence, sworn to 20 January 1946,
24 is offered for identification. Marked excerpts there-
25 from are offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 8029 will receive exhibit No. 1945 for identification
4 only. The marked excerpt therefrom will receive exhibit
5 No. 1945-A.

6 (Whereupon, prosecution's document
7 No. 8029 was marked prosecution's exhibit
8 No. 1945 for identification; and the excerpt
9 therefrom was marked prosecution's exhibit
10 No. 1945-A and received in evidence.)

11 COMMANDER COLE: This affidavit describes the
12 working conditions at Hosakura Camp. The prisoners
13 arrived at the camp from Singapore wearing tropical
14 clothes. No clothing was issued by the Japanese although
15 the Japanese laborers were supplied with warm clothing.
16 The prisoners performed hard manual labor in a mine.
17 The rations were so inadequate that all prisoners
18 suffered from malnutrition. In February 1945, two
19 prisoners a week died of pneumonia. About sixty
20 prisoners in all died as a result of starvation and the
21 inhuman treatment of the Japanese.

22 Prosecution document No. 8082, the statement
23 of John H. Marshall, dated 8 September 1945, is offered
24 for identification. Marked excerpts therefrom are
25 offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 8082 will receive exhibit No. 1946 for identification
4 only. The marked excerpt therefrom will receive
5 exhibit No. 1946-A.

6 (Whereupon, prosecution's document
7 No. 8082 was marked prosecution's exhibit
8 No. 1946 for identification; and the excerpt
9 therefrom was marked prosecution's exhibit
10 No. 1946-A and received in evidence.)

11 COMMANDER COLE: This affidavit describes the
12 maltreatment of prisoners of war at Umeda Bunsho Camp,
13 Osaka.

14 Deponent states, on page 1:

15 "At these work stations we were beaten,
16 kicked, and generally mistreated by the civilian and
17 army men that were in charge. This treatment and the
18 lack of any medical supplies started the deaths of
19 these men. Approximately four months after our arrival
20 in Osaka, about 25 per cent of our men had died. This,
21 in my opinion, was caused from starvation, exposure
22 and diseases resulting from malnutrition and the brutal
23 beatings that we suffered."
24
25

1 Prosecution document No. 8065, the affidavit
2 of Corporal Charles E. Maurer, sworn to 6 October
3 1945, is offered for identification and the marked
4 excerpts therefrom are offered in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document
7 No. 8065 will receive exhibit No. 1947 for identifi-
8 cation only and the marked excerpt therefrom will
9 receive exhibit No. 1947-A.

10 (Whereupon, the document above
11 referred to was marked prosecution's ex-
12 hibit No. 1947 for identification; the
13 marked excerpts therefrom being marked
14 prosecution's exhibit No. 1947-A and
15 received in evidence.)

16 COM'ANDER COLE: This affidavit confirms the
17 inhuman conditions at Umeda Bunsho Camp, Osaka.
18 Deponent states (page 1):-

19 "At Osaka there were originally 458 men;
20 120 died in the first four months from poor food and
21 exposure. Our food was 570 grams of rice per man per
22 day, which was inadequate for men working. If you
23 did not work, this ration was reduced and in the
24 hospital toward the end, patients were given only
25 300 grams of food per day. The Japanese gave us very

1 little in the way of clothing."

2 Prosecution document No. 8104, the affidavit
3 of Alexander Meredith, sworn to 5 September 1946,
4 is offered for identification and the marked excerpts
5 therefrom are offered in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution document
8 No. 8104 will receive exhibit No. 1948 for identifi-
9 cation only. The marked excerpts therefrom will
10 receive exhibit No. 1948-A.

11 (Whereupon, the document above
12 referred to was marked prosecution's ex-
13 hibit No. 1948 for identification; the
14 marked excerpts therefrom being marked
15 prosecution's exhibit No. 1948-A and
16 received in evidence.)

17 COMMANDER COLE: This affidavit states that
18 at Camp D1, Yokohama, in January, 1943, more than fifty
19 per cent of the prisoners were ill with dysentery and
20 malaria. Deponent states (paragraph 3, page 1):

21 "We were employed in the Yokohama Mitsubishi
22 yards as maintenance fitters. We left for work at
23 6:30 a.m., and got back to camp about 5:00 p.m.
24 each day. Sick men were forced to work and in the
25 first three months forty-five men died from pneumonia

1 and malnutrition. With adequate medical supplies,
2 proper food and clothing and medical treatment these
3 men would not have died.

4 "Food was at all times inadequate and in
5 the summer of 1943 the meager rations were reduced
6 by about one half. The result was that beriberi
7 became prevalent and practically everyone suffered
8 from malnutrition."

9 Prosecution document No. 8203, affidavit of
10 Lance Sergeant Arnold F. Caddy, sworn to 25 January
11 1946, is offered for identification and the marked
12 excerpts therefrom are offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution document
15 No. 8203 will receive exhibit No. 1949 for identifi-
16 cation only. The marked excerpts therefrom will
17 receive exhibit No. 1949-A.

18 (Whereupon, the document above
19 referred to was marked prosecution's ex-
20 hibit No. 1949 for identification; and
21 the marked excerpts therefrom being
22 marked prosecution's exhibit No. 1949-A
23 and received in evidence.)

24 COMMANDER COLE: This affidavit relates to
25 conditions at Sendeyu. The affidavit states that the

1 Japanese medical officer persistently refused to allow
2 the Allied doctor to give any medical attention to
3 sick men. This resulted in the death of at least one
4 prisoner.

5 Affiant states (page 3):-

6 "From the treatment meted out at all the
7 camps, it was clear that the Japanese policy as carried
8 out by various Camp Commanders and their subordinates
9 was to keep POWs in a low state of health and morale
10 by keeping them short of food and by severe treatment
11 and humiliation."

12 Prosecution document No. 8119, affidavit
13 of Major Francis J. Murray, sworn to 23 January 1946,
14 is offered for identification. Marked excerpts there-
15 from are offered in evidence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution document
18 No. 8119 will receive exhibit No. 1950 for identifi-
19 cation only and the marked excerpts therefrom will have
20 exhibit No. 1950-A.

21 (Whereupon, the document above
22 referred to was marked prosecution's ex-
23 hibit No. 1950 for identification; the
24 marked excerpts therefrom being marked
25 prosecution's exhibit No. 1950-A and

1 received in evidence.)

2 COMMANDER COLE: This affidavit relates to
3 prisoner of war Branch Camp No. 1 at Hakodate. Affiant
4 was a medical officer and was placed in charge of the
5 camp hospital. In December 1943, one of the prisoners
6 complained of a pain in his left knee. Deponent
7 diagnosed the illness as acute osteomyelitis which
8 required an immediate operation, and at once asked
9 the camp commandant for permission to take the patient
10 to a local factory hospital near the camp where full
11 operating facilities were available. Such permission
12 was refused. Deponent thereupon requested to have
13 the necessary surgical instruments brought into camp
14 so he could perform the operation himself, but this
15 was also refused. As a result, the patient died a
16 few days later. At this camp the Japanese medical
17 personnel compelled several prisoners to sign hundreds
18 of chits for medicines which had not been issued, and
19 which the Japanese apparently sold or gave to their
20 friends.

21 Prosecution document No. 8116, the affidavit
22 of Captain Allan Berkeley, sworn to 31 January 1946,
23 is offered for identification. The marked excerpts
24 therefrom are offered in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution document
2 No. 8116 will receive exhibit No. 1951 for identifi-
3 cation only. The marked excerpts therefrom will
4 receive exhibit No. 1951-A.

5 (Whereupon, the document above
6 referred to was marked prosecution's ex-
7 hibit No. 1951 for identification; the
8 marked excerpts therefrom being marked
9 prosecution's exhibit No. 1951-A and
10 received in evidence.)

11 COMMANDER COLE: This affidavit relates to
12 conditions at Camp No. 4, Fukuoka. Affiant was the
13 medical officer at this camp and states that there
14 were plenty of medical supplies in the camp but the
15 prisoners were never allowed sufficient for their needs.
16 At least one death resulted.

17 Prosecution document No. 8161, affidavit of
18 John W. Viney, sworn to 25 January 1946, is offered
19 for identification and marked excerpts therefrom are
20 offered in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 8161 will receive exhibit No. 1952 for identifi-
24 cation only. The excerpt therefrom will receive
25 exhibit No. 1952-A.

1 (Whereupon, the document above
2 referred to was marked prosecution's ex-
3 hibit No. 1952 for identification; the
4 excerpts therefrom being marked prosecu-
5 tion's exhibit No. 1952-A and received
6 in evidence.)

7 COMMANDER COLE: This affidavit relates to the
8 prison camp at Kawasaki. Affiant states (pages 2
9 and 3):-

10 "Although there were ample American Red
11 Cross supplies in the store, the medical sergeant
12 OSAWA refused to supply any, although he was repeatedly
13 requested so to do by our doctor. This applied also
14 to surgical instruments, and the doctor was forced
15 to get (from) the blacksmith whatever instruments he
16 could.

17 "OSAWA consistently refused medical treatment
18 to sick men. About thirteen deaths occurred in three
19 years, partly through his neglect, and but for the
20 fact that the POWs were able to steal fruit and other
21 food, many would have died from beriberi."

22 Prosecution document No. 8107, the affidavit
23 of Staff Sergeant Michael J. Robertson, sworn to 19
24 October 1945, is offered for identification. Marked
25 excerpts therefrom are offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution document
3 No. 8107 will receive exhibit No. 1953 for identifi-
4 cation only. The marked excerpts therefrom will receive
5 exhibit No. 1953-A.

6 (Whereupon, the document above
7 referred to was marked prosecution's ex-
8 hibit No. 1953 for identification; the
9 marked excerpts therefrom being marked
10 prosecution's exhibit No. 1953-A and
11 received in evidence.)

12 COMMANDER COLE: This affidavit describes
13 the maltreatment of airmen and refusal of medical
14 aid. Affiant bailed out of a B-29 over metropolitan
15 Tokyo, and after being beaten by a mob of Japanese
16 men and women, was taken to the Kempei Tai Headquarters
17 in Tokyo for interrogation where he was beaten with
18 a bamboo stick. At this time he was suffering from
19 a broken leg and severe shrapnel wounds in both legs.
20 No medical attention was given to him.

21 Affiant saw another U.S. pilot who was brought
22 to the same cell in a semi-delirious condition and with
23 marks of torture on his hands. No medical attention
24 was given this pilot, and he died the same night.

25 Prosecution document No. 8163, the affidavit

1 of Sgt. Harry Slater, sworn to 12 October 1945, is
2 offered for identification and marked excerpts
3 therefrom are offered in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution document
6 No. 8163 will receive exhibit No. 1954 for identifi-
7 cation only and the marked excerpts therefrom will
8 receive exhibit No. 1954-A.

9 (Whereupon, the document above
10 referred to was marked prosecution's ex-
11 hibit No. 1954 for identification; the
12 marked excerpts therefrom being marked
13 prosecution's exhibit No. 1954-A and
14 received in evidence.)

15 COMMANDER COLE: This affidavit confirms the
16 refusal of medical aid to captured Allied airmen.

17 Prosecution document No. 8349, the affidavit
18 of Philip E. Sanders, CBM, USN, sworn to 12 April,
19 1946, is offered for identification. Marked excerpts
20 therefrom are offered in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution document
23 No. 8349 will receive exhibit No. 1955 for identifi-
24 cation only and the marked excerpt therefrom will
25 receive exhibit No. 1955-A.

1 (Whereupon, the document above
2 referred to was marked prosecution's ex-
3 hibit No. 1955 for identification; the
4 marked excerpts therefrom being marked
5 prosecution's exhibit No. 1955-A and
6 received in evidence.)

7 COMMANDER COLE: Deponent states that in
8 April and May, 1945, there were persistent rumors that
9 in event America won the war the prisoners would all
10 be killed. Deponent was told by a Japanese interpreter
11 that if there were naval landings on Japan the prisoners
12 would never see home. Prisoners were given rougher
13 treatment every time there was an American air raid.

14 If the Tribunal please, this completes the
15 documentary evidence for the Japan phase of this case.

16 THE PRESIDENT: Mr. Justice Mansfield.

17 MR. JUSTICE MANSFIELD: If the Tribunal please,
18 the section of this phase covering offences at sea and
19 on certain Pacific islands will be presented by Captain
20 Robinson after the evidence to be introduced by Colonel
21 Woolworth relating to the individual responsibility
22 of the accused.

23 I now present to the Tribunal Colonel G.S.
24 Woolworth.
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1 THE PRESIDENT: Colonel Woolworth.

2 MR. WOOLWORTH: Mr. President and Members of
3 the Tribunal:

4 It is now proposed to show the individual
5 responsibility of the defendants for the Class B Of-
6 fenses, ample evidence of the commission of which has
7 already been introduced covering Japan Proper as well
8 as all territory occupied by Japanese troops. It may
9 well be - as suggested by Mr. Justice Mansfield in his
10 opening statement - that the identical pattern followed
11 by the Japanese Army and Navy in every area in the
12 treatment of prisoners of war, civilian internees and
13 native population, necessitates the inference of guilt
14 of those officials of the Government of Japan, such as
15 members of the Cabinet and some other high officials of
16 the Government, of officers of the Imperial GHQ, and of
17 those officers of the Army and Navy in command in the
18 various areas where these offenses took place. At the
19 risk of redundancy, and so that this Tribunal need not
20 rely upon implications or inferences, however convincing,
21 this additional evidence will be adduced.

22
23 First, it is desired to invite the attention of
24 the Tribunal as briefly as possible to the official
25 position occupied by certain of the defendants at the
time these Class B Offenses have been proven to have been

1 committed.

2 A - (In Tokyo)

3 TOJO - was Prime Minister and concurrently
4 Minister of War - 1941-1944; also Foreign Minister -
5 2 September 1942 to 1 October 1942.

6 ARAKI - was Minister of War December 1931 to
7 July 1934.

8 HIRANUMA - was Prime Minister - January to
9 August 1939.

10 HIROTA - was Foreign Minister - September 1933
11 to March 1936; was Prime Minister and for a time Foreign
12 Minister concurrently - March 1936 to February 1937;
13 Foreign Minister - June 1937 to May 1938.

14 MATSUOKA - President of the South Manchurian
15 Railway - 1935-1939; Foreign Minister, July 1940 to
16 July 1941.

17 MINAMI - was Minister of War - April 1931 to
18 December 1931; Commander in Chief of the Kwangtung Army -
19 1934-1936.

20 KINURA - was Vice-Minister of War - 1941 to 1944.

21 MUTO - was Chief of the Military Affairs Bureau
22 (War Ministry) - October 1939 to April 1942.

23 SATO - was Chief of the Military Affairs Bureau
24 (War Ministry) - April 1942 to December 1944.

25 KOISO - was Prime Minister - July 1944 to

1 April 1945.

2 UMEZU - was Chief of Staff of the Army -
3 July 1944 to the end of the war.

4 SHIMADA - was Minister of the Navy - October
5 1941 - February 1944; Chief of Naval General Staff -
6 February 1944 - July 1944.

7 NAGANO - was Chief of Naval General Staff -
8 1941 - February 1944

9 OKA - was Chief of Military Affairs Bureau of
10 the Navy - 1940-1944.

11 TOGO - Foreign Minister - October 1941 - 2
12 September 1942; again April 1945 to August 1945.

13 SHIGEMITSU - Foreign Minister - April 1943 -
14 April 1945.

15 KIDO - Lord Keeper of Privy Seal - 1940-1945.

16 B - (In Army Commands)

17 MATSUI - Commander in Chief of Japanese forces
18 in China - October 1937 to February 1938. (Rape of
19 Nanking, December 1937).

20 DOKIYAMA - Commander in Chief of Eastern Army
21 in Japan - 1943-1944; Commander in Chief of 7th Area
22 Army in Singapore - 1944 - April 1945.

23 HASHIMOTO - Commander of Artillery Regiment
24 which shelled the "Ladybird" - 1937.

25 HATA - Commander in Chief of Expeditionary

1 Force in Central China - July 1940 - 1944.

2 ITAGAKI - Commander in Chief Japanese Army in
3 Korea - July 1941 - March 1945; Commander in Chief of
4 7th Area Army in Singapore - April 1945 - August 1945.

5 KIMURA - Commander in Chief of Japanese Army
6 in Burma - March 1944 to the end of the war.

7 MUTO - Commander of the 2nd Guards Division in
8 Sumatra, 1943; Chief of 14th Area Army in the Philip-
9 pines under General YAMASHITA in 1944.

10 SATO - Assistant Chief of Staff of China Ex-
11 peditionary Forces - January 1945; then Commander of
12 the 37th Division in Indo-China and in Thailand to the
13 end of the war.

14 UEZU - Commander in Chief of the Kwantung
15 Army - 1939 - June 1944.

16 Second, the agreements and assurances of the
17 Japanese Government to abide by the Geneva Prisoner of
18 War Convention re the treatment of prisoners of war,
19 and so far as applicable to civilian internees, made
20 to the United States, the Governments of Britain,
21 Canada, Australia, New Zealand and Netherlands, are
22 already in evidence. It is proposed to show, by
23 evidence from official Japanese Government records,
24 directives issued in violation of such agreements and
25 assurances, and those among the defendants responsible

therefor.

1
2 Third, it will be shown by official Japanese
3 records of knowledge on the part of many of these de-
4 fendants of the neglect, ill-treatment and illegal
5 punishment of prisoners of war and internees.

6 Fourth, it will be shown by official records
7 of the Swiss Legation, the protecting Power, of the
8 Japanese Foreign Office and the Prisoner of War Inform-
9 ation Bureau, that protests in behalf of the United
10 States and Britain over failure to permit visits to
11 prisoner of war camps and against inhuman treatment
12 of prisoners of war, showed notice to many of these
13 defendants whose duty it was to permit such visits and
14 to put a stop to such inhumane treatment.

15 Fifth, statistics from official records of
16 Australia, Canada, the United Kingdom, New Zealand,
17 and the United States, will show the number of prisoners
18 of war and the number who died in captivity.

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1 MR. HOWARD: Mr. President.

2 THE PRESIDENT: Mr. Howard.

3 MR. HOWARD: I would like to call the
4 Tribunal's attention to page 2 wherein Colonel Wool-
5 worth says that "KIMURA was Vice-Minister of War"
6 from "1941 to 1944." This is a misstatement which
7 has been made on other occasions.

8 Exhibit 113, which concerns KIMURA, Heitaro,
9 on page 5 gives the date "April 10, 1941" as the date
10 upon which KIMURA was appointed War Vice-Minister.
11 Page 8: "Relieved of present post at his own re-
12 quest"; date: "March 11, 1943." The evidence will
13 show that during that year that the prosecution have
14 attributed to him as being Vice War Minister, KIMURA
15 was on a technical job with the Ordnance; for all of
16 the things with which he was charged in that fatal
17 year, he was in a position where he could not have
18 been guilty of them.

19 THE PRESIDENT: If the prosecution contests
20 what you are saying, you are quite out of order. You
21 can give this in the course of giving the evidence
22 for the defense. You are justified so far as relying
23 on exhibit No. 113, but you are going further now.

24 What is the attitude of the prosecution?

25 MR. WOOLWORTH: If the Tribunal please, if

1 there were an error in the statement made in the
2 opening statement, it was inadvertent. A further
3 check will be made, and we would like to advise the
4 Court of the result of our check.

5 THE PRESIDENT: It is about time these
6 periods of office were finally settled. Of course,
7 there may be some difficulty about settling them
8 finally.

9 MR. WOOLWORTH: If your Honor please, at
10 the Monday session of court we will have our check
11 completed and will advise the Court of the proper
12 dates.

13 THE PRESIDENT: As I am reminded, the Japan-
14 ese Government has furnished official records cover-
15 ing these matters.

16 MR. WOOLWORTH: As I understand it, the
17 prosecution is perfectly willing to stand by the
18 report made by the Japanese Government in exhibit
19 No. 113.

20 THE PRESIDENT: We will act on exhibit
21 No. 113 until the contrary is proved.

22 MR. HOWARD: I would like to point out that
23 this same error was made in the other opening state-
24 ment. I had not planned to mention the matter at
25 this time, but it is so repeated and su unjust --

1 the accusations -- that I thought, possibly, we should
2 enter some of our defense at this time.

3 THE PRESIDENT: The objection to what you
4 said, Mr. Howard, was not to any evidence you quoted
5 but to evidence which you purport to forecast.

6 MR. HOWARD: Your Honor, I continue to
7 read from exhibit 113 which is the Japanese Govern-
8 ment document.

9 MR. JUSTICE MANSFIELD: If the Tribunal
10 please, I object to any further argument on it at
11 this stage. We have agreed to abide by what is set
12 out in exhibit 113. I submit that that is the end
13 of the matter.

14 THE PRESIDENT: You have already given us
15 parts of 113 that we desire to know.

16 MR. HOWARD: Would the Court be interested
17 in my pointing out another error, that is, another
18 place where their date does not coincide with the
19 opening statement of Colonel Woolworth?

20 THE PRESIDENT: I think we should allow you
21 to point out where these opening statements are in-
22 consistent with the evidence already given.

23 MR. HOWARD: Page 3 of the opening state-
24 ment: "KIMURA - Commander in Chief of Japanese Army
25 in Burma, March 1944 to the end of the war."

CHISHOLM

DIRECT

1 Page 8 of exhibit 113: "Assigned as the
2 Commander-in-Chief of the Japanese Armed Forces in
3 the Burma Area, 1944, August 30."

4 That is all, Colonel.

5 THE PRESIDENT: Colonel Woolworth.

6 MR. WOOLWORTH: Prosecution desires to call
7 as its first witness in this phase Captain James
8 Strickland Chisholm, Infantry, Australian Imperial
9 Forces.

10

11 JAMES STRICKLAND CHISHOLM,
12 called as a witness on behalf of the prosecution,
13 being first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. WOOLWORTH:

16 Q Please state your name, rank, organization
17 and station.

18 A Captain James Strickland Chisholm, forty
19 years old, A.I.F.

20 Q Were you ever a prisoner of war of the
21 Japanese?

22 A I was.

23 Q Where were you confined and for what period?

24 A I was in Singapore from the 15th of February,
25 1942 until the end of November, 1942 and then in Japan

CHISHOLM

DIRECT

1 until the finish of the war.

2 Q Where were you confined in Japan?

3 A From the 10th of December, 1942 until about
4 the 20th of August, 1944 in Naoetsu Camp.

5 Q How many Australian prisoners of war were
6 confined in this camp with you?

7 A Three hundred at the start.

8 Q With what food were you provided?

9 A Insufficient.

10 Q Please describe the quantity of food which
11 was given you customarily.

12 A It varied a great deal from a very small
13 quantity to a not so small quantity at different
14 times during my confinement. The ration consisted
15 of an average of about fifteen per cent of rice and
16 some sixty per cent of barley and the remainder of
17 corn or millet. We were also --

18 THE PRESIDENT: Your evidence will be use-
19 less unless you give the weight. Say the number of
20 ounces.

21 A (Continuing) It varied a great deal in
22 weight, but mainly about five hundred grams for
23 light workers and men who were on longer shifts got
24 slightly more.

25 Q Upon what work were the prisoners of war

CHISHOLM

DIRECT

1 employed at that camp?

2 A About half of them were in a steel mill,
3 and the other half were in a chemical factory in which
4 they were making carbon for electric arcs, for
5 furnaces. During the summer, there were also
6 parties unloading ships into barges at sea and
7 another party loading coal onto railway trucks.

8 Q What was the product of the steel mill?

9 A They were rolling steel plate and making
10 ingots of steel.

11 Q How many deaths occurred among the prison-
12 ers of war during the time you were confined at
13 Naoetsu?

14 A Sixty.

15 Q What was the principal cause of the deaths
16 among the prisoners of war?

17 A Lack of food and ill treatment, long hours
18 of work.

19 Q What do you mean by "ill treatment"?

20 A Continued bashing by guards and camp staff.

21 Q Were you furnished with ample clothing?

22 A No.

23 Q Do you recall a visit from any general
24 officers while you were confined in this camp?

25 A Several.

CHISHOLM

DIRECT

1 Q Will you name any one visit or any general
2 officer whose name you know?

3 A DOHIHARA, Kenji was one.

4 Q When did that visit occur?

5 A I can't give you the exact date. I have it
6 in my diary which is an exhibit in another court.
7 But it was somewhere in September or October, 1943.

8 Q Did you know the official position of
9 General DOHIHARA at the time he visited your camp?

10 A I did not know.

11 Q Did you observe General DOHIHARA talk to
12 any of the prisoners of war?

13 A I cannot recall him talking to any prison-
14 ers.

15 Q What were the conditions in camp at the
16 time of his visit?

17 A Very bad.

18 Q At that time, when General DOHIHARA visited
19 the camp, what was the physical condition of your-
20 self and the other prisoners of war?

21 A I was about forty pounds lighter than I am
22 now; the men were in a pitiable condition.

23 Q What, generally, were the sanitary condi-
24 tions in your camp?

25 A We, at periods, did not have a bath for

CHISHOLM

DIRECT

1 two months, the place was smothered in lice, bugs,
2 other vermin, and the latrines were crawling with
3 maggots.

4 MR. LEVIN: Mr. President.

5 THE PRESIDENT: Yes.

6 MR. LEVIN: I would like to inquire whether
7 or not the witness is referring to any notes or
8 memoranda in connection with his testimony.

9 THE WITNESS: Here in the box I have no
10 notes.

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1 Q Were men dying of malnutrition at the time
2 of General DOHIHARA's visit?

3 A Yes.

4 Q You stated, I believe, that clothing supplied
5 was insufficient. Will you describe what clothing was
6 supplied to you, if any, and other prisoners?

7 A I don't remember the exact quantities of
8 clothing. All men had a British service dress uniform
9 which they wore through the entire period. And they
10 were also issued with overcoats which were not allowed
11 to be worn in the camp, only at work. With five feet
12 of snow on the ground it was very cold. They were
13 walking on their bare feet at times. Although there
14 were three to four hundred pairs of Red Cross boots
15 in the camp, we could not get them issued.

16 Q Was there any change for the better in con-
17 ditions at your camp after DOHIHARA's visit?

18 A None whatever.

19 THE PRESIDENT: What sort of inspection did
20 DOHIHARA make?

21 THE WITNESS: Just a routine inspection of the
22 camp quarters, and the sick men and the officers who
23 were in camp.

24 Q Does the witness know the names of any other
25 senior officers who visited the camp?

CHISHOLM

DIRECT

1 A Prince TOKUGAWA visited the camp. I don't
2 know whether he was an officer or not. I do not recall
3 any other general officers' names.

4 Q Was Prince TOKUGAWA a Red Cross representative
5 of Japan, do you know?

6 A I believe he was. I did not know at the time
7 what he was.

8 THE PRESIDENT: Mr. Blewett.

9 MR. BLEWETT: If the Court please.

10 CROSS-EXAMINATION

11 BY MR. BLEWETT:

12 Q I did not catch your rank, sir. What is it,
13 please?

14 A Captain.

15 Q Is that AIF Australian Infantry?

16 A Imperial.

17 Q What branch of the service were you in, sir?

18 A Infantry.

19 Q What was the name of this camp in Japan? I
20 did not catch that when you were testifying.

21 A Naoetsu, 4B, Tokyo.

22 Q Was that in Tokyo?

23 A No.

24 Q Where is it located, Captain?

25 A In Nigata Prefecture, on the Sea of Japan.

CHISHOLM

CROSS

1 Q You reached there in November or December
2 1942, is that correct?

3 A That is correct.

4 Q Now, on what date was this visit made by
5 General DOHIHARA?

6 THE PRESIDENT: September '43, was it not?

7 MR. BLEWETT: He said September or October,
8 sir.

9 THE PRESIDENT: Well, that is all he knows.

10 MR. BLEWETT: I mean the actual day, if he
11 knows.

12 A I cannot recall the exact day from memory.
13 But if the Court wants it, I have it in my diary.

14 Q Well, do you remember, Captain, whether or
15 not there was several feet of snow on the ground?

16 A There were definitely not.

17 Q Well, I understood you to testify that at the
18 time that the general was there that there was snow
19 on the ground, and that there were boots available
20 which were not issued to you. Now, possibly Colonel
21 Woolworth meant at a later period of time.

22 A That testimony with regard to the boots and
23 the snow was not in connection with DOHIHARA.

24 Q Thank you for clearing that up, sir. Was any
25 preparation made prior to the visit of General DOHIHARA

CHISHOLM

CROSS

with respect to the condition of the camp?

A On all such visits the camp was cleaned very thoroughly about ten or fifteen times.

Q How long would you say that the general stayed at the camp during that visit, Captain?

A I have no recollection.

Q Did you see him personally?

A I did.

THE PRESIDENT: Would you recognize him again?

THE WITNESS: I would.

THE PRESIDENT: Can you see him now?

THE WITNESS: That is him there. (Pointing to the accused DOA. IHANA.)

Q I think you testified on direct examination, Captain, that he simply made a cursory examination of the camp, wasn't that true?

A We were lined up in our room during that inspection, and I don't know for how long he was actually in the camp, or what he inspected other than the officers and the sick.

MR. BLEWETT: That is all, Captain, thank you.

THE PRESIDENT: Counselor SHIMANOUCHI.

CROSS-EXAMINATION (Continued)

BY MR. SHIMANOUCHI:

CRISHOLM

CROSS

1 Q Witness, have you ever seen Japanese soldiers
2 beat or kick other Japanese soldiers at the camp in
3 Naoetsu?

4 A I never actually saw that myself.

5 Q Have you ever heard of such cases?

6 A Frequently.

7 Q About how many times?

8 A I have no idea.

9 Q How was it at the camp in Singapore?

10 A By comparison, very good.

11 Q Was there any cases of Japanese soldiers
12 beating other Japanese soldiers in Singapore?

13 A I did not see any.

14 Q You testified, Mr. Witness, that before Gen-
15 eral DOHIMARA visited the Naoetsu Camp, the camp was
16 cleaned. Were the wards where the sick prisoners of
17 war were quartered, were they also cleaned? Were the
18 quarters of the sick also cleaned?

19 A I presume so.

20 Q You testified that the Naoetsu Camp was filled
21 with lice and other bugs. Were there any such insects
22 and vermin where Japanese soldiers were quartered?

23 A Not to my knowledge.

24 Q How do you know that there were not any in
25 the Japanese quarters?

CHISHOLM

CROSS

1 A Because the interpreters were always telling
2 us they were frightened of getting them.

3 Q Do you recall the name of this interpreter?

4 A KANO.

5 Q What is KANO's first name?

6 A I cannot say.

7 MR. SHIMANOUCHI: That is all, sir.

8 THE PRESIDENT: Mr. Levin.

9 MR. LEVIN: I have just one question, Mr.
10 President.

11 CROSS-EXAMINATION (Continued)

12 BY MR. LEVIN:

13 Q In how many atrocity cases have you testified,
14 Captain?

15 A Two.

16 MR. LEVIN: That is all. There will be no
17 further examination of this witness.

18 MR. WOOLWORTH: No further questions for the
19 prosecution of this witness.

20 THE PRESIDENT: The witness is released on the
21 usual terms.

22 (Whereupon the witness was excused.)

23 MR. WOOLWORTH: The next witness for the prose-
24 cution will be former General TANAKA Ryukichi. He was
25 formerly sworn before this Court.

1 THE PRESIDENT: We will recess for fifteen
2 minutes.

3 (Whereupon, at 1450, a recess was
4 taken until 1505, after which the proceedings
5 were resumed as follows:)
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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. McManus.

MR. McMANUS: Mr. President and Members of the Tribunal: I would like to object to the recalling of this witness at this time. In fact, I would like to object to any further testimony at all from this witness.

The witness TANAKA has been utilized by the prosecution for four full days, at least his testimony has been, on July 5, July 6, July 8 and July 9. His testimony concerned events covering a period of time from 1914 to 1945. No provision had been made for the recalling of this witness by the prosecution and no request had been made at the time of his dismissal from the witness' stand to the Court by the prosecution for such recall. In so far as the witness has had ample opportunity to testify to any facts which he might have known about, I think it is highly improper to recall him and to accept any additional testimony from him.

They are the grounds for my objection, if your Honor please.

THE PRESIDENT: The prosecution should give us some reason for recalling him, certainly.

1 MR. JUSTICE MANSFIELD: The reason for the
2 recall of this witness, if the Tribunal please, is
3 that on the original calling of the witness his
4 evidence was not directed to this phase of the case,
5 and no evidence was given by him relative to this
6 particular phase.

7 I submit, if the Tribunal please, that
8 there is no reason why a witness can not be recalled
9 in order to testify upon a matter which has not been
10 previously dealt with in his examination in chief.
11 There is no assumption here that the evidence which
12 he has given has exhausted all his knowledge, because
13 the case for the prosecution was given by phases,
14 and the defense have not so far had a right to
15 cross-examine him on this phase, which they will now
16 have.

17 MR. McMANUS: If your Honor pleases, in
18 so far as no provision had been made for his re-
19 call, I submit that the Tribunal should take into
20 consideration the only grounds for recalling this
21 man should be upon newly discovered evidence, and
22 not for the purpose of testifying to facts which
23 were already within the witness' knowledge at the
24 time when he was in this court room and on the wit-
25 ness' stand for a period of four full days.

1 THE PRESIDENT: Mr. Logan.

2 MR. LOGAN: If the Tribunal please, in ad-
3 dition to the objection made by Mr. McManus, I
4 would like to make this observation: that on the
5 prosecution's case they shouldn't be permitted to
6 take the position that they can put witnesses on
7 the stand and later recall those whom they think
8 are more favorable to their case to testify to
9 certain facts. In other words, this is not a court
10 of experimentation, where the prosecution is permit-
11 ted to test certain witnesses and recall those whom
12 they think can stand up best under cross-examination.
13 And furthermore, with all due respect to my learned
14 friend Mr. Justice Mansfield, there is a presumption
15 that once the witness is put on the stand that his
16 testimony has been exhausted, and they made no reser-
17 vation here.

18 THE PRESIDENT: The prosecution did tell us
19 that other witnesses would testify in more phases
20 than one, but they did not mention TANAKA, if my
21 recollection serves me right. The fact remains
22 that properly he could testify in only one phase.
23 If he has evidence bearing on other phases we, in
24 the exercise of our discretion, think we should hear
25 him. We will hear him.

TANAKA

DIRECT

1 R Y U K I C H I T A N A K A, recalled as a witness
2 on behalf of the prosecution, resumed the stand
3 and testified further through Japanese interpreters
4 as follows:

5 THE PRESIDENT: You are still on your former
6 oath.

7 DIRECT EXAMINATION (Continued)

8 BY MR. WOOLWORTH:

9 Q General, what was your last service in the
10 War Ministry?

11 A Chief of the Military Service Bureau.

12 Q Your name is TANAKA, Ryukichi?

13 A Yes.

14 Q Are you familiar with the organization and
15 responsibilities of the various bureaus of the War
16 Ministry as they existed between 1940 and 1945?

17 A Yes, I know.

18 Q What is the most important bureau of the
19 War Ministry, and why?

20 MR. LOGAN: Object to the form of that
21 question, your Honor.

22 THE PRESIDENT: The objection is overruled.

23 A The most important bureau in the War Office
24 is the Military Affairs Bureau. The reasons for my
25 so stating is that the Military Affairs Bureau is in

TANAKA

DIRECT

1 charge of the army's budget, the organization, equip-
2 ment and installation of the military forces, the
3 making of domestic and external plans, the conducting
4 of propaganda, the conducting of investigation, all
5 of which constitute important functions.

6 Q Does that bureau have anything to do with
7 matters concerning international regulations affecting
8 the army?

9 A With respect to that the business was handled
10 in the military affairs section of the Military Affairs
11 Bureau.

12 Q Who handled the location and construction
13 of prisoner of war camps?

14 A The responsibility resides with the Minister
15 of War but as to the location and construction of
16 such camps, the business was handled by the military
17 section of the Military Affairs Bureau.

18 MR. LOGAN: If your Honor please, I move to
19 strike out the first portion of that answer as to
20 where responsibility lies; that is for the determina-
21 tion of the Court.

22 THE PRESIDENT: It is sufficiently a question
23 of fact for the witness to answer.

24 Q General, in the matter of protests regarding
25 the treatment of prisoners of war and requests regarding

TANAKA

DIRECT

1 prisoners of war sent to the Foreign Office, were
2 those sent to the War Ministry?

3 A Documents and other papers relating to
4 prisoners of war were sent by the Ministry of Foreign
5 Affairs to the War Office, the Home Office and the
6 Navy Ministry.

7 Q What was the course of these after reaching
8 the War Ministry?

9 A Such diplomatic documents were first sent
10 to the adjutant's office in the War Ministry and
11 from there to the military affairs section. Those
12 relating to prisoners of war were sent by the same
13 section to the Prisoners of War Information Bureau.

14 Q And if it was felt that a reply should be
15 made to the protest, who prepared the reply?

16 A Replies to be made to the authorities
17 outside of the War Office were prepared in the mil-
18 itary affairs section of the Military Affairs Bureau.

