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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 1

File No. A17-10/TT12/DUENAS

Date of Report 1 Sept. 1946

Title of Case DUENAS, Juan Muna

PART A

1. Name and Nationalities of Accused

DUENAS, Juan Muna - Guamanian

2. Nature, Place and Date of Offense

MURDER (Two specifications)

3. Names and Nationalities of Victims

Albert T. MENO - Guamanian.

4. Probable Place and Date of Trial

Trial completed

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam - 12-28-44.

6. Judgment and Sentence

GUILTY - Life imprisonment.

PART C

7. Action of Reviewing Authority

- A. Convening Authority - 1-31-45 - Approved.
- B. CinC Pac - 3-20-45 - Approved.

8. Action of Confirming Authority

CinC Pac - 3-20-45 - Approved.

9. Date and Place of Execution of Sentence

1-31-45 - Civil Jail, Agana, Guam.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 2

File Number A17-10/FF12/GUERRERO

Date of Report 1 Sept. 1946

Title of Case GUERRERO, Pedro Sablan Leon

PART A

1. Names and Nationalities of Accused

GUERRERO, Pedro Sablan Leon - Saipanese.

2. Nature, Place and Date of Offense

ASSAULT AND BATTERY (11 specifications)

- | | | |
|-----------------------|---------------------------|-----------------------|
| (1) Agana, Guam 9-42 | (2) Yona, Guam 10-42 | (3) Yona, Guam 10-42 |
| (4) Yona, Guam 10-42 | (5) Yona, Guam 3-42 | (6) Agana, Guam 12-42 |
| (7) Agana, Guam 12-43 | (8) Agana, Guam 12-43 | (9) Agana, Guam 9-42 |
| (10) Agana, Guam 4-44 | (11) Agana, Guam 9-29-42. | |

3. Names and Nationalities of Victims

Joaquin LIMTIACO - Guamanian Ramon S. BAZA - Guamanian Jesus P. QUITUGA - Guamanian
Jesus P. QUITUGA - Guamanian (2 specifications) Ramon S. N. CAMACHO - Guamanian
Juan L. G. NESA - Guamanian Juan B. CRUZ - Guamanian Arturo C. HINES - Guamanian
Pedro D. PEREZ - Guamanian.

4. Probable Place and Date of Trial

Trial completed.

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam - 7-2-45.

6. Judgment and Sentence

GUILTY (All specifications) - 5 years 6 months imprisonment.

PART C

7. Action of Reviewing Authority

- A. Convening Authority - 9-15-45 - Approved.
B. CinC Pac - 12-9-45 - Approved.

8. Action of Confirming Authority

CinC Pac 12-9-45 - Approved.

9. Date and Place of Execution of Sentence

9-15-45 - Civil Jail, Agana, Guam.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 3

File Number A17-10/FF12/VILLAGOMEZ

Date of Report 11 Sept. 1946

Title of Case VILLAGOMEZ, Jose P.

PART A

1. Name and Nationalities of Accused.

VILLAGOMEZ, Jose P. - Saipanese

2. Nature, Place and Date of Offense

MURDER (One specification) - Agana, Guam - 11-42.

3. Names and Nationalities of Victims

4. Probable Place and Date of Trial

Trial completed.

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam - 2-26-45.

6. Judgment and Sentence

GUILTY - 10 years imprisonment.

PART C

7. Action of Reviewing Authority

A. Convening Authority - 5-5-45 - Approved.

B. CinC Pac - 11-29-45 - Approved.

8. Action of Confirming Authority

CinC Pac - 11-29-45 - Approved.

9. Date and Place of Execution of Sentence

5-5-45 - Civil Jail, Agana, Guam.

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CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 4

File Number 417-

-10/FY12/CRUZ

Date of Report 15 Sept. 1946

Title of Case CRUZ, Miguel A.

PART A

Name and Nationalities of Accused

CRUZ, Miguel A. - Guamanian

Nature, Place and Date of Offense

ASSAULT (2 specifications) (1) Agana, Guam - 9-1-42 (2) Dedode, Guam - 7-42.

Names and Nationalities of Victims

Luis Cruz CAMACHO - Guamanian Vicent San AUGUSTINE - Guamanian

Probable Place and Date of Trial

Trial completed.

PART B

Place and Date of Trial

Headquarters, Island Command, Guam - 3-22-45.

6. Judgment and Sentence.

GUILTY (2 specifications) - Confinement for a period of one (1) year.

PART C

7. Action of Reviewing Authority

A. Convening Authority - 4-24-45 - Approved.

B. Cinc Pac - 8-19-45 - Approved.

8. Action of Confirming Authority

Cinc Pac - 8-19-45 - Approved.

9. Date and Place of Execution of Sentence

4-24-45 - Civil Jail, Agana, Guam.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 5

File Number A17-10/FF12/SABLAN

Date of Report 1 Sept. 1946

Title of Case SABLAN, Nicolas T.

PART A

1. Names and Nationalities of Accused

SABLAN, Nicolas T. - Saipanese.

2. Nature, Place and Date of Offense

CHARGE I - ASSAULT (four specifications)

- | | |
|------------------------------------|---------------------------------|
| (1) Sinajana, Guam - December 1942 | (2) Tatuhan, Guam - 1-4-43 |
| (3) Sinajana, Guam - July 1942 | (4) Sinajana, Guam - Sept. 1942 |

CHARGE II - ASSAULT WITH INTENT TO COMMIT RAPE (Two specifications)

- | | |
|--------------------------------|---------------------------------|
| (1) Agana, Guam - January 1943 | (2) Sinajana, Guam - April 1944 |
|--------------------------------|---------------------------------|

3. Names and Nationalities of Victims

Jesus B. RODRIQUEZ - Guamanian	Jose G. SALAS - Guamanian	Jose L. MANGLONOA - Guamanian
Pedro D. CAMACHO - Guamanian	Dalores S. CRUZ - Guamanian	Ida D. DIEGO - Guamanian

4. Probable Date and Place of Trial

Trial completed.

