U.S. vs. JAPANESE
CHARGE FILES
UNWCC
Page 3

U.S. vs. JAPANESE

CHARGE FILES

UWCC
Date Submitted: 17 JAN 1946

Decision of Committee I:

Officer, Officers & crew of Submarine
UNITED NATIONS WAR CRIMES COMMISSION

REPORT OF CHARGES AGAINST JAPANESE WAR CRIMINALS

CASE No. 124 J

Name of accused, his rank and unit, or official position.
(Not to be translated.)

Commanding Officer, Officers, and Crew of Japanese Submarine (identity unknown at the present time), names and ranks unknown at the present time.

Date and place of commission of alleged crime.

29 March 1944.
Arabian Sea, Indian Ocean, Latitude 16°40', Longitude 94°02'.

Number and description of crime in war crimes list.

1. Ramming and capsizing lifeboat after sinking of merchant ship on the high seas.
2. Machine gunning lifeboats and rafts as well as survivors, after sinking of merchant ship on the high seas.
3. Towing away of lifeboat, making it unavailable to survivors of a merchant ship sunk on the high seas.

References to relevant provisions of national law.

Violations of the Laws and Customs of War.

SHORT STATEMENT OF FACTS.

The SS Richard Hovey (US) was torpedoed and sunk by a Japanese submarine. The submarine surfaced, rammed and capsized one lifeboat, machine gunned all boats, rafts and survivors and then towed away one lifeboat after destroying part of its equipment. During the machine gunning of the lifeboats and survivors, one survivor was wounded and one lifeboat had large holes shot into it.


TRANSMITTED BY
PARTICULARS OF ALLEGED CRIME

Ship was torpedoed three times in space of one hour. 63 men abandoned ship (3 being killed by explosions) in three lifeboats and several liferafts. Sub surfaced, rammed one lifeboat, machine-gunned all boats and rafts, and made off with Captain and three other men aboard as prisoners of war, with one lifeboat in tow. Survivors escaped greater injury by swimming away from boats and rafts. Only casualty from gunfire was one man, shot through the hand. One man died in a lifeboat several days later from burns received from torpedo explosions. Eventually all survivors (63) were separated into lifeboats — one, with 36, was picked up by British vessel and survivors landed in Calcutta, India; the other, with 35, was picked up by another British vessel and survivors landed in Karachi, India.
PARTICULARS OF EVIDENCE IN SUPPORT

1. Rene M.athers, Radio Operator. 621 Arndt Street, Riverside, N.J.
   Photostatic copy of signed and sworn statement. After shooting
   Japanese submarine surfaced, opened fire on survivors in boats and
   rafts - wounded deck engineer in hand, apparently no other casualties.
   Sub rammed one lifeboat, capsizing it, and shot it up - took aboard
   the captain, second mate, Turner, an oiler, Simms, and a seaman,
   Targett, (4 men) as PY/W's, took the Captain's lifeboat in tow,
   smashed the radio transmitter and made off in the darkness. 39 men
   were aboard witness' boat, after picking up all survivors they could
   find. Navy gunner, Pittipaldi, badly burned, became delirious several
   days later and died. Whole party (39) picked up 14 April 1944 by
   British ship 230/T 15, landed Cochin, 16 April and given treatment.

2. George H. Whiteford, 2d Asst. Engineer. 1507 Billings Street,
   Chelsea, Massachusetts.
   Photostatic copy of signed and sworn statement. Japanese submarine
   surfaced, opened fire on survivors in boats and rafts, 38 witnesses'
   boat and capsized it. Survivors got away by swimming away from boats
   and rafts - only casualty was deck engineer's wounded hand. Lifeboat was
   picked up with 38 survivors by British vessel and landed Cochin, India.

3. Joseph Rosenbauer, Seaman. 233 Union Street, Jersey City, N.J.
   Photostatic copy of signed and sworn statement. Got in No.1 lifeboat
   with Captain, sub surfaced, shelled the ship, then machine-gunned and
   rammed No.2 lifeboat -- then turned on No.1 boat and side-swiped
   lifeboat - machine-gunned No.1 boat, putting large holes in it --
   then came back to No.1 boat and forced the captain and 3 men to come
   aboard the sub - smashed the radio and water tanks in the boat, then
   took it in tow and started away. Was rescued by British vessel and
   landed Cochin, India.

4. James W. McGaw, Seaman. 420 So. 5th Street, Boise, Idaho.
   Photostatic copy of signed and sworn statement. Got in No.2 life-
   boat. Substance of statement same as preceding witness' accounts.
   Landed Cochin, India.

5. James P. O'Connor, Plumber. 1421 S.W. 7th Street, Miami 35, Fla.
   Photostatic copy of signed and sworn statement. Substantially the
   same as preceding statements. His lifeboat received 17 holes from
   Japanese gunfire, 3 of 4 water tanks were damaged, 2 beyond use.
   Landed in Cochin, India, among 38 survivors. Gives names of 3 men
   killed in preliminary torpedo attack on ships.

6. Richard Evans, Chief Officer.
   Extract of affidavit executed before American Consul, Karachi, India.
   States that sub cruised among boats and rafts firing with rifles,
   machine guns and other small arms, and taking pictures. Sub surfaced
   and organized No.2 lifeboat - damaged No.1  boat - took master and 3 men
   aboard as PY/W's. Men escaped injury by jumping into water. Had no
   knowledge of fate of others who survived, thought they were lost or
   taken prisoner. Gives description of submarine.