19 Q After the proposed replies were prepared
20 where did they go next?

21 A To the Foreign Office by way of the adjutant's
22 office -- War Office.

23 Q Did they go to the vice minister or the
24 minister?
25

A These went to the Foreign Office after being

TANAKA

DIRECT

1 given the approval of the minister and the vice
2 minister.

3 Q During the time that you were chief of the
4 Military Service Bureau, were meetings of the bureau
5 chiefs of the War Ministry held, and, if so, how often?

6 A Yes, they were. These conferences were held
7 twice a week.

8 Q Do you recall any such meeting at which the
9 question of treatment of prisoners of war arose?

10 A Yes, I do.

11 Q When was that?

12 A If my memory serves me right, immediately
13 after the fighting at Bataan; the end of April, 1942.

14 Q What happened at that meeting?

15 A At this conference the question as to how
16 to treat the many prisoners of war captured in the
17 various combat zones in the southern areas was deter-
18 mined.

19 Q Was General UEMURA, the chief of the Prisoner
20 of War Information Bureau, present at that meeting?

21 THE PRESIDENT: It is grossly objectionable.
22 Mr. Logan, you need not take the point.

23 Ask him who were present.

24 MR. WOOLWORTH: I withdraw the question.

25 Q Who were present at that meeting which you

TANAKA

DIRECT

1 described?

2 A Those present at this conference were TOJO,
3 War Minister; KIMURA, Vice Minister; TOBINAGA, Chief
4 of the Personnel Bureau; SATO, Chief of the Military
5 Affairs Bureau; myself and KAN, Chief of the Ordnance
6 Bureau; and YOSHIKUNI, Chief of the Procurement and
7 Mobilization Bureau; KURIHASHI, Chief of the Security
8 Bureau; MIKI, Chief of the Surgeon General's Bureau;
9 OYAMA, Chief of the Legal Affairs Bureau; NAKAJIMA,
10 Chief of the -- NAKAMURA, commander of the gendarmerie;
11 HONDA, Chief of the Armored Forces Bureau; MATSUMURA,
12 Chief of the Army Press Section; other than these,
13 the private secretaries of the War Minister and the
14 Vice War Minister. That is all.

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1 Q Was there a discussion at that time in
2 connection with how prisoners of war should be
3 treated?

4 A At the request of ENOMURA, Chief of the Priso-
5 ner of War Information Bureau, TOJO, War Minister,
6 gave his decision.

7 Q What was his decision?

8 A In the light of the prevailing situation
9 in Japan at that time, which was to enhance the labor
10 efficiency of the country, and in the light of the
11 slogan then current, "No work, no food," the first
12 point that was decided at this meeting was to make
13 all prisoners of war engage in forced labor.

14 With regard to this decision, UYENUIA,
15 Chief of the Military Affairs--Prisoner of War In-
16 formation Bureau, said that making prisoners of war
17 of the rank of warrant officers and above would be
18 in violation of the Geneva Convention. But in spite
19 of the view thus expressed by UYENUIA, War Minister
20 TOJO gave the decision of utilizing these officers
21 for labor purposes in the light of the fact that
22 Japan had not ratified the Geneva Convention, although
23 it was the government's position to respect the spirit
24 of that convention.
25

It was decided that prisoner of war camps be

TANAKA

DIRECT

1 established not only in the southern areas but also
2 in Japan proper, in Formosa, Korea, China, and
3 Manchuria, and to send prisoners of war to these
4 areas as a means of enhancing the trust and confi-
5 dence of the peoples of Asia in Japan.

6 Q Are you familiar, General --

7 MR. BLEWETT: May I interrupt to request
8 the witness to shorten his answers? It is almost im-
9 possible to take them down. What I mean, of course,
10 is to pause and give us an opportunity to get the
11 answer correctly.

12 THE PRESIDENT: His answers are respon-
13 sive, as American counsel say. He isn't discursive,
14 but perhaps he is speaking rather rapidly. I don't
15 know. Of course he pauses for translation, Mr.
16 Blewett.

17 MR. BLEWETT: The sentences are quite
18 lengthy. The time between the pauses--if he could
19 shorten that up a bit it would help tremendously.

20 THE PRESIDENT: Witness, speak in
21 shorter sentences if you can and pause more often for
22 translation.

23 MR. T. OKAMOTO: Although, Mr. President,
24 you have kindly pointed the matter out already, in
25 view of the fact that this witness' testimony is high-

TANAKA

DIRECT

1 ly important. we would like to have him speak in
2 short sentences, and we should also like to add a
3 request to the interpreters to be careful in their
4 interpretation.

5 BY MR. WOOLWORTH (Continued):

6 Q General, are you familiar with the ordinance
7 establishing the Imperial G.H.Q.?

8 A Yes.

9 Q Do you know, in general terms, what it pro-
10 vided?

11 MR. LOGAN: If the Tribunal please, I believe
12 that ordinance is in evidence and that it speaks for
13 itself.

14 MR. WOOLWORTH: It is exhibit 80.

15 THE PRESIDENT: You are not trying to test
16 his memory, Colonel, are you?

17 MR. WOOLWORTH: I will withdraw the question.

18 BY MR. WOOLWORTH:

19 Q Of whom was the Imperial General Headquarters
20 constituted?

21 A The Imperial General Headquarters was
22 separated into two parts, the Army and the Navy.
23 The Army division included the Chief of the Army
24 General Staff and the Navy.

25 THE MONITOR: Correction. The Imperial

TANAKA

DIRECT

1 General General Headquarters consisted of the Army
2 and the Navy, the Army by the Army General Staff--
3 The Imperial General Headquarters was divided into
4 the Army and Navy departments, and the Army of it-
5 self constituted the Army General Staff. The Navy
6 Department was constituted by the Naval General
7 Staff. In addition to this, the War Minister and
8 the Navy Minister participated in the Imperial
9 Headquarters as regular members. Then the Vice-
10 minister of War, the Chief of the Military Affairs
11 Bureau, and other bureau chiefs, when necessary,
12 attended as members of the staff of the War Minister.

13 The most important positions in the Imperial
14 General Headquarters were occupied by the Chief of
15 the Army General Staff and the Chief of the Navy
16 General Staff. Other important members, in their
17 order, were the Vice-chief of staff, the War Minister,
18 and the Chief of the First Division General Staff.
19 By Chief of the First Division I mean the Operations
20 chief.

21 Q Did I understand you to say that the Imper-
22 ial General Headquarters consisted of the army side
23 of the Imperial General Headquarters and the navy side?

24 A Yes, from the Army and the Navy.

25 Q The decisions in which both the Army and

TANAKA

DIRECT

1 the Navy were interested were made by the joint ac-
2 tion of their chiefs of staff and ministers of war
3 and navy, as the case might be?

4 MR. LOGAN: I object to that as leading,
5 your Honor, and I ask that counsel be given a direc-
6 tion by the Tribunal to refrain from asking leading
7 questions of a witness of this character.

8 THE PRESIDENT: I understood him to be con-
9 firming an answer, really, if I did not mistake what
10 he said, and not to be suggesting one. But you must
11 avoid leading this witness, because, as Mr. Logan
12 contends, his evidence is of vital importance.

13 MR. WOOLWORTH: That is all.

14 MR. LEVIN: Mr. President.

15 THE PRESIDENT: Mr. Levin.

16 MR. LEVIN: May we request that this witness
17 stand down until Monday morning for cross-examination?

18 THE PRESIDENT: Yes, we agree that he should,
19 Mr. Levin.

20 The witness will attend again at half past
21 nine on Monday morning. He is at liberty to go now.

22 Well, I suppose it is not desirable to go
23 on this afternoon for the next fifteen minutes. Have
24 you any evidence you could give now?

25 MR. WOOLWORTH: Yes, sir.

1 If the Court please, I desire to introduce
2 in evidence prosecution document No. 847F.

3 THE PRESIDENT: What is that document,
4 Colonel?

5 MR. WOOLWORTH: It is a letter signed by the
6 Gaimusho, Tokyo, 29 January 1942.

7 THE PRESIDENT: It states the attitude of
8 the Japanese Government toward the prisoners of war?

9 MR. WOOLWORTH: Yes.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution document
12 No. 847F will receive exhibit No. 1956.

13 ("hereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1956 and received in evidence.)

16 MR. WOOLWORTH: (Reading) "Gaimusho, Tokyo,
17 29th January, 1942.

18 "M. le Charge d'Affaires.

19 "Following my letter dated 19th of this
20 month, I have the honour to make known to you the
21 attitude of the Imperial Government on the treatment of
22 prisoners of war:

23 "1. The Imperial Government has not yet
24 ratified the Convention relative to the treatment of
25 prisoners of war of 27th July, 1929. It is, therefore,

1 ~~not bound by the said Convention.~~ However, it will
2 apply mutatis mutandis the provisions of the said
3 Convention to English, Canadian, Australian and New
4 Zealand prisoners of war in its hands.

5 "2. As to the provisions of food and
6 clothing for prisoners of war, it will consider, on
7 condition of reciprocity, the national and racial
8 customs of the prisoners.

9 "I would be obliged if you would bring the
10 abovementioned to the knowledge of the Government of
11 Great Britain, Canada, Australia and New Zealand.

12 "Signed by the Minister."

13 The statement of source -- does the Tribunal
14 care to have the statement of source read into the
15 record?

16 THE PRESIDENT: Yes, it appears to have been
17 Foreign Minister TOGO.

18 IR. WOOLWORTH: (Reading) "Statement of
19 Source and Authenticity.

20 "I, HAYASHI, Kaoru" --

21 THE PRESIDENT: Well, do not read all that.

22 IR. WOOLWORTH: What is that?

23 THE PRESIDENT: The Minister is supposed to
24 have signed it as Foreign Minister TOGO, the accused
25 TOGO?

1 ~~not bound by the said Convention. However, it will~~
2 apply mutatis mutandis the provisions of the said
3 Convention to English, Canadian, Australian and New
4 Zealand prisoners of war in its hands.

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6 clothing for prisoners of war, it will consider, on
7 condition of reciprocity, the national and racial
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21 THE PRESIDENT: Well, do not read all that.

22 MR. WOOLWORTH: What is that?

23 THE PRESIDENT: The Minister is supposed to
24 have signed it as Foreign Minister TOGO, the accused
25 TOGO?

1 R. WOOLWORTH: Yes.

2 I desire to introduce in evidence document
3 1485B, which is a statement concerning the reply of
4 the Japanese Foreign Minister to the Argentine Charge
5 d'Affaires in Tokyo on January 29, 1942.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution document
8 No. 1465B will receive exhibit No. 1957.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1957 and received in evidence.)

12 R. WOOLWORTH (Reading):

13 "On January 3, 1942 the British Government
14 communicated through the Argentine Charge d'Affaires
15 in Tokyo the information that the British, Canadian,
16 Australian and New Zealand Governments would declare
17 their observance of the Geneva Prisoner of War Con-
18 vention of 1929 in respect of Japan and inquired
19 whether the Imperial Government had any intention of
20 making a similar declaration.

21 "There was another communication on January
22 5th saying that they propose to take the national and
23 racial manners and customs of the prisoners of war
24 into consideration when applying articles 11 and 12
25 of the said agreement concerning the supply of

1 provisions and clothing to the prisoners of war.

2 "To the above we communicated the follow-
3 ing to the various Governments mentioned above,
4 through the Argentine Charge d'Affaires in Tokyo on
5 January 29th:

6 "1. The Imperial Government has not
7 ratified the agreement in question and therefore
8 refuses to be bound in any way whatever by the
9 agreement, but will apply the provisions of the
10 said agreement to British, Canadian, Australian
11 and New Zealand prisoners of war within Japan's
12 jurisdiction.

13 "2. The Imperial Government will consider
14 the national and racial manners and customs of the
15 prisoners of war on a basis of reciprocity when
16 supplying clothing and provisions to the prisoners
17 of war."

18 THE PRESIDENT: Well, that document comes
19 from the Japanese Foreign Affairs Ministry, as shown
20 by the certificate.

21 MR. WOOLWORTH: I desire to introduce
22 document 1465A, which is a record of conference in
23 War Ministry regarding decision not to apply the
24 Geneva Convention and orders issued in consequence
25 thereof.

1 THE PRESIDENT: Admitted on the usual terms.
2 CLERK OF THE COURT: Prosecution's document
3 No. 1465a will receive exhibit No. 1958.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1958 and received in evidence.)

7 MR. WOOLFORTH: (Reading)
8 "IMPERIAL JAPANESE GOVERNMENT, Central
9 Liaison Office.

10 "To: Mr. A. F. Mignone, Document Acquisi-
11 tion, IPS.

12 "From: Mr. Ohta, Central Liaison Office.
13 "Subject: Production of Document Requested.
14 "18 April 1946.

15 "With reference to your check sheet dated
16 30 March, I wish to submit herewith the required docu-
17 ment compiled by the First Demobilization Ministry.

18 "/s/ S. Ohta.

19 "SUBJECT: Record of Conference in War
20 Ministry, May 6, 1942, regarding decision not to
21 apply the Geneva Convention, and orders issued in
22 consequence thereof.

23 "There is no data to confirm whether or not
24 there was held any conference in the War Ministry on
25 May 6, 1942. However, as regards the matter of

1 non-application of the Geneva Convention the
2 following decisions of the War Ministry may be
3 cited:

4 "1. The Vice Minister of Foreign Affairs
5 under date of January 13, and 16, transmitted to the
6 War Ministry the inquiries of American, British and
7 other governments. The Ministry, following several
8 conferences, reached a decision (Annex I) and commu-
9 nicated the same to the Vice Minister for Foreign
10 Affairs on January 23. However, there are no records
11 of the conferences.

12 "2. On January 27, 1943, the Vice Minister
13 for Foreign Affairs sent an inquiry regarding the
14 application of the Prisoner of War Convention to
15 non-combattant internees. As a result of a confer-
16 ence, the Ministry reached a decision (Annex II).
17 The same was communicated by the Vice Minister of War
18 to the Vice Minister of Foreign Affairs under date
19 of February 6, however, there is no record of the
20 conference.

21 "3. The Foreign Office, under date of
22 December 12, 1941, transmitted to the War Ministry
23 the communication of the International Red Cross
24 Committee Chairmen, Max Hudar, concerning collection
25 and transmission of information regarding prisoners

1 of war. After a conference, the Ministry reached a
2 decision (Annex III), which was communicated to the
3 Foreign Office.

4 "4. The above decisions being entirely in
5 line with the fundamental principles and policy,
6 according to which the War Ministry had always
7 directed the conduct of the affairs relating to
8 prisoners of war, no orders seem to have been issued
9 in consequence of the decisions. (Existing data have
10 been examined, but it cannot be ascertained whether
11 any order was issued or not.)

12 "Annex I.

13 "Reply from Vice Minister of War to Vice
14 Minister for Foreign Affairs, January 23, 1942.
15 (Translation)

16 "In answer to your inquiries in clear
17 No. 52 and No. 53, dated January 13 and No. 85, dated
18 January 16, the views of this Ministry are as follows:

19 "I. Concerning No. 52:

20 "1. In view of the fact that the Geneva
21 Convention relating to prisoners of war was not
22 ratified by His Majesty, we can hardly announce our
23 observance of the same. But it would be safe to
24 notify the world that we have no objection to acting
25 in accordance with the Convention in the treatment

1 cf prisoners of war.

2 "12. As regards providing prisoners of war
3 with food and clothing, we have no objection to
4 giving due consideration to the national or racial
5 habits and customs of the prisoners.

6 "11. Concerning No. 53 and No. 85, the
7 above views will be applicable.'

8 "Annex II.

9 "Application of the Prisoner of War Con-
10 vention to Non-Combattant Internees. (Army,
11 Ordinary No. 753, February 6, 1942) (Translation)

12 "Referring to your communication, No. 149,
13 dated January 27, 1942, on the above subject, the
14 views of this ministry are as follows:

15 "The 1929 Geneva Convention relating to
16 Prisoners of War has no binding power whatsoever on
17 Japan. But this ministry has no objection to apply-
18 ing the principles of the Convention to non-combattant
19 internees within such limits as it is applicable,
20 provided, however, that no person be subjected to
21 labor against his will.

22 "Annex III.

23 "Communication of the International Red
24 Cross Committee Chairman concerning collection and
25 transmission of information regarding prisoners of war

1 dated December 28, 1941 (Army Ordinary 9392)

2 (Translation)

3 "Referring to your communication, No. 4585,
4 dated December 12, 1941, on the above subject, the
5 views of this Ministry are as follows:

6 "The Ministry agrees to the proposal.

7 "However,

8 "a. It is not that we 'declare that we
9 are prepared to apply in practice' the provisions
10 of the Prisoner of War Convention of 1929, but that
11 we "utilize them for the convenience of transmission
12 of information."

13 "b. Information is to be transmitted by
14 telegram and other means."

15 "CERTIFICATE" --

16 THE PRESIDENT: You need not read that.

17 We will adjourn until half-past nine on
18 Monday morning.

19 (Whereupon, at 1600, an adjourn-
20 ment was taken until Monday, 6 January 1947,
21 at 0930.)
22
23
24
25

6 JANUARY 1947

I N D E X

Of

WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
TANAKA, Ryukichi (resumed)	14308
Cross by Mr. Logan	14308
" " Mr. Blewett	14341
" " Mr. Brooks	14363
" " Mr. KUSANO	14375
" " Mr. Howard	14385

I N D E X

Of

EXHIBITS

(none)

6 JANUARY 1947

I N D E X
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WITNESSES

Prosecution's Witnesses

	<u>Page</u>
TANAKA, Ryukichi (resumed)	14308
Cross by Mr. Brooks	14308
" " Mr. Blewett	14341
" " Mr. Brooks	14363
" " Mr. KUSANO	14375
" " Mr. Howard	14385

I N D E X
of
EXHIBITS
(none)

Monday, 6 January, 1947

- - -

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

- - -

Appearances:

For the Tribunal, same as before with the
exception of: HONORABLE JUSTICE D. JARANILLA, Member
from the Republic of the Philippines and HONORABLE
JUSTICE JU-AO MEI, Member from the Republic of China,
not sitting.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

The Accused:

All present except OKAWA, Shumei, who is
represented by his counsel.

The Indictment is discharged regarding the
Accused NAGANO, Osami, and his name stricken from
the Indictment and the List of Accused due to his
death on 5 January, 1947 at 11:50 a.m.

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(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTPE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Brannon.

4 MR. BRANNON: If the Tribunal please, I am
5 John G. Brannon, American Counsel for the Accused,
6 former Admiral Osami NAGANO. NAGANO died January 5,
7 1947, at 11:50 a.m. We ask at this time that the
8 ordinary requirements concerning the introduction
9 of documents be dispensed with and that we be per-
10 mitted to offer in evidence as one exhibit the certi-
11 ficate of illness, the identification of the remains,
12 and a certificate of the death and the cause thereof.

13 THE PRESIDENT: The documents will be
14 received, recorded, and filed, but we ask you to
15 read them, Mr. Brannon.

16 (Whereupon, the documents above
17 referred to were collectively marked
18 defense exhibit No. 1959 and received in
19 evidence.)

20 MR. BRANNON: (Reading): "Certificate of
21 Illness. This is to certify that Osami NAGANO is
22 ill and under medical treatment at Sugamo Prison.
23 He is unable to attend the trial on the above date."
24 Signed "William A. Leovy, Captain, Medical Corps,
25 Prison Surgeon, Sugamo." Dated "3 January, 1946."

1 remains of NAGANO, Osami, Japanese War Crimes suspect
2 at the 361st Station Hospital Morgue." Signed "Ben-
3 jamir G. Oberlin, Captain, Officer of the Day."

4 "361st Station Hospital," date "5 January
5 1947. Certificate. I, the undersigned, do hereby
6 certify that NAGANO, Osami, Japanese prisoner of
7 war, International Military Tribunal for the Far
8 East, died at 361st Station Hospital, 5 January 1947,
9 11:50 a.m., as a result of:

10 "1. Bronchial Pneumonia.

11 "2. Arteriosclerotic Heart Disease.

12 "3. Tuberculosis, Pulmonary."

13 Signed, "Floyd E. Bliven, First Lieutenant,
14 Medical Corps."

15 THE PRESIDENT: The accused NAGANO's death
16 was reported to me yesterday morning, when I directed
17 a complete autopsy. I take it the certificate last
18 read states the result of that autopsy, but it does
19 not say so. We accept those papers as proof of
20 the death of NAGANO. The Indictment is discharged
21 as regards the accused NAGANO; his name is stricken
22 from the Indictment and from the list of accused.

23 I take it you want the remains handed over
24 to the relatives?
25

MR. BRANNON: Yes, Mr. President.

TANAKA

CROSS

1 THE PRESIDENT: We direct accordingly
2 subject to the requirements and approval of the
3 Supreme Commander.

4 Colonel Woolworth.

5 MR. WOOLWORTH: The witness TANAKA was
6 requested to be here for cross-examination at this
7 date. He is on the stand.

8 THE PRESIDENT: Mr. Logan.

9 MR. LOGAN: If the Tribunal please.

10 R Y U K I C H I T A N A K A, recalled as a witness
11 on behalf of the prosecution, resumed the stand
12 and testified further through Japanese inter-
13 preter as follows:

14 CROSS-EXAMINATION

15 BY MR. LOGAN:

16 Q General, how long did you stay in the
17 War Ministry?

18 A From December, 1938 to March, 1940, Chief
19 of the Military Service Section of the Military
20 Service Bureau, War Ministry, and from December, 1940
21 to September, 1942, Director of the Military Service
22 Bureau of the War Ministry.

23 Q But, as a matter of fact, you were not in
24 the Office of the Military Service Bureau for some
25 time prior to December, 1942, is that correct?

TANAKA

CROSS

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22 Bureau of the War Ministry.

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24 the Office of the Military Service Bureau for some
25 time prior to December, 1942, is that correct?

TANAKA

CROSS

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THE MONITOR: The Witness is saying that
he is hearing Russian in his earphones.

A Yes.

TANAKA

GROSS

1 Q When did you leave office before going .
2 to the hospital?

3 A September 21, 1942.

4 Q That was the date you went to the hospital,
5 but did you leave your bureau and stay at home
6 sometime prior to September 21, 1942?

7 A No.

8 Q Then, I take it, General, from September
9 21, 1942, on to the end of the war you were not
10 familiar with the organization and responsibilities
11 of the various bureaus of the War Ministry, is that
12 true?

13 A Yes.

14 Q Then, your statement you made the other
15 day that you were familiar with those bureaus and
16 the organization between 1940 and 1945 is not
17 correct?

18 A Since many of my subordinates--a number of
19 my subordinates, including section chiefs, visited
20 me after my resignation from the military service
21 bureau and told me about the various reorganization
22 moves within the ministry, I was in general familiar
23 with the organization of that office, although not
24 in such great detail as when I was director of the
25 bureau.

TANAKA

CROSS

1 Q Not only in great detail, but you had no
2 personal knowledge of it, isn't that so?

3 A Yes, as you say.

4 Q General, the other day you stated that the
5 Military Affairs Bureau handled matters concerning
6 international regulations affecting the army. Do
7 you know of any document that sets that forth?

8 A This is not set forth in the regulations
9 governing the organization of the War Ministry,
10 but it is a fact that this matter was taken up by
11 the--that these matters were dealt by the military
12 affairs section of the Military Affairs Bureau.

13 Q General, I am not asking you whether or
14 not these affairs were dealt by this particular
15 bureau; I am asking you if you know of any document.
16 Will you please confine your answers to the question?

17 A I recall that that is set forth among the
18 functions of the military affairs section.

19 Q In what document?

20 A In the articles of the regulations pertain-
21 ing to the organization of the War Ministry.

22 Q You also stated, General, that the busi-
23 ness of the location and the construction of prisoner-
24 of-war camps was handled by the military section
25 of the Military Affairs Bureau. Do you know of any

TANAKA

CROSS

1 document that sets that forth?

2 A With respect to the Military Affairs
3 bureau of the War Ministry, there are certain
4 functions dealing with national defense. I
5 believe that this matter is included in these
6 items. The military section of the Military
7 Affairs Bureau of the War Ministry handled the
8 army--matters pertaining to the army budget,
9 and therefore this section basically had to give
10 its agreement as to the use of the budget in decid-
11 ing upon the number and location of prisoner-of-war
12 camps.

13 MR. LOGAN: Mr. President, may I have a
14 direction to this witness to confine himself to the
15 question as put to him. All I asked him is if he
16 knew of any document. I am not asking him for an
17 explanation of this office.

18 THE PRESIDENT: Listen carefully to the
19 questions, witness, and be satisfied to answer the
20 question without more.

21 Q Did you as the head of the Military
22 Service bureau receive documents and papers relating
23 to prisoners of war?

24 A Yes.

25 Q From whom did you receive them?

A It was circulated by the Military Affairs
Bureau.

TANAKA

CROSS

1 Q Isn't it a fact that on each and every one
2 of these documents which you received was an address
3 to the Prisoner of War Information bureau and that
4 you merely received a copy of it?

5 A That is a fact.

6 Q You also state there that documents and
7 other papers relating to prisoners of war were sent
8 by the Ministry of Foreign Affairs to the War Office,
9 to the Home Office, and to the Navy Minister?

10 A Yes.

11 Q Are you describing there the general course
12 of procedure or are you making that as a statement
13 of fact that all those documents actually were sent
14 to those representative offices?

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TANAKA

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1 Q Are you describing there the general course
2 of procedure or are you making that as a statement
3 of fact, that all those documents actually were sent
4 to those respective offices?

5 A The addressees were all indicated on the
6 papers sent out.

7 MR. LOGAN: I move to strike that answer,
8 your Honor. It isn't responsive; he is trying to
9 get in an answer to the previous question.

10 THE PRESIDENT: I will put it to him. Do
11 you know they were sent or do you merely surmise they
12 were?

13 MR. LOGAN: May I have a ruling on my motion,
14 your Honor? That answer he gave is an attempt to
15 answer the previous question which he had already
16 answered.

17 MR. JUSTICE MANSFIELD: I submit, if the
18 Tribunal please, that the answer was a proper answer
19 to the question and I ask that the witness be permitted
20 to answer the question put by the Bench.

21 THE PRESIDENT: My colleagues and I agree
22 with you, Mr. Justice Mansfield. The witness may
23 answer as he proposed.

24 THE WITNESS: I know as a fact that these
25 documents were sent out and that all the names of the

TANAKA

CROSS

1 addressees were listed on each document, for example,
2 the Home Office, the Navy Office, the War Office.

3 Q Was not the original of those documents
4 addressed to the Prisoner of War Information Bureau
5 by the Foreign Office?

6 A Yes, but some of them were sent in the form
7 of a copy and some were sent to various competent
8 offices handling related matters, circulated to
9 various departments handling such matters.

10 Q But each of those documents was primarily
11 addressed to the Prisoner of War Information Bureau,
12 isn't that so, General?

13 A Yes, but I recall that such documents were
14 first received by the secretariat of the War Office
15 and then from there transmitted to the Military Affairs
16 Bureau which handles policy matters, and from there
17 sent to the Prisoner of War Information Bureau. That
18 is my recollection.

19 Q General, isn't it a fact that all these
20 documents or some of them were sent direct from the
21 Foreign Office and addressed to the Prisoner of War
22 Information Bureau before they were sent anywhere else?
23 Can you answer that question yes or no?

24 A No.

25 THE PRESIDENT: Well, I don't know what that
means, whether he can't answer the question or

TANAKA

CROSS

1 whether the answer to you is "no."

2 MR. LOGAN: That is just what I was going to
3 ask, your Honor.

4 THE WITNESS: There would be no case of
5 those documents going directly inasmuch as they are
6 channeled through the secretariat of the Minister of
7 War.

8 Q General, I am not asking you for any reason-
9 ing on your part; I am asking you do you know as a
10 fact that these documents, or some of them, were sent
11 direct from the Foreign Office to the Prisoner of
12 War Information Bureau and addressed to that bureau?
13 Now answer that yes or no.

14 MR. JUSTICE MANSFIELD: The question con-
15 tains two queries. I ask that they be put separately
16 if the witness is required to answer yes or no.

17 THE PRESIDENT: The objection is upheld.
18 Two questions are required.

19 Q I will ask you this; I want a yes or no
20 answer: Isn't it a fact that these documents were
21 sent direct from the Foreign Office to the Prisoner
22 of War Information Bureau?

23 MR. WOOLWORTH: Before the witness is re-
24 quired to answer that question, I would ask that the
25 description be given of these documents as phrased

TANAKA

CROSS

1 in the question.

2 THE PRESIDENT: I think he understands. The
3 witness may answer.

4 Q You understand the documents we are talking
5 about, don't you, General?

6 A Yes.

7 Q Now answer that question. I want a yes or
8 no answer, please, General.

9 A No.

10 THE PRESIDENT: This is becoming utterly
11 disorderly.

12 Q Did you spend much time in the Foreign
13 Office?

14 THE PRESIDENT: Do you want his answer?

15 MR. LOGAN: Yes.

16 THE PRESIDENT: To the previous question?

17 MR. LOGAN: I believe he said "No." Maybe
18 I misunderstood it.

19 THE INTERPRETER: Mr. President, the witness
20 answered "No."

21 THE PRESIDENT: Thank you.

22 MR. LOGAN: He said "no."

23 THE PRESIDENT: The light was disregarded
24 and I didn't hear what he said.

25 Q Now will you answer, did you spend much

TANAKA

CROSS

time in the Foreign Office?

1

A No.

2

Q Then you don't know of your own knowledge what they were doing in the Foreign Office, isn't that so?

3

4

5

A I don't know anything about the Foreign Office.

6

7

Q Why did you tell us the other day that all these documents and other papers relating to prisoners of war were sent from the Foreign Office to other ministries if you didn't know what the Foreign Office was doing?

10

11

12

A I know because I have seen documents transmitted from the Foreign Office.

13

14

15

Q Did you spend much time in the Home Office?

16

A No.

17

Q Did you spend any time at all in the Navy Ministry?

18

19

A No, not at all.

20

Q As a matter of fact, you were quite busy trying to handle you own affairs and you confined yourself to your own office, isn't that so?

21

22

23

A Yes.

24

Q It is also a matter of fact, isn't it, General, that from March or April on you were quite

25

TANAKA

CROSS

1 sick and unable to take care of the affairs in your
2 own office, isn't that so?

3 A Yes, I was ill but looked after my work
4 most ardently.

5 Q As best you could under the conditions,
6 isn't that so?

7 A Yes.

8 Q And you were mentally sick at that time,
9 isn't that true?

10 A No, no mental disease.

11 Q You went to the hospital for a mental trouble,
12 didn't you?

13 A That is after I quit.

14 Q In September?

15 A In October.

16 Q But you went to the hospital in September.

17 A October 17.

18 Q Now let us get back to these documents
19 relating to prisoners of war. The copy you received
20 had actually typed on it the words "Prisoner of War
21 Information Bureau," isn't that true?

22 A The documents come from the Prisoner of War
23 Information Bureau and the communication from the
24 Foreign Office is attached thereto as reference.

25 Q You say you received the document from the

TANAKA

CROSS

1 Prisoner of War Information Bureau?

2 A As I say, circulated by the Prisoner of
3 War Information Bureau.

4 Q So that the Prisoner of War Information
5 Bureau must have received the document first from
6 the Foreign Ministry, isn't that true?

7 A The secretariat of the War Minister had all
8 full powers with respect to incoming documents in
9 the War Office, and, therefore, if any documents
10 should be addressed by any outside department such
11 as the Foreign Office to the Prisoner of War Informa-
12 tion Bureau it would be in violation of regulations.
13 Therefore, all other documents were all channeled
14 through the secretariat of the War Ministry. At that
15 time the emphasis with respect to the question of
16 treatment of Prisoners of War was not so much on the
17 work of the Prisoner of War Information Bureau or
18 with respect to the question of carrying out inter-
19 national treaties pertaining thereto, but it had then
20 become a question of policy. It was more a question
21 of policy rather than the actual business of carrying
22 out the international treaty requirements.

23 Q General, I would appreciate it if you would
24 not digress. I am not asking you the duties of the
25 Prisoner of War Information Bureau. I am trying to

TANAKA

CROSS

1 Prisoner of War Information Bureau?

2 A As I say, circulated by the Prisoner of
3 War Information Bureau.

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5 Bureau must have received the document first from
6 the Foreign Ministry, isn't that true?

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8 full powers with respect to incoming documents in
9 the War Office, and, therefore, if any documents
10 should be addressed by any outside department such
11 as the Foreign Office to the Prisoner of War Informa-
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21 of policy rather than the actual business of carrying
22 out the international treaty requirements.

23 Q General, I would appreciate it if you would
24 not digress. I am not asking you the duties of the
25 Prisoner of War Information Bureau. I am trying to

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CROSS

1 trace these documents. Do you understand?

2 Now, General, let me ask you this question:
3 You don't know of your own knowledge whether all the
4 documents which the Foreign Affairs -- Ministry of
5 Foreign Affairs received were sent to any other office
6 with respect to prisoners of war, isn't that true?

7 A I know according to the addressees of the
8 documents.

9 Q Perhaps you don't understand me, General.

10 THE PRESIDENT: Well, I don't think you need
11 follow it up. He wouldn't know what the Foreign
12 Office did with all the documents it received. He
13 couldn't know. If he said that he did know we wouldn't
14 believe him.

15 Q Do you know of your own knowledge, General,
16 whether a small or a large percentage of the documents
17 and papers relating to prisoners of war which were
18 received by the Ministry of Foreign Affairs were
19 sent to any of these other offices?

20 THE PRESIDENT: How could he know that
21 unless he was in the Foreign Office?

22 MR. LOGAN: I will leave that to him to
23 say, your Honor. He made the statement here that
24 documents and other papers were so sent. I am trying
25 to find out how he knows that. And your Honor will

TANAKA

CROSS

1 recall I asked him originally if that was just a
2 general statement on his part or whether he made it
3 of his own knowledge, and he hasn't answered that
4 question.

5 MR. JUSTICE MANSFIELD: I submit, if the
6 Tribunal please, that the witness has already answered
7 that question at least twice by saying that he knew
8 from the names of the addressees on these letters
9 and also by the regulations.

10 THE PRESIDENT: That has been transparently
11 clear for the last half hour.

12 MR. LOGAN: If I understood the Tribunal
13 a minute ago, you said that you didn't understand
14 how he would know that.

15 THE PRESIDENT: You asked him a question to
16 the effect that he didn't know what the Foreign
17 Office did with all its documents and he doesn't
18 know and perhaps nobody except the Foreign Minister
19 would know. He might not know.

20 MR. LOGAN: Well, if the Tribunal is satis-
21 fied on that point, I am.

22 THE PRESIDENT: He says these documents
23 have lists of the addressees; I suppose in the left
24 hand lower corner. We are all familiar with that.
25 That is the sum total of his knowledge, no doubt.

TANAKA

CROSS

1 That is what he knows about regulations.

2 BY MR. LOGAN (Continuing):

3 Q Was the list of these addressees you talked
4 about on a separate piece of paper?

5 A It is written at the end, at the very end.

6 Q On the document itself or on a separate
7 piece of paper?

8 A At the end of the document itself.

9 Q Who typed those addresses, if you know?

10 THE PRESIDENT: The name of the typist
11 isn't material.

12 Q What office typed them on there?

13 A If it were documents from the Foreign
14 Office it would be typed in the Foreign Office.

15 Q Well, do you know where these documents
16 came from? Was it the Foreign Office or some other
17 office relating to prisoners of war?

18 A Documents relating to prisoners of war would
19 come from the Foreign Office, from the headquarters
20 of the gendarmerie, and from the Home Office.

21 Q Well, let us get to the question of replies,
22 General. Did the Prisoner of War Information Bureau
23 or the Prisoner of War Administration Bureau ever
24 send out any replies to these inquiries with respect
25 to prisoners of war?

TANAKA

CROSS

1 A Yes, from the Prisoner of War Administration
2 Bureau, also from the Military Affairs Bureau, and,
3 with respect to matters pertaining to the gendarmerie,
4 from the Military Service Bureau of the War Office.
5 But the actual document itself cannot be sent out
6 without the approval and authorization of the Military
7 Affairs Bureau.

8 Q So you, as the head of the Military Service
9 Bureau, handled some of these prisoner of war matters,
10 is that true? Could I get a yes or no on that,
11 General?

12 A Yes.
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1 Q Have you been indicted for any of your acts
2 in connection therewith?

3 A (No response).

4 Q You say yes, you have been indicted?

5 A No.

6 Q You have not been indicted, is that it?

7 A I have not been indicted; yes.

8 Q As a matter of fact, General, didn't you have
9 a great deal to do with the Kempei Tai?

10 A Yes.

11 Q Have you been promised any immunity by giving
12 your testimony here?

13 A To this day I have not ever received any such
14 premise.

15 Q As head of the Military Service Bureau didn't
16 you receive reports direct, you personally, direct
17 from the commandants in the various fields with re-
18 spect to the treatment of prisoners of war?

