

INTERNATIONAL MILITARY TRIBUNAL

FOR THE FAR EAST

TRANSCRIPT OF PROCEEDINGS

9 Jan. 1947

pp. 14,684-14,848

001000

NO. 148
COURT RECORD
9 Jan 1947
pp. 14684-14848

I N D E X

Of

WITNESSES

Prosecution's WitnessesPage

YAMAZAKI, Shigeru

14839

Direct by Mr. Woolworth

14839

Cross by Dr. KIYOSE

14842

I N D E X

Of

EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	Description	<u>For Ident.</u>	<u>In Evidence</u>
2734	1999		Fujo/POW-Information/No. 20, Part 51, re Supplement to Name List of POW already Punished		14698
2569	2000		Certificate from the Chief of Correspondence Section, 1st Demobilization Bureau, dated 5 August 1946		14699
2594A	2001		File of Dispatched and Re- ceived Documents by M. P. Unit of KAGOSHIMA Area, dated August 1945	14700	
2594A	2001-A		Excerpt therefrom		14700
2687	2002		Certificate authenticating documents 2689 to 2701		14707
2688	2003		Certified as Exhibit "A" in document No. 2687 - Letter to the Chief of Staff, Taiwan Army from the Chief, POW Control Bureau, dated 5 June 1942		14708

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>
2689	2004		Letter from the Chief of POW Information Office to Taiwan Army Chief of Staff, dated 2 April 1942		14710
2690	2005		Letter from the Taiwan Army Chief of Staff to Chief of POW Information Office, dated 2 April 1942		14711
2691	2006		Letter to the Chief of Staff of the Hong Kong Governor- Generalship from Taiwan Army Chief of Staff		14712
2692	2007		Letter from the Chief of Staff Hong Kong to Taiwan Army Chief of Staff, dated 2 April 1942		14713
2693	2008		Letter from the Chief of Staff Taiwan Army to Chief of Staff POW Information Office, Tokyo, dated 7 April 1942		14714
2694	2009		Letter from the Chief of POW Control Bureau, Tokyo, to Taiwan Army Chief of Staff		14715
2695	2010		Letter from Adjutant of War Ministry to Taiwan Army Chief of Staff		14716
2697	2011		Letter from the Chief of Prisoner of War Camps, Tokyo, to Chief of Staff Taiwan Army		14718

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>
2698	2012		Letter from Chief of Staff Taiwan Military Jurisdic- tion to Chief of Staff Taiwan POW Camps		14719
2699	2013		Enclosure to document 2698 "Summary of the Arrange- ments for POW's in Confer- rence with Transition in the Situation"		14721
2700	2014		Letter from Chief of Staff Taiwan Military Jurisdic- tion to the War Ministry Adjutant		14723
2701	2015		Extract from the Journal of the Taiwan Camp Head- quarters in Taihoku		14724
2853A (1)-(73)	2016		Certificate of Authenticity of documents 1 to 73	14728	14734
2853B	2016-A		Synopsis of document No. 2853A(1)-(73)		14728
432A	2017		Letter from SHIGEMITSU to the Swiss Minister		14747
432B	2018		Verbal Note from the Japan- ese Foreign Office		14748
432C	2019		Note from the Imperial Japanese Ministry to the Swedish Legation		14749

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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>
1432D	2020		Letter from SUZUKI, Kuma (not the Accused) of the Foreign Office to the Chief of the POW Information Bureau		14751
1432E	2021		Reply of the POW Information Bureau to Letter from SUZUKI, Kuma (not the Accused) of the Foreign Office (exhibit No. 2020)		14752
2765A (1)-(22)	2022		Series of Correspondence between the Japanese Minister of Foreign Affairs and the Swiss Minister.		14754
2767A (1)-(8)	2023		Certificate of Authenticity of documents 1 to 8.		14791
2767B	2023-A		Synopsis of above mentioned document		14791
2751A (1)-(6)	2024		Certificate of Authenticity and Series of documents (1 to 6)		14795
2766A (1)-(10)	2025		Certificate of Authenticity of documents (1 to 10)		14833
2766B	2025-A		Synopsis of document 2766A (1)-(10)		14833

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>
871A	2026		Letter from Swiss Legation to the Imperial Ministry of Foreign Affairs, Tokyo, dated 16 June 1943		14836

Check adjutant—

1 Thursday, 9 January 1947

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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.