PART B

5. Date and Place of Trial

3-30-45 - Headquarters, Island Command, Guam.

6. Judgment and Sentence

GUILTY - Confinement for a period of ten (10) years.

PART C

T

7. Action of Reviewing Authority

- A. Convening Authority - 6-27-45 - Approved.
B. CinC Pac - 11-14-45 - Approved.

8. Action of Confirming Authority

CinC Pac - 11-14-45 - Approved.

9. Date and Place of Execution of Sentence

6-27-45 - Civil Jail, Agana, Guam.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 6

File Number A17-10/FF12/KOBAYASHI

Date of Report 1 Sept. 1946

Title of Case KOBAYASHI, Matsukichi

PART A

1. Names and Nationalities of Accused

KOBAYASHI, Matsukichi - Japanese

2. Nature, Place and Date of Offense

MURDER - Fonte, Guam - July 1944.

3. Names and Nationalities of Victims

Vicente Sablan BAZA - Guamanian

4. Probable Place and Date of Trial

Trial completed.

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam - 4-10-45.

6. Judgment and Sentence

GUILTY - Life imprisonment.

PART C

7. Action of Reviewing Authority

- A. Convening Authority - 4-18-45 - Approved.
- B. CinC Pac 6-5-45 - Approved.

8. Action of Confirming Authority

CinC Pac - 6-5-45 - Approved.

9. Date and Place of Execution of Sentence

4-18-45 - Civil Jail, Agana, Guam.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 7

File Number A17-10/EE12/CAMACHO et al

Date of Report 1 Sept. 1946

Title of Case - CAMACHO, Antonio et al

PART A

1. Name and Nationalities of Accused

CAMACHO - Antonio - Saipanese
REYES, Juan - Saipanese

2. Nature, Place and Date of Offense

MURDER (One specification) - Agana, Guam - Early part of 1942.

3. Names and Nationalities of Victims.

Pedro G. SABLAN - Guamanian.

4. Probable Place and Date of Trial

Trial completed.

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam - 4-27-45.

6. Judgment and Sentence

CAMACHO - Guilty - Death by hanging.
REYES - Guilty - Death by hanging.

PART C

7. Action of Reviewing Authority

- A. Convening Authority - 6-14-45 - Approved.
- B. Cins Pac - 8-21-45 - Approved.

8. Action of Confirming Authority.

CAMACHO - Sentence commuted to life imprisonment - 6-3-46 - SecNav
REYES - Sentence commuted to life imprisonment - 6-3-46 - Sec Nav

9. Date and Place of Execution of Sentence

6-14-45 - Civil Jail, Agana, Guam.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 8

File Number AL7-10/FT12/BORJA

Date of Report 1 Sept. 1946

Title of Case BORJA, Manuel Tudela - Guamanian

PART A

1. Name and Nationality of Accused

BORJA, Manuel Tudela - Guamanian.

2. Nature, Place and Date of Offense

CHARGE I - MURDER - Agat, Guam - 8-6-43
CHARGE II - ASSAULT - Agat, Guam - 3-19-42

3. Names and Nationalities of Victims.

Francisco Cruz SALAS, Guamanian
Antonio M. BABAUTA, Guamanian.

4. Probable Place and Date of Trial

Trial completed

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam 5-9-45.

6. Judgment and Sentence

GUILTY (Both charges) - Death by hanging.

PART C

7. Action of Convening Authority

A. Convening Authority - 6-26-45 - Approved.
B. Cinc Pac - 6-28-45 - Approved

8. Action of Confirming Authority

1-1-46 - Sentence commuted to life imprisonment - SecNav.

9. Date and Place of Execution of Sentence

6-26-45 City Jail, Agana, Guam.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 9
File Number A17-10/1112/PAKHELINAH

Date of Report 1 Sept. 1946

NOTE Title of Case PAKHELINAH, Henry S.

PART A

1. Name and Nationalities of Accused

PAKHELINAH, Henry S. - Saipanese.

2. Offense, Place and Date of Offense

ASSAULT (3 specifications) - (1)(2)(3) - Agaña, Guam June 1942
ASSAULT AND BATTERY (2 specification) (1)(2) - Agaña, Guam June 1942

3. Names and Nationalities of Victims

Juan S. FLORES - Guamanian Juan B. Manibuan + Guamanian - Antonio T. ATEIQUE-
Guamanian

4. Probable Place and Date of Trial

Trial completed.

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam - 5-23-45.

6. Judgment and Sentence

GUILTY - Confinement for a period of two (2) years.

PART C

7. Action of Reviewing Authority

A. Convening Authority - 7-5-45 - Approved.
B. CinCPac - 8-28-45 - Approved.

8. Action of Confirming Authority

CinCPac - 8-28-45 - Approved.

9. Date and Place of Execution of Sentence

7-5-45 - Civil Jail, Agaña, Guam.

WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 10
File Number A17-10/FF12/AGUON

Date of Report 1 Sept. 1946

Title of Case AGUON, Mariano Tydingco

PART A

1. Name and Nationalities of Accused
MR AGUON, Mariano Tydingco - Guamanian
2. Nature, Place and Date of Offense
Sex perversion - 5-29-45 - Asan, Guam.
3. Names and Nationalities of Victims.
W. R. LYMAN - Slc, USN - USA.
4. Probable Place and Date of Trial
Trial Completed.

PART B

5. Place and Date of Trial
Headquarters, Island Command, Guam - 6-9-45.
6. Judgment and Sentence
GUILTY - Confinement for three years.

PART C

7. Action of Reviewing Authority
A. Convening Authority - 7-3-45 - Approved.
B. CinCPac 8-1-45 - Approved.
8. Action of Confirming Authority
CinCPac 8-1-45 - Approved.
9. Date and Place of Execution of Sentence
7-3-45 - Civil Jail, Agana, Guam.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 11
File Number A17-10/PT12/SHINOHARA

Date of Report 1 Sept. 1946

EXHIBIT Title of Case SHINOHARA, Samuel T.

PART A

1. Name and Nationalities of Accused

SHINOHARA, Samuel T. - Japanese.