19 A No.

20 Q Did you ever issue any instructions to the
21 commanders in the various fields with respect to the
22 treatment of prisoners of war?

23 A No.

24 Q How many meetings did you attend similar
25 to this one you described Friday while you were head

TANAKA

CROSS

1 of the Military Service Bureau?

2 A Twice a week.

3 Q For how many weeks?

4 A Always.

5 Q How many years?

6 A From December, 1940, to September 21, 1942.

7 If during that time I am away on a trip I would be
8 represented by proxy, 'n that case the senior section
9 chief of my bureau.

10 Q Do you remember the names of every person
11 who attended every one of those meetings over a
12 period of two years?

13 A Generally -- on the whole, yes.

14 Q By the way, where did you go on these trips;
15 inspecting prisoner of war camps?

16 A I have never inspected a prisoner of war
17 camp. I have made trips on other business.

18 Q Well, now, the list of these names who, you
19 say, attended this meeting the end of April, 1942,
20 are you absolutely sure that each and every one of
21 the persons named -- which you named the other day --
22 attended that particular meeting?

23 A I was speaking of the conference of bureau
24 chiefs of the War Ministry and I may have left out
25 some of the names. Inasmuch as the Chief of the

TANAKA

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1 Medical Affairs Bureau and the Chief of the Legal
2 Affairs Bureau were on a tour of the southern regions
3 at that time, I presume they were represented by
4 their section chief.

5 Q It is also possible that you included some
6 names of people who were not there, isn't it?

7 A Yes, I think they attended but as I have
8 just said, some were away on trips and therefore
9 might have not been there but they were probably
10 represented by proxy. At any rate the responsibility
11 resides in the chief, the director of the bureau;
12 and it is because that some may have been away on
13 trips that I made the reply as I just did with respect
14 to these two chiefs.

15 MR. LOGAN: I move to strike out that part
16 of the answer with respect to where responsibility
17 lies, if the Tribunal please.

18 THE PRESIDENT: He could well testify to
19 that. That is not encroaching on our functions.

20 MR. LOGAN: But it is not responsive to the
21 question, your Honor.

22 THE PRESIDENT: A few answers are, that is,
23 it is relevant at all events to the subject matter.

24 Q In any event, General, as we understand your
25 testimony today, you are not sure whether these fifteen

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1 names that you set forth Friday, whether these
2 fifteen men actually attended that particular
3 meeting; isn't that so?

4 A I am sure with the exception of the two
5 names I just gave.

6 Q What makes you so sure as to the rest of them?

7 A Because I saw the faces of these men very
8 clearly at that time.

9 Q Out of over two hundred meetings you can
10 definitely remember these other thirteen men being
11 at this one particular meeting; is that what we are
12 to understand from your testimony?

13 A I am not asking you to believe or to under-
14 stand. I am just stating a fact.

15 Q Did TOJO attend every one of these two
16 hundred meetings or was he ever absent?

17 A Yes, he has been absent at times.

18 Q Is the same true about KIMURA?

19 A Vice Minister KIMURA was absent on one or two
20 occasions on account of illness but he --

21 Q Was he absent at that particular time?

22 A (Continuing) but he has never taken trips
23 and I presume he was at most meetings.

24 Q Is your statement that he was at this particu-
25 lar meeting also based on a presumption?

TANAKA

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1 A No, I am sure. I have confirmed that
2 fact.

3 Q How did you confirm it?

4 A Because I remember having seen Vice Minister
5 KIMURA at that meeting.

6 Q In other words, you remember he was there
7 because you remember he was there, is that it; that
8 is your confirmation?

9 A I am positive that I saw him there and since
10 he was not sick or away on trip at that time he was
11 surely present at the meeting.

12 Q How about TOMIHAGA; are you sure he was there?

13 A I think that he was there.

14 Q You are not positive about him?

15 A Yes, I am positive.

16 THE PRESIDENT: We will recess for fifteen
17 minutes.

18 (Whereupon, at 1045, a recess was
19 taken until 1100, after which the proceedings
20 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal is now resumed.

3 THE PRESIDENT: Mr. Logan.

4 BY MR. LOGAN (Continued):

5 Q General, did Mr. SATO ever miss any of these
6 meetings?

7 A Yes, as you say, he has been absent at some
8 meetings.

9 Q Was he absent at this particular one to
10 which you testified?

11 A Yes.

12 Q Which ones did he miss?

13 A With respect to SATO's absence, I do not
14 think that he was absent at any meeting while I was
15 in office -- while I was still in office.

16 Q Well, how could you possibly know whether
17 he missed any meetings or was at any meetings while
18 you were out of office?

19 A In 1943, when Prime Minister TOJO was on
20 a tour of the southern regions, SATO was in his suite
21 and, therefore, he was absent from these meetings
22 during that tour.

23 Q What dates did he miss?

24 A During the tour of the southern areas.

25 Q When was that -- the months?

TANAKA

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1 A I cannot answer because I do not recollect --
2 I do not remember.

3 Q How about the two years while you were
4 actually in office; did he miss one meeting, two
5 meetings, or how many?

6 A SATO began to attend these meetings after
7 he became Chief of the Military Affairs Bureau on
8 April 20, 1942, and I do not think he missed any
9 meetings up to September of that year.

10 Q Are you positive that he was at this one,
11 is that it?

12 A Yes, I am positive.

13 Q How many meetings did he miss prior to
14 April, 1942?

15 A Do you mean present or absent?

16 Q How many did he miss; how many were there
17 at which he was not present?

18 A Prior to April 20, SATO was not qualified to
19 attend the conferences of Bureau Chiefs.

20 Q How about KAN; how many meetings did he
21 miss up to September, 1942?

22 A KAN hardly missed a meeting.

23 Q But he did miss some?

24 A Probably he might have missed one or two
25 meetings.

TANAKA

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1 Q Did he miss this one the latter part of
2 April, 1942?

3 A He was present.

4 Q Do you have anything to verify that besides
5 your own recollection?

6 A He was sitting next to me.

7 Q How about YOSHIKUNI; how many meetings did
8 he miss?

9 A YOSHIKUNI hardly missed a conference.

10 Q Which ones did he miss?

11 A I do not recall each occasion.

12 Q Is it possible he wasn't at this conference
13 you are talking about?

14 A I believe that he was in attendance.

15 Q But you are not sure?

16 A I have -- I am positive.

17 Q You are positive that he was there?

18 A Yes, I am positive.

19 Q How about KURIHASHI, how many meetings did
20 he miss?

21 A KURIHASHI was frequently absent from these
22 meetings.

23 Q Was he absent from this particular one?

24 A It was not a special meeting, but a regular
25 meeting, and I believe he was in attendance.

TANAKA

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1 Q Did you have special meetings in addition
2 to these two a week?

3 A There has not been any special meeting.

4 Q When you mentioned a "special meeting" a
5 minute ago, what did you mean by that?

6 A What I meant by "special meeting," when
7 War Minister TOJO would hold a meeting of two or
8 three Bureau Chiefs to make decisions on certain
9 matters, I would consider them as special meetings.

10 Q Were all these people present at those
11 special meetings?

12 A As I have said before, OYAMA, Director of
13 the Legal Affairs Bureau, and MIKI, Director of the
14 Medical Affairs Bureau, were away on a trip in the
15 southern regions; so they were absent. As to these
16 two persons, I am not positive.
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1 Q I was asking you about these special meet-
2 ings. Did all these people you have mentioned here
3 attend these special meetings?

4 A What are you referring to by "special
5 meetings"? Is that the meeting that discussed the
6 question of prisoners of war or other meetings?

7 Q Did this particular group of men whom you
8 named the other day have other meetings besides the
9 two a week that you have testified?

10 A I attended these special meetings twice or
11 three times myself. I cannot speak of those who
12 were absent -- who were not in attendance at such
13 meetings. I do not know whether they were there or
14 not.

15 Q Did the Bureau Chiefs have special meetings
16 in addition to these regular two a week meetings?

17 A You mean me?

18 Q You were a Bureau Chief, weren't you?

19 A As I have said just a while ago, I have
20 attended these special meetings twice or three times.

21 Q How many times were special meetings held
22 of Bureau Chiefs?

23 A It is only in urgent or temporary cases when
24 some incident would occur, the War Minister would
25 call a conference of two or three Bureau Chiefs who

TANAKA

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1 are related to the question on hand, get their
2 opinions and views on the question, and the decision
3 would be made by the Minister of War.

4 Q Were there any special meetings where all
5 the Bureau Chiefs were called?

6 A No, there were none.

7 Q How many meetings -- how many of these regu-
8 lar meetings did MIKI miss?

9 A MIKI? Do you mean MIKI?

10 Q That's what I said.

11 A I think he missed about eight meetings since
12 he was away on a tour of the southern areas for about
13 a month from April 17 -- April, 1942, if my recol-
14 lection is not mistaken.

15 Q Was he present at this meeting?

16 A I think he was not present at this meeting.

17 Q Is that statement based on the fact that
18 MIKI doesn't happen to be one of the accused in this
19 case?

20 A No. I merely listed the names of these
21 persons who would be in attendance at these Bureau
22 Chief conferences in answer to a question by the
23 prosecutor. But, after quietly recollecting my
24 memory, I came to feel that MIKI and OYAMA were
25 absent from these meetings because they were at that

TANAKA

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1 time on a tour of the southern areas, and that is
2 why I made this correction this morning. Although
3 MIKI might have been absent, he would be represented
4 there at the meeting by proxy, and MIKI, himself,
5 would be responsible for representation there.

6 Q Is it quite possible that some of these
7 others whom you just named might not have been there,
8 too?

9 A My memory is quite good; and, except for these
10 two names that I have just given, I am quite positive
11 that the others were in attendance at this meeting.

12 Q Do you think with a little more recollection
13 you might change your answer?

14 A I don't think there is any room for re-
15 consideration.

16 Q How about NAKAJIMA; how many meetings did
17 he miss?

18 A NAKAJIMA? NAKAJIMA was not present at the
19 meeting.

20 Q The other day you said he was.

21 A I think that was a mistake in interpretation.

22 Q Or was it a mistake on your part?

23 A Is it not a mistake for NAKAJIMA, Commander
24 of the Gendarmerie?

25 Q How about NAKAMURA; how many meetings did

TANAKA

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1 he miss?

2 (To the Court) If the Tribunal please, upon
3 re-reading this, it might be a mistake on transla-
4 tion. I just noticed it. It is, "NAKAJIMA, Chief
5 of the" dashes, and then NAKAMURA." I am sorry.

6 THE PRESIDENT: It is intended to be a
7 correction, no doubt. Apparently, mixed up
8 NAKAJIMA with NAKAMURA.

9 Q How many meetings did NAKAMURA miss?

10 A Before the outbreak of the Pacific War
11 NAKAMURA, Commander the Gendarmerie, was frequently
12 on a tour of the various localities. But, after
13 the outbreak of the war -- and, therefore, he was
14 absent. But, after the outbreak of the war, he was
15 in Tokyo and, therefore, in attendance at the
16 meetings.

17 Q General, let me understand you: These
18 men whom you say were on various tours, they, of
19 course, would not be present at the meetings. But
20 are you basing your statement that they were at
21 these meetings just because of the fact that they
22 were not on various tours of duty elsewhere?

23 A No, not only that. I say so because I
24 recall having seen them at the meeting.

25 Q Well, isn't it quite possible, General,

TANAKA

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1 that they may have been in Tokyo and still not
2 have attended some of these meetings?

3 A Such a thing was never permitted by War
4 Minister TOJO.

5 Q How many meetings did HANDA miss?

6 A HANDA has never missed a meeting.

7 Q How about MATSUMURA?

8 A MATSUMURA was frequently sick and, there-
9 fore, absent from these meetings.
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1 Q Was he permitted to be absent by TOJO?
2 A Yes.
3 Q What meetings did he miss?
4 A I do not recall to that extent.
5 Q General, aren't you known by the people in
6 Japan as "The Monster"?

7 MR. JUSTICE MANSFIELD: I object, if the
8 Tribunal pleases. The question is offensive and it
9 is also irrelevant.

10 MR. LOGAN: I think it is very relevant, if
11 the Tribunal please. Here's a man that has come and
12 testified here, that has admitted he is the head of
13 the Kempei Tai, and isn't even indicted. I think
14 the Tribunal should know the type of man that is
15 testifying for the prosecution.

16 MR. JUSTICE MANSFIELD: I submit that the
17 last statement by the counsel for the defense was
18 highly improper, and gratuitous statements by
19 counsel should be disregarded by the Tribunal, I
20 should think.

21 THE PRESIDENT: Any statement made for the
22 mere purpose of insulting the witness is, of course,
23 objectionable and can not be permitted. I don't
24 know whether this last question of Mr. Logan's is
25 really objectionable. If the man is known as "The

TANAKA

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1 "Monster" he can be asked that.

2 MR. JUSTICE MANSFIELD: I submit, if the
3 Tribunal pleases, that any answer to that question
4 can in no way assist the Tribunal. It is highly
5 offensive and, furthermore, to refute a statement
6 made by the counsel for the defense, the witness was
7 never the head of the Kempei Tai.

8 THE PRESIDENT: Did I hear him say this
9 morning that he was associated with the Kempei Tai?

10 MR. LOGAN: Yes, he admitted that he was
11 the head of it.

12 THE PRESIDENT: And we know what the evidence
13 about the Kempei Tai method's has been. And we know
14 the grave importance to the accused of this witness'
15 testimony.

16 MR. JUSTICE MANSFIELD: He said, to the
17 best of my recollection this morning that he was con-
18 nected or the head of the Military Affairs Section,
19 the Military Service Section of the Military Affairs
20 Bureau, and that that section had dealings with the
21 Kempei Tai, official dealings with the Kempei Tai.
22 He at no time said he was the head of the Kempei Tai.

23 THE PRESIDENT: Well, I think we should not
24 be unduly restrictive of the cross-examination so
25 far as it tends to show the character of this

TANAKA

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1 witness. However, I will take the views of my
2 colleagues, whether Mr. Logan's question which is
3 objected to should be overruled or disallowed.

4 We think the question should be allowed.

5 A Yes, various names. There are some people
6 call me "Monster."

7 MR. BLEWETT: If the Court please.

8 THE PRESIDENT: Mr. Blewett.

9 CROSS-EXAMINATION

10 BY MR. BLEWETT:

11 Q Was not the full title of your office in
12 December 1940 Chief of the Military Service and
13 Discipline Bureau of the War Ministry?

14 A Well, that may be the translation in English,
15 but in Japanese it is known as Heimū-kyoku, and
16 therefore it is ordinarily translated as Military
17 Service Bureau, but the functions of the bureau in-
18 clude discipline, mobilization of personnel, ex-
19 service men and internal defense.

20 Q Did not your bureau have some connection
21 or control over the Kempeitai?

22 A We handled affairs pertaining to the Gen-
23 darmerie, or Kempeitai, but not to supervise or
24 control that organization. In carrying out various
25 measures or matters with respect to the Kempeitai,

TANAKA

CROSS

1 one of my functions was to draft plans as one of the
2 staff officers of the War Minister. The Gendarmerie
3 was under the control and supervision of the War
4 Minister and the War Vice Minister.

5 Q Was not military discipline under the juris-
6 diction of your bureau?

7 A Yes, we handled business and matters pertain-
8 ing to military discipline, but as to supervision
9 and control, that rested with the War Minister.

10 Q Well now, was not relaxation of discipline,
11 as evidenced by misconduct of a soldier, your
12 responsibility?

13 A Yes, with respect to the business relating
14 to the matter. But as to control, no.

15 Q Was your work wholly connected or concerned
16 with the army service personnel?

17 A Yes.

18 Q Didn't that work keep you pretty busy?

19 A Yes, very busy.

20 Q You had no time for active participation in
21 the Military Affairs Bureau, did you?

22 A As to the Military Affairs Bureau, there was
23 frequent friction between the bureau and mine and
24 between my subordinates and personnel of the Military
25 Affairs Bureau, and therefore I am quite familiar

TANAKA

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1 with the Military Affairs Bureau.

2 C With regard to the Military Affairs Bureau
3 being the most important, is it not a fact that each
4 bureau has about the same importance in that organi-
5 zation?

6 A Nominally, on the surface or according to
7 the letter of the regulations, they were all of
8 equal importance, but actually speaking, the General
9 Affairs Bureau had the most important functions.

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1 Q How about the Personnel Bureau?

2 A The Personnel Bureau, of course, handled the
3 transfer of military personnel. But in the light of
4 the internal situation in Japan at that time and the
5 fact that the army was the impelling force or the
6 leading force in Japan, and inasmuch as the Military
7 Affairs Bureau handled military budget and had quite
8 a say on matters pertaining to internal and foreign
9 matters, I consider this bureau to be the most impor-
10 tant of the bureaus.

11 Q How about the War Munitions Bureau?

12 A Compared to the Military Affairs Bureau, not
13 as much importance.

14 Q Now, there are various documents referred to
15 here. So that we may know what each one is talking
16 about, there are certain diplomatic documents. Are
17 you familiar with those?

18 MR. JUSTICE MANSFIELD: If the Tribunal
19 please, I would ask that the question be put in a
20 clearer fashion; what documents he is referring to
21 as diplomatic documents.

22 THE PRESIDENT: That is necessary.

23 MR. BLEWETT: I think, sir, he referred to,
24 "...diplomatic documents were first sent to the
25 adjutant's office in the War Ministry and from there

TANAKA

CROSS

1 to the Military Affairs Section." On page 14,287, sir,
2 about the middle of the page. I think we should
3 understand, sir, when he talks about documents, whether
4 he is referring to diplomatic documents or protests.

5 VR. JUSTICE MANSFIELD: If the Tribunal please,
6 it refers to "Such diplomatic documents...", clearly
7 referring back to the earlier answer, "Documents and
8 other papers relating to prisoners of war..."

9 MR. BLEWETT: I presume, sir, they have
10 reference to the documents that passed through the
11 Swiss Legation or Government in January 1942, shortly
12 after the war began.

13 THE PRESIDENT: Well, does he mean anything
14 more than documents relating to prisoners of war when
15 he speaks of diplomatic documents?

16 Answer that question, Witness, please.

17 THE WITNESS: Yes, documents relating to
18 prisoners of war are included. But diplomatic documents
19 as a whole are first sent to the War Minister's
20 secretariat and from there to the Military Affairs
21 Bureau, and there, after being seen, would be circulated
22 to the bureaus and other departments concerned.

23 THE PRESIDENT: That is consistent with his
24 former answer.

25 Q Is it not a fact that the Prisoner of War

TANAKA

CROSS

1 Information Bureau was an independent bureau established
2 under provisions of international law and not under
3 the control of the Military Affairs Bureau?

4 A There is no bureau in the War Ministry which
5 is under the control of the Military Affairs Bureau.
6 They are all under the jurisdiction and control of
7 the Minister of War. The Prisoners of War Information
8 Bureau is a special existence in Japan and it is under
9 the control of the Minister of War. They are all,
10 under the direct control of the War Minister. But the
11 Prisoners of War Information Bureau was established
12 under international law but as a special existence
13 in Japan under the control of the War Minister, and
14 it is a fact that it is one of the organizations
15 under the wings of the War Ministry. . But the
16 fact that it is a temporary office is true.

17 Q Now, if you know, wasn't it a fact that all
18 these protests that had anything to do with prisoners
19 of war were handed over to this Information Bureau
20 by the Foreign Office?

21 A No. I believe that it was not sent directly
22 to the Prisoners of War Information Bureau; but I
23 know it as a fact that if sent it would be sent
24 through the Military Affairs Bureau.

25 Q Well, now, with regard to reports from the

TANAKA

CROSS

1 field, to whom were they directed in so far as
2 prisoners of war were concerned?

3 A Reports with respect to prisoners of war
4 from the field, not being diplomatic documents, are
5 sent to the secretariat of the War Minister, and from
6 there sent to the various departments concerned.

7 Q Now, there is a document, prosecution document
8 2732-A, relating to a dispatch from Kanburi to Tokyo.
9 Did you see that document?

10 THE PRESIDENT: Has it an exhibit number?

11 MR. BLEWETT: It has not been placed in
12 evidence yet, sir. It is on the list of documents
13 to be submitted.

14 THE PRESIDENT: Well, you will be able to
15 ask him that question from the document.

16 The witness from the Japanese Foreign Office
17 gave evidence about the documents that were received
18 by that office and what became of them. He was to
19 give us further particulars. These particulars were
20 to be obtained from the files and would show the dis-
21 tribution of the documents.

22 MR. BLEWETT: I think the witness was SUZUKI,
23 sir.

24 MR. JUSTICE MANSFIELD: If the Tribunal
25 please, I do not desire to object to the further

TANAKA

CROSS

1 cross-examination of this witness, but I submit this
2 is outside the scope of the evidence in chief given by
3 this witness.

4 THE PRESIDENT: The question was put while I
5 was talking to my associate. I did not hear it. What
6 was it?

7 I did not hear the question you objected to,
8 Mr. Justice Mansfield. I was talking to Mr. Crane
9 about another matter in which the Russian Justice is
10 interested.

11 We will adjourn until half-past one.

12 (Whereupon, at 1200, a recess was
13 taken.)

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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Blewett, Mr. Justice Mansfield took an objection that the last question of the cross-examination did not arise out of the examination in chief. It is impossible to tell from the question whether it does or not.

"Now, there is a document relating to a dispatch from Kanbury to Tokyo, did you see that document?"

How do we know whether that arises out of the examination in chief? It all depends on what the document contains.

MR. JUSTICE MANSFIELD: It is a document which will be introduced in evidence later, and I do not desire to restrict the cross-examination, if the Tribunal thinks the question should be asked.

THE PRESIDENT: Yes, Mr. Blewett.

TANAKA

CROSS

1 R Y U K I C H I T A N A K A, recalled as a witness
2 on behalf of the prosecution, resumed the stand
3 and testified further through Japanese inter-
4 preters as follows:

5 . CROSS-EXAMINATION (Continued)

6 BY MR. BLEWETT:

7 Q You may answer the question, Witness.
8 Perhaps the stenographer had better read it back
9 to him.

10 (Whereupon, the official court
11 reporter read as follows:)

12 "Q Now, there is a document, prosecution
13 document 2732-A, relating to a dispatch from Kanbury
14 to Tokyo. Did you see that document?"

15 A I cannot reply to that question unless I
16 first see the document and see whether I saw it or
17 not.

18 Q Do you read English?

19 A No.

20 MR. BLEWETT: I think, sir, I shall call
21 this document to his attention as to its content
22 and save time.

23 THE PRESIDENT: Use the terms in the document
24 as you put the question.

25 MR. BLEWETT: Yes, sir.

TANAKA

CROSS

1 Q Now, this is a telegram from Kanbury sent
2 on September 3, 1943, from POW Camps' Commander in
3 Thailand to Chief of POW Information Bureau, and
4 is a gist of the monthly report for August relative
5 to prisoners of war.

6 Now, did not this same system prevail
7 during your term of office?

8 A Such a system was established some two
9 months before I resigned from office, somewhere
10 around from July, and, therefore, this system was
11 in effect for two months while I was in office, the
12 last two months. Since the Chief of the Prisoners
13 of War Information Bureau was concurrently Chief of
14 the Prisoners' Administration Bureau, all reports
15 and matters related to POW camps in the field were
16 addressed to the Chief of the Prisoners of War In-
17 formation Bureau. With respect to the handling of
18 such reports, if it happens to be a document, it
19 would come to the War Minister's Secretariat by way
20 of the post office of the Imperial General Headquarters.
21 If it happens to be a telegram, that is received by --
22 in the Imperial General Headquarters Receiving Office,
23 and from there transmitted to the War Minister's
24 Secretariat. Then later the matter is transmitted to
25 the Prisoners of War Information Bureau and other

TANAKA

CROSS

1 departments concerned; but the document which you
2 have just read, I presume, seems to be a telegram.
3 But, inasmuch as its date is 1943, at a time when
4 I was not in office, I have not seen it.

5 Q Do you not also recall that the replicas of
6 the Japanese Government to protests from other nations
7 were actually drawn at the office of the Prisoners
8 of War Information Bureau?

9 A Yes. There are cases when such replicas are
10 drawn up by the Prisoners of War Information Bureau;
11 but, as I have said before, since the matter of
12 treatment of prisoners of war went beyond the point
13 of merely the carrying out of the terms of inter-
14 national law to a point where it became a question
15 of policy, such replies could not be sent without
16 the approval and agreement of the Military Affairs
17 Bureau of the War Ministry.

18 Q Is it not a fact that you were not active
19 in your office due to a serious illness subsequent
20 to July, 1942?

21 A No.

22 Q Did you not submit your resignation to the
23 War Minister in September, 1942?

24 A Yes.

25 Q How many prisoners of war protests from

TANAKA

CROSS

1 foreign governments did you actually see before
2 July, 1942?

3 A Since foreign matters were not a part of
4 the function of my bureau, I have never seen the
5 protests myself; but twice in the course of the
6 conference of bureau chiefs I recall UEMURA, Chief
7 of the Prisoners of War Information Bureau, disclosing
8 the contents of a protest -- of protests.

9 Q Were you actually present at the meeting
10 of bureau chiefs at the end of April, 1942, when
11 the question of prisoners of war was discussed?

12 A Yes, I was present.

13 Q What was the hour and exact date of that
14 meeting?

15 A At that time the conference of bureau chiefs
16 were held regularly every week on Tuesdays and Fri-
17 days and were opened at seven o'clock in the morning;
18 and so, I think it would be April 28th when that
19 meeting was held.

20 Q Where did the meeting take place?

21 A In the drawing room of the Minister of War.

22 Q Are you positive this meeting to which you
23 refer did not take place on May 26, 1942?

24 A It may have been the 26th.

25 Q Now, what -- I will withdraw that, please.

TANAKA

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1 Were not many other questions considered at
2 this meeting other than the prisoners of war question?

3 A I think they were discussed.

4 Q What were some of those other questions?

5 A With respect to items within my own province,
6 I recall having made a report in March with respect --
7 I recall having reported on matters with respect to
8 discipline and morals in the Army in the various
9 districts in the month of March after having been
10 advised by the War Minister to tighten regulations
11 concerning these matters.

12 Q Did your report precede this discussion of
13 the POW's or was it subsequent thereto?

14 A Before the question of prisoners of war
15 was taken up.

16 Q Now, was it not customary for the bureau
17 chiefs to leave the meeting when their business had
18 been fully transacted?

19 THE MONITOR: Will the American court
20 reporter repeat that?

21 (Whereupon the last question was
22 read back by the official court reporter.)

23 A No. All bureau chiefs remained to the last.
24 The bureau chiefs leave the meeting only after the
25 War Minister himself leaves the conference room.

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1 Q Was there a written record maintained of
2 this meeting?

3 A Yes, I recorded these matters in my own
4 memorandum and left it with my successor when I
5 resigned.
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1 Q Was there an official record maintained of
2 this meeting?

3 A An official record was not kept.

4 Q Who among those present raised the ques-
5 tion as to the treatment of prisoners of war?

6 A It was UEMURA, Chief of the Prisoners of
7 War Information Bureau, because of the function of
8 his office.

9 Q In your testimony on Friday, on page 14,289
10 of the record, you recite a long list of names, but
11 you do not include UEMURA?

12 A I did not specify the name at that time
13 because I had already spoken of the fact that UEMURA,
14 Chief of the Prisoners of War Information Bureau,
15 had spoken to the War Minister about matters relat-
16 ing to prisoners of war.

17 Q Do you now say that UEMURA was actually
18 present or that these suggestions or his ideas were
19 submitted in another form?

20 A He was present there as one of the chiefs
21 and spoke as one of the chiefs.

22 Q Are you certain that MATSUMURA was at this
23 meeting?

24 A Yes, I say that on the basis of positive
25 belief.

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1 MR. JUSTICE MANSFIELD: If the Tribunal
2 please, I would like to point out that at page 14,290
3 of the record he mentions that UEMURA was at the
4 meeting.

5 MR. BLEWETT: Sir, on the preceding page,
6 I believe it is, there was a leading question asked,
7 if UEMURA attended the meeting, which was objected
8 to and sustained by your Honor. Then by a proper
9 question the witness recites this long list, and at
10 the end he said, "That is all." I admit that there
11 is a later reference to UEMURA and that is the reason
12 I asked the question whether he submitted it orally
13 or through some other source.

14 THE PRESIDENT: In the result your cross-
15 examination is directed to the examination in chief
16 and is allowable.

17 BY MR. BLEWETT:

18 Q Was not Colonel YAHAGI Chief of the Mili-
19 tary Information Section at this time?

20 A Colonel YAHAGI was definitely present at
21 the meeting as Chief of the Information or Press
22 Section of the War Office, and MATSUMURA was present
23 at the meeting in his capacity as Chief of the First
24 Division of the Board of Information. In addition,
25

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1 YAHAGI--yes, definitely was present, and also
2 KAWABE, Director General of the General Aviation
3 Headquarters was also present. That much I add.

4 Q What actually did UEMURA request at that
5 meeting?

6 A Since the operations in the southern regions
7 had been concluded at that time, the question of how
8 to handle prisoners of war was brought up in order
9 to obtain the decision of the War Minister.

10 Q Do you know what his exact words were?

11 A If my memory is not incorrect, UEMURA simply
12 brought up the question of how to treat prisoners
13 of war and requested the decision of the War Minister
14 on that question.

15 Q Did you hear the War Minister say the exact
16 words you quoted in your testimony?

17 A Yes.

18 Q Do you recall Minister TOJO state that
19 prisoners of war are to be treated according to the
20 regulation for the treatment of prisoners of war?

21 A The regulation concerning the treatment of
22 prisoners of war had not been made at that time.

23 Q Are you familiar with Article 2 and 3 of
24 those regulations of 1904 as amended, 1905, 1914,
25 and 1943?

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A They were matters which were decided upon at the time of the Russo-Japanese war and I do not know the details--I do not remember any details.

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1 Q As a bureau chief do you not recall section
2, I should say article 2, of those regulations?

2 A No, I do not.

3 Q If I refresh your memory by reading section
4 2 you may perhaps recall it: "A prisoner of war shall
5 be humanely treated and in no case shall any insult or
6 maltreatment be inflicted upon him." Do you not re-
7 call that section?

8 A I do, and I also recall that the treatment
9 of prisoners of war at the time of the Russo-Japanese
10 War was extremely humane.

11 Q I shall quote section 3: "A prisoner of war
12 shall be given appropriate treatment according to his
13 status or rank. However, this shall not apply to any
14 persons who do not answer truthfully to any interroga-
15 tions regarding their name and rank, or to any person
16 who is guilty of other offenses." Do you recall that
17 provision?

18 A Yes, I do.

19 Q Now, did not Premier TOJO tell UEMURA at this
20 meeting that he subscribed fully to these two provisions,
21 and that they should be carried out by the commandants
22 of the prisoner of war camps?

23 A Unfortunately, that is not in my memory.

24 Q Are you familiar with the instruction of June 5,
25

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1 1942 sent to the chief of staff of the Taiwan Army --

2 A I do not.

3 Q Wait a minute; I have not finished the ques-
4 tion, Witness, please -- by chief Prisoners of War
5 Control Bureau concerning the working of POW's, offi-
6 cers and warrant officers?

7 A I have never seen it and it isn't in my recol-
8 lection.

9 Q I shall read a portion of prosecution docu-
10 ment 2688 pertaining to that regard: "Chief of staff,
11 Taiwan Army, from Chief, Prisoners of War Control Bureau,
12 dated June 5, 1942. Although the working of prisoners
13 of war, officers and warrant officers is forbidden by
14 article 1 of the rules for the working of prisoners of
15 war, the policy of the control authorities is that under
16 the situation of our country where not one person now
17 eats without working, and considering the preservation
18 of health of POW's they want them to set to work volun-
19 tarily, conforming to rank, capabilities and physical
20 condition." Now, was it not possible that the War
21 Minister TOJO gave those instructions to UEMURA at this
22 meeting?

23 A At that time as I have said before it was not
24 stated in just such terms, but generally it was as I
25 said that in the light of the policy that no one who

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1 works shall eat -- at that time as I have said before
2 although those very words were not used, those who do
3 not work shall not eat, in the light of the policy that
4 those who shall not work shall not eat, prisoners of
5 war above the rank of warrant officers must be obliged
6 to work. I remember the minister as having said words
7 to that effect.

8 Q Now, could it have been possible that you
9 missed the word "voluntarily?"

10 A I do not think there are anybody among pris-
11 oners of war who would work voluntarily.

12 Mh. BLEWETT: Will you kindly read the question
13 to the witness?

14 (Whereupon, the question was read by the
15 Japanese reporter.)

16 WITNESS: No.

17 Q Was the War Minister actually a member of the
18 Imperial General Headquarters?

19 A Yes.

20 Q Now, what were his duties in that headquarters?

21 A To control and to coordinate military adminis-
22 tration.

23 Q Therefore, he was not concerned with matters
24 of the High Command, is that correct?

25 A He cannot be concerned with questions of the

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1 High Command.

2 Q Is it not a fact that you hoped and expected
3 to get the position as chief of the Military Affairs
4 Bureau in 1942?

5 A I have never expected or hoped to obtain that
6 position.

7 Q And is it not a fact that as a result of your
8 disappointment in not obtaining that position you are
9 biased and prejudiced against War Minister TOJO?

10 A That is slander on the part of others,
11 and I have never entertained any ambition to get in
12 that position.

13 MR. BLEWETT: That is all.

14 THE PRESIDENT: Captain Brooks.

15 CROSS-EXAMINATION (Continued)

16 BY MR. BROOKS:

17 Q Now, General, as to the power of command of
18 the Emperor over the military forces, the supreme com-
19 mand was divided into two departments, was it not,
20 the power of command being under the army general staff
21 in relation to the army matters, and administrative
22 matters being handled by the War Minister?

23 A Yes.

24 Q And that the power of command was exercised
25 exclusively by the general staff who had access to the

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1 Emperor, is that not correct?

2 A Yes.

3 Q Now, as to the administrative matters handled
4 by the War Minister, the War Minister was a member of
5 the Cabinet, and his matters of administration and
6 dealings with Cabinet policy had to all be brought to
7 the command organs of the troops through the Army
8 General Staff, did it not?

9 A With respect to operations, yes. With respect
10 to other matters the War Minister may directly communi-
11 cate with the various troops in the field.

12 Q In that respect you, in the last case you are
13 referring to matters exclusively of administration, is
14 that right.

15 A A very clear distinction, a clear-cut distinc-
16 tion between command and military administration is
17 difficult to make. For instance, the organization of
18 the army in peacetime is a command matter, but this is
19 handled entirely by the War Minister.

20 Q But in this period of war the matters of
21 command and the power to issue orders was exclusively
22 in the general staff, is that not correct?

23 A Yes, with respect to mobilized forces, not
24 with respect to troops not mobilized.

25 Q Now, as to the Japanese prisoners of war in

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CROSS

1 the hands of the Allies, what branch of this military
2 division or bureau handled those matters in relation
3 to any protest or communications in regard to Japanese
4 prisoners of war, Japanese nationals, in the hands of
5 the Allies as prisoners?

6 A That I do not recall, but on the basis of
7 my own general knowledge I think that was in the hands
8 of the Foreign Office.

9 Q So that the Foreign Office as far as you
10 know handled all communications and matters pertaining
11 to prisoners of war with other governments in relation
12 to their own prisoners?

13 A Yes, that is the way I recall it. I think
14 that is the ministry in charge of such matters.

15 Q Now, didn't they likewise handle protests
16 and communications with other governments in relation
17 to Allied prisoners of war in the hands of the Japanese?

18 A No. In Japan the handling of prisoners is
19 quite different from other countries, and the Prisoner
20 of War Information Bureau and administration of prisoner
21 of war matters were under the supervision of the War
22 Minister himself. And, therefore, in so far as the
23 actual handling of matters related to prisoners of war
24 were the responsibility of the War Minister himself,
25 and the Foreign Office was merely a post office which

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1 handled the communications.

2 Q What matters did the Minister of War handle
3 in relation to the prisoners of war? Give us an
4 example.

5 A The Prisoner of War Information Bureau is
6 created in accordance with international treaty. I
7 have read the provisions once or twice but I do not
8 recall them.

9 Q Do you recall any matters that were handled
10 by the War Minister during your period there?

11 A In my recollection the business of control of
12 the prisoners of war included such functions as where
13 to locate POW camps, how to handle prisoners of war,
14 how to promote the health of prisoners of war, what
15 to do with sick prisoners of war, and other general
16 treatment of prisoners of war; how to distribute Red
17 Cross messages and parcels, and the question relating
18 to the exchange of POW letters as through the offices
19 of a neutral country.

20 Q Then you have discussed the matters of policy
21 with dealing with prisoners of war. Who or what depart-
22 ment had the function of carrying out and exercising
23 those matters of policy?