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12 Appearances:

13 For the Tribunal, same as before with
14 the exception of: HONORABLE JUSTICE JU-AO MEI,
15 Member from the Republic of China and HONORABLE
16 JUSTICE HENRI BERNARD, Member from the Republic
17 of France not sitting.

18 For the Prosecution Section, same
19 as before.

20 For the Defense Section, same as before.

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22 (English to Japanese and Japanese
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 THE PRESIDENT: All the accused are present
4 except OKAWA, IUTO, and HOSHINO, who are represented
5 by their respective counsel. We have certificates
6 from the prison surgeon of Sugamo, stating that the
7 accused IUTO and HOSHINO are unable to attend the
8 trial today on account of illness. The certificates
9 will be recorded and filed.

10 Yesterday morning I made a remark dealing
11 with American fliers who had bombed Tokyo and Osaka.
12 My statement of the position was agreed with by the
13 learned prosecutor. During the following luncheon
14 adjournment and during the mid-afternoon recess I
15 was in contact with all my colleagues, none of whom
16 took exception to anything I said. Late last evening
17 I received from one of my colleagues a memorandum
18 referring to this particular observation of mine.
19 I read what he says to insure complete accuracy:
20

21 "If the President's remark was intended to
22 convey that a court martial could convict a particular
23 flier and sentence him to death without any proof that
24 he, that man, intentionally bombed civilian targets,
25 I, personally, dissent strongly from the statement."

My colleague proceeds:

1 "America will strongly resent such a sug-
2 gession. I think a statement should be made contra-
3 verting any such idea."

4 America will not resent any remark I made
5 because no remark I made conveyed any such suggestion;
6 nor did that occur to anybody who heard me, including
7 all my colleagues.

8 Colonel Woolworth.
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1 MR. WOOLWORTH: If the Tribunal please,
2 reading exhibit 1998:

3 The heading of the list is divided into
4 "Division, Date, Ground, Kind, Nationality, Rank" and
5 "Name," and the reading is in that order.

6 "Korean Army Court Martial; March 25, 1943;
7 Outrage on overseers of POWs; 3 years imprisonment;
8 British; Private; Romasney David;

9 "Korean Army Court Martial; August 19, 1943;
10 Circulation of rumor; 3 years' imprisonment; British;
11 1st Lieutenant; Roger Barton Pigott;

12 "Korean Army Court Martial; September 22,
13 1943; Violation of law of punishing POWs (violation
14 of oath); 8 years' imprisonment; British; 1st Lieut-
15 enant; John Rawson Moore;

16 "Korean Army Court Martial; September 22,
17 1943; Violation of law of punishing POWs (violation
18 of oath); 6 years imprisonment; British; Sergeant
19 (Army); Christopher Bosworth;

20 "Korean Army Court Martial; September 22,
21 1943; Violation of law of punishing POWs (violation
22 of oath); 2 years' imprisonment; British; Captain
23 (Army); Denis S. Carshaw;

24 "Korean Army Court Martial; September 22,
25 1943; Violation of law of punishing POWs (violation

1 of oath); 2 years' imprisonment; British; Captain
2 (Army); George Bryan Collinson;

3 "Korean Army Court Martial; September 22,
4 1943; Violation of law of punishing POWs (violation
5 of oath); 2 years' imprisonment; British; Captain
6 (Army); Francis Allan Jacob;

7 "Korean Army Court Martial; September 22,
8 1943; Violation of law of punishing POWs (violation
9 of oath); 2 years' imprisonment; British; 2nd Lieuten-
10 ant; Alfred Edward Wood;