2. Nature, Place and Date of Offense

CHARGE I - TREASON - Guam - 12-16-41

CHARGE II - THEFT - Agaña, Guam - February 1942.

CHARGE III - ASSAULT AND BATTERY - Agaña, Guam - 1-20-42.

CHARGE IV - TAKING A FEMALE FOR THE PURPOSE OF PROSTITUTION (2 specifications) -
February 1942.

ADDITIONAL CHARGE I - TREASON - Agaña, Guam - February 1942.

" " II - ASSAULT AND BATTERY (2 specifications) - Agaña, Guam 2 & 3-42.

" " III - DESECRATION OF THE FLAG - Agaña, Guam - February 1942.

3. Names and Nationalities of Victims

James E. DAVIS - Lt.(jg), USN - George J. MC MILLIN, Capt., USN
Alfoncina FLORES - Guamanian Nicholas P. MENDIOLA - Guamanian.

4. Probable Place and Date of Trial

Trial completed.

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam - 7-28-45.

6. Judgment and Sentence

CHARGE I - Guilty
CHARGE II - Not guilty
CHARGE III - Guilty
CHARGE IV - Guilty

ADDITIONAL CHARGE I - Guilty
" CHARGE II - Guilty
" CHARGE III - Not guilty.
SENTENCE - DEATH BY HANGING.....

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WAR CRIMES TRIAL STATUS REPORT

DIRECTOR OF WAR CRIMES

PACIFIC OCEAN AREAS

(Reporting Office)

Case No. 12

File Number A17-10/FF12/CRISOSTOMO

Date of Report 1 Sept. 1946

Title of Case - CRISOSTOMO, Luis C.

PART A

1. Names and Nationalities of Accused

CRISOSTOMO, Luis C. - Saipanese

2. Nature, Place and Date of Offense

MURDER - CHARGE I CHARGE II - ASSAULT (13 Specifications) - Agana, Guam - 7-42.

3. Names and Nationalities of Victims

John A. RODRIQUEZ - Guamanian

Joseph W. CRUZ - Saipanese

Celestino DANIAN - Guamanian

Jose E. TEDPAGO - Guamanian

Joseph P. QUINATA - Guamanian

Jose P. AGARA - Saipanese.

4. Probable Date and Place of Trial

Trial completed.

PART B

5. Place and Date of Trial

Headquarters, Island Command - Guam - 1 August 1945.....

6. Judgment and Sentence

GUILTY - CHARGE I

GUILTY (All specifications) - CHARGE II

SENTENCE - Death by hanging.

PART C

7. Action of Reviewing Authority

Convening Authority - 11 August 1945 - Approved.

CinCPac - 15 Aug 1945 - Approved.

8. Action of Confirming Authority.

1-3-46 - Commuted to life imprisonment - SeeNav.

9. Date and Place of Execution of Sentence.

8-11-45 - Civil Jail, Agana, Guam.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case Number 13

File Number A17-10/FF12/SHOJI et al

Date of Report 2 Sept. 1946

Title of Case SHOJI, Koji. Sic. IJN et al

PART A

1. Names and Nationalities of Accused

SHOJI, Koji, Seaman First Class, IJN - Japanese
TAKAHASHI, Kiyoshi, Superior Private, IJN - Japanese

2. Nature, Place and Date of Offense

MURDER (two specifications) - Tafac Point, Guam - January 1945.

3. Names and Nationalities of Victims

Seiichi Kikuchi - Japanese
Shigeru Kikuchi - Japanese

4. Probable Place and Date of Trial

Trial completed.

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam - 8-30-45.

6. Judgment and Sentence

SHOJI - GUILTY - Death by hanging.
TAKAHASHI - GUILTY - Death by hanging.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case Number 14
File Number AL7-10/FF12/HOSOKAWA

Date of Report 1 Sept. 1946

EX Title of Case HOSOKAWA, Akiyoshi

PART A

1. Names and Nationalities of Accused

HOSOKAWA, Akiyoshi - Japanese

2. Nature, Place and Date of Offense

ASSAULT AND BATTERY (Two specifications) - Agaña, Guam - 6-17-44.

3. Names and Nationalities of Victims

Manuel Q. LIZONA - Guamanian
Joaquin Santos SALAS - Guamanian

4. Probable Place and Date of Trial

Trial completed.

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam - 9-12-45.

6. Judgment and Sentence

GUILTY - Imprisonment for twelve months.

PART C

7. Action of Reviewing Authority

- A. Action of Convening Authority - 10-16-45 - Approved.
- B. CinCPac - 1-23-46 - Approved.

8. Action of Confirming Authority

CinCPac - 1-23-46 - Approved.

9. Date and Place of Execution of Sentence

Island Command Stockade, Guam - 10-16-45.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 15

File Number A17-10/PT12/KAWACHI

Date of Report 1 Sept. 1946

INDEX

Title of Case KAWACHI, Kanoo

PART A

1. Name and Nationalities of Accused

KAWACHI, Kanoo - Japanese

2. Nature, Place and Date of Offense

ASSAULT AND BATTERY (14 Specifications)

(1)	Agana, Guam	8-17-43	(2)	Agana, Guam	8-18-43	
(3)	"	"	(4)	"	"	8-19-43
(5)	"	"	(6)	"	"	8-20-43
(7)	"	"	(8)	"	"	8-20-43
(9)	"	"	(10)	"	"	8-22-43
(11)	"	"	(12)	"	"	6-4-43
(13)	"	"	(14)	"	"	4-44

3. Names and Nationalities of Victims

Baltasar J. BONDALLO - Guamanian
Isabel Taitano CRUZ - Guamanian

Josquin LIMTIACO - Guamanian
Pedro CAMACHO - Guamanian

4. Probable Place and Date of Trial

Trial completed

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam 9-17-45

6. Judgment and Sentence

GUILTY (All specifications) - Six years and six months imprisonment.

PART C

7. Action of Reviewing Authority

A. Convening Authority - 10-24-45 - Approved.
B. CinCPac - 1-23-46 - Approved.

8. Action of Confirming Authority

CinCPac - 1-23-46 - Approved.