24 A Well, this goes beyond the question of inter-
25 national treaties and becomes a question of policy. But

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1 this policy is carried out in Japan by the War Ministry,
2 specifically by the Military Affairs Bureau. Outside
3 of Japan it is handled by the chief of the general
4 staff after consultation with the Minister of War. In
5 the Army General Staff, in my recollection, it was
6 handled by the Second Division.

7 Q Now, as to the requisitioning of food for
8 prisoners of war, did the War Minister have anything
9 to do with that?

10 A I think that this matter was handled by the
11 various commanders who supervised the various POW
12 camps. If I should repeat that in another way, it
13 was carried out by the various commanders in the field
14 in accordance with the orders and instructions of the
15 War Minister.

16 Q I just thought you had told this Tribunal that
17 the War Minister did not have the power to issue orders
18 in this place, that these parties were under the general
19 staff command, but that the policies laid down in ac-
20 cordance with the policies.

21 THE PRESIDENT: That is not a very clear ques-
22 tion.

23 Q I will withdraw it and reframe the question.
24 You told the Tribunal, Mr. Witness, that the General
25 Staff had the power of command. Now, in your reply here

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1 Q Now, as to the needs of the commanders in
2 the field depending upon the prisoners of war taken,
3 these needs would have to be made known to Tokyo
4 by them through the General Staff, would they not?

5 A On the surface, yes, but actually the
6 matters were carried out by the commandants of the
7 various prisoner of war camps in the field who com-
8 municated directly with the Chief of the Prisoner
9 of War Information Bureau where the matters pertain-
10 ing to POWs were disposed of.

11 Q Then you mean that he communicated directly
12 as you have just stated in addition to making a simil-
13 ar request through the chain of command?

14 A Yes, particularly inasmuch as matters per-
15 taining to prisoners of war was not connected in any
16 way with operations, but being a policy matter, these
17 matters could be handled directly with the War
18 Ministry through the Prisoners of War Information
19 Bureau and this would not be in violation of any
20 regulations.

21 Q Why, if direct contact was possible and quite
22 proper, was it necessary to duplicate this message
23 up through the chain of command?

24 A Well, they would more or less be outside of
25 the general procedure, but this direct reporting from

TANAKA

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1 the field to the Ministry of War was carried on
2 for the sake of convenience and expedience with
3 respect to matters which had to be settled quickly,
4 and so insofar as the rule was for communications
5 from the field to the central authorities was to be
6 channeled through the General Staff, any direct com-
7 munication would be an infringement of those regula-
8 tions if the rule were to be applied strictly; but
9 being prisoner of war questions, being a purely
10 policy matter, there was a tacit understanding that
11 direct communication can be made and there was no
12 protest with respect thereto from the Army General
13 Staff.

14 Q Now, General, in what year -- I withdraw that.
15 Was the December, 1941, the first communication re-
16 ceived by the Japanese from the International Red
17 Cross concerning prisoners of war?

18 A I recall it was received then.

19 Q Had there been any protest received prior to
20 1941 from any of the powers in relation to prisoners
21 of war?

22 A No.

23 Q Was there, in fact, any prisoners of war
24 held by the Japanese during the year 1931 and 1934 to
25 1936?

TANAKA

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1 A No.

2 Q Now, as to the Geneva Convention, General,
3 the statement was made -- had been made -- that the
4 Japanese did not ratify the Geneva Convention. Do
5 you know whether his Majesty had ratified the policy
6 expressed by Foreign Minister TOGO in following or
7 considering the articles in the Geneva Convention in
8 relation to prisoners of war?

9 A In my recollection I think Japan signed the
10 Geneva Convention but did not ratify it. Hence the
11 Japanese Government, and by that I mean the Emperor,
12 intended to abide by and act in accordance with the
13 Geneva Convention mutatis mutandis.

14 Q But in your department wasn't it clearly
15 understood and wasn't it so made clear by Foreign
16 Minister TOGO to your department that in handling
17 these matters that they refused to be bound in any
18 way whatever by the convention but would only act in
19 accordance with it in giving due consideration within
20 such limits as they found applicable?

21 THE MONITOR: Would the court reporter please
22 read that back?

23 THE PRESIDENT: No, no witness could under-
24 stand that.

25 MR. BROOKS: I will reframe the question.

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1 Q Didn't your department understand that the
2 Japanese Government and also that Foreign Minister
3 TOGO refused to be bound in any way by the convention?

4 A Yes, that I did understand.

5 Q Weren't your departments notified to
6 always make that understood in dealing or discussing
7 any matters under said convention when it was con-
8 sidered?

9 A In my opinion the question of treatment of
10 prisoners of war was a question far more important
11 than merely abiding by the provisions of international
12 law and treaties and should be considered in accord-
13 ance with the concept of justice or bushido, as we
14 would say in this country, and it is my view that
15 POW matters should be handled -- should have been
16 handled in that light.

17 Q You mean in the light of the principles of
18 bushido?

19 A It is my belief that the most just way --
20 method of handling prisoners of war -- is that which
21 prevailed at the time of the Russo-Japanese war.

22 Q What was this except an application of the
23 principle of bushido, General?

24 A As at the time of the Russo-Japanese war, to
25 give a prisoner, once a prisoner, the same treatment

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1 that you would accord your own fellow national; in
2 other words, to treat them as a friend.

3 Q Is that in accordance with the principles
4 of bushido?

5 A True bushido must be that way.

6 Q In considering the Geneva Convention, did
7 you utilize this convention for convenience within
8 certain limits for channeling administration --
9 matters of administration and communications?

10 A Whether the Geneva Convention exists or not
11 or the Hague Convention exists or not, once a man
12 lays down his arms he should be treated as a friend,
13 as a fellow countryman. That is my view as being
14 the most just view and I still retain that view.

15 Q Was that the general idea of the other
16 members in the War Ministry staff?

17 A I doubt whether this would be the appropriate
18 place to make a statement such as I am now going to
19 make but at any rate UEMURA was a senior of mine
20 during my days at the military prep school and we were
21 in the same division when he was -- when I was com-
22 mander of the regiment. We were both regimental
23 commanders in the same division. When the question
24 of treatment of prisoners of war was decided upon at
25 the meeting held toward the end of April, 1942,

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1 UEMURA in his heart was very much disappointed.
2 Whoever the soldiers, I am quite sure that everyone
3 would regret the consequences which was not -- which
4 none of the officers had expected. However, at that
5 time these consequences came about as a result of
6 shortages of food and labor. It is a matter that I
7 consider to be extremely regretful.

8 THE PRESIDENT: We will recess for fifteen
9 minutes.

10 (Whereupon, at 1447, a recess was
11 taken until 1500, after which the proceedings
12 were resumed as follows:)
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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 THE PRESIDENT: Captain Brooks.

4 BY MR. BROOKS (Continued):

5 Q General, what you were saying, then, is
6 that any decision on policy that was made was based
7 on military necessity and due to the conditions of
8 the time; is that correct?

9 A Yes.

10 MR. BROOKS: That is all.

11 MR. KUSANO: I am KUSANO, counsel for the
12 defendant SATO.

13 THE PRESIDENT: Counsel KUSANO.

14 CROSS - EXAMINATION (Continued)

15 BY MR. KUSANO:

16 Q All the official documents addressed to
17 the War Ministry with the exception of those specifi-
18 cally addressed to the Chiefs of Bureaus -- Sections,
19 are they not received directly by the Secretariat of
20 the War Ministry?

21 A No.

22 Q Mr. Witness, are you familiar with regula-
23 tions governing the handling of business in the War
24 Ministry?
25

A Yes, I do.

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25 tions governing the handling of business in the War
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1 Q In Article 21 of those regulations it is
2 stipulated that all the documents received by the
3 War Ministry and which are not addressed to Chiefs
4 of Bureaus and Sections are treated -- are received
5 by the Secretariat of the War Ministry; isn't that
6 so?

7 A There are no official documents addressed
8 to the Chiefs of Bureaus and Sections. Yes, there are
9 documents which may be, which can be considered as
10 personal or private messages.

11 Q Even those messages which are supposed to be
12 very close to personal messages -- among those mes-
13 sages which are supposed to be very close to personal
14 messages, there are some official documents, aren't
15 there -- official communications?

16 A Very rare.

17 Q Then, Mr. Witness, do you mean to say that,
18 during your tenure of office as the Chief of Military
19 Service Bureau, documents addressed to the Military
20 Service Bureau came to you through the Military
21 Affairs Bureau? Do you mean to say that?

22 A What I just said relates to diplomatic
23 documents. Other documents or communications
24 relative to the ex-service men's association duty
25 would come to me directly as Chief of the Military

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2 tions it is stipulated that all the documents re-
3 ceived by the War Ministry and which are not ad-
4 dressed to Chiefs of Bureaus and Sections are
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23 documents. Other documents or communications
24 relative to the ex-service men's association duty
25 would come to me directly as Chief of the Military

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CROSS

1 Service Bureau. Official documents -- correction --
2 Chiefs of Bureaus have no authority to make decisions
3 on official documents sent to a war office, and if
4 there are any, it would be extremely rare. I am
5 firmly of the belief that such documents are not
6 addressed directly to the Chiefs of Bureaus or
7 Chiefs of Sections.

8 Q Are there not many documents or communica-
9 tions addressed to the Chiefs of Bureaus directly
10 which are sent by the War Ministry in relation to
11 the matters concerning the public affairs --
12 business, official business?

13 Mr. Witness, are there not communications
14 addressed to the Chiefs of Bureaus on matters on
15 which the Chiefs of Bureaus have been relegated
16 authority by the War Ministry?

17 A There may have been such documents or
18 communications addressed to the Personnel Bureau;
19 but, during my tenure of office, I have not re-
20 ceived any such communications with the exception
21 of personal -- very personal messages.

22 Q However, according to the regulations
23 governing the handling of business in the War
24 Ministry, there is no great distinction made between
25 diplomatic documents and documents which are not

TANAKA

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1 diplomatic documents. What do you say about that
2 point?

3 A Most official documents are not addressed
4 to the Bureau Chiefs, but directly to the Vice
5 Minister of War. But the Prisoner of War Information
6 Bureau, being a special bureau and an outside bureau
7 under the War Ministry, documents sent there were
8 sent to that Bureau through the Military Affairs
9 Bureau, and at the same time directly to that
10 Bureau, namely, the Prisoner of War Information
11 Bureau.

12 Q In answer to a question by Counsel Blewett,
13 you testified that in April -- that is, at the time
14 of the meeting of Directors of Bureaus -- regulations
15 concerning the treatment of prisoners of war did not
16 exist. Is your testimony correct concerning that
17 point?

18 A I mean that regulations pertaining --
19 prevailing from the time of the Russo-Japanese War
20 existed, but those relating, those applying to the
21 Pacific War did not. That is the way I wish you
22 to have this matter understood.

23 Q Then, Mr. Witness, do you mean to say that
24 the regulations concerning the treatment of prisoners
25 of war which existed at the time of the Russo-Japanese

TANAKA

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1 War became obsolete or invalid at the time of the
2 Pacific War -- of the Great East Asia War?

3 A It was effective until a new regulation
4 governing the handling of the prisoners of war was
5 created; but it is a fact that it was not applied.

6 Q The meeting at which the question of
7 treatment of prisoners of war was discussed, was it
8 held on the 28th or the 26th of April?

9 A I don't know which, but you could verify
10 that by checking up whether it was Friday or Satur-
11 day between those two days.

12 THE MONITOR: Correction: Friday or Tuesday.

13 If I can see a calendar, then I could answer
14 positively; but in the absence of a calendar I cannot.
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1 Q At the meeting at which the question of
2 treatment of prisoners of war was discussed, did you
3 report on any -- did you make a report on some
4 matter -- on any matter?
5

6 A I gave a report on a part of a report from
7 the gendarmerie in Peking. That was a report on
8 nationals of the United States, Britain and Holland
9 who were resident in Peking and who were considered
10 to be suspicious at the time of the outbreak of the
11 war of Greater East Asia.

12 Q Did you do anything subsequently concerning
13 the matter on which you made a report at that meeting?

14 A I did nothing because, unfortunately, the
15 Chief of the Military Service Bureau cannot give any
16 directions with respect to business matters to
17 gendarmerie units in areas outside of Japan.

18 A You also testified that at that meeting
19 General UEMURA asked the War Minister concerning the
20 treatment of the prisoners of war. Did he ask that
21 question in that -- such a vague way?

22 A No. It may have been general and abstract,
23 but it was not so inasmuch as he spoke of the Geneva
24 Convention and the regulations pertaining to the
25 Russo-Japanese War. But I spoke on the basis of the
conclusions which were reached and the decision.

TANAKA

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1 reached by the War Minister.

2 It was not so general and abstract inasmuch
3 as he spoke of the Geneva Convention and also the
4 regulations existing at the time of the Russo-
5 Japanese War. What I said was those were the con-
6 clusions of the discussion for which the decision of
7 the War Minister was asked.

8 Q In asking for such decisions -- decision for
9 such an important matter, is it not customary to ask
10 the decision of the Minister in writing?

11 A After that, the decision would be received
12 in writing on which would be the seal of the War
13 Minister. I think the legal steps to make this an
14 official decision was made on June 2. It was not
15 June but May 2, as I recall.

16 Q Then, the question of -- your testimony
17 concerning the fact that the question of treatment
18 of PW's was discussed at this meeting simply means
19 that UEMURA took up that question incidentally in the
20 course of that meeting, is it so?

21 A No. This did not come up incidentally but
22 because the time had come where it was necessary to
23 obtain the Minister's decision on the matter.

24 Q You testified a while ago that the question
25 of forced labor -- compulsory labor and not of

TANAKA

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1 voluntary labor was mentioned at this meeting.

2 The witness referred to that -- one witness --
3 you referred to those words -- you said it with an
4 air of contempt. However, is it not a fact that
5 the War Minister, himself, did not say that prison-
6 ers of war should be employed -- should be compelled
7 to work if the War Minister did not give such
8 directions?

9 A With respect to obligations not specific-
10 ally stipulated in a treaty, there is no way of
11 having that carried out except by compulsion. That
12 is, you cannot compel labor without an order.

13 Q Mr. Witness, you also testified that direct
14 reports were sent from armies on the field to the
15 Director of the Prisoner-of-War Information Bureau
16 for the sake of convenience. Didn't you say so?

17 A Yes, I did.

18 Q However, as a matter of fact, it wasn't a
19 matter of convenience -- it wasn't merely a matter
20 of convenience or expediency, but it was necessary --
21 rather, didn't the Director of the Prisoners-of-War
22 Information Bureau have the authority to receive --
23 to request forwarding of those reports from the
24 field in accordance with the regulations governing
25 the organization of the POW Information Bureau?

TANAKA

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1 A It is clearly a question of convenience
2 even though there might be regulations providing for
3 that because the War Minister does not have any power
4 of command over forces in the field. And, even though
5 reports would be sent directly by POW camp commanders
6 to the Prisoner-of-War Information Bureau, that would
7 be in accordance with the policy of expedience.

8 The War Minister does not have the authority
9 to request reports from commanders in the field who
10 have jurisdiction over POW camps in the field inas-
11 much as they were outside of the power of command
12 of the War Minister. And even if there would be
13 stipulations providing for direct reports, that
14 would be merely expedience from the standpoint of the
15 fact that that was outside of the War Minister's
16 command.

17 Q Mr. Witness, you also testified that ques-
18 tion of POW's were treated by the Military Affairs
19 Bureau inasmuch as it was not a question of treaty
20 but a question of policy; is that not so?

21 A Yes, I said that was handled by the Mili-
22 tary Affairs Bureau because it was a policy matter.

23 Q Then, what would the POW Information Bureau
24 or POW Administration Bureau do with respect to
25 prisoners?

TANAKA

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1 A Routine business matters.

2 Q Well, then, what is the difference of
3 routine matters handled by the PW Control Bureau and
4 Prisoner-of-War Information Bureau?

5 A The Control Bureau was in charge of the
6 treatment of prisoners, whereas the Information
7 Bureau pertained to the exchange and the collection
8 of information pertaining to the prisoners of war
9 as it affected treaties.

10 MR. KUSANO: That is all.

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THE PRESIDENT: Mr. Howard.

CROSS-EXAMINATION (Continued)

BY MR. HOWARD:

Q General, at the meeting of April, 1942, that you have been talking about, did Vice-Minister KIMURA say something?

A If my memory is not incorrect, he did not say a word.

Q Did he take any positive part in the conference in any way?

A No.

Q Were the regulations concerning the treatment of prisoners of war distributed in the form of a Vice-Minister's notification, by order of the War Minister?

A Of course, yes.

Q Will you explain to the Tribunal what is the character of the notification of that sort?

A It is a procedure followed in all Japanese Government offices, and it is an order issued by the War Minister. With the exception of regulations stipulated in various laws, department ordinance, and military orders, the War Minister issues all orders in accordance with those stipulations, as done in all other government departments, in accordance to

TANAKA

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1 regulations and ordinances and laws pertaining to them.
2 These notifications are known as: By order of the
3 War Minister. And it is a procedure followed in all
4 government offices in Japan. And the procedure in
5 all government offices, as in the War Ministry, is
6 for the Minister to countersign instructions and laws
7 and departmental regulations, and, in so far as the
8 War Ministry is concerned, military matters. Outside
9 of that, he does not send out any communications or
10 notifications. All daily routine business done in
11 the War Ministry is in the form of notification by the
12 Vice-Minister, by order of the War Minister.

13 Q What was the responsibility of the Vice-Minister
14 in connection with the note relating to the treatment
15 of prisoners of war?

16 A Merely to transmit the note.

17 Q It was not his decision, I take it, then,
18 as to how the prisoners of war were to be treated?

19 A He did not have such authority.

20 Q When TOJO was absent from the meetings that
21 you have been testifying about today, and absent from
22 his office as War Minister, was KIMURA War Minister
23 in his absence?

24 A Yes.

25 Q Upon the return of TOJO, what action would

TANAKA

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1 be taken?

2 A Report on all matters and receive the approval
3 of the Minister.

4 Q In the opening statement, one of the opening
5 statements, something was said about the treatment of
6 Allied fliers. That is not in evidence, but since
7 you might not be a witness again, I would like to ask
8 you at this time: How was it decided to treat the
9 Allied fliers who were captured in Japan or by Japanese
10 armies and who were suspects of being war criminals?

11 A My recollection is with respect to the fliers
12 who raided Japan on April 18, 1942, for the first time
13 and who were captured in China and sent to Japan; and
14 inasmuch as the treatment was given during the time of
15 hostilities, the matter was decided in the Imperial
16 Headquarters, by the Chief of the Army General Staff.

17 With respect to the decision then made, both
18 TOJO and KIMURA were strongly opposed as being too
19 severe, but the decision was carried out over their
20 opposition. In a word, it was decided in accordance
21 with the will of the Chief of the Army General Staff.

22 Q Now, getting back to this question of when
23 TOJO was absent from his office as War Minister,
24 after he became Premier, did he turn over any of his
25 authorities and responsibilities to KIMURA?

TANAKA

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1 A Yes, some very small matters relative to
2 business routines. But with respect to state affairs,
3 such as policy-making, politics, economics, diplomacy,
4 none at all.

5 Q Actually, then, TOJO was War Minister as
6 well as Premier?

7 A Yes.

8 Q And even while TOJO was out of his office
9 and KIMURA was acting as War Minister, he never made
10 any important decisions?

11 A He cannot make any important decisions.
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1 Q You named a list of men who were at the con-
2 ference concerning the treatment of prisoners of
3 war, and something was said about your not having
4 been indicted.

5 MR. JUSTICE MANSFIELD: I submit that that
6 question does not concern matters arising out of
7 examination in chief.

8 THE PRESIDENT: Unless I am mistaken he
9 did not complete his question. Will the reporter
10 please read the question?

11 ("hereupon, the official court
12 reporter read as follows:

13 "Q You named a list of men who were at the con-
14 ference concerning the treatment of prisoners of war,
15 and something was said about your not having been
16 indicted.")

17 MR. HOWARD: I had not finished the question,
18 your Honor.

19 THE PRESIDENT: Well, finish it.

20 MR. HOWARD: The question is: Are there
21 not some other men living today who attended that
22 meeting and who have not been indicted?
23

24 MR. JUSTICE MANSFIELD: I object, if the
25 Court please. I submit that that is entirely ir-
relevant and does not arise out of the examination in

TANAKA

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1 chief.

2 THE PRESIDENT: How is it relevant, Mr.
3 Howard?

4 MR. HOWARD: It might not arise out of the
5 direct examination, but there has been cross-examina-
6 tion on it repeatedly and I thought we might get the
7 whole story while he was here.

8 THE PRESIDENT: He mentioned some men who
9 have not been indicted who were present.

10 MR. HOWARD: The Court will understand that
11 my purpose in asking him this question is to show
12 that it wasn't such an important meeting after all.

13 THE PRESIDENT: Its importance is not
14 judged in that way. If that is your only ground I
15 must allow the objection.

16 MR. HOWARD: Something else that was brought
17 out in the cross-examination that might be objec-
18 tionable, but I will never know till I try -- it
19 was said this morning, or in the cross-examination,
20 that you had a nickname.

21 THE PRESIDENT: He was asked whether the
22 Japanese public applied a certain epithet to him
23 and he said they did not, that some people did.
24 That leaves his character unimpaired. There was
25 some debate as to whether such a question should

TANAKA

CROSS

1 have been allowed. The majority decided to allow
2 it. My brother from New Zealand did not appear
3 to vote on the question. I may probably have taken
4 the vote too soon. I understand from him that he
5 opposed the question.

6 English law appears to be this, as I under-
7 stand it: Witness A can be asked whether Witness B
8 is a credible person, and Witness A can base his
9 opinion on the general reputation or the general
10 character of that person. If Witness A can give that
11 evidence it might appear reasonable that Witness B
12 could be cross-examined on his general character.
13 Whether Mr. Logan's question was directed to general
14 character is perhaps an open question. Now I am
15 stating the strict English view. This court is not
16 an English court and it is not bound by the English
17 rules of evidence. A majority of the court thought
18 the question should be allowed.

19 MR. HOWARD: Thank you for the information,
20 your Honor. Maybe --

21 THE PRESIDENT: We have heard enough about
22 that point, Mr. Howard.

23 MR. HOWARD: Well, I had not planned -- what
24 I wanted to do now was ask him if General KIMURA had
25 a nickname.

TANAKA

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1 THE PRESIDENT: No, you can't -- we can
2 not allow that question if we apply the English
3 rule. We are not bound by the rules of evidence.
4 I can see no basis at all for such a question.

5 MR. HOWARD: Your Honor, if I explain it
6 further maybe you will. I represent General KIMURA.

7 THE PRESIDENT: Well why, in his interest,
8 risk a possibly unfavorable reply from a witness for
9 the prosecution? If he says no, it doesn't help
10 you; if he says yes he had, it does you considerable
11 damage, perhaps.

12 MR. HOWARD: Your Honor, I think I am
13 capable of deciding whether to ask that question or
14 not, but it is a question for you to decide, I think
15 -- for the Tribunal to decide, whether it shall be
16 allowed.

17 THE PRESIDENT: The question is disallowed.

18 O General, --

19 THE PRESIDENT: Mr. Howard, I would like
20 Mr. Justice Mansfield to tell us whether that wit-
21 ness from the Foreign Office is going to give us the
22 further particulars that I referred to before lunch.

23 MR. JUSTICE MANSFIELD: We are endeavoring
24 to get the documents and we are in touch with the
25 witness SUZUKI, to see if he can get the information

TANAKA

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22 further particulars that I referred to before lunch.

23 MR. JUSTICE MANSFIELD: We are endeavoring
24 to get the documents and we are in touch with the
25 witness SUZUKI, to see if he can get the information

TANAKA

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1 for us.

2 THE PRESIDENT: We consider that evidence
3 most important.

4 We will adjourn until half past nine to-
5 morrow morning.

6 (Whereupon, at 1600, an adjourn-
7 ment was taken until Tuesday, 7 January
8 1947 at 0930.)

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7 J A N U A R Y 1947

I N D E X

of

WITNESSES

Prosecution's Witnesses

Page

TAKAHARA, Ryukichi	(resumed)	14395
Cross by Mr. Howard	(cont'd)	14395
" by Mr. Levin		14409
" by Mr. SHIMAMOUCHI		14409
	(Witness excused)	14422

I N D E X

6 J A N U A R Y 1947

of

EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
		1959	Introduction of Certificates relative to the death of the Accused NAGANO, Osami		14304

I N D E X

7 J A N U A R Y 1947

of

EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1547-A	1960		Excerpt from the part concerning the treatment of prisoners-of-war, in War Ministry TOJO's instructions delivered to the commander of the Zenysuji Division, on his visit of inspection 30 May 1942		14423

I N D E X

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EXHIBITS

(Cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1547-B	1961		Notification from the Director of the Prisoner of War Custody Division of the Ministry of War to Army Units concerned.		14425
1630-B	1962		War Minister's Address Delivered to the Newly-Appointed Chiefs of Prisoner-of-War Camps, at the Ministry of War, on 25 June 1942		14426
1630-A	1963		Instructions of War Minister Hideki TOJO to the Newly-Appointed Commanders of the Prisoner-of-War Camps.		14428
1630-C	1964		Certificate, 5 September 1946 Extracts from Monthly Reports on Prisoners-of-war	14431	
1630-C	1964-A		Excerpts therefrom		14431
1303	1965		Organization of the Prisoner-of-War Information Bureau (Imperial Ordinance No. 1246, 27 December 1941)	14439	
1303	1965-A		Excerpts therefrom		14439

I N D E X

Of

EXHIBITS

(cont.)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1576A	1966		Extract from the Imperial Diet Proceedings of 17 February 1943	14477	
1576A	1966-A		Excerpt therefrom		14477
978A	1967		Correspondence from the Chief of the General Staff of the Eastern District Army to the Minister of War		14484
978A	1968		Telegram to the Minister of War from the Commander of the Taiwan Army		14488
1571A	1969		Report on Prisoner of War Labor Conditions		14491
580A	1970		Inquiry concerning the question of making available the Manchuria Machine Tool Machine Company for a rapid increase in Aircraft production	14497	
580A	1970-A		Excerpts therefrom		14497
668A	1971		Foreign Affairs Monthly Report, September 1942 published by the Foreign Section of the Police Bureau of Home Ministry	14505	
668A	1971-A		Excerpts therefrom		14505
706A	1972		Monthly Reports of the Secret Service Police - August 1942, (page 206)	14509	
706A	1972-A		Excerpt therefrom		14509

I N D E X

Of

EXHIBITS

(contd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>For Evidence</u>
980A	1973		Telegram to the Minister of War from the Chief of Staff of the Korean Army		14512
977A	1974		Draft of Notice to the Commander-in-Chief of the Southern Area Army dated 16 May 1942		14518
650A	1975		Report from the Chief of Staff Korean Army 1942		14520
979A	1976		Report of the Provisions re the Korean Prisoner of War Internment Camps		14529
2733	1977		Revision and Adjustment of Cautions on Censoring		14539
1114B	1978		Outline for the Disposal of Prisoners of War		14543

1 Tuesday, 7 January 1947

2 - - -
3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -
12 Appearances:

13 For the Tribunal, same as before with the
14 exception of: HONORABLE JUSTICE JU-AO MEI, Member
15 from the Republic of China, not sitting.

16 HONORABLE JUSTICE D. JARANILLA, Member
17 from the Republic of the Philippines, now sitting.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 - - -
21 (English to Japanese and Japanese
22 to English interpretation was made by the
23 Language Section, IMTPE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except OKAWA and MUTO who are represented by their
5 respective counsel. We have a certificate from the
6 prison surgeon of Sugamo Prison certifying that the
7 accused MUTO is under medical treatment at the 361st
8 Station Hospital and will be unable to attend the
9 trial today. The certificate will be recorded and
10 filed.

11 Mr. Howard.

12
13 R Y U K I C H I T A N A K A, recalled as a witness
14 on behalf of the prosecution, resumed the stand
15 and testified further through Japanese inter-
16 preter as follows:

17 CROSS-EXAMINATION (Continued)

18 BY MR. HOWARD (Continuing):

19 Q General, how was business conducted among
20 the leaders in the War Ministry when KIMURA was Vice-
21 Minister?

22 A When Lieutenant General KIMURA was Vice-
23 Minister the vice-minister had no direct voice in
24 controlling the various bureaus in the War Ministry.
25 Lieutenant General KIMURA was a very good assistant

TANAKA

CROSS

1 to the War Minister and he expressed no positive
2 voice in the functions, the various functions, of
3 the various bureaus in the War Ministry.

4 THE MONITOR: Slight addition: Lieutenant
5 General KIMURA was the Vice-Minister of War. Now,
6 the Vice-Minister of War has no command authority
7 over the chiefs of the various bureaus. Therefore,
8 the vice-minister, as an assistant to the minister,
9 necessarily merely obeys and carries out the wills
10 and orders of the minister without putting forth any
11 positive suggestions or opinions.

12 A (Continuing) As Chief of the Military Service
13 Bureau I noticed that in the War Ministry there was
14 too much positive action taken by the heads of the
15 various bureaus. Since this was so, I entertained
16 grave doubts as to the outcome of such a positive
17 action taken by these chiefs. Therefore, I suggested
18 to Lieutenant General KIMURA that something be done
19 to exercise control over these bureau heads, but
20 Lieutenant General KIMURA didn't agree with my sugges-
21 tions, saying that since the War Minister was a very
22 capable man we should leave him to decide such matters.
23 I was very much afraid that the laissez faire policy
24 such as taken by the lieutenant would lead to mal-
25 function, to a general malfunction in the War Ministry.

TANAKA

CROSS

1 However, I was overruled by the lieutenant general.
2 For this we called Vice-Minister KIMURA as a robot
3 minister, robot vice-minister.

4 Q To what extent did the vice-minister partici-
5 pate in the enactment and amendment of laws?

6 A Concerning laws the various heads of the
7 sections would get in touch with the various bureau
8 heads and the heads of the ministries in the Cabinet.
9 Then the matter would be taken up at a Cabinet meet-
10 ing, and the Vice-Minister of War, although he had
11 authority to make suggestions, was not in a position
12 to make decisions.

13 Q General, it wasn't quite clear over the
14 speaker as to what was said a while ago as to what
15 KIMURA was called.

16 A Robot, or doll I might say -- puppet.

17 Q Did bureau chiefs deal directly with the
18 War Minister in some matters?

19 A In the War Ministry the vice-minister --
20 in the regulations governing the War Ministry, the
21 vice-minister had no command functions over the var-
22 ious bureau heads. His authority was merely in a
23 supervisory capacity. Consequently, the various
24 bureau heads frequently got into direct contact with
25 the minister and decisions were sometimes made

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1 accordingly.

2 THE MONITOR: Without the presence or
3 consultation with the vice-minister.

4 A (Continuing) This isn't irregular.

5 Q Under what circumstances was KIMURA appointed
6 vice-minister?

7 MR. JUSTICE MANSFIELD: If the Tribunal
8 please, I object to this question on the ground that
9 it doesn't arise out of the examination in chief.

10 THE PRESIDENT: The question is allowed.

11 A Concerning the appointment of Vice-Minister
12 KIMURA, since I was not then the Chief of the Personnel
13 Bureau I don't know exactly. However, I was told
14 by the Chief of the Personnel Bureau personally in a
15 private conversation that since Lieutenant General
16 KIMURA was at one time Chief of the Munitions Bureau,
17 Ordnance Bureau, and since he was very well acquainted
18 with the personal character of General TOJO and was
19 very obedient to him, he was appointed vice-minister
20 for those reasons.

21 THE MONITOR: Slight correction: Since
22 Lieutenant General KIMURA had been at one time the
23 Chief of the Ordnance Bureau and was well acquainted
24 with matters within the War Ministry, and since in
25 view of the TOJO Cabinet it was felt that a servile

TANAKA

CROSS

1 and honest men would be best for this position.

2 A (Continuing) Another thing. War production
3 at about the year 1940 and 1941 was gradually waning;
4 it was considered the best policy -- the war produc-
5 tion reached its climax in the year 1940 or 1941 --
6 at 1940, and in 1941 it gradually began to wane, it
7 was considered the best policy to appoint Lieutenant
8 General KIMURA the vice-minister in order to boost
9 war production.

10 THE MONITOR: Because Lieutenant General
11 KIMURA was well acquainted with the administration
12 of the ordnance matters.

13 Q Yesterday I asked you about Allied flyers
14 and you replied about those who were captured about
15 June 28th, I believe it was. There is another matter
16 that is not yet in evidence in the case of the dis-
17 posal of prisoners of war of May 2, 1942.

18 MR. JUSTICE MANSFIELD: If the Tribunal
19 please, I submit that this does not arise out of the
20 examination in chief which was held on Friday. It
21 may arise out of the cross-examination but not out
22 of the examination in chief.

23 THE PRESIDENT: The objection is overruled.
24 The question is allowed.

25 Q How was this case decided?

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1 A You say that the matter concerning the prisoners
2 of war were disposed of on May 2nd but that is not
3 so. On May the 2nd merely the instructions came out.

4 THE MONITOR: As a memorandum from the Vice-
5 Minister of War -- vice-minister's memorandum, as a
6 vice-minister's memorandum.

7 A (Continuing) This instruction came from
8 the vice-minister by an order of the War Minister.
9 Toward the end of April --

10 THE MONITOR: At the end of April the bureau
11 chiefs meeting was held and at that time the Prisoner
12 of War Information Bureau chief and Military Affairs
13 Bureau chief had consulted each other, had asked the
14 decision of the War Minister, and upon receiving it
15 had decided to send this memorandum or information
16 to the general staff, and this was the vice-minister's
17 memorandum in question.

18 A (Continuing) In this memorandum from the
19 vice-minister there were instructions to the effect --
20 it did not touch upon the question of laborers but
21 there were instructions to the effect that prisoners
22 of war captured in the southern regions, Formosa,
23 China -- in the Southern Seas should be sent to
24 Formosa, China and Manchuria and kept in prisoner of
25 war camps in those regions.

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1 THE MONITOR: Add two other places: To the
2 mainland of Japan, to Manchuria, Formosa, Korea and
3 China, and to be placed in the prisoner of war camps
4 in these places.

5 A (Continuing) Concerning the Doolittle
6 flyers, the defense counsel mentioned the date, June 28
7 as the date. I do not remember exactly the date and
8 I do not recall mentioning any dates. When Lieutenant
9 General SATO reported at the conference of the bureau
10 heads that these prisoners of war were to be executed
11 and such a decision was taken by the General Staff,
12 the War Minister strongly objected. So did Lieutenant
13 General KIMURA on the grounds that the Japanese
14 residents in British and American territories may
15 also be treated in such a way and it would have a
16 very adverse affect upon them in general.

17 THE MONITOR: At the conference of the chiefs
18 of bureaus, Chief of the Military Affairs Bureau
19 Lieutenant General SATO reported that by decision of
20 the Army Section, Imperial General Headquarters,
21 Doolittle flyers were to be executed. At this time
22 the War Minister strongly objected to this on the
23 ground that it would affect the Japanese residents
24 in the United States upon their welfare, and the
25 Vice-Minister KIMURA also held the same opinion, that

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1 is, he objected to this decision.

2 A (Continuing) Consequently, decisions could
3 not be taken at once and the execution of the flyers
4 were indefinitely postponed, were delayed.

5 THE MONITOR: Not indefinitely. Because
6 they could not reach a decision at that time and
7 they had to extend this debate on the question, the
8 execution was delayed.

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1 Q You have mentioned two decisions, one
2 concerning the order of May 2nd and the other con-
3 cerning the Doolittle Fliers. Did General KIMURA
4 have any voice in either of these decisions?

5 A Yes, he did. He could object. For example,
6 as when in the case of the execution of the Doolittle
7 Fliers, the War Minister objected and the Vice-Minister
8 was also to agree with his objections.

9 THE MONITOR: This proves that he could have
10 objected to any decisions.

11 Q Does that prove, in your estimation, that his
12 objection would not have been paid any attention to?

13 THE PRESIDENT: We do not want the witness'
14 estimate of what amounts to proof. We want him to
15 say what KIMURA said or did not say, what KIMURA
16 did or did not do.

17 MR. HOWARD: Yes, sir.

18 Q Were there any matters entrusted to the
19 Vice-Minister concerning prisoners of war?
20

21 A It was after the appointment of General
22 TOJO as the Minister of War that more administrative
23 work was assigned to the Vice-Minister, and, inasmuch as
24 the Prisoner of War Information Bureau was an organ-
25 ization outside the War Ministry, although under its
wings, it can not --

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1 THE MONITOR: It was immediately after
2 TOJO became the War Minister that the -- It was
3 immediately after TOJO became the Prime Minister
4 that the more administrative work was assigned to the
5 Vice-Minister. However, the Prisoner of War Information
6 Bureau was established in March of 1941 and at that
7 time Prisoner of War Information was established
8 as an outside bureau attached to the War Ministry.
9 Therefore, it is obvious that the Vice-Minister
10 had no assigned responsibility or duty concerning
11 this bureau.