11 "Korean Army Court Martial; September 22,
12 1943; Violation of law of punishing POWs (violation
13 of oath); 2 years' imprisonment; British; 2nd Lieut-
14 enant; Walter V. Butler;

15 "Korean Army Court Martial; September 22,
16 1943; Violation of law of punishing POWs (violation
17 of oath); 3 years' imprisonment; British; 2nd Lieut-
18 enant; Lindsay C. Marrison;

19 "Korean Army Temporary Court Martial; August
20 5, 1944; Wartime theft and violation of law of punish-
21 ing POWs (violation of oath); 6 years' imprisonment
22 with labor; British; Sergeant (Army); Griffice John
23 Henry;

24 "Korean Army Temporary Court Martial; August
25 5, 1944; Wartime theft and violation of law of punish-

1 ing POWs (violation of oath); 5 years' imprisonment
2 with labor; British; Army regular private; Broton
3 John George;

4 "Kwantung Army temporary Court Martial;
5 July 30, 1943; Theft, Murder, attempted murder; death;
6 U. S.; Sergeant, Joe Bill Chestine;

7 "Kwantung Army temporary Court Martial;
8 July 30, 1943; Theft, Murder, attempted murder; death;
9 U. S.; 3rd warrant officer (Navy); Ferdinand E.
10 Melingoro;

11 "Kwantung Army temporary Court Martial;
12 July 30, 1943; Murder, attempted murder; death; U. S.;
13 Corporal: Victor Balioty;

14 "Kwantung Army temporary Court Martial;
15 June 6, 1944; Violation of law of punishing POWs
16 (violation of oath); 7 years' imprisonment with labor;
17 U. S.; Sergeant (American Marine); William J. Linch;

18 "Nobori 7330 Unit temporary Court Martial;
19 June 2, 1942; Violation of law of punishing POWs
20 (violation of oath); 10 years' imprisonment; U. S.;
21 Commander (Navy); Winfield Scott Cunningham;

22 "Nobori 7330 Unit temporary Court Martial;
23 June 2, 1942; Violation of law of punishing POWs
24 (violation of oath); 10 years' imprisonment; U. S.;
25 Commander (Navy); John Blackland Wooley;

1 "Nabori 7330 Unit temporary Court Martial;
 2 June 2, 1942; Violation of law of punishing POWs
 3 (violation of oath); 10 years' imprisonment; U. S.;
 4 Lieutenant Commander (Navy); Columbus Darwin Smith;

5 "Nobori 7330 Unit temporary Court Martial;
 6 June 2, 1942; Violation of law of punishing POWs
 7 (violation of oath); 2 years' imprisonment; U. S.;
 8 Engineer; Natan Dunne Titters;

9 "Nobori 7330 Unit temporary Court Martial;
 10 June 29, 1942; Violation of law of punishing POWs
 11 (violation of oath); blank years' imprisonment; U. S.;
 12 Corp. (Navy); Charles Walton Brimmer;

13 "Nobori 7330 Unit temporary Court Martial;
 14 June 29, 1942; Violation of law of punishing POWs
 15 (violation of oath); 4 years' imprisonment; U. S.;
 16 Corp. (Navy); Gerald Beace Stocko;

17 "Nobori 7330 Unit temporary Court Martial;
 18 June 29, 1942; Violation of law of Punishing POWs
 19 (Breaking Parole); 4 years' imprisonment; U. S.;
 20 Nav. Corp.; Connie Geenbattles;

21 "Nobori 7330 Unit temporary Court Martial;
 22 June 29, 1942; Violation of law of Punishing POWs
 23 (Breaking Parole); 4 years' imprisonment; U. S.;
 24 Nav. Lce. Cpl.; Charles Albert Steward;

25 "Nobori 7330 Unit temporary Court Martial;