9. Date and Place of Execution of Sentence

10-24-45 - Civil Jail, Agana, Guam.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREA
(Reporting Office)

Case No. 15 / 6

File Number A17-10/1212/MIWA

Date of Report 1 Sept. 1946

Title of Case MIWA, Kyomon

PART A

1. Name and Nationality of Accused

MIWA, Kyomon - Japanese

2. Nature, Place and Date of Offense

ASSAULT AND BATTERY - Asan, Guam - April 1943 (One specification)

3. Names and Nationalities of Victims

Maria C. SIGUENZA

4. Probable Place and Date of Trial

Trial completed.

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam - 9-20-45.

6. Judgment and Sentence

GUILTY - Six months imprisonment.

PART C

7. Action of Reviewing Authority

A. Convening Authority - 9-27-45 - Approved.

B. CinCPac - 11-3-45 - Approved.

8. Action of Confirming Authority

CinCPac - 11-3-45 - Approved.

9. Date and Place of Execution of Sentence

9-27-45 ~~XXXXXXXXXX~~ Civil Jail, Agana, Guam.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. ~~25~~ 17
File Number A17-10/FF12/CABRERA

Date of Report 1 Sept. 1946

Title of Case CABRERA, Jose C.

PART A

1. Name and Nationalities of Accused

CABRERA, Jose C. - Saipanese

2. Nature, Place and Date of Offense

ASSAULT AND BATTERY (11 specifications)

(1) Talofofo, Guam - September 1943	(2) Talofofo, Guam - January 1944
(3) " " - January 1944	(4) " " - March 1942
(5) " " - March 1942	(6) " " - August 1943
(7) " " - June 1943	(8) " " - June 1943
(9) " " - September 1943	(10) " " - July 1944
(11) " " - June 1943	

3. Names and Nationalities of Victims

Vicente Reyes ULIOA - Guamanian	Jose Delgado - Guamanian
Juan S. SALAS - Guamanian	Theresa Pablo REYES - Guamanian
Juan R. MESA - Guamanian	Jesus A. UMPINGAO - Guamanian
Jose A. PABLO - Guamanian	Albert T. MEND - Guamanian
Pedro S. N. CHANGUALAF - Guamanian	Juan T. TEDTAOTAO - Guamanian

4. Probable Place and Date of Trial

Trial completed

PART B

5. Place and Date of Trial

Headquarters, Island Command - 9-26-45.

6. Judgment and Sentence

GUILTY (All specifications) - IMPRISONMENT FIVE YEARS SIX MONTHS

PART C

7. Action of Reviewing Authority

A. Convening Authority - 10-24-45 - Approved.
B. CinCPac - 12-3-45 - Approved.

8. Action of Confirming Authority

CinCPac - 12-3-45 - Approved.

9. Date and Place of Execution of Sentence

10-24-45 - Civil Jail, Agana, Guam.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 37 / 18

File Number AW-10/PT12/OGAWA

Date of Report 1 Sept. 1946

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Title of Case OGAWA, Hirose

PART A

1. Name and Nationalities of Accused

OGAWA, Hirose - Japanese

2. Nature, Place and Date of Offense

ASSAULT AND BATTERY (One specification) - March 1942 Agaña, Guam.

3. Names and Nationalities of Victims

Pedro CAMACHO - Guamanian

4. Probable Place and Date of Trial

Trial completed.

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam - 10-12-45.

6. Judgment and Sentence

GUILTY - 3 years 6 months imprisonment.

PART C

7. Action of Reviewing Authority

A. Convening Authority - 10-25-45 - Approved.

B. CinCPac - 1-23-46 - Approved.

8. Action of Confirming Authority

CinCPac - 1-23-46 - Approved.

9. Date and Place of Execution of Sentence

10-25-45 - Civil Jail, Agaña, Guam.

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 1419

File Number AL7-10/FF12/QUINTANILLA

Date of Report 1 Sept. 1946

Title of Case QUINTANILLA, Domingo S.

PART A

1. Name and Nationalities of Accused

QUINTANILLA, Domingo S. - Rotanese

2. Nature, Place and Date of Offense

ASSAULT AND BATTERY (Eight specification)

- | | |
|--------------------------------|--------------------------------|
| (1) Barrigada, Guam June 1944 | (2) Dededo, Guam January 1944 |
| (3) Barrigada, Guam March 1944 | (4) Barrigada, Guam May 1944 |
| (5) Barrigada, Guam June 1944 | (6) Barrigada, Guam April 1944 |
| (7) Dededo, Guam April 1944 | (8) Barrigada, Guam July 1944 |

3. Names and Nationalities of Victims

Jose R. GOMEZ - Guamanian Jose P. AGUON - Guamanian
Jesus A. QUINATA - Guamanian Ricardo T. MANTANONA - Guamanian
Ramon C. CARRIDO - Guamanian Jose E. TEDPAGO - Guamanian
Juan B. ROSARIO - Guamanian Juan C. BENAVENTE - Guamanian

4. Probable Date and Place of Trial

Trial completed.

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam - 10-15-45.

6. Judgment and Sentence

GUILTY (All specifications) - Four years imprisonment.

PART C

7. Action of Reviewing Authority

Convening Authority - 10-31-45 - Approved.
CinCPac - 1-16-46 - Approved.

8. Action of Confirming Authority

CinCPac - 1-16-46 - Approved.

9. Date and Place of Execution of Sentence

10-31-45 - Island Command Stockade, Guam.....