NOTE: No.2 lifeboat contained the 38 survivors who were landed
in Cochin, India.
No.1 lifeboat contained First Officer and 2 others who
were landed in Karachi, India.
No.3 lifeboat was tossed away by submarine.
No.3 lifeboat was destroyed by torpedo attack and never
left the ship.
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of
responsibility of the accused in view of his official position, e.g., was offence
committed on the offender's own initiative, or in obedience to orders, or in carrying
out a system approved by authority or a legal provision; (b) the probable defence;
(c) whether the case appears to be reasonably complete.)
<table>
<thead>
<tr>
<th>Date Submitted</th>
<th>Decision of Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 JAN 1945</td>
<td>C</td>
</tr>
</tbody>
</table>
UNITED NATIONS WAR CRIMES COMMISSION

UNITED STATES

CHARGES AGAINST

JAPANESE WAR CRIMINALS

WAR CRIMINALS

CASE No. 177.1

1. Japanese Guard, name and rank unknown, stationed at Military Prison Camp No. 4, Nichols Field - Pasay Detail, Luzon, Philippine Islands.

Date and place of commission of alleged crime.

Between March 1943 and February 1944. Military Prison Camp No. 4, Nichols Field - Pasay Detail, Luzon, Philippine Islands.

Number and description of crime in war crimes list.

Murder.

References to relevant provisions of national law.

Breach of the Laws and Customs of War.

SHORT STATEMENT OF FACTS.

Victim was shot to death by the accused without provocation.

Victim: United States Prisoner of War Sanchez.


TRANSMITTED BY

*Insert serial number under which the case is registered in the files of the National Office of the accusing State.

22 JAN 1946
PARTICULARS OF ALLEGED CRIME
PARTICULARS OF EVIDENCE IN SUPPORT

WITNESSES AND EVIDENCE

   Saw victim lying on ground and heard the shot. Assisted in burial of victim.
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)
<table>
<thead>
<tr>
<th>Date Submitted</th>
<th>Decision of Committee</th>
<th>R.</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 MAR 1546</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CHARGES AGAINST</td>
<td>JAPANESE WAR CRIMINALS</td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>------------------------</td>
<td></td>
</tr>
<tr>
<td>CASE No. 301 J</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Name of accused, his rank and unit, or official position.

Japanese Soldier, name and rank unknown, stationed at Corregidor, Philippine Islands, at time of offense.

Date and place of commission of alleged crime.

9 May 1942
Hospital in Malinta Tunnel, Corregidor, Philippine Islands.

Number and description of crime in war crimes list.

a. Assault with intent to commit rape.
b. Ill-treatment of Prisoners of War.

References to relevant provisions of national law.

SHORT STATEMENT OF FACTS.

On the night of 9 May 1942, at about 2:30 A.M., while victim was asleep in a room in the hospital in Malinta Tunnel, Corregidor, an unnamed Japanese Soldier (believed to be an officer) entered her room. Accused was naked except for a towel wrapped around his waist, and was armed with a knife which he brandished with gestures, threatening to cut victim's throat if she made outcry. Victim escaped before rape was perpetrated, but suffered a cut in the wrist from the knife during the struggle. Report was immediately made to the Japanese Commandant (unnamed) but insofar as is known the assailant was not apprehended or punished.

Victim: Mary E. Menzie, 1st Lt., ANC, N-73999


TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.
PARTICULARS OF ALLEGED CRIME
WITNESS AND EVIDENCE.

1. Mary B. Menzie, 1st Lt., ANC. Ser. No. N-73999, 912 H. Avenue, Lawton, Okla. Sworn affidavit. This witness is victim.
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority of a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)
<table>
<thead>
<tr>
<th>Date Submitted</th>
<th>Decision of Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 MAR 1546</td>
<td>C</td>
</tr>
</tbody>
</table>
## UNITED NATIONS WAR CRIMES COMMISSION

### UNITED STATES CHARGES AGAINST JAPANESE WAR CRIMINALS

#### CASE NO. 317 J.

| Name of accused, his rank and unit, or official position. | Three Japanese Soldiers, names and ranks unknown, members of Japanese Military Police at Fort Santiago, Philippine Islands. |
| Date and place of commission of alleged crime. | Latter part of 1944.  
Fort Santiago, Philippine Islands. |
| Number and description of crime in war crimes list. | Rape. |
| References to relevant provisions of national law. | Breach of the Laws and Customs of War. |

### SHORT STATEMENT OF FACTS.

During the latter part of 1944 (more definite date unknown), victim was raped on three separate occasions by Japanese soldiers (members of Japanese Military Police) while she was imprisoned at Fort Santiago.

**Victim:**  Mary Anderson, Botetourt County, Va.

**Source:** War Crimes Office, Washington, (Case No. 40-961).

**TRANSMITTED BY**

*Insert serial number under which the case is registered in the files of the National Office of the accusing State.*
PARTICULARS OF EVIDENCE IN SUPPORT

WITNESS AND EVIDENCE:

1. Mary Anderson, Botetourt County, Va. 
   Signed and Sworn Statement. This witness is the victim.
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)