1 July 15, 1943; Violation of law of Punishing POW:
2 Injury; 2 years' imprisonment with labor; U. S.;
3 Hearnd Patt Howard;

4 "Nobori 7330 Unit temporary Court Martial;
5 May 12, 1944; Violation of Law of Punishing POW
6 (Breaking Parole); 2 years' imprisonment; U. S.;
7 Nav. San P.O. 2nd class; Brewer Ardest Travis;

8 "Nobori 7330 Unit Temporary Court Martial;
9 May 12, 1944; Violation of Law of Punishing POW
10 (Breaking Parole) 2 years' imprisonment; U. S.;
11 Mari. Sergeant; Coolson Reymond Leonard;

12 "Nobori 7330 Unit Temporary Court Martial;
13 August 31, 1942; Rape; 1 year 6 months imprisonment
14 with labor; British; Army Corporal; Thorendle Barsin;

15 "Nobori 7330 Unit Temporary Court Martial;
16 September 19, 1942; Injury; 3 months' imprisonment
17 with labor; British; Army Transport Sergeant; Thomas
18 Patrick Chakkson;

19 "Nobori 7330 Unit Temporary Court Martial;
20 December 1, 1943; Espionage: Aiding and Instigation
21 of Espionage; Death; U. S.; Army Colonel; L. A.
22 Newnam;

23 "Nobori 7330 Unit Temporary Court Martial;
24 December 1, 1943; Instigation of Espionage; 15 years'
25 imprisonment with labor; U. S.; Nav. Sub. Lt.; J. R.

1 Haddock;

2 "Nobori 7330 Unit Temporary Court Martial;
3 December 1, 1943; Instigation of Espionage; Death;
4 U. S.; Army Captain; G. Ford;

5 "Nobori 7330 Unit Temporary Court Martial;
6 December 1, 1943; Espionage: & Instigation of Es-
7 pionage; Death; U. S.; Army Lieutenant; H. Beegray;

8 "Nobori 7330 Unit Temporary Court Martial;
9 December 1, 1943; Instigation of Espionage; 15 years'
10 imprisonment with labor; U. S.; Army sergeant; R. J.
11 Hardy;

12 "Nobori 7330 Unit Temporary Court Martial;
13 December 1, 1943; Instigation of Espionage; 15 years'
14 imprisonment with labor; U. S.; Army Sergeant; R. J.
15 Routledge;

16 "Oka Unit Temporary Court Martial; August
17 18, 1942; Violation of Law of Punishing POW (Breaking
18 Parole); 5 years' imprisonment; British; Army Corporal;
19 Joseph Percy Smart;

20 "Oka Unit Temporary Court Martial; August
21 18, 1942; Violation of Law of Punishing POW (Break-
22 ing Parole); 4 years 6 months' imprisonment; British;
23 Army Corporal; Edward Hedley Armstrong;

24 "Oka Unit Temporary Court Martial; August
25 18, 1942; Violation of Law of Punishing POW (Break-

1 ing Parole); 4 years 6 months imprisonment; British;
2 Army Sup. Pte.; John Sharp;

3 "Oka Unit Temporary Court Martial; September
4 22, 1942; Violation of Law of Punishing POW (Breaking
5 Parole); 5 years imprisonment; British; Army Ser-
6 geant; Peter John Yapp;

7 "Oka Unit Temporary Court Martial; August
8 18, 1942; Violation of Law of Punishing POW (Break-
9 ing Parole); 4 years 6 months imprisonment; British;
10 Civilian Employee; Arthur William Merricks;

11 "Oka Unit Temporary Court Martial; October
12 22, 1942; Violation of Law of Punishing POW (Break-
13 ing Parole); 5 years imprisonment; British; Pte.;
14 Charles Henry Brown;

15 "Oka Unit Temporary Court Martial; October
16 22, 1942; Violation of Law of Punishing POW (Break-
17 ing Parole); 4 years' imprisonment; British; Pte.;
18 George Laying Heins;