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. ~~19~~ 20
File Number A17-10/FF12/MENDIOLA

Date of Report 1 Sept. 1946

Title of Case MENDIOLA, Fritz Angocio - Rotanese

PART A

1. Names and Nationalities of Accused

MENDIOLA, Fritz Angocio - Rotanese

2. Nature, Place and Date of Offense

ASSAULT AND BATTERY (14 specifications)

(1) Piti, Guam November 1943	(2) Piti, Guam July 1943
(3) Piti, Guam July 1943	(4) Piti, Guam August 1943
(5) Piti, Guam November 1942	(6) Piti, Guam March 1943
(7) Piti, Guam March 1943	(8) Piti, Guam July 1943
(10) Sumay, Guam December 1943	(9) Sumay, Guam December 1943
(11) Piti, Guam February 1943	(12) Sumay, Guam January 1944
(13) Piti, Guam February 1943	(14) Piti, Guam August 1943

3. Names and Nationalities of Victims

Francisco MANIBUSAN - Guamanian	Vicente AFLAGUE - Guamanian
Celestino DAMIAN - Guamanian	Nicolas CRUZ - Guamanian
Jose B. CRUZ - Guamanian	Joaquin M. MUNA - Guamanian
Fecundo D. B. GARRIDO - Guamanian	Jesus M. SAN NICOLAS - Guamanian
Francisco S. DUENAS - Guamanian	Francisco M. TAJALLEO - Guamanian

4. Probable Date and Place of Trial

Trial completed.

PART B

5. Date and Place of Trial

Headquarters, Island Command, Guam 10-18-45

6. Judgment and Sentence

GUILTY - 5 years 6 months imprisonment.

PART C

7. Action of Reviewing Authority

A. Convening Authority - 11-7-45 - Approved.
B. CinCPac Authority - 11-24-45 - Approved.

8. Action of Confirming Authority

CinCPac - 11-24-45 - Approved.

9. Date and Place of Execution of Sentence

11-7-45 Island Command Stockade, Guam,.....

1435

WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 2021
File Number AL7-10/FE12/VILLAGOMEZ

Date of Report 1 Sept. 1946

Title of Case VILLAGOMEZ, Jose P.

PART A

1. Name and Nationality of Accused

VILLAGOMEZ, Jose P. - Saipanese

2. Nature, Place and Date of Offense

ASSAULT AND BATTERY (7 specifications)

- | | |
|---------------------------------|-----------------------------|
| (1) Agana, Guam - February 1942 | (2) Agana, Guam - June 1942 |
| (3) Agana, Guam - June 1942 | (4) Agana, Guam - 8-22-42 |
| (5) Agana, Guam - 8-31-42 | (6) Agana, Guam - 9-1-42 |
| (7) Agana, Guam - 10-42. | |

3. Names and Nationalities of Victims

Juan F. FLORES - Guamanian	Mantanona CHIGUINA - Guamanian
Josquin LIMTIACO - Guamanian	Manuel AGUON - Guamanian
Cruz CAMACHO - Guamanian	Felipe A. UMPINGCO - Guamanian

4. Probable Place and Date of Trial

Trial completed.

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam - 10-22-45.

6. Judgment and Sentence

GUILTY (All specifications) - three years imprisonment.

PART C

7. Action of Reviewing Authority

- A. Convening Authority - 11-14-45 - Approved.
B. CinCPac - 11-29-45 - Approved.

8. Action of Confirming Authority

11-29-45 - Approved - CinCPac.

9. Date and Place of Execution of Sentence

11-14-45 Civil Jail, Agana, Guam.

14115

WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. 22
File Number A17-10/TF12/SARLAN

Date of Report 1 Sept. 1946

WERTXNY

Title of Case SARLAN, Francisco P.

PART A

1. Name and Nationalities of Accused

SARLAN, Francisco P. - Saipanese.

2. Nature, Place and Date of Offense

ASSAULT AND BATTERY (24 specifications) 1 specification Agaña, Guam 12-31-43
13 specifications Agaña, Guam 12-31-43
8 specifications Agaña, Guam 10-43
2 specifications Agaña, Guam - 10-42.

3. Names and Nationalities of Victims

Felix URISTIG - Guamanian	Ignacio NEDEDOO - Guamanian
Jose M. ECLERRA - Guamanian	Manuel L. ROSARIO - Guamanian
Vicente S. CRUZ - Guamanian	Ignacio T. CASTRO - Guamanian
Miguel GARRIDO - Guamanian	Juan N. PEREZ - Guamanian
Juan C. TEDIACTAO - Guamanian	Doroteo ZAMORA - Guamanian
Enrique RABAGO - Guamanian	Jose A. CONCEPCION - Guamanian

4. Probable Place and Date of Trial

Trial completed

PART B

5. Place and Date of Trial

Headquarters, Island Command, Guam - 10-29-45

6. Judgment and Sentence

GUILTY (All specifications) - Six years imprisonment.

PART C

7. Action of Reviewing Authority

A. 11-12-45 Approved - Convening Authority.
B. 11-29-45 Approved - CinCPac

8. Action of Confirming Authority

CinCPac - 11-29-45 - Approved.

9. Date and Place of Execution of Sentence

11-12-45 - Civil Jail, Agaña, Guam.....

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WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. ~~22~~ 23
File Number A17-10/FF12/VILLAGOMEZ

Date of Report 1 Sept. 1946

Title of Case VILLAGOMEZ, Juan

PART A

1. Names and Nationalities of Accused

VILLAGOMEZ, Juan - Guamanian

2. Nature, Place and Date of Offense

A. MURDER - Agana, Guam - October 1942.

B. ASSAULT AND BATTERY (4 specifications)

(1) Agana, Guam - March 1942

(3) Talofofo, Guam - June 1943

(2) Agana, Guam - March 1942

(4) Marajan, Guam - August 1942

3. Names and Nationalities of Victims

Jose C. GUERRERO - Guamanian

Jose M. MARTINEZ - Guamanian

Gonzalo ECLEBA - Guamanian

Blas T. TAIMANGLO - Guamanian

4. Probable Place and Date of Trial

Trial completed.

PART B

5. Place and Date of Trial

Headquarters, Island Command - Guam - 10-31-45.

6. Judgment and Sentence

A. GUILTY Sentence: Imprisonment for a period of five years.

B. GUILTY (All specifications)

PART C

7. Action of Reviewing Authority

A. Convening Authority - 11-10-45 - Approved.

B. CinCPac - 12-5-45 - Approved.

8. Action of Confirming Authority

CinCPac - 12-5-45 - Approved.