12 Q Did the Vice-Minister attend Imperial
13 conferences and Liaison conferences?

14 A He did not have the authority to be present
15 at those meetings.

16 Q Did the Vice-Minister have any authority
17 to make decisions on important matters at the Imperial
18 Headquarters?

19 A As the assistant to the -- As attendant to
20 the War Minister the Vice-Minister had the authority
21 to attend a meeting of the Imperial Headquarters.
22 However, he had no authority whatever to take part
23 in forming decisions.

24 THE MONITOR: In important decisions.

25 Q Did KIMURA have anything to do with the

TANAKA

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1 decision of using prisoners of war in the building
2 of the Siam-Burma Railway?

3 A Inasmuch as the decision to use prisoners
4 of war in the construction of the Siam-Burmese Rail-
5 way was made by the General Staff, I think that it
6 was highly improbable that the Vice-Minister -- that
7 Vice-Minister KIMURA had any voice in this matter.
8 However, as a matter of procedure, in drawing up --
9 However, it is probable that the procedure necessary
10 for the project, namely, the construction of the
11 Siam-Burmese Railway, was drawn up by the Vice-Minister.

12 THE MONITOR: Slight correction: Except
13 that it is highly probable that the necessary technical
14 procedures in assigning the prisoners of war to the --
15 assigning, sending or dispatching, or recruiting, all
16 these necessary small technical matters -- it is
17 probable that these technical matters may have been
18 done on the basis of instructions from the Vice-Minister
19 of War as representing the Minister of War.

20 Q Did the Vice-Minister of War have the right
21 to hire or discharge employees either in the Army or
22 in the Ministry?

23 A The Vice-Minister of War did not have such
24 authority.

25 Q Did the Vice-Minister have the authority

TANAKA

CROSS

1 to punish those in the army or ministry who did not
2 obey instructions from the War Ministry?

3 A He did not have such an authority. Such
4 authority was vested only in the Minister himself.

5 Q Who is directly responsible to the War
6 Minister for the management of business in each of the
7 bureaus and departments in the War Ministry?

8 A Various bureau chiefs.

9 Q At the time KIMURA became Vice-War Minister
10 was the War Minister and the chiefs of the various
11 bureaus, were they well informed in the matters
12 pertaining to their offices?

13 MR. JUSTICE MANSFIELD: If the Tribunal please,
14 I object to the question on the ground that it is
15 indefinite.

16 THE PRESIDENT: It certainly goes beyond
17 the question of the treatment of prisoners of war and
18 the attitude of the Ministry in relation thereto.
19 The objection is upheld.

20 Q Did KIMURA let each Bureau Chief handle
21 the affairs of his bureau without interference on
22 his part?

23 THE PRESIDENT: That question has the same
24 vice as the previous question, but it is not objected
25 to. It is not for this Court to take objections unless

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1 that becomes necessary in the discharge of the Tribunal's
2 duty to give a speedy trial and a speedy trial, of
3 course, is always subject to a just trial.

4 A It is as you say.

5 Q Did the Vice-Minister handle the external
6 negotiations of the War Ministry such as dealings
7 with the Cabinet, the General Staff and the Navy?

8 A External negotiations were to be handled
9 by the War Minister and it was therefore not in the
10 province of the Vice-Minister. I believe the external
11 negotiations were to be handled by the military --
12 Chief of the Military Affairs Bureau and it was there-
13 fore not in the province of the Vice-Minister.

14 Q When KIMURA was Vice-Minister did he attend
15 many ceremonial functions?
16

17 MR. JUSTICE MANSFIELD: I object on the
18 ground that it does not arise out of examination in
19 chief.

20 THE PRESIDENT: The objection is upheld
21 on that ground and on the ground of irrelevancy.

22 Q Did KIMURA have any connection with the
23 Emperor's Assistance Party, Central Party or Military
24 Reform Party?

25 MR. JUSTICE MANSFIELD: I object to it on the
ground that it does not arise out of the examination

TANAKA

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1 in chief.

2 A He did not.

3 THE PRESIDENT: Objection upheld.

4 MR. HOWARD: That concludes my cross-examin-
5 ation, if your Honor please.

6 THE PRESIDENT: The witness' answer will be
7 disregarded.

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1 MR. LEVIN: Mr. President.

2 THE PRESIDENT: Mr. Levin.

3 CROSS-EXAMINATION (Continued)

4 BY MR. LEVIN:

5 Q Will you please state whether or not, after
6 the decision made in April, 1942, whether or not it
7 would be a purely administrative matter for other
8 departments of the government to carry out this policy?

9 A That is so.

10 Q Will you please state whether or not, except
11 for the authority of this policy, any other department
12 of the government could utilize the labor of prisoners
13 of war?

14 A I do not believe that other ministries can
15 utilize prisoners of war on their own will.

16 Q In other words, the authority for the use of
17 the labor of prisoners of war would be the policy
18 decided in April, 1942?

19 A I believe so.

20 MR. LEVIN: That is all, your Honor.

21 THE PRESIDENT: Counsel SHIMANOUCHI.

22 CROSS-EXAMINATION (Continued)

23 BY MR. SHIMANOUCHI:

24 MR. SHIMANOUCHI: Your Excellency TANAKA, I
25 am SHIMANOUCHI, defense counsel.

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1 Q First of all I wish to ask a question on the
2 labor given to the prisoners of war. You testified
3 on Friday that at the conference of the various
4 bureau chiefs held in April 1942 it was decided to
5 use prisoners of war as laborers; and in Japan it was
6 said at that time--

7 THE MONITOR: And you further testified that
8 in Japan conditions were such that it was said that
9 those who do not work should not eat.

10 Q (Continuing) At that time was the sale, free
11 sale of food supply prohibited or allowed, of staple
12 food?

13 A It was prohibited.

14 Q At that time what were the allotted rations
15 for various individuals?

16 THE MONITOR: At that time what was the
17 allotted ration for average males per day?

18 A If we are to take exception to the extra
19 allotment given to laborers, the standard ration was
20 2.3 go.

21 Q Does 2.3 go amount to 330 grams?

22 A That is so.

23 Q What were the conditions of rationing of staple
24 food after that?
25

MR. JUSTICE MANSFIELD: If the Tribunal please,

TANAKA

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1 I object on the ground that it does not arise out
2 of the examination in chief.

3 MR. SHIMANOUCI: Mr. President, I do not
4 think that it is the usual practice to give more
5 food to prisoners of war -- to give better treatment
6 to prisoners of war than to the nationals of the
7 country who were looking after the prisoners of war--
8 holding the prisoners of war.

9 THE PRESIDENT: The question is the right
10 to make prisoners of war work for the country that
11 has possession of those prisoners of war. The question
12 of the ration allowance of the Japanese is beside
13 the point. The objection is allowed on the ground
14 taken and on the ground of irrelevancy.

15 MR. SHIMANOUCI: Mr. President, I have no
16 intention whatsoever of talking back to you; however,
17 in deciding whether the treatment of prisoners of war--

18 THE MONITOR: Mr. President, I do not believe
19 that we can decide whether the forced labor of prison-
20 ers of war constitutes a crime or not until we make
21 plain the food conditions and the labor situation of
22 the country holding the prisoner at that time.

23 THE PRESIDENT: This witness is not here on
24 the question of the amount of food available for
25 prisoners of war. That is material, of course. You

TANAKA

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1 might show that the prisoners of war got no less
2 food than the Japanese themselves but this witness
3 is not brought here to testify about that.

4 MR. SHIMANOUCHI: Excuse me, Mr. President,
5 but this witness has said that the food conditions
6 in Japan were such that it was said that no person,
7 persons, who do not work should not eat and for this
8 reason it was decided that labor -- prisoners of war --
9 should be forced to work.

10 THE MONITOR: This witness has testified,
11 Mr. President, that the reason the decision to use
12 forced labor of PWs was reached was that the situation
13 in Japan at that time -- that is, food situation
14 and the labor situation at that time -- was that those
15 who do not work should not eat. It was in that condi-
16 tion.

17 THE PRESIDENT: The witness was brought to
18 testify as to conversations in cabinet or among
19 ministers. He did so. He is not brought here to
20 say what was the food position in Japan nor did he
21 attempt to say so in examination in chief. The
22 Tribunal's decision must be observed without further
23 discussion.
24

25 MR. SHIMANOUCHI: I understand, Mr. President.

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BY MR. SHIMANOUCHI (Continued):

Q Then, Mr. Witness, when the decision was taken in April, 1942 to make prisoners of war work, were the people of Japan also put to labor then? Were they also forced to work?

A It was not at the conference of the Bureau Chiefs; it was issued in a memorandum. Those laborers who were not employed in important industries were compulsorily allotted to work which was deemed important then. That was called "draft labor."

THE PRESIDENT: We have a duty, as I said before, to shorten this trial, provided we insure a just trial. Our duty extends to forbidding irrelevant cross-examination. This cross-examination is irrelevant. The conditions of work imposed upon the people of Japan is irrelevant to the question of the treatment of prisoners of war.

MR. SHIMANOUCHI: Mr. President, is it not possible to carry on my cross-examination from the standpoint that prisoners of war cannot expect better treatment than the nationals of the country holding the prisoners of war?

THE PRESIDENT: I am not keeping you at the lectern. If you would like to leave it, do so.

TANAKA

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1 MR. SHIMANOUCI: Then I wish you would
2 permit me to ask questions on some other matters.

3 THE PRESIDENT: Proceed. -

4 MR. SHIMANOUCI: Thank you.

5 BY MR. SHIMANOUCI (Continued):

6 Q Concerning the conference of the bureau
7 heads, you testified that officers among the prisoners
8 of war were also put to work. Now, does this mean
9 that they were put to work for punishment, or was
10 this policy to encourage these officers to work also?

11 A I testified in this sense: It was not in
12 the nature of punishment that they would be put to
13 forceful labor. They would be forced to work in the
14 framework of the regulations drawn up by the govern-
15 ment.

16 THE MONITOR: Slight correction: I did not
17 mean that they would be forced to work as a punitive
18 measure. I meant that the law or regulations or some
19 sort of rule would be established, and upon that rule
20 all prisoner of war officers would be put to work.
21 That's what I meant.

22 A (Continuing) In short, they were put to
23 work by order.

24 Q Then, those who did not want to work -- what
25 would happen to them?

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1 A They would be put to work by order.

2 Q What would happen, then, to those who would
3 refuse to work?

4 A Unless they obeyed, it would then be in
5 contravention of rules and regulations, and they
6 would be punished therefor.

7 Q You testified that either on the 2nd of May
8 or June, 1942 a formal document was drawn up concern-
9 ing the forceful labor of prisoners of war. Then,
10 on June 3, 1942, do you remember that an order came
11 out to the effect that officers among prisoners of
12 war were also to be put to work? And this came from
13 the POW Administration Bureau.

14 A To the best of my recollection it was on
15 May 2 the basic principle was decided upon.

16 THE MONITOR: Slight question of emphasis:
17 On May 2, merely the basic principle was decided upon.

18 A (Continuing) On June 3 that you mention, I
19 recall that detailed regulations were drawn up based
20 on the basic principles.

21 MR. SHIMANOCHI: Mr. President, may I be
22 permitted to ask the witness concerning the contents
23 of prosecution document No. 1547B? In this document
24 there are these regulations concerning the forceful
25 labor of prisoners which the witness has mentioned.

TANAKA

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1 It is in this document that there is
2 reference to this order or memorandum which came
3 out on June 3, 1942.

4 MR. JUSTICE MANSFIELD: That document will
5 be produced by the prosecution shortly if the defense
6 desires to cross-examine on it with the leave of the
7 Court. The prosecution raises no objection.

8 THE PRESIDENT: We will recess now for
9 fifteen minutes.

10 (Whereupon, at 1045, a recess was
11 taken until 1100, after which the proceed-
12 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 BY MR. SHIMANOUCI (Continued):

4 Q In the memorandum mentioned some time ago
5 it says that the officers and prisoners-of-war of
6 ordinary rank were put to work on their own vol-
7 untary initiative and they were to be given work
8 which would suit their status and their physical
9 condition and abilities, and it was the policy of
10 the central government --

11 THE MONITOR: A slight correction: In the
12 memorandum mentioned there before the recess it is
13 stated in there that the central authority's policy
14 was to use the PW officers as laborers on the fol-
15 lowing basis:

16 A (Continuing) Their rank, their physical
17 status, that is, their health conditóns, and their
18 particular occupational abilities, and this was to
19 be done on the voluntary basis.

20 Q In this memorandum it is stated that
21 officers among prisoners-of-war were put to work
22 with due consideration to their scholastic training,
23 their technical ability, their knowledge of history
24 and agriculture.

25 Does this refresh your memory in any way?

TANAKA

CROSS

1 THE MONITOR: Slight correction on the
2 first. Not that they "were put to work," but: In
3 this memorandum it states that suitable work for
4 the PW officers were in the following categories:
5 First, depending on their scholastic background,
6 or education, their technical abilities, recording
7 of war history or battle histories, and then agri-
8 culture.

9 Now does this refresh your memory?

10 A I do remember that it was stipulated that
11 prisoners of-war were to be put to work in accord-
12 ance with their individual -- put either to brain
13 work or physical work or manual labor.

14 Q Apart from this memorandum are there any
15 other memoranda dealing with use of officers among
16 prisoners-of-war for labor?

17 A I remember that, other than that note, I do
18 remember that either by the end of June or in the
19 beginning of July the commandants of the prisoners-
20 of-war camps were assembled and were told, given
21 further details about the program. The basic prin-
22 ciples of the treatment of prisoners-of-war arising
23 from the Pacific war was decided at the two confer-
24 ences, if I remember correctly.

25 THE MONITOR: Were, I believe, decided on

TANAKA

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1 these two conferences.

2 A (Continuing) This conference was convened
3 by order of the War Minister.

4 Q Mr. Witness, you testified that concerning
5 the complaints, protests made by foreign countries
6 concerning treatment of the prisoners-of-war -- you
7 said that the Foreign Office merely acted as a
8 post office. Why was the Foreign Office a post
9 office?

10 A There are two reasons to it. The first is
11 that the Prisoners-of-War Information Bureau and
12 the Prisoners-of-War Administration Bureau were
13 both under the jurisdiction of the War Minister,
14 as far as Japan was concerned.

15 THE MONITOR: At least in Japan.

16 A (Continuing) Because of the fact that
17 there was no organization nor authority for in-
18 vestigating, conducting investigations concerning
19 programs -- about programs concerning prisoners-
20 of-war, the Foreign Office -- the only thing the
21 Foreign Office could do was just to relay the de-
22 cisions reached at the War Ministry by the army.

23 THE MONITOR: Slight correction: When
24 other countries made protests to Japan at that
25 time there were no investigating agency nor

TANAKA

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1 authority to investigate on the part of anyone,
2 therefore Foreign Office merely acted as a post
3 office, transmitting the message or reply made by
4 the army.

5 MR. SHIMANOUCI: Mr. President, may I
6 ask a few questions concerning the disposal of
7 pilots, fliers?

8 THE PRESIDENT: Yes.

9 A The fliers who bombed Tokyo on April 18,
10 1942, what did they attack?

11 A The bombed Tokyo and Nagoya. Bombs used in
12 those raids were 25 kilogram incendiary bombs, and
13 there were also three or four destructive or demoli-
14 tion bombs. One of the planes machine gunned
15 primary school children gathered in the compound of
16 the Shinegawa primary school in Tokyo. One of the
17 children was killed, but I believe it was due to a
18 mistake, that is, the plane took that child for a
19 soldier or something.

20 Q What was this pupil in the primary school
21 doing then?

22 A They were being conducted to an air raid
23 shelter under the leadership of a teacher.

24 MR. JUSTICE MANSFIELD: I submit, if the
25 Court please, that this line of cross-examination

TANAKA

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1 is outside the scope of the examination in chief
2 and is irrelevant.

3 THE PRESIDENT: It is both, and the ques-
4 tion is disallowed.

5 MR. SHIMANOUCI: This is all, Mr. President.

6 MR. LOGAN: No further cross-examination,
7 your Honor.

8 THE PRESIDENT: Mr. Comyns Carr.

9 MR. COMYNS CARR: If it please your Honor:
10 We have certain further questions to put to this
11 witness, unconnected with this phase. We had intend-
12 ed to ask the leave of the Court to put them now.

13 THE PRESIDENT: Do they bear on an earlier
14 phase?

15 MR. COMYNS CARR: They bear on the position
16 of two individual accused.

17 THE PRESIDENT: That would come later, I
18 take it, Mr. Carr.

19 MR. COMYNS CARR: Yes, your Honor, and as
20 one of them is the accused MUTO, who, I understand,
21 is away ill today and his counsel with him, I shall
22 ask leave to put those questions later on.

23 THE PRESIDENT: Yes.

24 Colonel Woolworth.

25 MR. WOOLWORTH: If the Tribunal please, I

TANAKA

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1 desire to introduce in evidence document No.
2 1547-A. This is an excerpt from --

3 THE PRESIDENT: You have the witness still
4 in the box, Colonel Woolworth. What are we to do
5 with him.

6 MR. WOOLWORTH: No redirect examination,
7 if your Honor please.

8 THE PRESIDENT: You will be recalled later,
9 witness. For the time being you are at liberty on
10 the usual terms.

11 (Whereupon, the witness
12 was excused.)

13 MR. LEVIN: Mr. President.

14 THE PRESIDENT: Mr. Levin.

15 MR. WOOLWORTH: This is an excerpt from
16 the part concerning the treatment of prisoners-of-
17 war, in War Minister TOJO's instructions delivered
18 to the commander of the Zentsuji Division, on his
19 visit of inspection thereto on May 30, 1942.

20 THE PRESIDENT: Admitted on the usual
21 terms.

22 CLERK OF THE COURT: Prosecution's docu-
23 ment No. 1547-A will receive exhibit No. 1960.

24 (Whereupon, the document above
25 referred to was marked prosecution's

1 exhibit No. 1960, and received in
2 evidence.)

3 CLERK OF THE COURT: And for the purpose
4 of the record, that the exhibit chronology may be
5 kept in sequence, the papers relative to the death
6 of the accused MAGANO, introduced yesterday, were
7 given exhibit No. 1959.
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1 MR. WOOLWORTH: The following is an excerpt
2 from the part concerning the treatment of prisoners-
3 of-war in War Minister TOJO's instructions delivered
4 to the commander of the Zentsuji Division, on his
5 visit of inspection thereto on May 30, 1942:

6 "To this Division is attached a prisoner of
7 war camp. Prisoners of war must be placed under
8 strict discipline as far as it does not contravene
9 the law of humanity. It is necessary to take care
10 not to be obsessed with a mistaken idea of humani-
11 tarianism or swayed by personal feelings towards
12 these prisoners-of-war which may grow in the long time
13 of their imprisonment. The present situation of
14 affairs in this country does not permit anyone to lie
15 idle doing nothing but eating freely. With that in
16 view, in dealing with the prisoners-of-war, too, I
17 hope you will see that they may be usefully employed."

18 I'd like to introduce document No. 1547-B,
19 it being notification from the director of the Prisoner-
20 of-War Custody Division of the Ministry of War to army
21 units concerned.
22

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 1547-B will receive exhibit No. 1961.

(Whereupon, the document above

1 referred to was marked prosecution's exhibit
2 No. 1961 and received in evidence.)

3 MR. WOOLWORTH: (Reading) "Notification
4 from the Director of the Prisoner of War Custody
5 Division of the Ministry of War, to Army Units Concerned

6 "Subject: Labor Imposed upon Prisoner-of-War
7 Officers and Non-Commissioned Officers (POW No. 4-2,
8 June 3, 1942).

9 "Although the imposition of labor upon
10 prisoner of war officers and non-commissioned officers
11 is prohibited under Article 1 of the Prisoner-of-War
12 Labor Regulations (Army Note No. 139, September 10,
13 1904), it is the policy of the Central Authorities,
14 in view of the present condition of this country which
15 does not allow anyone to lie idle and eat freely,
16 and also with a view to maintaining the health of
17 prisoners of war, to make such officers and non-
18 commissioned officers volunteer to work in accordance
19 with their respective status, intelligence, physical
20 strength, etc. You are, therefore, desired to take
21 proper steps accordingly. The following, it may be
22 added, will be presumably fit lines of labor for such
23 purposes:

24
25 "1. Various kinds of work in which one's
technical skill, learning, etc, may be employed to

1 advantage.

2 "2. Agricultural work.

3 "3. The raising of domestic animals and
4 fowls.

5 "4. The directing of prisoners-of-war in
6 general labor.

7 "5. Assistance in the collection and compi-
8 lation of war history materials.

9 "6. Publicity affairs.

10 "7. Miscellaneous, considered fit for the
11 above-mentioned purposes."

12 This bears the certificate of authenticity,
13 signed and witnessed.

14 I desire to introduce prosecution document
15 No. 1630-B, being the War Minister's address delivered
16 to the newly-appointed chiefs of prisoner-of-war camps,
17 at the Ministry of War on June 25, 1942.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 1630-B will receive exhibit No. 1962.

21 (Whereupon, the document above
22 referred to was marked prosecution's exhibit
23 No. 1962 and received in evidence.)

24 MR. WOOLWORTH: (Reading) "War Minister's
25 Address Delivered to the Newly-Appointed Chiefs of

1 Prisoner of War Camps, at the Ministry of War, on
2 June 25, 1942.

3 "It gives me great pleasure that you have
4 been appointed Chiefs of Prisoner-of-War Camps and are
5 starting for your respective posts soon.

6 "In Japan, we have our own ideology concerning
7 prisoners-of-war, which should naturally make their
8 treatment more or less different from that in Europe
9 and America. In dealing with them, you should, of
10 course, observe the various regulations concerned,
11 aim at an adequate application of them, and evince the
12 fair and just attitude of the Empire vividly for abroad
13 as well as at home. At the same time, however, you
14 must place the prisoners under strict discipline and
15 not allow them to lie idle doing nothing but eating
16 freely for even a single day. Their labor and tech-
17 nical skill should be fully utilized for the replenish-
18 ment of production, and contribution rendered toward
19 the prosecution of the Greater East Asiatic War, for
20 which no effort ought to be spared.

21 "You are specially desired to take into con-
22 sideration the characteristic nature of your places of
23 appointment and make the local populace realize the
24 superior traits of the Japanese nation through the
25 correct treatment of prisoners-of-war, impressing

1 upon their minds the unique privilege and honor of
2 having been born as Japanese subjects under His
3 Majesty's gracious reign.

4 "Keeping these things in view, you will
5 always be awake to the gravity of your responsibility,
6 tighten your control of subordinates, and make every
7 effort to fill your duty to perfection.

8 "Hideki TOJO, Minister of War.

9 "June 25, 1942 (Showa 17)."

10 It bears the certificate of authenticity,
11 duly signed and witnessed.

12 I desire to introduce document No. 1630-A,
13 instructions of War Minister Hideki TOJO to the newly-
14 appointed commanders of the prisoner-of-war camps,
15 dated July 7, 1942.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 1630-A will receive exhibit No. 1963.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1963 and received in evidence.)

22 MR. WOOLWORTH: (Reading) "Instructions of
23 War Minister Hideki TOJO to the Newly-Appointed Com-
24 manders of the Prisoner-of-War Camps.

25 "It is very pleasing to me to hear that you

1 who have been newly appointed as commanders of
2 prisoner-of-war camps are going to leave for your
3 respective new posts very soon.

4 "Our country has a different conception of
5 prisoners-of-war and consequently has different
6 methods of treatment compared with those of American
7 and European nations.

8 "So, in treating the prisoners-of-war at
9 home and abroad, you must abide by the laws and
10 regulations and apply them fairly and properly so
11 that it will enhance and exhibit the prestige of our
12 Empire. But on the other hand, you must supervise them
13 rigidly in so far as you do not become inhuman, and
14 not let them remain idle even for a single day, so as
15 to utilize most effectively their manpower and tech-
16 nical ability for the expansion of our industries and
17 to contribute to the execution of the great Eastern
18 Asia War.

19 "Moreover, considering the characteristics of
20 the various localities, you must make the local people
21 recognize the superiority of the Japanese people
22 through the treatment of prisoners-of-war as well as
23 make the local people conceive it as the greatest
24 honor that they are able to collaborate with the
25 Imperial Army in establishing the Greater East Asia

1 Co-Prosperity Sphere.

2 "Considering the importance of the afore-
3 mentioned points and your great responsibility, you
4 must lead your subordinates strictly and properly
5 and execute your duty to the utmost.

6 "Hideki TOJO, Minister of War. July 7, 1942."

7 THE PRESIDENT: Not much difference between
8 the two speeches. I notice the date is different.

9 MR. WOOLWORTH: If the Court please, it will
10 appear by the next document that these addresses
11 were given, in the first place, to the prisoner-of-war
12 camp commanders from Korea, Manchukuo, Formosa, and
13 Japan proper, while the second speech was delivered
14 to the newly-appointed chiefs of prisoner-of-war camps
15 from the Philippines and Southeastern Asia.

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1 MR. WOOLWORTH: I desire to have marked for
2 identification document No. 1630-C. I desire to
3 introduce in evidence the marked excerpts therefrom.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 1630-C will receive exhibit No. 1964 for identi-
7 fication only; and the marked excerpts therefrom will
8 receive exhibit No. 1964-A.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1964 for identification and the excerpts
12 therefrom were marked prosecution's exhibit
13 No. 1964-A and received in evidence.)

14 MR. WOOLWORTH (Reading):

15 C E R T I F I C A T E

16
17 "5 September 1946

18 "I hereby certify the attached copies are
19 the true extracted copies of official documents in
20 the files of this Bureau."

21 Signed "S. NAKANISHI, Acting Director,
22 POW Information Bureau."

23 "No. 1, EXTRACT FROM MONTHLY REPORT NO. 5
24 ON PRISONERS OF WAR, POW INFORMATION BUREAU, (Vol. UA-1)

25 "1. General Affairs.

"(3) On 25th and 26th June, necessary

1 directives regarding POW matters (on the basis of the
2 documents distributed at the meeting of the Chiefs of
3 POW Camps held on 25 and 26 June) were given to the
4 Chiefs and staff personnel (appointee Chiefs of the
5 Branch Camps) of Korea and Taiwan POW Camps, at the
6 POW Information Bureau.

7 "EXTRACT FROM MONTHLY REPORT FOR JULY ON
8 PRISONERS OF WAR, POW INFORMATION BUREAU (Vol. UA-1)

9 "1. Group Instruction regarding the treatment
10 of Prisoners of War.

11 "(1) On 7th and 8th July, at the POW Infor-
12 mation Bureau, Group Instruction regarding the treat-
13 ment of prisoners of war was given to the chiefs and
14 some of the staff personnel of the Thailand, Malaya,
15 Philippine Islands, Java and Borneo POW Camps to be
16 established in the near future.

17 "Ranks and names of the attendants, the
18 curriculum schedule, the address of instruction of
19 the War Minister and list of the documents distributed
20 are shown in attached appendices No. 1 - 4.

21 "Appendix II.

22 "Curriculum Schedule.

23 Date	Items to be Explained	Explainer
24 "July 7	War Minister's Address of 25 Instruction	Read by the Chief of Prisoner of War

1	Date	Items to be Explained	Explainer
2			Administration
3			Section.
4		"Speech and explanation of Prisoners of War disposition by the Chief of the Prisoner of War Information Bureau and concurrently the Chief of the Prisoner of War Administration Section.	
5			
6			
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8			
9		"General situation regarding prisoners of war; various international regulations regarding prisoners of war; business regulations of the Prisoner of War Information Bureau; Prisoner of War Administration Section and Prisoner of War camp.	Colonel YAMAZAKI
10			
11			
12			
13			
14		"Prisoner of War labor "Prisoner of War punishment	Lt. Colonel YASUDA
15			
16		"Information regarding prisoners of war	Major YAMAUCHI
17			
18		"Various notices regarding prisoners of war	
19			
20		"Prisoner of war identification cards	
21			
22			
23			
24			
25			

1	<u>"Date</u>	<u>Items to be Explained</u>	<u>Explainer</u>
2		"Prisoner of war sanitation	
3	"July 8	Prisoner of War allowance	1st Lt. YOTSUMOTO
4		"Prisoner of War relief	
5		"Prisoner of war abandoned and confiscated personal property	
6		"Military internees	
7		"Prisoner of war correspondence 1st Lt. SAITO	
8		"Information regarding enemy war dead	
9		"Round Table Conference.	
10		"Appendix III	
11		"War Minister's address of instruction given to the newly appointed chiefs of prisoner of war camps, at the War Ministry on July 7, 1942.	
12		"(This speech is known as Document No. 1630-A)" which has received exhibit No. 1963.	
13		"Appendix IV	
14		<u>"List of Distributed Documents</u>	
15		"1. Curriculum schedule for the conference of the newly appointed chiefs of prisoner of war camps.	
16		"2. War Minister's address of instruction.	
17		"3. Gist of the Chief's speech.	
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1 "4. Various regulations regarding the treat-
2 ment of prisoners of war and some documents for reference.

3 "5. Explanation of the principle of the dis-
4 position of prisoners of war.

5 "6. Matters to be explained in connection .
6 with affairs concerning prisoners of war.

7 "7. Matters regarding prisoners of war labor.

8 "8. Matters regarding prisoners of war
9 punishment.

10 "9. Matters concerning the labor of prisoner
11 of war officers and warrant officers.

12 "10. Essentials regarding the transportation
13 to Japan proper of prisoners of war who have excellent
14 technical knowledge.

15 "11. Regarding information.

16 "12. Regarding notices concerning prisoners
17 of war.

18 "13. Regarding prisoners of war identification
19 cards.

20 "14. Regarding prisoners of war sanitation.

21 "15. Matters pertaining to prisoners of war
22 allowance.

23 "16. Answers to questions regarding prisoners
24 of war allowance and extracted documents for reference.

25 "17. Matters regarding prisoners of war

1 relief.

2 "18. Matters regarding prisoners of war con-
3 fiscated articles, personal belongings, abandoned
4 property, and wills.

5 "19. Matters regarding military internees.

6 "20. Matters for reference in connection
7 with the treatment of internees in the occupied area.

8 "21. Questions and answers regarding the
9 matters for reference pertaining to the affairs of
10 prisoners of war.

11 "22. Outline of the International Red Cross
12 Commission and Japan Red Cross Prisoner of War Relief
13 Committee.

14 "23. Matters regarding prisoners of war
15 communication.

16 "24. Matters regarding the enemy war dead.

17 "25. Chart showing the division of business
18 in the Prisoner of War Information Bureau and the
19 Prisoner of War Administrative Section.

20 "Documents for reference:

21 "Prisoner of War Information No. 1 - No. 5.

22 "Example of Regulations for controlling
23 prisoners of war at POW camps.

24 "Example of the standing orders of prisoner
25 of war camps.

1 "Example of the service stipulation of
2 prisoner of war camps.

3 "Example of regulations covering prisoners
4 of war daily routine.

5 "Example of the C.Q. stipulations of
6 prisoners of war camps.

7 "Example of the regulations regarding the
8 guard at prisoner of war camps."

9 MR. LOGAN: If the Tribunal please, may I
10 ask if the prosecution has any of these documents and,
11 if so, that they produce them.

12 THE PRESIDENT: The certificate says:

13 "The 25 documents listed in Appendix IV and
14 reference documents referred to were burned."

15 Did you notice that, Mr. Logan?

16 MR. LOGAN: I did not notice it, your Honor,
17 but although they may be burned, they may have secured
18 copies elsewhere. We don't know.

19 THE PRESIDENT: You can answer that, Colonel.
20 I cannot.

21 MR. WOOLWORTH: If the Tribunal please, a
22 request -- a demand was made on the First Demobili-
23 zation District and a search has been made by our
24 Investigative Section and numerous witnesses have been
25 interrogated in an effort to obtain these twenty-five

1 documents, but without avail to date.

2 I desire to have marked for identification
3 the Japanese text of "The Laws, Rules, and Regulations
4 Pertaining to Prisoners of War," excerpts from which
5 are contained in IPS document 1303. I desire to
6 request that the original Japanese text be withdrawn
7 and a copy of the excerpts therefrom placed in its
8 place instead in the files of the Tribunal as this
9 document must be returned to ATIS.

10 THE PRESIDENT: Mr. Levin.

11 MR. LEVIN: Mr. President, we have no
12 objection to the withdrawal of the original rules
13 and regulations, but we do believe that a copy of
14 all the rules and regulations should be made part of
15 this record. As I understand it, the exhibit is
16 offered for identification and the excerpts offered
17 in evidence. Under those circumstances, it would seem
18 essential that the original be part of the Tribunal's
19 record so that in the event subsequently we may want
20 to offer some -- we may desire to offer some evidence
21 from that exhibit, the exhibit will be available.

22 THE PRESIDENT: Colonel Woolworth, what have
23 you to say?

24 MR. WOOLWORTH: There is no objection on
25 the part of the prosecution except the mechanical

1 difficulties in the way of reproducing the whole of
2 the document. I believe, as a matter of fact, that
3 practically the whole of the document was reproduced
4 in Japanese, but there are some things left out.
5 The excerpts from that document were selected by
6 ATIS, and we have never had the whole of the docu-
7 ment translated.

8 THE PRESIDENT: The defendants will be
9 able to tender the balance if they so advise. The
10 excerpt is admitted on the usual terms.

11 MR. WOOLWORTH: I desire to introduce in
12 evidence the marked excerpts from prosecution's
13 document 1303.

14 CLERK OF THE COURT: Prosecution's document
15 1303 will be given exhibit No. 1965 for identifi-
16 cation only, and the marked excerpts therefrom will
17 receive exhibit No. 1965-A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1965 for identification, and the excerpts
21 therefrom were marked prosecution's exhibit
22 No. 1965-A, and received in evidence.)

23 THE PRESIDENT: And you have the necessary
24 leave to withdraw and substitute.

25 MR. WOOLWORTH: I read from the marked portions
on Page 1:

1 "ORGANIZATION OF THE PRISONER OF WAR

2 "INFORMATION BUREAU

3 "(Imperial Ordinance No. 1246, 27 December 1941)

4 "Article 1

5 "The Prisoner of War Information Bureau shall
6 be under the control of the Minister of War and
7 shall manage the matters mentioned below:

8 "1. The investigation of internments, removals,
9 releases on parole, exchanges, escapes, admissions
10 into hospitals, deaths of prisoners of war, and the
11 maintenance of records for each prisoner.

12 "2. The communications, correspondence, and
13 information regarding the conditions of the prisoners
14 of war.

15 "3. The custody and the transmission to fami-
16 lies and other persons interested, of objects, articles
17 and wills of the prisoners of war who are released
18 on parole, exchanged, or those who died at hospitals,
19 medical dressing stations, or prisoner of war camps.

20 "4. The forwarding of gifts to prisoners of
21 war, and of money, objects, and articles sent by or
22 to the prisoners of war.

23 "5. Information obtained by the Army or the Navy
24 from those killed or slain in battle, the handling
25 of their objects and wills, and of objects found

1 in the field of battle.

2 "6. Investigations concerning persons who are
3 prisoners of war in enemy countries and the facili-
4 tation of communication between those prisoners of
5 war and their families residing in the Empire and
6 any other persons interested.

7 "Article 2

8
9 "The Prisoner of War Information Bureau shall
10 be situated in Tokyo.

11 "Article 3

12
13 "There shall be one director and four secre-
14 taries in the Prisoner of War Information Bureau.
15 However, the number of secretaries may be increased
16 if necessary.

17 "The director shall be appointed from general
18 grade officers and the secretaries shall be appointed
19 from field grade officers, company grade officers,
20 or corresponding naval officers, or high civil offic-
21 als.

22 "In addition to the secretaries mentioned in
23 the first paragraph, other secretaries shall be ap-
24 pointed from officials in the ministries concerned
25 upon the recommendation of the Minister of War.

1 "In the Prisoner of War Information Bureau,
2 there shall be a number of clerks, who shall be of
3 Junior or minor rank.
4

5 "Article 4

6 "The director administers the affairs of the
7 Bureau under the direction and supervision of the
8 Minister of War.
9

10 "Article 5

11 "In regard to matters falling within his juris-
12 diction, the director may demand information from
13 any military or naval unit concerned.
14

15 "Article 6

16 "The secretaries shall manage all affairs
17 assigned to them under the supervision of the direc-
18 tor.
19

20 "Article 7

21 "The clerks shall perform their duties under
22 the supervision of their superior officers.
23

24 "Additional Provision

25 "This Ordinance shall become effective from the

1 day of its promulgation.

2
3 "REGULATIONS FOR THE TREATMENT OF PRISONERS
4 OF WAR, WAR MINISTRY NOTIFICATION A-1A,
5 CONFIDENTIAL NO. 1034, 31 March 1942)

6 "Article 1

7 "All affairs in the Ministry of War relative
8 to the treatment of prisoners of war shall be handled
9 according to these regulations.

10 "Article 2

11
12 "The Prisoner of War Administration Division
13 shall be established in the Ministry of War for the
14 conduct of all affairs relative to the treatment of
15 prisoners of war, and of civilian internees in the
16 theatre of war.