9. Date and Place of Execution of Sentence

11-10-45 Civil Jail, Agana, Guam.....

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WAR CRIMES TRIAL STATUS REPORT

DIRECTOR OF WAR CRIMES

PACIFIC OCEAN AREA

(Reporting Office)

Case No. 25 24
File Number A17-10/PT12/OISHI et al

Date of Report 1 Sept. 1946

Title of Case OISHI, Chisato, Colonel, IJA et al

PART A

1. Names and Nationalities of Accused.

Colonel Chisato OISHI, IJA, Japanese.
Major Otokiti NAKAO, IJA, Japanese.
Major Chojire TAKARADA, IJA, Japanese.
Lieut. Yoshi FUETA, IJA, Japanese.
Captain Masanaki ABE, IJA, Japanese.
First Lieutenant Yasuoshi KADOTA, IJA, Japanese.
First Lieutenant Yoshuo MOORI, IJA, Japanese.
Ensign Harushi MOTOMURA, IJA, Japanese.
Ensign Yutaka TANAKA, IJA, Japanese.
WO Tatsuichi MANAKO, IJA, Japanese.

2. Nature, Place and Date of Offense.

CHARGE I (One Specification) - MURDER - Wille Atoll, Marshalls Islands 2-2-44.
CHARGE II (One Specification) - CONSPIRACY TO COMMIT MURDER - Wille Atoll, Marshalls Islands - 2-2-44.

3. Names and Nationalities of Victims.

Five (5) American crew members, Army Air Corps, names & further description unknown.

4. Probable Place and Date of Trial

Trial completed.

PART B

5. Place and Date of Trial.

U. S. Naval Air Base, Kwajalein Island, Marshalls Islands - 11-21-45.

6. Judgment and Sentence

	<u>CHARGE I</u>	<u>CHARGE II</u>	<u>SENTENCE</u>
Chisato OISHI	GUILTY	GUILTY	DEATH BY HANGING
Otokiti NAKAO	NOT GUILTY	GUILTY	DEATH BY HANGING
Chojire TAKARADA	GUILTY	GUILTY	DEATH BY HANGING
Kiyoshi FUETA	GUILTY	GUILTY	DEATH BY HANGING
Masanaki ABE	GUILTY	GUILTY	LIFE IMPRISONMENT
Yasuoshi KADOTA	GUILTY	GUILTY	20 YRS. IMPRISONMENT.
Yoshuo MOORI	GUILTY	GUILTY	DEATH BY HANGING
Harushi MOTOMURA	GUILTY	GUILTY	20 YRS. IMPRISONMENT
Yutaka TANAKA	GUILTY	GUILTY	LIFE IMPRISONMENT
Tatsuichi MANAKO	GUILTY	GUILTY	DEATH BY HANGING

DIRECTOR WAR CRIMES
PACIFIC AREA
(Reporting Office)

Addendum #1 to
1468

Case Number 24
File No. A17-10/WH2/OISHI, et al

Date of Report 1 May 1947

Title of Case OISHI, Chinsu, Colonel, IJA et al

PART I
7. Action of Reviewing Authority

- A. Commander Marshall's Gilberts Area (Convening Authority) on January 2, 1946 approved the proceedings, findings and sentences of Chinsu OISHI, Col., IJA, Otsuichi WAKAO, Major, IJA, Onojiro ZEKARADA, Major, IJA, Kiyoshi FURUYA, Lieut., IJA, Masachika ABE, Capt., IJA, Yasuyoshi KADOTA, 1st Lieut., IJA, Yoshino MOORI, 1st Lieut., IJA, Haruichi MOROMURA, Ens., IJN, Tetsuichi WAKAO, WO, IJA, Tetsuichi WAKAO, WO, IJA.
- B. Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, and Military Governor of the Pacific Ocean Areas (Reviewing Authority) on March 9, 1946 set aside the finding as to Charge I and the specification thereunder and the sentence in the case of Yasuyoshi KADOTA, First Lieutenant, IJA, and the findings as to Charge II and the specification thereunder in the case of Colonel Chinsu OISHI, IJA. He approved the proceedings, findings and sentences in the case of Colonel Chinsu OISHI, IJA (except findings on Charge II and the specification thereunder), Otsuichi WAKAO, Major, IJA, Onojiro ZEKARADA, Major, IJA, Kiyoshi FURUYA, Lieut., IJA, Masachika ABE, Capt., IJA, Yoshino MOORI, 1st Lieut., IJA, Haruichi MOROMURA, Ens., IJN, Tetsuichi WAKAO, Ens., IJN, and Tetsuichi WAKAO, WO, IJA.

8. Action of Confirming Authority

- A. Commander Marshall's Gilberts Area took action as indicated in paragraph 7(A) above.
- B. Commander in Chief, U. S. Pacific Fleet and Pacific Ocean Areas, and Military Governor of the Pacific Ocean Areas took action as indicated in paragraph 7(B) above.
- C. Secretary of the Navy (confirming authority in cases involving a death sentence) on January 9, 1947 commuted the sentences of death in the cases of OISHI, Chinsu, Colonel, IJA, WAKAO, Otsuichi, Major, IJA, ZEKARADA, Onojiro, Major, IJA, FURUYA, Kiyoshi, Lieut., IJA, MOORI, Yoshino, 1st Lieut., IJA, WAKAO, Tetsuichi, WO, IJA, to imprisonment at hard labor for the term of their natural lives.

9. Date and Place of Execution of Sentence.

Otsuichi OISHI, Col., IJA - 1-2-46. War Criminal Stockade, Guam, Marianas Islands pending transfer to Sugamo Prison, Tokyo, Japan.
Otsuichi WAKAO, Major, IJA - 1-2-46. War Criminal Stockade, Guam, Marianas Islands pending transfer to Sugamo Prison, Tokyo, Japan.
Onojiro ZEKARADA, Major, IJA - 1-2-46. War Criminal Stockade, Guam, Marianas Islands pending transfer to Sugamo Prison, Tokyo, Japan.