17 "In the Prisoner of War Administration Division,
18 there shall be the division head, staff members, non-
19 commissioned officers, and civil officials of Junior
20 or minor rank.

21
22 "Article 3

23 "The division head, the staff members, non-
24 commissioned officers, and civil officials of Junior
25 or minor rank shall be selected from persons who

1 simultaneously hold other official positions. The
 2 number of personnel shall be as prescribed below.

3
 4 "Article 4

5
 6 "The division head shall administer the affairs
 7 of the division under the orders of the Minister of
 8 War and the staff members shall carry out their
 9 duties under the orders of the division head.

10 "Article 5

11
 12 "The non-commissioned officers and the civil
 13 officials of Junior or minor rank shall perform
 14 their duties under the orders of their superior
 15 officers.

16
 17 "Schedule

18
 19 "A list of the prescribed number of personnel
 20 of the Prisoner of War Administration Division:

21
 22 "The Division Head Lieutenant general 1
 (or Major General)
 23 "The Staff Members Field grade officers or 5
 Company grade officers
 24
 25 "The Non-commissioned officers and
 Civil Officials of Junior or minor rank 5

1 Remarks.

2 "1. In addition to the number of the personnel
3 prescribed in the schedule, a number of field grade
4 officers and company grade officers, who already hold
5 an official position, may be appointed to hold posi-
6 tions as staff members.

7 "2. The non-commissioned officers and civil
8 officials of Junior or minor rank may be substituted
9 for junior clerks.

10 "ORDINANCE ON PRISONER OF WAR CAMPS

11 "(Imperial Ordinance No. 1182, 23 December 1941)

12 "Article 1

13
14 "A prisoner of war camp is any place for the
15 internment of prisoners of war under the jurisdic-
16 tion of the Ministry of War.

17 "Article 2

18
19 "Prisoner of war camps shall be established
20 whenever they are necessary. Their location, open-
21 ing, and closing shall be determined by the Minister
22 of War.

23 "Article 3

24
25 "Prisoner of war camps shall be administered
by a commander of an army or a commander of a garri-

1 son under the general supervision of the Minister
2 of War.

3 "Article 4
4

5 "In the prisoner of war camps shall be the
6 following officers:

7 "The commandant

8 "The staff members

9 "The non-commissioned officers and civil officials
10 of junior or minor rank.

11 "Article 5

12 "The commandant shall be responsible to a
13 commander of an army or to a commander of a garri-
14 son and he shall manage all the affairs of the Camp.
15

16 "Article 6

17 "The staff members shall manage the affairs
18 assigned to them by the commandant.
19

20 "Article 7

21 "The non-commissioned officers and civil offic-
22 ials of junior or minor rank shall perform their
23 duties under the order of their superior officers.
24
25

"Article 8

"A commander of an army or an commander of a garrison may, whenever necessary, delegate his subordinates to assist in the management of a prisoner of war camp.

"Persons delegated according to the provisions of the preceding paragraph shall be under the supervision and command of the commandant.

"Additional Provisions

"This ordinance shall become effective from the day of its promulgation.

"REGULATION FOR THE TREATMENT OF PRISONERS OF WAR (War Ministry Notification No. 22, 14 December 1904, as amended by the War Minister Notification No. 167, 1904, No. 7, 1905, No. 31, 1914 War Ministry Notification, Nos. 30 and 57, 1943)

"Chapter I General Provisions

"Article 1

"A prisoner of war, as defined in these regulations, is any enemy combatant who has fallen into the power of the Empire or any other person who is to be accorded the treatment of a prisoner of war by virtue of international treaties and customs.

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"Article 2

"A prisoner of war shall be humanely treated and in no case shall any insult or maltreatment be inflicted upon him.

"Article 3

"A prisoner of war shall be given appropriate treatment, according to his status or rank. However, this shall not apply to any persons who do not answer truthfully to interrogations regarding his name and rank or to any person who is guilty of other offences.

"Article 4

"A prisoner of war shall be controlled according to the regulations of the Imperial Army and he shall not otherwise be arbitrarily restrained.

"Article 5

"A prisoner of war shall enjoy freedom of religion and may participate in the religious ceremonies of his own denomination, in so far as military discipline and public morals are not prejudiced thereby.

1 "Article 6

2
3 "In case a prisoner of war is guilty of an
4 act of insubordination, he shall be subject to
5 imprisonment or arrest; and any other measures deemed
6 necessary for the purposes of discipline may be
7 added.

8 "Troops may be used to halt an attempt at es-
9 cape by prisoners of war and in case of necessity,
10 may inflict injury or death upon them.

11 "Article 7

12
13 "A prisoner of war, not on parole, who is cap-
14 tured before he succeeds in escaping shall be subject
15 to disciplinary punishment.

16 "Said prisoner of war who initially succeeds
17 in escaping and is again captured shall not be liable
18 to any punishment for his previous escape.

19 "Article 8

20
21 "In addition to the disciplinary methods pre-
22 scribed in the preceding Article the criminal offences
23 of prisoners of war shall be tried by army court
24 martial according to the Army Disciplinary Punish-
25 ment Ordinance.

1 "Chapter II

2 "Capture and Evacuation of Prisoners of War

3 "Article 9

4
5 "Whenever persons who are to be prisoners of
6 war are taken into custody, an immediate inspection
7 shall be made of their personal belongings. Arms,
8 ammunition, and other objects of military use shall
9 be confiscated. All other articles shall be either
10 left in the possession of the prisoners or received
11 for deposit.

12 "Article 10

13
14 "Commissioned officers among the prisoners of
15 war mentioned in the preceding Article upon whom
16 it is deemed necessary to confer special honor may
17 be authorized by the commander of an army or of an
18 independent division to retain swords belonging to
19 them in their possession.

20 "In the case specified in the preceding para-
21 graph the names of the officers together with the
22 reasons for the action shall be reported to the im-
23 perial headquarters and the latter shall in turn
24 notify the Minister of War of the matter. The
25 swords retained by them shall be received for deposit,

1 when they are taken in a prisoner of war camp.

2 "Article 11

3
4 "At the close of military engagement, the
5 commander of an army or the commander of an independ-
6 ent division may, by an agreement with the enemy,
7 repatriate or exchange the wounded or sick prisoners
8 of war, and he may, if deemed expedient, set at
9 liberty any prisoner of war; provided that said
10 prisoner of war takes an oath that he will refrain
11 from participating further in any military engage-
12 ments during the same war.

13 "In the case mentioned in the preceding para-
14 graph, the rank, the number of prisoners of war,
15 and the reasons for their release shall be reported
16 to the Imperial Headquarters which in turn shall
17 notify the Minister of War.

18 "Article 12

19
20 "Any unit which has captured prisoners of war
21 shall interrogate each prisoner of war regarding his
22 name, age, rank, place of origin, the unit to which
23 he has been attached in his home country, and the
24 date and the place at which he was sounded; and said
25 unit shall prepare a roster of the prisoners of war,

1 e prisoner of war journal, and a register of articles
2 confiscated or received for deposit as prescribed
3 in Article 9.

4 "When prisoners of war have been repatriated,
5 exchanged, or set at liberty on parole, such facts
6 shall be stated in the roster of the prisoners of
7 war.

8
9 "Article 13

10 "Prisoners of war shall be segregated into
11 officers and personnel lower than warrant officer,
12 and they shall be evacuated under guard to the near-
13 est communication center or to a transportation and
14 communication authority.

15 "In the above case, objects received for deposit,
16 the roster of prisoners of war, the prisoner of war
17 journal, and the register of objects shall be sent
18 along with the prisoners of war.

19
20 "Article 14

21 "Any unit, communication center, or transporta-
22 tion and communication authority which has made
23 arrangements with a naval commander for the delivery
24 of prisoners of war will get, along with the prisoners
25 of war, objects kept for deposit, a roster of priso-

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ners of war, a prisoners of war journal, and a register of objects.

"Article 15

"The commander of an army or the commander of an independent division shall promptly report the number of prisoners of war to be evacuated to the Imperial Headquarters, which shall notify the Ministry of War.

"Article 16

1
2 "When the Ministry of War has received the
3 notice mentioned in the preceding article, it shall
4 report to the Imperial Headquarters the port or
5 other place at which the delivery of the prisoners
6 of war is to be made, and the Imperial Headquarters
7 shall in turn notify the Ministry of War as to the
8 time and date of the arrival of the prisoners of war
9 at the said places.

10 "The same procedure shall apply when the
11 Ministry of War has received Notice regarding the
12 delivery of naval prisoners of war.

13 "Article 17

14 "Any communication center or any transpor-
15 tation and communication authority which has received
16 the delivery of prisoners of war in accordance with
17 either Article 13 or 14 shall evacuate such prisoners
18 under guard to the places mentioned in the preceding
19 Article and then deliver them to the person authorized
20 by the Ministry of War to receive them, together with
21 the objects left for deposit, a roster of prisoners of
22 war, a prisoner of war journal, and a register of
23 objects.
24

25 "Article 18

"The 'Imperial Headquarters' shall read the

1 'General Staff,' in case no Imperial Headquarters
2 has been established.

3 "Chapter III

4 "Imprisonment and Administration of
5 Prisoner of War.

6 "Article 19

7 "Repealed.

8 "Article 20

9 "Army buildings, temples, and other buildings
10 which are not detrimental to the honor and health
11 of the prisoners of war and which are adequate enough
12 to prevent their escape shall be assigned as prisoner
13 of war camps.

14 "Article 21

15 "The commander of an army or the commander
16 of a garrison who administers a prisoner of war camp
17 (Henceforth called the chief administrator of the
18 prisoner of war camp) shall establish the standing
19 orders of the prisoner of war camp and shall make a
20 report thereof to the Minister of War and to the
21 Director of Prisoners of War Information Bureau.

22 "Articles 22-25

23 "Repealed.

24 "Article 26

25 "Inasmuch as all postal matter sent to or by

1 prisoner of war are exempt from all postal charges
2 by international agreement, the chief administrator
3 of the prisoner of war camp shall provide for adequate
4 postal procedures through arrangements with the post
5 offices in the locality.

6 "Article 27.

7 "The regulations for the administration of
8 prisoners of war in prisoner of war camps shall be
9 established by the chief administrator of the prisoner
10 of war camp.

11 "The regulations mentioned in the pre-
12 ceding paragraph shall be reported to the Minister
13 of War and to the Director of Prisoners of War Infor-
14 mation Bureau.

15 "Chapter IV

16 "Miscellaneous Provisions."

17 THE PRESIDENT: The clock in the courtroom
18 is wrong. It is now noon. We will adjourn until
19 half-past one.

20 (Whereupon, at 1200, a recess was
21 taken.)
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AFTERNOON SESSION

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The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Colonel Woolworth.

MR. WOOLWORTH: The next excerpt is on page 8, Article 5:

"Article 5. As soon as prisoners of war have been imprisoned, they shall be administered an oath forbidding them from making an escape.

"Prisoners of war who refuse to take the oath mentioned in the preceding paragraph shall be deemed to have intentions of escaping and shall be placed under strict surveillance."

Article 13 on the same page:

"When an interview with a prisoner of war has been authorized, necessary restrictions regarding the place, time of interview, and the range within which the conversation may be conducted may be imposed for the purpose of control and a guard shall also be present at this interview."

Page 9, Article 18:

"At the end of each month the commandant

1 of the prisoner of war camp shall collect all matters
2 concerning internments, removals, releases, deaths,
3 escapes, control, work, pay, correspondence, sanita-
4 tion, relief, propaganda, crimes, punishments, etc.,
5 and prepare a monthly report which shall also include
6 a list of the prisoners of war and he shall report
7 the same to the Minister of War and to the Director
8 of Prisoner of War Information Bureau. However, on
9 urgent matters, this report shall be submitted when-
10 ever it is necessary.

11 Page 10, Article 25:

12 "The Minister of War shall determine when
13 the facilities for the handling of postal matter,
14 postal money orders, and telegrams to be dispatched
15 by the prisoners of war shall be open to them."

16 Page 11, Article 32:

17 "The commandant of the prisoner of war camp
18 shall prescribe rules and regulations for the handling
19 of postal matters, postal money order, and telegrams
20 sent by or to prisoners of war, and he shall make
21 report thereof to the Minister of War and to the
22 Director of the Prisoner of War Information Bureau."

23 Page 14, Article 15:

24 "In the theatre of war the supreme commander
25 of the locality shall determine the allowances to be

1 granted to prisoners of war, applying the preceding
2 articles with the necessary modification.

3 "This modification shall come into effect
4 on and after Jan. 15, 1942."

5 Page 15, Article 6:

6 "When the Minister of War has granted per-
7 mission for the application referred to in the pre-
8 ceding paragraph, he shall determine the number of
9 prisoners of war, the place of work, type of work,
10 hours, pay, period of work, etc., and shall so notify
11 the chief administrator of prisoner of war camps."

12 Page 16, Article 17 --

13 THE PRESIDENT: Did you deliberately pass
14 over article 3 which was marked?

15 MR. WOOLWORTH: I did not. I was in error,
16 sir. Article 3, page 14:

17 "The commander of an army or the commander
18 of a garrison (hereinafter called the chief admin-
19 istrator of prisoner of war camps) may order prisoners
20 of war to be employed on work at any military organ-
21 ization outside the prisoner of war camp. In such a
22 case the authorization of the Minister of War must
23 previously be obtained regarding the number of
24 prisoners, place, description, hours of work, and
25 period of work, etc., but no such authorization shall

1 be necessary outside the Empire (which term shall
2 herein after include Japan Proper, Chosen and Taiwan).

3 "When the chief administrator of prisoner
4 of war camps intends to order prisoners of war to be
5 employed on work at any army organization outside
6 the Empire, he shall immediately submit it to the
7 Minister of War regarding the number of prisoners,
8 place, description, hours of work and period of
9 work, etc."

10 Article 6, page 15:

11 "When the Minister of War has granted per-
12 mission for the application referred to in the pre-
13 ceding paragraph, he shall determine the number of
14 prisoners of war, the place or work, type of work,
15 hours, pay, period of work, etc., and shall so notify
16 the chief administrator of prisoner of war camps."

17 Article 10, same page:

18 "When the chief administrator of prisoner of
19 war camps has set the prisoners of war to work outside
20 the army units, as mentioned in a preceding Article,
21 he shall submit a report to the Minister of War stat-
22 ing the number of prisoners of war employed, place
23 of work, type of work, pay, hours, period of work,
24 etc."

25 Page 16, Article 17:

1 "When any employer of prisoners of war has
2 violated any of the provisions of the work permit
3 approved either by the Minister of War or by the
4 chief administrator of prisoner of war camps pur-
5 suant to Article 5 or 8, or the regulations specified
6 by the commandant of the prisoner of war camp for the
7 administration of the prisoners of war pursuant to
8 Article 7 or 9; the Minister of War (if outside the
9 Empire, the chief administrator of prisoner of war
10 camps) may cancel the authority to employ prisoners
11 of war.

12 "In addition to the provision of the pre-
13 ceding paragraph, the Minister of War can cancel the
14 authority to employ prisoners of war whenever he
15 deems it necessary.

16 "In the case mentioned in paragraph 1, the
17 employer of prisoners of war may not demand compen-
18 sation for any damages caused by the revoking of
19 such authorization."

20 Page 18, appendix:

21 "Application for Permission to Employ
22 Prisoners of war

23 "Date.....

24 "To Mr., Minister of War (Commander
25 of _____ Army or Commander of _____ Garrison)

1 "I hereby respectfully make an application
2 for your permission to employ prisoners of war as
3 follows:

4 "Number of prisoners of war

5 "Place at which prisoners of war are to
6 be employed.....

7 "Types of work of prisoners of war.....

8 "Facilities for accommodation of prisoners
9 of war.....

10 "Guards for prisoners of war.....

11 "Direction for the work of prisoners of
12 war.....

13 "Pay to prisoners of war.....

14 "Hours of labor of prisoners of war.....

15 "Length of employment of prisoners of war.....

16 "Application for Permission to Employ

17 Prisoners of War -2-

18 "Address

19 "Occupation

20 "Name and Surname Seal Impression

21 "Date of birth

22 "Remarks

23 "1. The facilities for accommodation of
24 prisoners of war need not be mentioned if they are
25 outside the Empire.

1 "2. The general rule on the facilities for
2 the accommodation of prisoners of war is for the
3 employer of prisoners of war to make use of existing
4 buildings or to construct new ones.

5 "In the above application a definite plan
6 must be stated and the facilities must be completed
7 immediately after permission has been given.

8 "The pay allowed to prisoners of war shall
9 be generally one yen, but the pay for persons having
10 special skills may be increased up to 35 sen over
11 that amount, depending upon the skill, type of work,
12 hours, and the place of work."

13 Page 19:

14 "Application for Authority to Dispatch
15 Prisoners of War

16 "Appendix

17 "Application for Authority to Dispatch
18 Prisoners of War.

19 "Date.....

20 "To Mr. _____, Minister of War (Commander
21 of _____ Army or Commander of _____ Garrison)

22 "I hereby respectfully make an application
23 for permission for the dispatch of prisoners of war
24 as follows:

25 "Number of prisoners of war to be dispatched....

1 "Place at which dispatched prisoners of war
2 are to be employed.....

3 "Types of work for dispatched prisoners of
4 war.....

5 "Facilities for the accommodation of dis-
6 patched prisoners of war.....

7 "Guards for dispatched prisoners of war.....

8 "Direction of the work of dispatched pris-
9 oners of war.....

10 "Allowances for dispatched prisoners of war:

11 "Food.....

12 "Bedding.....

13 "Fuel for Heating.....

14 "Tavelling Expenses.....

15 "Articles of Daily Use.....

16 "Other Matters.....

17 "Pay for dispatched prisoners of war.....

18 "Canteen for dispatched prisoners of war.....

19 "Medical Treatment of dispatched prisoners
20 of war.....

21 "Hours of labor of dispatched prisoners of
22 war.....

23 "Period of employment of dispatched prisoners
24 of war....."

25 The next reference is page 23, Article 6:

1 "The employer of dispatched prisoners of
2 war shall establish and maintain facilities for the
3 housing and administration of the dispatched prisoners
4 of war. Such facilities shall generally be similar
5 to the facilities at the prisoner of war camps."

6 Next is page 24, Article 14:

7 "The employer of dispatched prisoners of
8 war shall report to the commandant of the prisoners
9 of war camp in the manner specified by the commandant,
10 conditions of the dispatched prisoners of war (the
11 progress of work, health conditions, and other im-
12 portant matters) on the tenth, twentieth, and the end
13 of each month."

14 Next is page 25, Article 16:

15 "The employer of dispatched prisoners of
16 war shall not perform any acts affecting the prisoners
17 of war which are not provided for in this order un-
18 less special permission has been given by the Minister
19 of War for the acts."

20 Bottom of the same page:

21 "PROCEDURE FOR PRESENTING REQUESTS FOR
22 AUTHORITY TO EMPLOY AND DISPATCH PRISONERS OF WAR

23 "REGULATIONS FOR THE TREATMENT OF DISPATCHED
24 PRISONERS OF WAR.

25 "(Home Affairs Ministry Notice #1 to the

1 Army, Navy, and the People, 20 May 1943)

2 " When any person desires to employ or dis-
3 patch prisoners of war to the various factories and
4 enterprises in Japan Proper, Chosen, and Taiwan as
5 provided for in the Regulations on the Work of Prisoners
6 of War and in the Regulations for the Dispatch of
7 Prisoners of War, he shall in compliance with the
8 following procedure, submit to the Minister of War
9 requests (henceforth called petitions) for authority
10 to employ and dispatch prisoners of war.

11 "I. Factories and other enterprises managed
12 or supervised by the Army (according to the Law on
13 the Supervision of Military Munitions).

14 "a. The petition shall be submitted to the
15 government supervisory office.

16 The Government supervisory office shall
17 attach its recommendations and forward the petition
18 through channels to the War Ministry.

19 "The other offices shall also attach their
20 recommendations to the petition.

21 "b. A copy of the above petition shall be
22 submitted according to the following procedure:

23 "1. Japan Proper.

24 "The petition shall pass through the govern-
25 ment office, municipal prefecture, or prefecture

1 having jurisdiction over it and shall then be sub-
2 mitted to the Bureau for the Promotion of People's
3 Welfare. When there are any of the recommendations
4 mentioned above, the Bureau for the Promotion of
5 People's Welfare shall report them to the War
6 Ministry.

7 "2. Chosen or Taiwan.

8 "The petition shall pass through the district,
9 province, or office having jurisdiction over it or
10 through the governor-general of Chosen or Taiwan
11 and shall then be submitted to the Ministry of Home
12 Affairs. (When these organizations have any recommenda-
13 tions they may attach them to the petition).

14 "When there are any recommendations as
15 aforesaid, the Ministry of Home Affairs shall report
16 them to the War Ministry.

17 "II. Factories and other enterprises managed
18 or supervised by the Navy (according to the Law on
19 the Supervision of Ship Building and Naval Ordnance).

20 "a. The petition shall be submitted to the
21 government supervisory office. The government super-
22 visory office shall attach its recommendation and for-
23 ward the petition through channels to the Navy Ministry.

24 "The other offices shall also attach their
25 recommendations to the petition.

1 "The Navy Ministry shall attach their
2 recommendation and transmit the petition to the War
3 Ministry.

4 "b. A copy of the above petition shall be
5 submitted in accordance with the following procedure:

6 "1. Japan Proper.

7 "The petition shall pass through the govern-
8 ment office, municipal prefecture, or prefecture
9 having jurisdiction over it and shall then be sub-
10 mitted to the Bureau for the Promotion of People's
11 Welfare. (When these organizations have any recommend-
12 ations, they may attach them to the petition.) When
13 there are any of the above recommendations, the Bureau
14 for the Promotion of People's Welfare shall report
15 them to the War Ministry or to the Navy Ministry.

16 "2. Chosen or Taiwan.

17 "The petition shall pass through the dis-
18 trict, province, or the government office having
19 jurisdiction over it, or through the governor-general
20 of Chosen or Taiwan and shall then be submitted to
21 the Ministry of Home Affairs. (When these organiza-
22 tion have any recommendations they may attach them
23 to the petition.)

24 "When there are any of the above recommenda-
25 tions, the Home Affairs Ministry shall report thereof

1 to the War Ministry and to the Navy Ministry.

2 "III. For factories and other enterprises
3 managed or supervised jointly by the army and the
4 navy (According to the Law on the Supervision of
5 Military Munitions or to the Law on the Supervision
6 of Ship Building and Naval Ordnance) the above two
7 procedures will also apply. However, where there
8 is joint supervision, it shall be so indicated at the
9 end of the petition."

10 Under Section IV on the same page:

11 "The Ministry of Home Affairs shall attach
12 its recommendations and send the petition to the War
13 Ministry."

14 Part 28, Article 4:

15 "Before a commandant of a prisoner of war
16 camp dispatches prisoners of war, he shall endeavor
17 to prevent escapes and unexpected disturbances investi-
18 gating thoroughly the characters, mental attitudes,
19 past histories, as well as the abilities of the
20 prisoners of war, and in addition he shall administer
21 a solemn oath on other matters of importance."

22 Article 5, paragraph 4, same page:

23 "Interviews with dispatched prisoners of war
24 and inspection of the places to which prisoners of
25 war have been sent shall not be allowed of any persons

1 who have not been authorized by the commandant of
2 the prisoner of war camp."
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1 Next, page 29: "DISCIPLINARY LAW FOR
2 PRISONERS OF WAR (Law No. 41 9 March 1943)

3 "Article 1

4 "This law applies to prisoners of war who have
5 committed criminal offenses.

6 "Article 2

7 "The leader among a group of persons guilty
8 of mob violence or mob intimidation shall be subject
9 either to the death penalty, or to hard labor or im-
10 prisonment for life. The other persons involved shall
11 be subject to either hard labor or confinement for life
12 or for a minimum of one year.

13 "Persons who have made preparations or con-
14 spired to commit the crimes mentioned in the preceding
15 paragraph shall be subject to either hard labor or to
16 confinement for a minimum of one year.

17 "Article 3

18 "Prisoners of war who kill a person supervising,
19 guarding, or escorting them shall be subject to the
20 death penalty. .

21 "Persons who have made preparations or con-
22 spired to commit the crime mentioned in the preceding
23 paragraph shall be subject to either hard labor or to
24 confinement for a minimum of two years.
25

"Article 4

1 "Prisoners of war who inflict injury or commit
2 any acts of violence or intimidation against any per-
3 son supervising, guarding, and escorting them shall
4 be subject to either the death penalty, or to hard
5 labor or to imprisonment for life or for a minimum of
6 two years.

7 "The leader of a group of persons who have
8 acted together in committing the offenses mentioned in
9 the preceding paragraph shall be subject to the death
10 penalty, or to hard labor or to imprisonment for life.
11 The other persons involved shall be subject to either
12 the death penalty or to hard labor or imprisonment for
13 life or for a minimum of three years.

14 "Persons who have caused death in committing
15 the offenses mentioned in the preceding two paragraphs
16 shall be subject to the death penalty.

17 "Article 5

18 "Prisoners of war who defy or disobey the or-
19 ders of persons supervising, guarding, or escorting them
20 shall be subject to either the death penalty, or to
21 hard labor or to imprisonment for life or for a minimum
22 of one year.

23 "The leader of a group of persons who have
24 acted together in committing the offenses mentioned in
25 the preceding paragraph shall be subject to either the

1 death penalty or to hard labor or to imprisonment for
2 life. The other persons involved shall be subject to
3 either the death penalty, or to hard labor or to im-
4 prisonment for life or for a minimum of two years.

5 "Article 6

6 "Prisoners of war who insult persons super-
7 vising, guarding, or escorting them either in their
8 presence or publicly shall be subject to either hard
9 labor or imprisonment for a maximum of five years.

10 "Article 7

11 "The leader of a group of persons who have
12 acted together in effecting an escape shall be subject
13 to either the death penalty, or to hard labor or to
14 imprisonment for life or for a minimum of ten years.
15 The other persons involved shall be subject to either
16 the death penalty, or to hard labor or to imprisonment
17 for life or for a minimum of one year.

18 "Article 8

19 "Any attempts to commit any of the offenses
20 mentioned in the first paragraphs of Articles 2, 3, and
21 4, the second paragraph of Article 4, and the preceding
22 article shall be punishable.

23 "Article 9

24 "Persons on parole who break the parole shall
25 be subject to either the death penalty, or hard labor,

or imprisonment for life or for a minimum of seven years.

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2 "When the persons mentioned in the preceding
3 paragraph offer armed resistance, they shall be sub-
4 ject to the death penalty.

5 "Article 10

6 "Those persons who have taken an oath not to
7 escape and who violate this oath shall be subject to
8 either hard labor or imprisonment for a minimum of
9 one year. Those persons who violate any other oaths
10 shall be subject to a maximum of ten years.

11 "Article 11

12 "A person who, having the intention of commit-
13 ting a disobedient act, incites other persons shall be
14 deemed as a leader and be subject to hard labor or
15 confinement for a minimum of one year and a maximum of
16 ten years. The other persons involved shall be sub-
17 ject to hard labor or confinement for a minimum of six
18 months and a maximum of five years.

19 "Article 12

20 "The provisions of Article 7 shall not apply
21 to any person who has been made a prisoner of war for
22 the second time for any offenses committed during his
23 previous status as a prisoner of war.

24 "Additional Provision

25 "This law shall become effective from the day

of its promulgation."

1
2 At the bottom of the same page: "DISPOSAL OF
3 PRISONERS OF WAR

4 "(War Ministry, Asia, Confidential Report No.
5 1456, 6 May 1942.)

6 "(War Ministry, Asia, Confidential Report No.
7 1404, 2 May 1942.)

8 "(Communication and Transportation Report No.
9 434, 5 May 1942.)

10 "Summary of the Disposal of Prisoners of War.

11 "1. Prisoners of war who are white persons
12 shall be imprisoned in Chosen, Taiwan, Manchuria, and
13 China successively to be employed in the expansion of
14 our production and on work connected with military af-
15 fairs.

16 "If the above objective cannot be attained at
17 present, these prisoners of war shall be imprisoned
18 immediately in prisoner of war camps to be established
19 in their present localities.

20 "2. Prisoners of war who are not white per-
21 sons and who do not necessitate imprisonment shall
22 immediately be released on parole and made to work in
23 their present localities.

24 "3. A part of the prisoners of war who are
25 white persons and who are now residing in Shonan shall

1 be imprisoned in Chosen, Taiwan, etc., by the end of
2 August of this year, in such numbers to be determined
3 later.

4 "The prisoners of war who are to be imprisoned
5 in Taiwan, except those who are considered essential in
6 their present localities, shall include highly skilled
7 technicians and high ranking officers (above colonel).

8 "4. The remainder of the prisoners of war are
9 to be immediately interned in prisoner of war camps to
10 be organized and established in their present localities.

11 "5. Special units arranged beforehand com-
12 prised of Koreans and Formosans shall be assigned for
13 the purposes of guarding and administering the pris-
14 oners of war.

15 "Prisoner of war camps shall be organized un-
16 der one command for each army so that they can be di-
17 vided according to any manner that each army deems
18 proper."

19 Next, page 33, bottom of the page: "Fixed
20 amount of main articles revised by Army Confidential
21 Report No. 5511, 19 June 1944

22 "Officers and equivalent 390 grams
23 "Warrant officers, non-commissioned
24 officers and enlisted men 570 grams"

25 THE PRESIDENT: That is under the heading:

"Basic Food Allowances for Prisoners of War."

1 MR. WOOLWORTH: Yes, sir. That completes the
2 excerpts from this exhibit.

3 I desire to have marked for identification
4 IPS document No. 1576-A. I want to introduce the
5 "Extract from the Imperial Diet Proceedings of February
6 17, 1943."

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 1576-A will receive exhibit No. 1966 for identifi-
10 cation only; and the excerpts therefrom will receive
11 exhibit No. 1966-A.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 1966 for identification; the excerpts
15 therefrom were marked exhibit No. 1966-A
16 and received in evidence.)

17 MR. WOOLWORTH: This document is certified
18 as KIMURA's explanation to the Diet of War Prisoner
19 Punishment Act.

20 "Extract from the Imperial Diet Proceedings
21 of February 17, 1943 Concerning the Draft of Revision
22 of a Part of Military Service Law and Three Other
23 Matters.

24 "KIMURA, Hyotaro, Government Committee: -
25

1 "I should like to explain the reason of the
2 proposal of the draft of revised law concerning War
3 Prisoners Punishment Act, being the Act No. 38 of
4 1905. When a prisoner committed a crime against the
5 criminal law or other laws and ordinances in the Jap-
6 anese homeland, in the occupied area of the Japanese
7 forces or in the stationed area of the same, the laws
8 and ordinances concerned may be applied to him respec-
9 tively, so the War Prisoners Punishment Act may be
10 said to be complete from the point of view of main-
11 tenance of peace and order in general or preservation
12 of security of military forces; but if we observe this
13 act from the standpoint of the special standing as
14 prisoners and also special necessity of their control
15 and supervision, it leaves much to be desired. During
16 the Russo-Japanese War, some Russian prisoners showed
17 disobedience by resisting the guards, or by escaping
18 together in a large number, or behaving violently or
19 beating the members of the POW camp, and the government
20 authorities regretted it from the standpoint of control
21 and finally an urgent Imperial Ordinance No. 225 of
22 1904 was promulgated and in the following year, 1905,
23 War Prisoners Punishment Act was enacted as the Law
24 No. 38 of 1905. This is the law actually in force.
25 This was, however, enacted under the old punishment

1 system before the enactment of the penal law actually
2 in force, and consequently the items of punishment,
3 the name of punishment, the term of imprisonment, and
4 other rules in general are inadequate. On the other
5 hand, since the outbreak of the Greater East Asia War,
6 the number of war prisoners seized by the Japanese has
7 amounted to three hundred thousand and their national-
8 ities and qualities are very different and complicated,
9 and until today a large number of them frequently es-
10 caped and showed disobedience. And in the case of
11 supervision of war prisoners, it is of urgent need of
12 controlling so as to be able to intern a large number
13 of war prisoners in safety and tranquility by a small
14 number of members of the camp. Therefore, the Govern-
15 ment expects to carry out the supervision and control
16 of the present war prisoners most satisfactorily by
17 adding necessary rules to the War Prisoners Punishment
18 Act actually in force or by rearranging it. I am, here-
19 with, going to explain the contents of the draft
20 article by article."
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1 "Article I is the regulation which elucidates
2 that the object of application of the present law is
3 the prisoner of war, by which the explanation in each
4 article was omitted that the subject of offense is
5 the prisoner of war.

6 "Article II is the regulation of punishment
7 of riotous action of the prisoner of war. The mass
8 assembling and riotous action of prisoners of war
9 may be said most disobedient and must be avoided
10 from the standpoint of supervision and control of the
11 prisoner of war; therefore, it is quite necessary to
12 punish the perpetrators with a reasonable penalty and
13 also the provisionary conspiracy in order to nip the
14 evil in the bud.

15 "Articles III and IV are the regulations to
16 control severely the conduct of killing, wounding,
17 violence and threats against the superintendent of
18 prisoners of war, who takes charge of supervision,
19 guards or convoys of prisoners of war. It is needless
20 to say that it is necessary to warn all the prisoners
21 by severely punishing those who will carry out such
22 riotous action against the superintendent of prisoners
23 of war, especially when they venture to resist by
24 conspiring together. And as for the murder of the
25 superintendent of prisoners of war, the provisional

1 plot shall also be punished. Although regulations
2 for violence are enacted in the law actually in
3 force, in this draft it is projected to enlarge
4 the scope of the penalty and to leave the room to
5 take proper steps to deal either leniently or
6 severely with the concrete examples.

7 "Article V is the rearrangement of the
8 regulations actually in force which aims to control
9 those who oppose or disobey the order of the
10 superintendent of the prisoners of war and its gist
11 is the same as explained in Articles III and IV.

12 "Article VI is a regulation to control the
13 conduct of insult for the superintendent of the
14 prisoners of war. Such conduct does not only
15 impair the dignity of the sufferer, but also is
16 the expression of a spirit of insubordination;
17 therefore, we cannot neglect it from the standpoint
18 of control as disobedient conduct. According to
19 the former experience of the internment of prisoners
20 of war, there were some who acted as explained
21 just now, for whom the regulation of insult crime
22 of the penal law is incomplete.

23 "Article VII is a regulation of punishment
24 of those who escape by conspiring together and is
25 nothing other than the rearrangement of the regulation

1 actually in force.

2 "Article VIII is a regulation of punishment
3 of unconsummated crimes of violence and threat
4 of mass assembly, murder, wounding, violence,
5 threat to the superintendent of prisoners of war
6 and the attempted escape by conspiring together.

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2 "Article IX and Article X are the regulations
3 for the punishment of the violation of word of honor
4 and is nothing other than the rearrangement of the
5 regulations actually in force. Among various kinds
6 of oaths, the so-called release by oath is strictest
7 in its character, so specially a regulation is enacted
8 for it and heavy penalty is to be imposed; the oath
9 not to escape is next to this. And further as for
10 other oaths, regulations are to be rearranged to
11 punish violation according to the degree of importance
12 respectively.

13 "Article XI is to punish the action of
14 conspiring together. That is to say, to conspire
15 together with the aim of disobedience is a violation
16 of negative resistance and will be a hotbed of riotous
17 and insubordinate action; therefore, its control cannot
18 be neglected. This regulation may be quite essential
19 for preventing riotous action as well as for the
20 maintenance of discipline.

21 "Article XII is a regulation not to apply
22 the penalty regulation of escape by conspiring
23 together violated before to those prisoners who had
24 escaped and reached their own troops or were seized
25 as prisoners of war again after having left the area

1 occupied by the Japanese forces and this is a re-
2 arrangement of the regulation actually in force.

3 "Furthermore, in Article VII of the law
4 actually in force, a regulation is drawn up concerning
5 the trial of the crime of prisoners of war; but in
6 consequence of regulations drawn up with the same gist
7 in both the army court-martial law and the navy court-
8 martial law enacted after the enactment of the law
9 actually in force, it became unnecessary and it has been
10 omitted in this case."

11 I desire to introduce document No. 978-A,
12 which is correspondence from the Chief of the
13 General Staff of the Eastern District Army to the
14 Minister of War.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution document
17 No. 978-A will receive exhibit No. 1967.

18 (Whereupon, the document above
19 referred to was marked prosecution's ex-
20 hibit No. 1967 and received in evidence.)

21 MR. WOOLWORTH: (Reading):

22 "War Ministry Receipt File No.

23 "Rikua-Fu Ju No. 6011

24 "Togunshoku No. 41

25 "Date: 2. October, Showa 17 (1942)

1 "From: TATSUMI, Yeichi, Chief of General
2 Staff of the Eastern District Army

3 "To: TOJO, Hideki, Minister of War

4 "In accordance with Article 5 of the Prisoners
5 of War Labor Regulations, we request your sanction
6 of the employment of the war prisoners interned in
7 the Tokyo Prisoner of War Camp for the undermentioned
8 works.