DIRECTOR WAR CRIMES
PACIFIC FLEET
(Reporting Office)

Additional #1 to
1465

Case Number 24

File No. A17-10/FF12/OISHI, et al

Date of Report 1 May 1947

Title of Case OISHI, Chiato, Colonel, IJA et al

PART C

7. Action of Reviewing Authority

- A. Commander Marshall's Gilberts Area (Convening Authority) on January 2, 1946 approved the proceedings, findings and sentences of Chiato OISHI, Col., IJA, Otokiti NAKAO, Major, IJA, Chojiro TAKARADA, Major, IJA, Kiyoshi FUNTA, Lieut., IJA, Masashi ABE, Capt., IJA, Yasuyoshi KADOTA, 1st Lieut., IJA, Yoshuo MOORI, 1st Lieut., IJA, Harushi MOTOMURA, Ens., IJN, Yutaka TANAKA, Ens., IJN, Tatsuichi MANAKO, WO, IJA.
- B. Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, and Military Governor of the Pacific Ocean Areas (Reviewing Authority) on March 9, 1946 set aside the finding as to Charge I and the specification thereunder and the sentence in the case of Yasuyoshi KADOTA, First Lieutenant, IJA, and the findings as to Charge II and the specification thereunder in the case of Colonel Chiato OISHI, IJA. He approved the proceedings, findings and sentences in the cases of Colonel Chiato OISHI, IJA (except findings on Charge II and the specification thereunder), Otokiti NAKAO, Major, IJA, Chojiro TAKARADA, Major, IJA, Kiyoshi FUNTA, Lieut., IJA, Masashi ABE, Capt., IJA, Yoshuo MOORI, 1st Lieut., IJA, Harushi MOTOMURA, Ens., IJN, Yutaka TANAKA, Ens., IJN, and Tatsuichi MANAKO, WO, IJA.

8. Action of Confirming Authority

- A. Commander Marshall's Gilberts Area took action as indicated in paragraph 7(A) above.
- B. Commander in Chief, U. S. Pacific Fleet and Pacific Ocean Areas, and Military Governor of the Pacific Ocean Areas took action as indicated in paragraph 7(B) above.
- C. Secretary of the Navy (confirming authority in cases involving a death sentence) on January 9, 1947 commuted the sentences of death in the cases of OISHI, Chiato, Colonel, IJA, NAKAO, Otokiti, Major, IJA, TAKARADA, Chojiro, Major, IJA, FUNTA, Yochi, Lieut., IJA, MOORI, Yoshuo, 1st Lieut., IJA, MANAKO, Tatsuichi, WO, IJA, to imprisonment at hard labor for the term of their natural lives.

9. Date and Place of Execution of Sentence

Chiato OISHI, Col., IJA - 1-2-46. War Criminal Stockade, Guam, Marianas Islands pending transfer to Sugamo Prison, Tokyo, Japan.
Otokiti NAKAO, Major, IJA - 1-2-46. War Criminal Stockade, Guam, Marianas Islands pending transfer to Sugamo Prison, Tokyo, Japan.
Chojiro TAKARADA, Major, IJA - 1-2-46. War Criminal Stockade, Guam, Marianas Islands pending transfer to Sugamo Prison, Tokyo, Japan.

**DIRECTOR WAR CRIMES
PACIFIC WAVE
(Reporting Office)**

Case Number 34

File No. AT-10/2710/01001. et al

Date of Report 1 May 1947

Title of Case 01001. et al. et al. et al.

PART C (continued)

Masashi ABE, Capt., IJA - 1-2-45 - Sugamo Prison, Tokyo, Japan.
Yoshio MOCHI, 1st Lt., IJA - 1-2-45 - War Criminal Stockade, Guam,
Marianne Islands pending transfer to Sugamo Prison, Tokyo, Japan.
Masashi MOTOHARA, M., IJA - 1-2-45 - Sugamo Prison, Tokyo, Japan.
Futaba TANAKA, M., IJA - 1-2-45 - Sugamo Prison, Tokyo, Japan.
Kiyoshi SUMA, Lt., IJA - 1-2-45 - War Criminal Stockade, Guam, Marianne Islands
pending transfer to Sugamo Prison, Tokyo, Japan.
Tetsuichi NAKAO, WO, IJA - 1-2-45 - War Criminal Stockade, Guam, Marianne
Islands pending transfer to Sugamo Prison, Tokyo, Japan.

ENCLOSURE (A)

1475

WAR CRIMES TRIAL STATUS REPORT
DIRECTOR OF WAR CRIMES
PACIFIC OCEAN AREAS
(Reporting Office)

Case No. ~~25~~ ²⁶

File Number 17-10/PT12/SAKAIBARA et al

Date of Report 1 Sept. 1946

Title of Case SAKAIBARA, Shigematsu, Rear Admiral, IJN et al

PART A

1. Names and Nationalities of Accused

SAKAIBARA, Shigematsu, Rear Admiral, IJN - Japanese.
TACHIBANA, Seichi, Lieut. Comdr., IJN - Japanese.
ITO, Toraji, Lieutenant, IJN - Japanese.

2. Nature, Place and Date of Offense

CHARGE I - MURDER (One Specification) - Wake Island - 10-7-43.
CHARGE II - MURDER (Two Specifications against SAKAIBARA) - Wake Island - 10-15-43.

3. Names and Nationalities of Victims

98 civilians - U. S. - names unknown.

4. Probable Place and Date of Trial

Trial completed.

PART B

5. Place and Date of Trial

U. S. Naval Air Base, Kwajalein Island, Marshalls Islands - 12-21-45.

6. Judgment and Sentence (Relate to Specific Accused)

ITO - NOL PRO (Suicide)
CHARGE I - SAKAIBARA - Guilty.
TACHIBANA - Guilty - Death by hanging.
CHARGE II - SAKAIBARA - Guilty - Death by hanging.

1475.

THIS COPY IS FOR THE SECRETARY OF THE NAVY
(OFFICE OF THE JUDGE ADVOCATE GENERAL)

FOR FURTHER DELIVERY TO THE UNITED NATIONS
WAR CRIMES COMMISSION (see U.S.
Commissioner, United Nations War Crimes
Commission ltr., dated 27 December 1945)

Office of the JAG
Navy Department

Cinopac File
A17

UNITED STATES PACIFIC FLEET
AND PACIFIC OCEAN AREAS
Headquarters of the Commander in Chief

Serial - 4505

c/o Fleet Post Office,
San Francisco, California.

19 APR 1946

Prior to the execution of the death sentence adjudged in this case, the record is, in conformity with section D-14, Naval Courts and Boards, respectfully referred to the Secretary of the Navy.

J. H. TOWERS,
Admiral, U.S. Navy,
Commander in Chief,
United States Pacific Fleet
and Pacific Ocean Areas,
and the Military Governor
of the Pacific Ocean Areas.

To: Judge Advocate General.

Re: Record of proceedings of Military Commission, case of Rear Admiral
Shigenatsu Sakaiibara, IJN, et al, original and one copy.

Copy to:
Com MARIANAS
AtCom KWAJALEIN
IsCom GUAM

RECEIVED S.C. FILES
Room 41

23 APR 1946

ROUTE 10:
File No. (SC)

Doc. No.

Copy No. 2 of 2

Reg. No.

CHIEF OF FILE
AL7

UNITED STATES PACIFIC FLEET
AND PACIFIC OCEAN AREA
Headquarters of the Commander in Chief

Serial - 4595

c/o Fleet Post Office,
San Francisco 94, California.

The Military Commission in this case, which included two Army officers as members, was specifically authorized by the Commander in Chief, U. S. Pacific Fleet and Pacific Ocean Area, to be convened by the Commander Marshall's Gilberts Area. The precept was issued 3 November 1945. The order for trial (charges and specifications) was issued 17 December 1945, and a copy thereof was delivered to the accused 19 December 1945.

The facts are summarized in the action of the convening authority.

This is a clear case of the murder of approximately thirty-seven American civilians who had the status of prisoners of war in the custody of Japanese naval authorities. The murders, except one, were committed by subordinate officers in obedience to orders of a superior. The order of the superior which arbitrarily directed the execution of the Americans was unlawful as it was in violation of the law of war and particularly the provisions of the Geneva Prisoner of War Convention (1929). The command of a superior neither excuses nor justifies an unlawful act (Clark and Marshall, The Law of War, 4th ed., sec. 71, n.310; GAO 212-1919, p.51; GAO 4-1929, p.19).

In reviewing the record of proceedings of the Military Commission in the attached case, several errors of form and typographical errors are noted. Principal among these are the designation of exhibit 6-1 as 6-1 in page 32; entry that the judge advocate entered a nolle prosequi when in fact he read a letter directing him to enter a nolle prosequi on page 39; and the form of entry changing the status of a member of the commission on page 61. However, it is not considered that any of these errors are sufficient to warrant the return of the record for correction or revision.

Subject to the above remarks, the proceedings, findings, sentences and the action of the convening authority in the foregoing case of Rear Admiral Chigumatsu AKAHIMURA, Imperial Japanese Navy, Lieutenant Commander Seichi YACHIMURA, Imperial Japanese Navy, and the late Lieutenant Toraji ITO, Imperial Japanese Navy, are approved.

The Island Command Blockade, Guam, is designated as the place for the execution of so much of the sentence as relates to confinement.

Commander Marshall's Gilberts Area,
4 January 1946.

In the specification of charge I Rear Admiral Shigematsu Sakabara, IJN, Lieutenant Commander Soichi Tachibana, IJN, and Lieutenant Toraji Ito, IJN, are alleged to have murdered ninety-six (96) American POW's on the night of October 7, 1945, on Wake Island. It is committed suicide prior to trial, and an order nolle prosequit was entered in his case. Rear Admiral Sakabara was the Japanese Commanding Officer on Wake Island at the time. He issued the order directing execution of all American POW's on Wake. This order was delivered to Tachibana who in turn ordered certain platoons of the Japanese Headquarters Company to carry out the order of execution. Ito, an executive officer, appeared at the scene of execution, and gave instructions to the platoon leaders to carry out the previously issued orders. Rear Admiral Sakabara's defense is founded on the grounds of "military necessity"; that he was justified in ordering the execution of the American POW's. Tachibana's defense is that he obeyed the order of his superior.

The question of "military necessity" raised in defense of Rear Admiral Sakabara was a question of fact to be decided by the Military Commission. The responsibility of ordering the execution was assumed by Rear Admiral Sakabara, he having admitted in court and in his statements that he issued the order.

The regulations governing the trial of war criminals issued by the Supreme Commander Allied Forces in the Pacific and which rules were authorized for use in the trial of war criminals in the Marshall's Gilberts Area provide in part as follows:

"Further, action pursuant to order of the accused superior, or his government, shall not constitute a defense, but may be considered in mitigation of punishment if the commission determines that justice so requires."

Under this rule of law, the accused Tachibana, was a principal in the crime and stands convicted on his own admission.

In the first and second specifications of charge II, Rear Admiral Sakabara is charged with the murder of two (2) American POW's.

In neither case did the victim have his fate decided by trial. The defense in the first specification of charge II was to the effect that the accused had stolen certain store goods, and was despatched as punishment. In the second specification, it was claimed by the accused that, altho the victim was the last remaining American on Wake, the execution was due to "military necessity". In both cases the questions involved concerned an issue of fact, and there appears no reason to disturb the finding of the commission.

The convening authority, considers the guilt of Tachibana well established but is mindful of Tachibana's duty to relay the order of his superior. Under SOAP rules, and the facts, the commission would have been justified in granting leniency in considering the sentence of Tachibana.

Subject to the above remarks, the proceedings, findings and sentence in the case of Rear Admiral Shigematsu Sakabara are approved. The proceedings, and findings in the case of Lieutenant Commander Soichi Tachibana are approved, but the sentence is commuted to life imprisonment.

William K. Barry, II,
Rear Admiral, U. S. Navy,
Commander Marshall's Gilberts Area.