9 "We wish to include the employment of the war
10 prisoners interned in the Kawasaki Prisoner of War
11 Camp, which has already been applied for and sanctioned,
12 in that of the Tokyo Prisoner of War Camp. Please
13 sanction this also at the same time.

14 "1. Kinds of labor:

15 "Loading and unloading of cargo at harbour.

16 "Industrial labor for the expansion of
17 productive power.

18 "Construction of canals.

19 "2. Place of labor:

20 "a. Longshoremen's work at Shibaura area
21 in Tokyo-Yokohama harbor.

22 "b. Longshoreman's work in the lower
23 stretches of the Sumida River, from the Eitai Bridge
24 downward.

25 "c. Longshoreman's work in Yokohama harbor.

1 "d. Longshoreman's work along the wharves
2 of Yokohama harbor.

3 "1st working place - Shinko wharf

4 "2nd working place - Omote Takashima-Cho
5 Station

6 "3rd working place - Yamanouchi-Cho Warehouse

7 "4th working place - Senwaka-Cho Warehouse

8 "5th working place - Moriya-Cho Warehouse

9 "6th working place - Ebisu-Cho Warehouse

10 "7th working place - other transportation

11 "8th working place - Munitions factories for
12 expanding production

13 "e. Construction of a canal between Tokyo
14 and Yokohama

15 "f. Loading and unloading railway cargo
16 in the premises of Kawasaki Station.

17 "3. Working hours:

18 "Seven hours will be the daily standard
19 working hours, but it may be extended if necessity
20 requires.

21 "On Sundays or on any other day considered
22 necessary by the chief of the Prisoner of War Camp,
23 rest will be given.

24 "4. Wages:

25 "One Yen a day will be the standard wage, but

1 this may be increased or decreased according to their
2 abilities and diligence.

3 "5. Period:

4 "From 1 October of Showa 17 (1942) to 31
5 March of Showa 18 (1943)."

6 This is:

7 "War Ministry Receipt File No. Rikua-Fu
8 Ju No. 6011

9 "Item: Matter regarding labor to be assigned
10 to prisoners of war

11 "Proposer: The Eastern District Army Head-
12 quarters

13 "Date: 2 October Showa 17 (1942)

14 "Draft of the War Minister's Instruction to
15 the Commander of the Eastern District Army:

16 "Your application, 'Togunshoku' No. 41,
17 dated 2 October Showa 17 (1942), is approved as requested.

18 "Rikua-Fu No. 1160, dated 22 October Showa
19 17 (1942).

20 "(Translator's Note: At the top of Page 1
21 of this document there appears the seal of the
22 Military Affairs Section, and in the right hand margin
23 of the same page appears a stamp showing receipt of
24 the War Ministry, Military Affairs Section, October 3,
25 1942.

1 this may be increased or decreased according to their
2 abilities and diligence.

3 "5. Period:

4 "From 1 October of Showa 17 (1942) to 31
5 March of Showa 18 (1943)."

6 This is:

7 "War Ministry Receipt File No. Rikua-Fu
8 Ju No. 6011

9 "Item: Matter regarding labor to be assigned
10 to prisoners of war

11 "Proposer: The Eastern District Army Head-
12 quarters

13 "Date: 2 October Showa 17 (1942)

14 "Draft of the War Minister's Instruction to
15 the Commander of the Eastern District Army:

16 "Your application, 'Togunshoku' No. 41,
17 dated 2 October Showa 17 (1942), is approved as requested.

18 "Rikua-Fu No. 1160, dated 22 October Showa
19 17 (1942).

20 "(Translator's Note: At the top of Page 1
21 of this document there appears the seal of the
22 Military Affairs Section, and in the right hand margin
23 of the same page appears a stamp showing receipt of
24 the War Ministry, Military Affairs Section, October 3,
25 1942.

1 "At the top of Page 3 of this document
2 appears the following:

3 "Period of Retention: Permanent

4 "Approving Authority: Vice-Minister of War

5 "Disposing Authority: KAWAHARA (Indicated
6 by seal).)"

7 Followed by a statement of authenticity of
8 the witness.

9 Prosecution desires to introduce document
10 No. 978-B, which is a telegram addressed to the
11 Minister of War from the Commander of the Taiwan
12 Army.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution document
15 No. 978-B will receive exhibit No. 1968.

16 (Whereupon, the document above
17 referred to was marked prosecution's ex-
18 hibit No. 1968 and received in evidence.)
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1 MR. WOOLWORTH: (Reading)

2 "Confidential. Decoded Telegram. Dispatched:
3 1600, September 1; Arrived: 1715, September 1;
4 Addressed to: Ministry^(of War); Sender: Commander of the
5 Taiwan (Formosa) Army; Telegram Number: Taiwan
6 (Formosa) Telegram No. 220.

7 "1. Three Hundred ninety-nine prisoners of
8 war, including Lt. General Percival, 6 Major-Generals,
9 or Rear Admirals, 27 Brigadier-Generals, or Commodores,
10 25 Colonels, or Captains, 130 officers of the rank of
11 Lt. Colonel, or Commander, or below, and 210 non-
12 commissioned or Petty Officers, together with 6 civil
13 officials, who had been transferred from Tomi Group,
14 were interned, on August 31, in the Third Branch of
15 the Taiwan (Formosa) POW Camp (Heito).

16 "2. At first, Lt. General Percival and the
17 others refused to make an oath, but finally all but
18 3 (1 Brigadier-General, 1 Navy Captain and 1 Engineer-
19 ing Lieutenant, junior grade) signed their names.
20 After that, they became obedient.

21 "NOTE: The following seals appear on the
22 document:

23 "1. Received by the War Ministry. Doc. No.:
24 Army, Asia, General Document, Received, No. 5124.

25 "2. Received by the Ministerial Secretariat,

1 it might have been addressed to some other ministry
2 and copies sent to the various departments.

3 THE PRESIDENT: Seal No. 1 is "Received by
4 the War Ministry." We may be able to draw a conclusion
5 from that. However, you may like to add something.

6 MR. WOOLWORTH: If the Tribunal please, the
7 statement of source and authenticity shows that it
8 is a telegram from the Commander of Taiwan to the
9 War Minister.

10 THE PRESIDENT: Mr. Blewett recognized that.
11 He said on the face of the document there is nothing
12 to show what minister was intended. What he says is
13 noted.

14 MR. WOOLWORTH: Prosecution desires to intro-
15 duce in evidence document No. 1571-A, the report on
16 prisoner of war labor conditions.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 1571-A will receive exhibit No. 1969.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 1969 and received in evidence.)

23 MR. WOOLWORTH: (Reading)

24 "E.A.A. Employment No. 47.

25 "Report on P.W. Labor Condition.

1 "To War Ministry. Oct. 21, Showa 17/1942/

2 "We are reporting to you that we have been
3 notified as per enclosure on the above matter.

4 "Headquarters, Eastern Area Army.

5 "SEAL.

6 * * *

7 "17 Employment, No. 1170

8 "Oct. 7, Showa 17/1942/

9 "To Kotaro NAKAMURA, Esq., Eastern Area Army Commander.

10 "Concerning P.W. labor condition, I wish to
11 inform you that I have reported to the ministers of
12 Home Affairs and the Welfare on the above matter as
13 per enclosure.

14 "Kaitaro KONDO, Governor of KANAGAWA Prefecture.

15 * * *

16 "Oct. 6, Showa 17 /1942/

17 "To Ministers of Welfare and Home Affairs

18 "Kaitaro KONDO,

19 "Governor of KANAGAWA Prefecture.

20 "Concerning the P.W. labor condition regarding
21 the above matter, I report that, making necessary
22 arrangements in accordance with instructions from
23 the Ministry of Welfare and the Army and after con-
24 sultation with the commanders of the P.W. camps, we
25 have started using P.W. labor at KAWASAKI and YOKAHAMA

1 Camps from September 23 and 30, SHOWA 17 /1942/
2 respectively, in the transportation work at harbors,
3 etc., and are getting good results as follows:

4 "I. Survey of the P.W. labor condition.

5 "(1) Number interned: KAWASAKI Camp, 293;
6 YOKAHAMA Camp, 226.

7 "(2) Present main places of labor and kinds
8 of labor: KAWASAKI Camp: The KAWASAKI pier of the
9 MITSUI BUSSAN KK./MITSUI Products Co./, the wharf of
10 the NIPPON KOKAN KK. /NIPPON Steel Tube Mfg. Co./,
11 the NICHIMAN Warehouse Co., the KAWASAKI Railway
12 Station, etc. -- unloading of coal, loading and un-
13 loading of cargo, lathe-men at factories. YOKAHAMA
14 Camp: Unloading at the YOKAHAMA Harbor and odd jobs
15 in factories.

16 "(3) No. of laborers: KAWASAKI Camp: From
17 Sept. 23 to Oct. 6 -- Total number 1,010. YOKAHAMA
18 Camp: From Sept. 30 to Oct. 6 -- Total number 607.

19 "(4) Working efficiency. The working
20 efficiency of PWs as compared with Japanese laborers
21 is approximately 60-70 percent in special labor such
22 as coal unloading, but nearly the same in loading and
23 unloading cargo at railway stations and warehouses.

24 "As regards skilled laborers in factories,
25 every day ten of them are being tentatively engaged,

1 but a considerable time will be required before they
2 will display an efficiency equal to that of the
3 average skilled Japanese workman, as the height of
4 the machines and other conditions are different.

5 "In general, they are men who have not done
6 any labor for a considerably long time and it is
7 considered that when they get used to the Japanese
8 workmen their efficiency will increase.

9 "II. Effects of P.W. labor upon business
10 proprietors.

11 "(1) As regards transporting labor at
12 harbors there had been a shortage of labor and wages
13 were liable to soar with evil effects on getting
14 laborers and on the smooth operation of transportation
15 of goods. It is generally admitted by all the business
16 proprietors alike that the use of P.W. labor has made
17 the systematic operation of transportation possible
18 for the first time, and has not only produced a great
19 influence in the business circle, but will also con-
20 tribute greatly to the expansion of production,
21 including munitions of war, and the execution of
22 industry.

23 "III. Effects of P.W. labor on Japanese
24 laborers.

25 "(1) Effects on laborers who have hitherto

1 worked diligently.

2 "The laborers who have hitherto worked
3 diligently and had comparatively good working records,
4 are making still better working records, as P.W.
5 labor seems to stimulate them, intensifying their
6 pride as a Japanese and rousing their fighting spirit
7 not to be outdone by PWs.

8 "(2) Effects on laborers who have hitherto
9 been unsatisfactory.

10 "The workmen engaged in transportation labor
11 at harbors, in the past, had been particular about
12 their work. Consequently it was usual for approxi-
13 mately ten percent of them not to get to work. But
14 since the use of P.W. labor alleviated in some measure
15 the labor shortage, Japanese workmen have been obliged
16 to report to the gathering spot earlier than before
17 in the morning, for if not, they may be unable to get
18 jobs. Thus, they are getting accustomed to gather
19 an hour earlier in the morning and get to work of
20 their own accord. Moreover, those intermediaries,
21 who in the past had wilfully not gathered the number
22 of workmen demanded by the business proprietors, and
23 thus planned to seek higher wages, have recently been
24 prudent and show a tendency to get the laborers to
25 work.

1 "IV. Effect of P.W. labor on the public.

2 "In view of the necessity of observing
3 secrecy, the treatment of PWs is made doubly sure by
4 making assistant guards take a certain oath. Though
5 the public has not been informed of PW labor, those
6 who have guessed about it from seeing them on their
7 way to and from the place of labor and their camps,
8 seem to realize with gratitude the glory of the
9 Imperial Throne, seeing before their eyes English
10 and American PWs at their labor. A considerable
11 influence seems to have been exercised over the
12 people of this prefecture, many of whom had been
13 considerably pro-Anglo-American. They seem to be
14 receiving a fairly strong stimulus seeing before
15 their eyes the position they, too, might be placed
16 in, if they should be defeated in the war. Thus, it
17 can be observed that a satisfactory effect is being
18 exerted on their determinations not to be defeated
19 in war, whatever happens, and furthermore on the
20 promotion of the general spirit of labor."

21 Duly certified and witnessed.

22 I desire to have marked for identification
23 prosecution document No. 580-A and introduce the
24 marked excerpts therefrom in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document
2 No. 580-A will receive exhibit No. 1970 for identi-
3 fication only and the excerpt therefrom bearing
4 the same document number will receive exhibit No.
5 1970-A.

6 (Whereupon, the document above
7 referred to was marked prosecution's exhibit
8 No. 1970 for identification only; the excerpt
9 therefrom being marked prosecution's exhibit
10 No. 1970-A and was received in evidence.)

11 MR. WOOLWORTH: (Reading)

12 "INQUIRY CONCERNING THE QUESTION OF MAKING
13 AVAILABLE THE MANCHURIAN MACHINE TOOL CO. FOR A RAPID
14 INCREASE IN AIRCRAFT-PRODUCTION.'

15 "(The above title is on the same page as the
16 'han').

17 "KAWAJIARA, directed prosecution

18 "KIMURA, Vice-Minister

19 "SUGA

20 "KAWAHARA, senior adjutant officer

21 "YOSHIZUMI (?), chief of 'Shumu Kyoku'

22 "KOJIMA, chief of the Military Affairs Division

23 ITO (?), section chief of rifle & gun section

24 (Juho)

25 OGA, on behalf of the section chief of the

Aviation section (Kohon)

1 "MAKI, adjutant officer in charge, paymaster
2 of the Minister's chamber.

3 "HACHIRI (or YASATO), chief of 'Shumu-Ka'

4 "SEMBA, staff of the 'Shumu-Ka'

5 "YAWAZAKI, P.O.W. Control Division

6 "TSUKAMOTO, war preparation

7 "NAKAMURA, Clerk who wrote the draft.

8
9 "To the Chief of Staff of the Kwantung Army
10 from the Vice-Minister of War.

11 "For the realization of the urgent organiza-
12 tion of the aircraft-production, we want to improve
13 the present capacity of the Manchurian Machine Tool
14 Co. according to the plan of utilization enclosed
15 herewith, and to allot a large part of its improved
16 capacity to the production of machine tools which
17 are necessary for the urgent organization of the
18 production of air ordnances, ammunitions and air-
19 crafts in our country, especially to the production
20 of special machine tools for mass production, which
21 are necessary for the expansion of the factory in the
22 'Nissan' Motor-Car Co. Manufacturing Section, a main
23 factory of ammunition for aviation automatic gun.

24 "We ask you to take the trouble in order to
25 realize this plan.

1 "P.S. For caution's sake we add that the
2 War Ministry is now strenuously trying to help
3 obtain the high-precision machine tools, expected
4 to be supplied from Japan, to be used in munition
5 factories in Manchuria, which are difficult to
6 manufacture in Manchukuo because of specially high ac-
7 curacy. Army Secret ASTA No. 3129.

8 "Date 22 August 1942.

9 "The reason for making avail of the
10 Manchurian Machine & Tool Co. (Manaku Kossku
11 Kikai Kabushiki Kaisha).

12 "1. Concerning aviation automatic gun, its
13 ammunition and aircraft which now constitutes the
14 bottleneck in the production of army munitions, from
15 the standpoint of making efficient use of labor and
16 materials, we confine the main manufacturing equip-
17 ment to the special machine tools for mass production
18 (especially to automatic machine tools) and are
19 strenuously trying to enlarge the capacity of the
20 excellent factories, Governmental as well as private;
21 on the other hand, however, the producing capacity
22 of machine tools in our country almost cannot afford
23 such production of machine tools (for the total
24 amount of orders given to all factories in the
25 machine tool industry is Y 2,500,000,000 but the

1 yearly manufacturing capacity is only Y 400,000,000).
2 If this present situation were allowed to persist
3 further, the expected plan of preparing for air
4 ordnances and ammunitions would be frustrated and
5 our army air combat strength would be seriously in-
6 flucned. But, on the contrary, although the
7 Manchurian Machine Tool Co. is equipped with more
8 than 600 units of metal-working machines yet a large
9 part of them are the imported excellent ones (on
10 scale it is two or three times as large as a first-
11 class machine tool factory in Japan) it has not yet
12 been able to develop its full ability by miscellan-
13 cious reasons, for example, its geographical situation
14 or its business and yet now has a great reserve
15 capacity occupying the last key position in the
16 machine industry in the sphere under the influence
17 of Japan. We ask you to utilize its full potential
18 capacity in order to cooperate with the rapid pro-
19 duction of aircraft and air ordnances."
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Next, page 5:

"(d) 'Help to the use of PW's as a means of filling up vacancies.'

"At present the Manchurian Machine Tool Co. is extremely lacking in the number of workers for its capacity and it is most necessary to supply workers immediately.

"A prompt supply of Manchurian workers is most desirable cannot be expected, the company is now planning on a large scale to use many prisoners of war as workers in the factory and we shall render every help to the realization of this plan so far as your army and Manchukuo have no objection to it. In this plan the number of PW's wanted is according to the classification of the work as follows:

"THE KIND OF WORK -- Machine Examiner --
NUMBER 65."

THE PRESIDENT: Why read all those?

MR. WOOLWORTH: The total is 1500, total prisoners of war.

Page 6, paragraph 3, third sub-paragraph:

"The urgent necessity of great many machine tools for aircraft production is preferentially carried out compared with the demands from the branch of general ordnance and expansion of producing capacity.

1 To supply demands from the two companies we shall
2 make every effort, in order to alleviate the in-
3 fluence, rising from the decrease of the expected
4 production amount of the two companies for the Man-
5 churian Machine Tool Co."

6 Page 7:

7 "Army Secret Asia General Order first of
8 No. 7991. Translation of telegram. Telegram Kwan-San-
9 Man Don/710. Date: 9 September 1942.

10 "To the Vice Minister of War from the Chief
11 of Staff of the Kwantung Army.

12 "As the technician shortage in Manchuria
13 makes it essential to use 1500 prisoners of war in the
14 plan for utilizing the Manchurian Machine Tool Co.
15 for rapid increase in aircraft production dealt with
16 in No. 3,129-Army Secret Asia, we intend to open an
17 internment camp and ask you to inform us as soon as
18 possible the time of their being transferred to
19 Manchuria and the number, etc.

20 "Considering the necessity to establish
21 a camp before winter, we wish the transfer of prisoners
22 to Manchuria as soon as possible.

23 "P. S. We expect to inform you of the
24 opening of a camp later on.

25 "Translation of Telegram. Date: 29 September

1 1942.

2 "To the Chief of the Bureau of Military
3 Affairs from the Chief of Staff of the Kwantung Army."

4 "Kwantung-Staff-Manchurian Telegram No. 746.

5 "Bureau of military affairs. Telegram No.
6 1,010. Answer.

7 "We are ready to intern about 1,500 prisoners
8 of war from the South Sea in empty barracks at MUKDEN
9 (PEITAYING) and intend to make the necessary prepara-
10 tion for a permanent camp this winter and to complete
11 it next spring.

12 "Taking consideration of such conditions, we
13 expect you to transfer prisoners of war as soon as
14 possible.

15 "P. S. We hope you will indicate to us the
16 intention of the Central Department on the treatment of
17 prisoners.

18 "(Penciled remark): We will send you the
19 detailed indication when the POW's are temporarily
20 accommodated.

21 "Due to the incident at Lisbon, for the
22 present 500 POW's from Philippine and 100 from Korea
23 are expected."

24 The usual certificate of authenticity.

25 The prosecution desires to introduce document

1 No. 668A.

2 THE PRESIDENT: Mr. Levin.

3 MR. LEVIN: Mr. President, I would like to
4 inquire from the prosecution what is the purpose of
5 offering this document in evidence. If it is merely
6 to indicate the use of prisoners of war, I have no
7 objection to the introduction of this document in
8 evidence. If it is for the purpose of placing re-
9 sponsibility, I object to it because the evidence
10 already offered indicates the responsibility for the
11 use of prisoners of war.

12 THE PRESIDENT: If it is admitted on either
13 ground it can be used on both. Once a document has
14 been admitted in evidence, no matter on what ground,
15 it can be employed on any issue to which it is rele-
16 vant. That is the rule, Mr. Levin. It seems to be
17 admissible on one if not on both grounds; I would say
18 on both grounds. It is not cumulative simply because
19 it adds to evidence already heard on the question of
20 responsibility.

21
22 MR. WOOLWORTH: I desire to have marked for
23 identification prosecution document No. 668A, and
24 introduce in evidence the excerpts therefrom contained
25 in 668A.

THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution document
2 No. 668A will receive exhibit No. 1971 for identifi-
3 cation only, and the excerpts therefrom, bearing the
4 same document number, will receive exhibit No. 1971A.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1971 for identification, and the excerpts
8 therefrom were marked prosecution's exhibit
9 No. 1971A and received in evidence.)

10 MR. WOOLWORTH (Reading):

11 "FOREIGN AFFAIRS MONTHLY REPORT, SEPTEMBER,
12 1942. Published by Foreign Section of the Police
13 Bureau of Home Ministry.

14 "THE EMPLOYMENT OF WAR PRISONERS (Page 58).

15 "1. Recent condition of the demand and supply
16 of labor in Japan and the decision on the principles
17 of employing war prisoners.

18 "The labor shortage problem in Japan has
19 become quite acute, becoming more and more serious
20 recently. In order to meet this situation, many
21 people are of the opinion that we had better employ,
22 when necessary, the war prisoners who are now interned
23 as Zentsuji, or at places in the south as a result of
24 our success in the Greater East Asia War.

25 "As a result, the Cabinet Planning Board

entrusted by the Army Administrative Department for
1 War Prisoners, held a conference on August 15 regard-
2 ing the transfer of war prisoners to Japan proper and
3 their employment. At this conference the following
4 principles were discussed and decided to be carried
5 out, in order to transfer war prisoners to Japan and
6 employ them to mitigate the labor shortage and to
7 carry out special important work:

8 "I. Of the industries in the National
9 Mobilization Plan, war prisoners shall be employed
10 for mining, stevedoring and engineering and construc-
11 tion work for national defense. For the time being,
12 war prisoners shall be employed in stevedoring in
13 important ports.
14

15 "II. For the time being, some 3,500 war
16 prisoners shall be sent to Japan. According to
17 results, the number shall be increased later.

18 "III. The formalities regarding the employ-
19 ment of war prisoners was arranged by Prefectural
20 Governors through the Welfare Ministry.

21 "IV. In the prefectures, the Prefectural
22 Governor, or the labor management organization ap-
23 pointed by the Governor, may, with the consent of the
24 Army, makes plans and take charge of the employment
25 and supervision of war prisoners at the place of labor.

1 "V. Prisoner of war camps for stevedores to
2 be brought to Japan for the present, following this
3 plan, will be set up as follows:

4 "Tokyo, 600 persons; Yokohama, 600 persons;
5 Osaka, 600 persons; Kobe, 500 persons; Hirohata, 100
6 persons; Moji, 500 persons; Tobata, 500 persons;
7 Muroran, 300 persons.

8 "2. Employment of war prisoners in the
9 Zentsuji Internment Camp.

10 "Before the above plan was set up, part of
11 the war prisoners interned in the Zentsuji Internment
12 Camp were already employed as laborers. That is, at
13 this Zentsuji Prisoner of War Camp which was opened on
14 January 14, about 450 American prisoners of war, etc.
15 from Guam, had been interned, of which 150 Americans
16 were sent to Osaka on June 9, interned at the City
17 Gymnasium at Yawatayamatsuno-cho, Minato-ku, Osaka,
18 and had been working as stevedores since June 12.
19 The outline of their working condition is as follows:
20 They work eight hours per day, engaged in simple
21 stevedoring work; as for efficiency in handling light
22 loads, they do not show much difference compared with
23 the Japanese laborers, but in handling heavy loads,
24 or in work requiring skill, their efficiency is very
25 low. As for their wages, the Osaka District Harbor

1 Transportation Stevedoring Control Office collects
2 two yen per person per day from the direct employers
3 of the war prisoners. The money is either handed in
4 to the Army, used for the expenses of the prisoners of
5 war recreation equipment, or for national defense
6 offerings and general expenses.

7 "The comparatively cheap wage has called
8 the attention of men in the trade to the advantage of
9 using the prisoners of war, and is helping to increase
10 the demand for their employment. The employment of
11 war prisoners, as stated above, has resulted in
12 controlling the rise of black market wages of long-
13 shoremen, improving the efficiency of work, preventing
14 longshoremen in the regular employ from being scattered,
15 etc.

16 "Also, at the Takamatsu branch of the Nippon
17 Transportation Company, located at 21, 4-Chome, Shin-
18 minato-cho, about twenty prisoners of war interned
19 in the Zentsuji Prisoner of War Camp were employed
20 daily from August 22 for about a month in the Takamatsu
21 Station for stevedoring to speed up the transportation
22 of materials in war-time, with satisfactory results."

23 The prosecution desires to have marked for
24 identification document No. 706A, "Monthly Reports of
25 the Secret Service Police -- August," and desires to

1 introduce in evidence the excerpts therefrom.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution document
4 No. 706A will receive exhibit No. 1972 for identifica-
5 tion only, and the excerpts therefrom will receive
6 exhibit No. 1972A.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1972 for identification, and the excerpts
10 therefrom were marked prosecution's exhibit
11 No. 1972A and received in evidence.)

12 MR. WOOLFORTH: (Reading)

13 "Monthly Reports of the Secret Service
14 Police -- August, 1942 - page 206.

15 "2. A Plan to Use Prisoners of War as a Result
16 of Labor Shortage.

17 "Owing to the good results obtained by
18 150 American prisoners of war at Zentsuji Prisoner of
19 War Camp who had been sent to Osaka in order to engage
20 in laboring works as a neutralizing measure for labor
21 shortage suffered in the military works and harbor
22 equipment, the enterprising circles who were suffer-
23 ing from the labor shortage at several districts
24 around Tokyo and Hyogo, Fukuoka and Nagasaki Pre-
25 fectures, applied to the military authorities to allow

1 them to use the prisoners of war as follows:

2 "(1) Under Hyogo Prefecture, the companies
3 engaging in the stevedore business at Kobe Harbor and
4 Hirohata ports for the works of the Nittetsu and
5 Nippon Steel Works, are applying to the military
6 authorities for the use of 680 prisoners of war.

7 "(2) Under Fukuoka Prefecture, the companies
8 engaging in loading and unloading coal in the port of
9 Moji desiring to use the prisoners of war for their
10 requirements, asked the Chief of the Moji Police
11 Office in the district concerned for his good offices.
12 Apart from this it was decided to distribute 1,000
13 prisoners of war in consideration of the acute labor
14 shortage in the stevedore business at the harbors in
15 Northern Kyushu.

16 "(3) Under the Nagasaki Prefecture it was
17 already decided to distribute respectively 2,000
18 prisoners of war for the Mitsubishi Dock Yard and
19 1,000 for the Kayaki-Jima Dock Yard as they had se-
20 cured permission from the authorities.

21 "(4) Under the areas in the jurisdiction
22 of the Metropolitan Police Bureau, permission has
23 already been secured to use prisoners of war for
24 unloading freights at Shibaura, and for this purpose
25 it was decided that 400 British prisoners of war be

1 transferred from Malay districts shortly. Although
2 the direct guarding and direction for prisoners of
3 war engaged in work in the country are taken charge
4 of by the military authorities, the responsibility for
5 directing and controlling anti-espionage and other
6 matters in regard to the people living in the dis-
7 tricts where the prisoners of war are working, should
8 be taken care of by the police office. Accordingly,
9 in case of the realization of the above mentioned plans,
10 it is necessary for the police officers to direct and
11 control the people properly in cooperation with the
12 authorities concerned."

13 THE PRESIDENT: We will recess for fifteen
14 minutes.

15 (Whereupon, at 1445, a recess was
16 taken until 1500, after which the proceedings
17 were resumed as follows:)
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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 THE PRESIDENT: Colonel Woolworth.

4 MR. WOOLWORTH: Prosecution desires to
5 introduce in evidence document No. 980-A, which is
6 a telegram addressed to the Minister of War from the
7 Chief of Staff of the Korean Army.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 980-A will receive exhibit No. 1973.

11 (Whereupon, the document above
12 referred to was marked prosecution's exhibit
13 No. 1973 and received in evidence.)

14 MR. WOOLWORTH: (Reading) "Riku-a-Mitsu-ju
15 (Army-Asia Secret, Received) No. 1910.

16 "Received by the Army Secretariat - p.m.,
17 4 March 1942. Military Affairs Section.

18 "1 March 1942, Secret Telegram 2-28.
19 Sent: 1550 hours. Received: 1710 hours.

20 "Cho-san-den (Operations Department - Korean
21 Army) No. 518. Addressed to Vice-Minister of War.
22 From the Chief of Staff of the Korean Army.

23 "'As it would be very effective in stamping
24 out the respect and admiration of the Korean people
25 for Britain and America, and also in establishing in

1 them a strong faith in victory, and as the Governor-
2 General and the Army are both strongly desirous of it,
3 we wish you would intern 1,000 British and 1,000
4 American prisoners of war in Korea. We wish you would
5 give us special consideration regarding this matter.

6 ". . . Furthermore, the buildings that may
7 be used for internment camps are two theological
8 schools in Seoul and a Foreigner's School and a
9 theological school in Heijo. Details will be concretely
10 reported to you after we are informed of the intentions
11 of the Central Authorities regarding internment of
12 prisoners of war."

13 * * * * *

14 "Receipt Number: Amitsu 1910. From: Korean
15 Army. Subject: The internment of prisoners of War in
16 Korea. Term of Preservation: Permanent. Approved by:
17 The Minister of War. Executed by: KAWAHARA (Seal).

18 "Draft of Vice-Minister's reply to the Chief
19 of Staff of the Korean Army (Riku-a-Mitsu-den)
20 (Army-Asia-Secret Telegram).

21 "Subject: Internment of Prisoners of War
22 referred to in Cho-San (Korean Army Operations Depart-
23 ment) Telegram No. 518.

24 "About 1,000 white men are scheduled to be
25 sent to Fusan. Details will be reported to you later.

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"Furthermore, are not the buildings scheduled to be allotted for the accommodation of prisoners of war referred to in your telegram, too good for prisoners? Please draw up full plans after investigation and inform us."

"Riku-a-Mitsu-den (Army-Asia-Secret-Tel) No. 149. 376. 5 March 1942."

* * * * *

"Cho-San-Mitsu-475-Report regarding plans for the internment of prisoners of war in Korea.

"From: Commander in Chief of the Korean Army, Seishiro ITAGAKI.

"To: Minister of War, Hideki TOJO.

"Date: 23 March 1942.

"Regarding the subject matter referred to in Riku-a-Mitsu-den (Army, Asia - Secret Telegram No. 149) dated 5 March 1942, I make report to you as per separate paper.

"Plans of the Korean Army for the Internment of Prisoners of War.

"1. Purpose: It is our purpose by interning American and British prisoners of war in Korea, to make the Koreans realize positively the true might of our Empire as well as to contribute to psychological propaganda work for stamping out any ideas of worship

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tion. "The
"(1) Prisoners
warrant officers and above, will be used in various
sorts of work in the principal cities of Korea,
especially where psychological conditions are not good

1 "Furthermore, are not the buildings scheduled
2 to be allotted for the accommodation of prisoners of
3 war referred to in your telegram, too good for
4 prisoners? Please draw up full plans after investi-
5 gation and inform us."

6 "Riku-a-Mitsu-den (Army-Asia-Secret-Tel)
7 No. 149. 376. 5 March 1942."

8 * * * * *

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10 the internment of prisoners of war in Korea.

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12 Army, Seishiro ITAGAKI.

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22 American and British prisoners of war in Korea, to make
23 the Koreans realize positively the true might of our
24 Empire as well as to contribute to psychological pro-
25 paganda work for stamping out any ideas of worship

1 of Europe and America which the greater part of Korea
2 still retains at bottom.

3 "2. The location and the number of men to be
4 interned:

5 "The first internment camp:

6 "Location: Seoul (the former Iwamura Silk
7 Reeling Warehouse will be reconstructed and extended).

8 "Number of men to be interned: About 500.

9 "The second internment camp:

10 "Location: Jinsen-fu (Military barracks).

11 "Number of men to be interned: About 500.

12 "Plans for equipping these camps will be
13 submitted separately.

14 "3. Supervision: Prisoner of war camps for
15 Korea shall be supervised by the Commander in Chief of
16 the Korean Army. The organs for the care of the
17 internees shall be as provided separately.
18

19 "4. Term of internment: From the time of
20 the arrival of the prisoners of war up to the termina-
21 tion of the Greater East Asia War.

22 "The main points to be put into force:

23 "(1) Prisoners of war, with the exception of
24 warrant officers and above, will be used in various
25 sorts of work in the principal cities of Korea,
especially where psychological conditions are not good

1 in order to achieve the ends mentioned under I.

2 "(2) The equipment of internment camps will
3 be cut to the minimum necessary for insuring that daily
4 life as a whole may be led without inconvenience.

5 "(3) Rations for the prisoners of war will
6 be the same as that of the Japanese army, but at times
7 they may be supplied with food which they are used to.

8 "(4) Internment, supervision and guarding of
9 prisoners should be carried out so as to leave nothing
10 to be desired.

11 "NOTE: If the prisoners of war arrive before
12 the above-mentioned camps are completely equipped,
13 they will temporarily be interned in the Fusan Military
14 Barracks."

15 * * * * *

16 "A-Mitsu (Asia-Secret) No. 1910 - Part II.

17 "Received: Army Secretariat, April 23, 1942.

18 "Received: War Prisoners Management Depart-
19 ment - May 2, 1942 - Receipt No. 31.1.

20 "Received: Military Affairs Section, War
21 Ministry - April 23, 1942 - Receipt No. 409.

22 "Received: Construction Section, War
23 Ministry - April 27, 1942.

24 "Secret Telegram: Sent: 1255 hours, April 22.

25 Received: 1345 hours, April 22.

1 "Cho-san-den (Korean Army Operational Section
2 Telegram) No. 100.

3 "To: Vice-Minister of War. Sender: Chief
4 of Staff, Korean Army.

5 "We have received your telegram (ho-kan-den -
6 War Prisoners Management Section Telegram) No. 3
7 dated April 21, to the effect that about 1,000 white
8 prisoners of war are scheduled to be sent to Korea in
9 the middle of June, and therefore request you to take
10 the trouble of giving us permission immediately
11 regarding that part of our plans for the internment of
12 war prisoners submitted to the War Minister as per
13 telegram (Cho-san-mitsu, Korean Army Operations
14 Department, Confidential) No. 485, dated 23 March.

15 "Regarding details, the Chief of our Intendance
16 Department has already filed application dated March 20.

17 "NOTE: This matter has already been disposed
18 of by the Distribution Section, April 26."

19 Follows the usual certificate of authenticity.

20 I desire to introduce in evidence document
21 No. 977-A, which is a draft of notice to the Commander
22 in Chief of the Southern Area Army, dated 16 May 1942.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 977-A will receive exhibit No. 1974.

1 (Whereupon, the document above
2 referred to was marked prosecution's exhibit
3 No. 1974 and received in evidence.)

4 MR. WOOLWORTH: (Reading) "In regard to the
5 delivery of prisoners of war to the Formosan Army and
6 the Korean Army, Receipt No. Rikua Mitsu Uke No. 4502,
7 Originating Section, War Affairs Section (of Military
8 Affairs Bureau) to the Commander in Chief of the
9 Southern Area Army.

10 "Draft of Notice to the Commander in Chief
11 of the Southern Area Army - Rikua Mitsuden No. 481,
12 16 May 1942.

13 "Between May and August the white prisoners
14 of war at Singapore should be handed over as follows:

15 "1. About 2,400 prisoners of war should be
16 handed over at Takeo to the Formosan Army. The
17 following prisoners should be handed over:

18 "High-ranking officers whom it is not suitable
19 to keep locally.

20 "Skilled technicians who are not needed
21 locally.

22 "Ordinary troops and some low-ranking
23 officers to supervise them.

24 "2. About 1,100 prisoners of war should be
25 handed over at Fusan to the Korean Army. The following

prisoners should be handed over:

1 "Ordinary troops and some low-ranking officers
2 to supervise them.

3 "With respect to their transportation, consult
4 with the Commander of Shipping Transportation who has
5 been confidentially notified already.

6 "(Translator's Note: The above bears seal
7 of Vice-Minister of War KIMURA, among others.)"

8 * * * * *

9 "Draft of Notice to the Commanders in Chief
10 of the Formosan Army and the Korean Army, Rikua Mitsu
11 No. 1631, 16 May 1942.

12 "Between May and August you will receive the
13 following white prisoners of war now interned at
14 Singapore.

15 "The organization of the prisoner of war
16 camps will be decreed shortly. We shall, accordingly,
17 give you separate instructions regarding their
18 internment.

19 "Particulars.

20 "To the Formosan Army - about 2,400.

21 "To the Korean Army - about 1,100."

22 There is the usual certificate of authenticity.
23 Prosecution desires to introduce in evidence
24 document No. 650-A, the report from the Chief of Staff,
25

1 Korean Army, 1942.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 650-A will receive exhibit No. 1975.

5 (Whereupon, the document above
6 referred to was marked prosecution's exhibit
7 No. 1975 and received in evidence.)
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1 MR. WOOLWORTH: (Reading)

2 "REPORT FROM CHIEF OF STAFF, KOREAN ARMY, 1942

3 "Strictly Confidential

4 "Riku-a-Mitsu ju (Army-Asia Confidential, received)
5 No. 10133.

6 "Received: Army Secretariat, a.m., 18 August 1942.

7 "Received: Army Service Section, War Ministry,
8 20 August 1942, Receipt No. 629.

9 "Received: Military Affairs Section, War Ministry,
10 19 August 1942, Receipt No. 1042.

11 "Received: Information Department, War Ministry,
12 22 August 1942, Receipt No. 454.

13 "Received: War Prisoners Supervision Department,
14 27 August 1942.

15 "Cho-san-Mitsu (Korean Army Operations Department)
16 No. 2029

17 "Subject: Reactions among the general public follow-
18 ing internment of British prisoners of war.

19 "From: Chief of Staff of the Korean Army, IBARA,
20 Juniro - 13 August 1942.

21 To: Vice-Minister of War, KIMURA, Hyotaro.

22 "Subject matter submitted as per separate
23 sheets.

24 "Submitted to: Army General Staff Headquarters
25 and the War Ministry (Two copies

respectively)

1 "Reactions Among the General Public Fol-
2 lowing Internment of British Prisoners
3 _____
4 of War

5 "1. The General View

6 "The arrival of 998 prisoners captured in
7 Malaya had so great an effect upon the people in
8 general, especially upon the Koreans, that about
9 120,000 Koreans and 57,000 Japanese by-standers
10 lined the roads of Fusan, Seoul and Jinsen to see
11 the prisoners of war being transported.

12 "Many of them sneered at the disgraceful
13 behavior and utter indifference of the British dis-
14 played before their very eyes by the prisoners and
15 thought it quite natural that an army so lacking
16 in patriotism should be defeated by the Imperial
17 Army, and realized afresh the victory gained by
18 the Imperial Army. They also expressed their feeling
19 that any ideas of admiration for the British and
20 Americans must be thoroughly swept away. Many of
21 them confessed their happiness of being subjects of
22 the Empire and expressed their resolve to carry
23 through the Greater East Asia War.

24 "Worthy of special mention is the fact
25 that Koreans clearly recognized the fact that they

1 are directly participating in the Greater East Asia
2 War when they saw the Korean guards. As a whole,
3 it seems that the idea was very successful in
4 driving all admiration for the British and Ameri-
5 cans out of their minds and in driving into them
6 an understanding of the situation.

7 "The most conspicuous part of their speech
8 and actions were as follows, and, as the effect of
9 propaganda gradually tells upon them when the
10 prisoners are put to labor, we may expect much
11 greater results which will contribute greatly toward
12 ruling Korea.

13 "NOTE: For the time being reports, etc.
14 concerning the prisoners of war
15 will not be permitted for publica-
16 tion in newspapers in accordance
17 with the policies of the central
18 authorities.

19 "2. Speech and actions of the by-standers which
20 were most conspicuous:

21 "(1) The Koreans:

22 "a. "When I saw young Korean soldiers,
23 members of the Imperial Army, guarding
24 the prisoners, I shed tears of joy.
25 I was so moved by the sight that I

1 almost felt like shouting to those
2 who were not aware of the fact:

3 "Look! Peninsula Youths are guarding
4 the British prisoners!"

5 "b. 'Although those who are concerned with
6 Christianity have not been able to
7 drive out completely their admiration
8 for foreign ideas due to the fact that
9 their leaders have been British or
10 Americans, yet when they saw the
11 prisoners they felt pride in being
12 Japanese and were strongly moved by
13 the idea that they must establish a
14 Japanese Christianity'

15 "c. 'We must not be defeated, even if we
16 have to live on water. When I saw
17 the prisoners, I felt happiness and
18 pride in being a Japanese'

19 "d. 'It seems like a dream to see the
20 British and Americans, who used to make
21 light of us and thought us an inferior
22 people, as prisoners. Koreans, too,
23 have felt pride in being Japanese.
24 Their feelings have completely
25 changed.'

1 "e. 'It is easy to see that they lack
2 patriotism just by watching them
3 whistling so indifferently. They are
4 absolutely slovenly.'

5 "f. 'When we look at their frail and un-
6 steady appearance, it is no wonder
7 that they lost to the Japanese forces.'

8 "g. 'When I saw the prisoners right in front
9 of my eyes, I felt that we must win
10 the war. Instead of sneering at them,
11 we should be making more effort our-
12 selves.'

13 "h. 'I used to hear about and see the
14 victories gained by the Imperial Forces
15 through the newspapers and newsreels,
16 but with some feeling of doubt. When
17 I saw the prisoners I realized that
18 the reports were not false.'

19 "i. 'I wish every Korean were given the
20 opportunity to see the prisoners so
21 that they can really feel the happiness
22 of being a Japanese'

23 "j. 'The war is being prolonged on their
24 account. They should be worked to
25 death.'

1 "k. 'Thanks to our soldiers we are able to
2 lead life so leisurely compared to the
3 wretched state of the prisoners.'

4 "(2) The Japanese:

5 "a. 'Their spiritual state is pitiful.
6 They feel no shame in being exposed to
7 public show. Nothing is more pitiful
8 to see than a people with no sense of
9 shame.'

10 "b. 'When we observe the disgraceful be-
11 havior of the prisoners we feel keenly
12 the happiness of being a Japanese and
13 also that we must win the war. We
14 should not complain of such trifles as
15 shortage of goods.'

16 "c. 'We can still find something arrogant
17 in their attitude. We must treat them
18 with the firmness of a victorious
19 nation.'

20 "d. 'Some of the Koreans entertained mis-
21 givings regarding the true might as
22 well as the victories of our Empire,
23 but they can have no such doubts now
24 after they have seen the defeated
25 prisoners.'

1 "e. "We can never afford to be defeated.
2 "We must fight to victory. We shall
3 fight to the last.'

4 "(3) The Chinese:

5 "a. "When I actually saw the true might of
6 Japan, my confidence in her became
7 greater. Thanks to Japan we are able
8 to get along comfortably and engage in
9 our business peacefully.'

10 "b. 'The miserable figures of the prison-
11 ers themselves symbolize the fall of
12 Britain. "The Chinese should place fur-
13 ther confidence in Japan and work
14 harder to set up a new East Asia.'

15 "(4) The French:

16 "a. 'It makes us feel ashamed to see the
17 prisoners being sent to Korea, for
18 they are westerners, the same as us.
19 Japan's might is truly astonishing.'

20 "b. 'If there are any among them from the
21 British Isles, I believe they must be
22 ashamed of themselves. I feel sorry
23 for them.'

24 "(5) The Germans:

25 "a. "We have been returning inhumanity for

1 British and American inhumanity thus
2 far. We hope you will be cruel to
3 them.'

4 "(6) The White Russians:

5 "a. 'They whistle and don't seem to care
6 a bit. It seems that being a prisoner
7 of war is no disgrace to them. The
8 clothes that they wear are ragged and
9 not uniform and their physique is
10 poor. That is why they are losing
11 the war.'

12 "3. The Speech and Actions of the Prisoners.

13 "It looks as though they have all resigned
14 themselves to fate. They are as a whole submissive.
15 They observe the rules and regulations well and are
16 grateful for the fair treatment they are receiving
17 in the hands of the Japanese Army. Some of them are
18 astonished at the superiority of the Japanese forces.

19 "Immediately after arrival, we succeeded
20 in making them all take oath. But for all that, we
21 can still see arrogance in their attitude and some
22 of them openly say that final victory remains with
23 Britain. Some of them make a show of themselves by
24 claiming that being a prisoner is an honor which a
25 subject can do to his fatherland. All of them

1 believe that the United States will help them gain
2 final victory. Unaware of the great victories of
3 the Imperial Forces, they blindly believe in the
4 material power of the United States and from the
5 bottom of their hearts they are waiting for the
6 victory of their fatherland."

7 Prosecution's document No. 979-A I desire
8 to introduce in evidence, being the report of the
9 provisions in regard to the Korean prisoner of war
10 internment camps.

11 THE PRESIDENT: Admitted on the usual
12 terms.

13 CLERK OF THE COURT: Prosecution's docu-
14 ment No. 979-A will receive exhibit No. 1976.

15 ("Whereupon, the document above
16 referred to was marked prosecution's
17 exhibit No. 1976 and received in evidence.)

18 MR. WOOLWORTH: It appears on the face of
19 this document as follows:

20 "Very Secret

21 "Received By the War Ministry

22 "Army Asiatic Bureau Confidential Receipt

23 (RIKUANITSU) Asia Army Confidential No. 8593

24 "War Ministry Showa September 9,
25 1942 a.m. Secretariat

1 "War Ministry September 9, 1942 #896
2 War Affairs Section

3 "MILITARY Korea General Staff Confidential
4 No. 1787 Report of the Regulations concerning
5 the prisoner of war internment camps in Korea.

6 "Control Section of POW"

7 "SAITO September 4, 1942

8 "Commander of Korean Army ITAGAKI
9 Seishiro

10 "Minister of War TOJO, Hideki, Esq."

11 The date September 14.

12 "Commander of Korea Army

13 "War Ministry September 10, 1942 Control
14 Section of POW."

15 THE PRESIDENT: There is "MAKI" in another
16 circle.

17 MR. WOOLWORTH: That is correct.

18 "KOREAN ARMY, GENERAL STAFF OFFICE,
19 SECRET ORDER NO. 1787

20 "Subject: Report of the Provisions in Regards
21 to the Korean POW Internment Camps.

22 "Date: 4 September 1942

23 "From: Seishiro ITAGAKI, Korean Army Commander

24 "To: Hideki TOJO, War Minister

25 "(I) wish to report the following provisions as

mentioned above:

1 "Service Regulations of the POW Internment
2 Camps in Korea

3 "Control Regulations of the POW Internment
4 Camps in Korea

5 "Labor Provisions of the POW in Korea

6 "(Secret) Labor Provisions for the Korean POW.

7 "September 1, 1942, Korean Army Headquarters

8 "Art I. The labor of prisoners of war shall be accord-
9 ing to not only the labor regulations for
10 POW, treatment regulations for POW, de-
11 tailed regulations of the same, and supply
12 regulations for POW, but also the present
13 provisions.

14 "Art II. Not one POW must be left to time in idle-
15 ness. Allow appropriate labor according to
16 their skill, age, and physical strength,
17 thereby using them in industrial development
18 and military labor.

19 "Art III All POW including officers shall work.
20 But guide those above warrant officers
21 according to status, ability, and physical
22 strength to work voluntarily on the follow-
23 ing:
24 "1. Labor using engineering and science
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- "2. Agriculture
- "3. Breeding of live-stock and poultry.
- "4. Supervision of laboring POW
- "5. The narration of war history material
- "6. Propaganda
- "7. Other types of work recognized

suitable

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"Art. IV The types of labor to be allotted to POW are to be decided according to the situation, but the following are recognized as suitable:

"1. Agriculture

"2. Engineering (the repair and construction of roads, railroads, harbors, rivers, and labor on air fields).

"3. Mining.. The development labor of other materials.

"4. The collecting of materials (including scrap iron), hauling labor and other communications works.

"Art. V. POW may be used for guarding and other purposes when the burden of the military is lessened.

"Art. VI. Together with avoiding secret work for the labor of the POW, it is important to guard against destruction by the POW. If necessary make them give an oath and establish severe penalties.

"Art. VII. When government offices, public organizations, and companies wish to use the labor of the POW, applications stating type of labor, place, time and wages shall be made to the Army Commander.

"Art. VIII. The enforcement of labor of POW,

1 except those specially designated, shall be according
2 to the plan of the Army Commander. Labor within the
3 camp shall be enforced according to the discretions
4 of the Camp Commander.

5 "Art. IX. When it is necessary to station
6 POW to be used for labor for quite a long time out-
7 side the internment camp, a temporary labor branch
8 station shall be established. Its organization shall
9 be designated as circumstances require.

10 "Art. X. When transportation is necessary
11 to use prisoners for labor, it shall be according to
12 military transportation.

13 "Art. XI. When POW are to work outside
14 the area of the internment camp, the Camp Commander
15 shall notify the Military Police (Kempei-Tai) and
16 police station, if necessary confer with the district
17 administrative offices, and execute necessary measures
18 from control standpoint of the people of the district.

19 "Art. XII. In the case of the above the
20 Camp Commander shall decide the direct control and
21 guarding of the POW. When, for control and guarding,
22 personnel other than the members and guards of the
23 camp are found necessary, report to the Army Commander
24 and receive instructions. But as to guarding during
25 transportation and when labor branch stations are

1 established, instructions will be given as circum-
2 stances require.

3 "Art. XIII. The tools and materials to be
4 used for work shall be prepared by the employers.

5 "Art. XIV. The Camp Commander shall pro-
6 vide for items in regard to the labor, guarding and
7 controlling, and other necessary details of the POW
8 upon conferring with the employers and according to
9 the POW labor plan received from the Army Commander,
10 and also shall enforce this strictly and securely.

11 "Art. XV. In the work of the POW organize
12 operation units and appoint an able instructor, and
13 endeavor in all ways in the elevation of efficiency.
14 It is essential that the work does not become a
15 formality. Therefore, necessary tools and work clothes
16 (to spare their everyday clothes) may be made available.

17 "Art. XVI. In order to utilize the POW skill
18 to the advantage, it is necessary that a detailed
19 investigation of their skill be conducted within the
20 camp.

21 "Art. XVII. No wages need to be paid for
22 labor in regards to the control, keeping in order,
23 and preserving of the camp.

24 "Art. XVIII. The labor of POW of public
25 organizations and companies shall be according to the

1 following.

2 "1. The employer shall receive supervision
3 from the Army Commander only in regards to POW laborers.

4 "2. The employer shall formulate POW working
5 regulations and receive the aproval of the Army
6 Commander, in the case of revision the same is
7 applicable.

8 "3. When the Army Commander deems it
9 necessary, he may order the employers to revise the
10 POW working regulations.

11 "4. The employer shall work the POW ac-
12 cording to working regulations, in this case the
13 guarding of the POW shall be the responsibility of
14 the Camp Commander, the inspection and instruction
15 of the work shall be conducted by the employer.

16 "5. The employer shall formulate, corres-
17 ponding to POW supply regulations, (Feb. 20, 1942,
18 Army Notificatior No. 8) wage regulations and standing
19 regulations for raise in wages, submit them to the
20 Army Commander and receive the approval of the War
21 Minister. In case of revision the above shall be
22 applicable.

23 "6. In case of necessity the Army Commander
24 may order the employer to change the wage regulations
25 and standing regulations for raise in wages.

1 "7. When Army Commander deems it necessary
2 he may order the employer in regard to the wages and
3 the payment in kind to the POW.

4 "8. Measures shall be taken without any
5 slip in regards to items which require consideration
6 from the espionage standpoint by mutual consent of
7 the employer and camp commander. The items decided
8 upon shall receive the approval of the Army Commander.

9 "Art. XIX. The receipts, disbursements and
10 safekeeping of the wages and profits obtained from
11 other labors of the POWs shall be according to the
12 'POW Labor Regulations' and 'Korean POW Internment
13 Camp Control Regulations,' and shall be handled by
14 the accounting official of the internment camp.

15 "Art. XX. The cost of treatment in the case
16 POWs are injured or become ill because of work shall
17 be sustained by the employer.

18 "Art. XXI. When the labor of the POWs is
19 terminated or when the same is of a long length of
20 time, the camp commander shall make a report at the
21 end of each month on the situation of the labor of
22 the POW to the Army Commander.

23 "The items to be reported are approximately
24 the following:
25

"1. The outline of the enforcement of labor.

1 "2. The main points and cause of the same
2 between the plan and enforcement which proved con-
3 trary to expectations.

4 "3. The extent of diligence of the POW (the
5 progress of work).

6 "4. The psychological tendency of the POW.

7 "5. The difficulties of control and guarding.

8 "6. The situation of health and hygiene..

9 "7. The influence on the people of the
10 district.

11 "8. Items of liaison between the military
12 police and district authorities.

13 "9. Opinions for the future.

14 "Art. XXII. The treatment, supply (food)
15 and housing of the POW shall be appropriate to culti-
16 vation and maintenance of labor power.

17 "Art. XXIII. Although the required clothing
18 and quarters of the POW shall be prepared by the Army,
19 according to the circumstances, the employer may have
20 to take suitable measures. In either case the working
21 clothes shall be prepared by the employer."
22

23 It contains the usual certification of
24 authenticity.

25 THE PRESIDENT: Do you suggest it is really
necessary or even desirable to read so much from these

1 documents?

2 MR. WOOLWORTH: It might be that in the case
3 of the last document some might well have been excerpted,
4 but there were many items in there contrary to the
5 agreements and assurances of Japan which I thought
6 the Court should hear.

7 If the Tribunal please, I will aim to read
8 excerpts whenever it seems feasible to shorten the
9 reading of these documents.

10 THE PRESIDENT: Well, proceed as you in-
11 tended for the rest of the day. We have only twenty
12 minutes.

13 MR. WOOLWORTH: The prosecution desires to
14 introduce document No. 2733, the "Revision and Adjust-
15 ment of Cautions on Censorship."

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 2733 will receive exhibit No. 1977.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1977 and received in evidence.)

22 MR. WOOLWORTH: (Reading) "Revision and
23 Adjustment of Cautions on Censorship.

24 "20 December 1943.

25 "From: Chief of Information Bureau, War

1 Ministry.

2 "We wish to inform you that as of 20 December
3 1943 the above is revised and adjusted as follows:

4 "Instructions on news regarding two-grade
5 promotions for officers and enlisted men is omitted.

6 "Precautionary Matters in Censorship of News
7 of Prisoners of War.

8 "Domestic reports concerning POW's should
9 be made mainly to contribute to the raising of the
10 fighting spirit of the people and to increase and
11 bolster production; care should be taken to avoid
12 issuing twisted reports of our fair attitude which
13 might give the enemy food for evil propaganda and
14 bring harm to our interned brothers. For this reason,
15 any reports (including photographs, pictures, etc.)
16 which come under the following categories are pro-
17 hibited:

18 "1. Anything which gives the impression
19 that POW's are too well treated or are cruelly treated.

20 "Example: Any information giving an im-
21 pression that POW's receive good food without working,
22 or that labor conditions are extraordinarily good.
23 Any reports which give an impression of cruel treatment,
24 such as prisoners being punished or being made to labor
25 without clothing.

1 "2. Any concrete information concerning
2 facilities, supplies, sanitary conditions, or other
3 matters pertaining to living conditions within POW
4 camps.

5 "3. Any information giving the names of
6 any location of POW's other than the following, or
7 indicating their location:

8 HAKODATE	FUKUOKA	PHILIPPINES
9 TOKYO	FORMOSA	MALAY
10 OSAKA	KOREA	JAVA
11 ZENTSUJI	MUKDEN	BORNEO

12 "4. Any report which tells about POW's
13 who are not yet duly processed into POW camps, especially
14 their names, military units and places of birth (cap-
15 tured officers and men of the Chungking Army are ex-
16 cluded). Example: Any news of the POW expressing
17 his feeling about the bravery of the Imperial Army
18 immediately after capture is good, but any information
19 which describes conditions under which POW investigations
20 are made or which state the names, birth places, etc.
21 of POW's and which might tend to adversely affect (?)
22 is not good.

23 "5. Any reports indicating the capture of
24 Orientals and the use of them for labor.

25 "6. Any report indicating utilization of POW's

1 for purposes other than common labor.
2 "7. All statements by or impressions from
3 high ranking POW's (except those specifically authorized
4 by the War Ministry).
5 "(The rest is omitted.)"
6 There is the usual certificate of authenti-
7 city.
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1 The prosecution desires to introduce docu-
2 ment No. 1114P. This is the outline for the dis-
3 posal of prisoners of war according to the change
4 of situation.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 1114B will receive exhibit No. 1978.

8 (Whereupon the document above refer-
9 red to was marked prosecution's exhibit No.
10 1978 and received in evidence.)

11 MR. WOOLWORTH (reading):

12 "Regarding the outline for the disposal of
13 Prisoners of War according to the change of situa-
14 tion, a notification, Army-Asia-Secret No. 2257
15 was made on March 17, by the Vice War Minister, as
16 follows:

17 " N O T E

18 "As the war situation has become very criti-
19 cal, I have been ordered to notify you not to make
20 any blunders in the treatment of Prisoners of War
21 based upon the attached 'Outline for the Disposal of
22 Prisoners of War according to the Change of Situation,'
23 when the havoc of war make themselves felt in our
24 Imperial Homeland and in Manchukuo.

25 "This sheet is from the Monthly Report on In-
formation of Prisoners of War (UA 4)

"OUTLINE FOR THE DISPOSAL OF PRISONERS OF WAR
ACCORDING TO THE CHANGE OF SITUATION

"Policy

"1. Prisoners of War must be prevented by all possible means from falling into enemy hands. For this reason, the location of Prisoner of War Camps shall be changed.

"2. In the event of an enemy attack which leaves no alternative, prisoners of war may be set free.

"Outline

"1. Strengthening of guards for prisoner of war camps (including branch and detached camps - the same hereinafter). Prisoner of war administrative officers shall do their best to strengthen the powers for guarding prisoner of war camps by expanding and completing their facilities to conform with the defense program for their respective districts, and shall also dispatch guards to, or increase guards in, the branch and detached camps when necessary, or designate reinforcement squads, etc.

"The commandants of the camps and their subordinates shall not depend only on external facili-

1 ties, but shall progressively stimulate the morale
2 of the prisoners, and at the same time acquire a pro-
3 found grasp of their psychology and an insight into
4 their behavior and supervise them so that nothing
5 untoward will occur in case of emergencies.

6 "2. Transference of Prisoners of War.

7 Judging from conditions such as the intensifying of
8 enemy air-raids on major points, and enemy landings
9 on our Empire, both of which will follow the develop-
10 ments of the war situation, consideration shall be
11 given to the overall location of prisoners of war.
12 who, from the viewpoint of defense, shall be trans-
13 ferred or concentrated at the proper moment.

14 "A. Transfer Programme

15
16 "1. The camps to be transferred, and the
17 destination, order and time of transference, etc.
18 shall be planned by the central authorities, with
19 due consideration to the opinions of the Army Dis-
20 trict Commanders.

21 "2. The time for transference shall be
22 notified by the Central Authorities, but in case of
23 a sudden change in the situation, transference may
24 be executed at the discretion of the respective Army
25 District Commanders.

1 "3. As such transference of prisoners of
2 war is likely to excite the general public, great
3 care shall be taken in regard to the time and method
4 of transference.

5 "B. Regarding Transference and the Utilization of
6 Labor.

7 "1. As the call for prisoner of war laborers
8 is increasingly great, even under the present situa-
9 tion, the destination of the transference shall be
10 decided only after due consideration of this fact.

11 "2. Prisoners of war may be employed for
12 maintaining communication lines, so their location
13 at the proper places is also to be considered.

14 "3. Even in districts where the enemy are
15 likely to intensify their air-raids or effect landing
16 operations, the prisoner of war camps will be left
17 till the last if prisoner of war labor is absolute-
18 ly necessary in that area to maintain our fighting
19 power.

20 "The areas in which the camps will remain
21 to the last will be notified by the central authori-
22 ties with due consideration to the opinion of the
23 Army District Commanders. Even in such areas, how-
24 ever, if attacked by the enemy, the location of the
25

1 camps will be changed as much as possible, and we
2 shall not let prisoners of war fall into enemy hands
3 until we have got some results from them.

4 "C. Concentration of Prisoners of War.

5
6 "Prisoners of war who are dispersed at
7 various places for work or working at distant places
8 must be properly brought together to avoid unexpected
9 disaster.

10 "3. In case the situation becomes urgent
11 and there is no time to execute the transference
12 mentioned above, and if it is really unavoidable,
13 prisoners of war may be set free. Even in this ex-
14 tremity, measures shall be taken to transfer all
15 officers and those who are healthy and strong enough
16 to work. However, emergency measures shall be taken
17 without delay against those of antagonistic attitudes,
18 and we shall hope for nothing regrettable by taking
19 proper measures to suit the occasion.

20 "4. Utmost care shall be taken that no
21 harm is inflicted upon the general public by freeing
22 the prisoners of war.

23 "5. In case emergency measures are to be
24 taken to suppress plots, riots, revolts, etc. by the
25 prisoners of war, care shall be taken that they are

1 not utilized for enemy propoganda or give the enemy
2 an excuse for resorting to measures of retaliation.

3 "6. Especially nothing shall be left to be
4 desired in the procurement and supply of food in
5 this plan for disposal of the prisoners of war.
6 Every effort shall be made to maintain the minimum
7 amount of food necessary to sustain the lives of the
8 prisoners of war, even when transportation is cut off."
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1 THE PRESIDENT: The certificate shows the
2 date to be March, 1945.

3 MR. WOOLWORTH: Yes, sir.

4 THE PRESIDENT: I am asked to invite you to
5 make clear whether you are now dealing with individual
6 responsibility for treatment of prisoners of war.

7 MR. WOOLWORTH: I am aiming to deal with
8 the individual responsibility for the mistreatment
9 of prisoners of war, if the Tribunal please. I have
10 neglected to indicate the names of the officials
11 responsible for each one of the documents which
12 contain illegal orders and provisions for the reason
13 that there was supplied the Tribunal at the opening
14 of this phase a ~~list~~ of the defendants with their
15 official position and the dates.

16 THE PRESIDENT: Yes, Colonel.

17 MR. WOOLWORTH: Is there any further explan-
18 ation that the Tribunal will require?

19 THE PRESIDENT: No, that is a simple question
20 which you have answered. It does suggest you read
21 far more than was necessary from many documents; but
22 these phases necessarily overlap in some cases, and
23 the evidence in one can be used on another.

24 Classification is a stupendous task here,
25 Colonel.

1 MR. WOOLWORTH: If the Tribunal please, I
2 have a series of ten or eleven excerpts from the
3 interrogation of Hideki TOJO. I would prefer to
4 have these read in sequence and complete at one time,
5 if possible.

6 THE PRESIDENT: Well, it is almost four.
7 We will adjourn until half-past nine tomorrow morning.

8 (Whereupon, at 1600, an adjournment
9 was taken until Wednesday, 8 January 1947,
10 at 0930)
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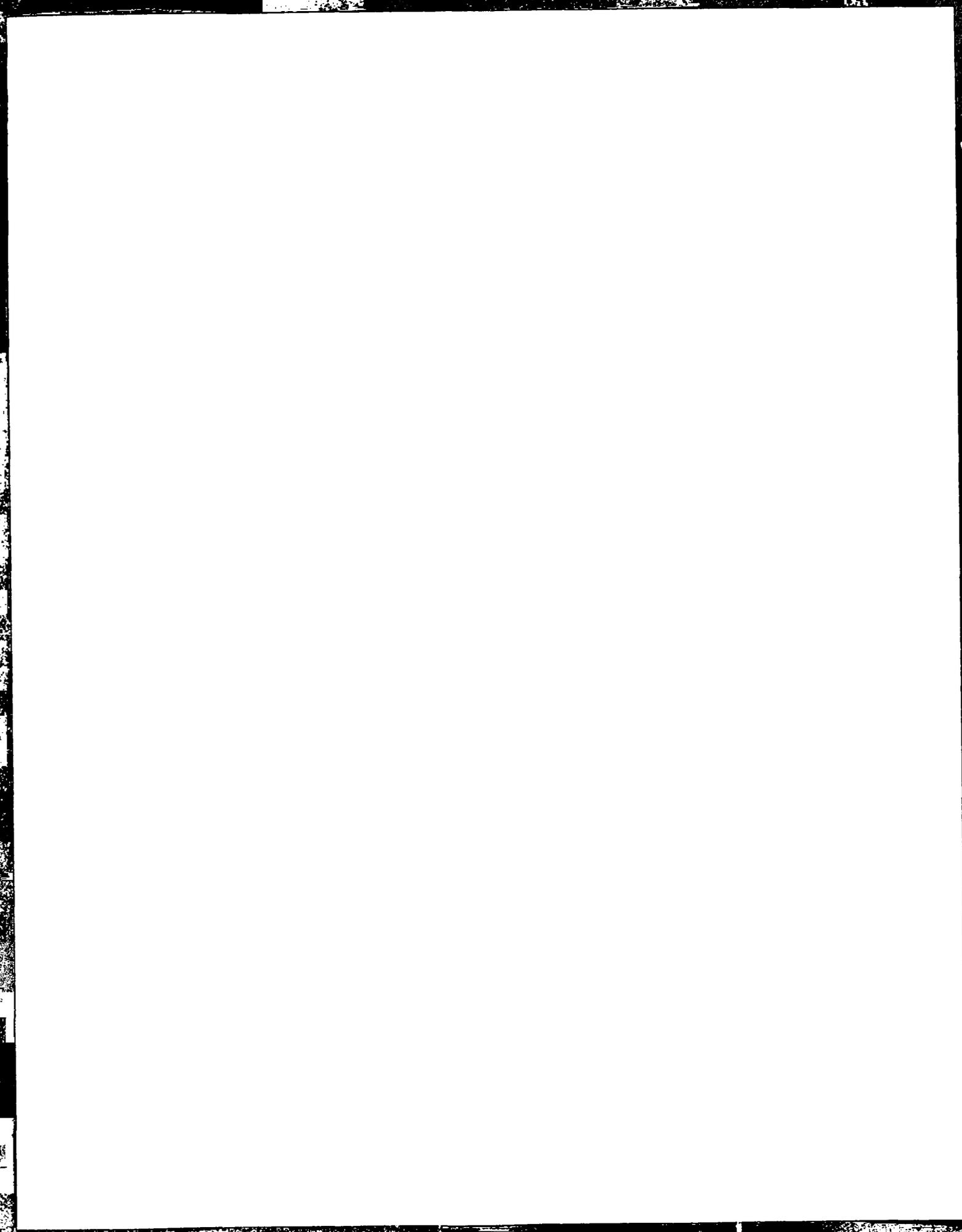
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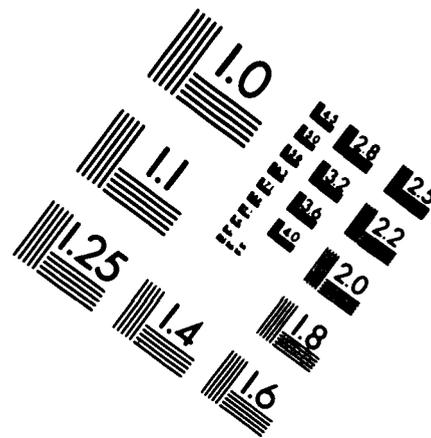
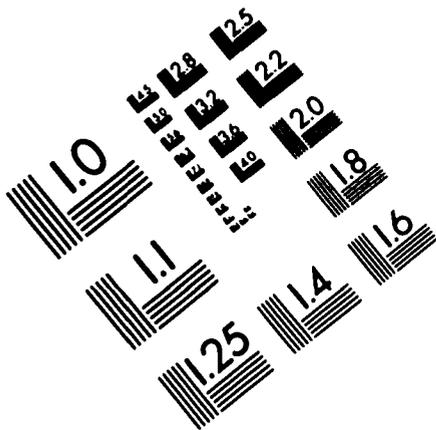
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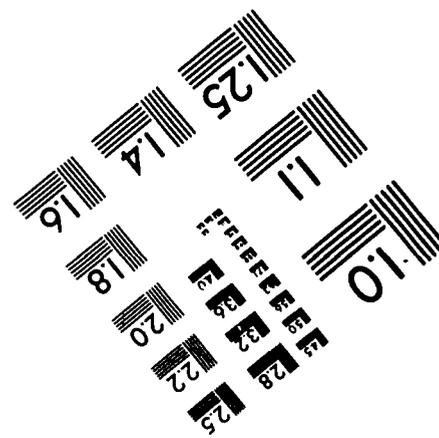
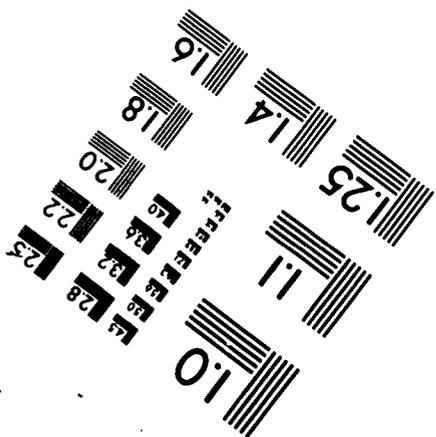
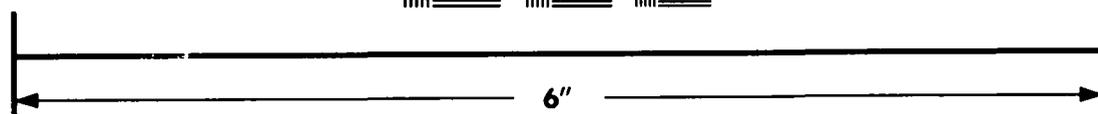
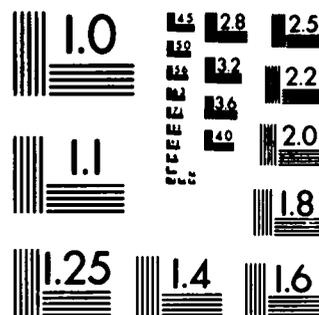
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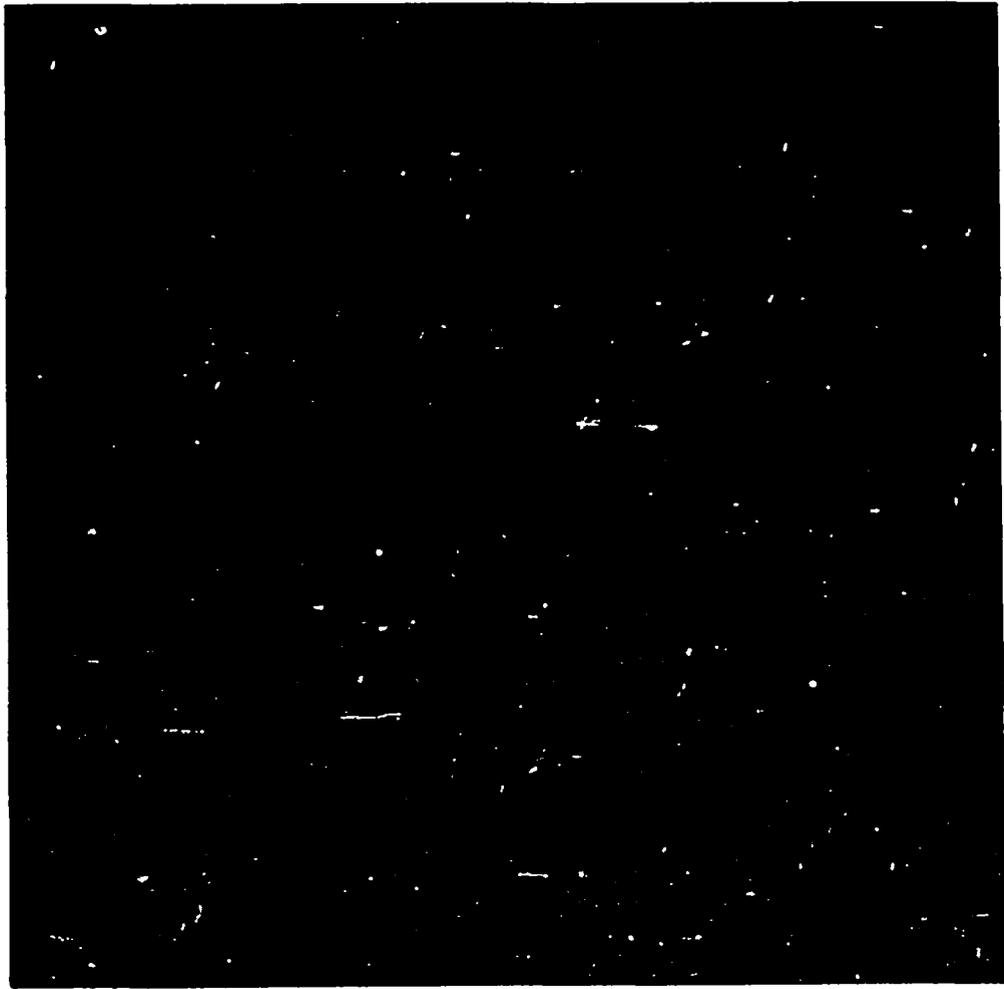




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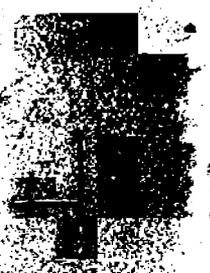
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