19 "Oka Unit Temporary Court Martial; October
20 22, 1942; Violation of Law of Punishing POW (Break-
21 ing Parole); 4 years 6 months imprisonment; British;
22 Pte.; Henry Moran;

23 "Oka Group Temporary Court Martial; November
24 7, 1944; Spreading a rumor; 4 years imprisonment with
25 labor; British; Civ. Engineer; Walter S. von Curtis;

1 "Oka Group Temporary Court Martial; November
2 7, 1944; Spreading a rumor/ 6 years imprisonment with
3 labor; British; Government official; Robert Heatley
4 Scott;

5 "Oka Group Temporary Court Martial; November
6 25, 1944; Espionage: Instigation of Espionage,
7 Spreading a rumor; Death; U. S.; Clerk; John Sparee
8 Long;

9 "Osamu 1602 Unit Temporary Court Martial;
10 October 31, 1942; Violence to warders; 15 years'
11 imprisonment; Dutch; Army Corporal; Van Earlsen;

12 "Osamu 1602 Unit Court Martial; April 6,
13 1943; Violation of Law of Punishing POW (Breaking
14 Parole); 1 year imprisonment; Dutch; Army 2nd Pte.;
15 Van El Sale;

16 "Osamu 1602 Unit Court Martial; July 12,
17 1943; Violation of Law of Punishing POW (Breaking
18 Parole); 2 years imprisonment; Dutch (Menado); Army
19 Sergeant; Yeapay Lempen;

20 "Osamu 1602 Unit Court Martial; June 12,
21 1944; Violation of Law of Punishing POW (listening
22 in on foreign wireless), Larceny; 10 years imprison-
23 ment with labor; Dutch; POW; A.P. Adama Farce Heltmann;

24 "Osamu 1602 Unit Court Martial; June 12, 1944;
25 Violation of Law of Punishing POW (Listening in on

1 foreign wireless), Larceny; 8 years' imprisonment
2 with labor. Dutch; POWE; A. van der Sande;
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1 "Watari 1600 Unit Temporary Court Martial;
2 March 16, 1943; Violation of Law of Punishing POW
3 (Breaking Parole); 3 years' 6 months' imprisonment;
4 U. S.; Nav. Sub. Lt.; Richard Enoch Turf;

5 "Watari 1600 Unit Temporary Court Martial;
6 March 16, 1943; Violation of Law of Punishing POW
7 (Breaking Parole); 3 years' 6 months' imprisonment;
8 U. S.; Nav. Sub. Lt.; Phillip Harvey Sunborne;

9 "Watari 1600 Unit Temporary Court Martial;
10 March 16, 1943; Violation of Law of Punishing POW
11 (Breaking Parole); 3 years' 6 months' imprisonment;
12 U. S.; Nav. Sub. Lt.; William Aeroa Berry;

13 "Watari 1600 Unit Temporary Court Martial;
14 March 16, 1943; Violation of Law of Punishing POW
15 (Breaking Parole); 2 years' imprisonment; U. S.;
16 Army 2nd Pte.; Edward Albert Puka;

17 "Watari 1600 Unit Temporary Court Martial;
18 March 16, 1943; Violation of Law of Punishing POW
19 (Breaking Parole); 2 years' imprisonment; U. S.;
20 Civ. Employee; Christian Frederick Crett;

21 "Watari 1600 Unit Temporary Court Martial;
22 March 16, 1943; Violation of Law of Punishing POW
23 (Breaking Parole); 3 years' imprisonment; U. S.;
24 Army 1st Pte.; William Ditton Cameron;

25 "Watari 1600 Unit Temporary Court Martial;

1 March 16, 1943; Violation of Law of Punishing POW
2 (Breaking Parole); 3 years' imprisonment; U. S.;
3 Army 1st pte.; Calton Toops;

4 "Watari 1600 Unit Temporary Court Martial;
5 March 16, 1943; Violation of Law of Punishing POW
6 (Breaking Parole); 3 years' imprisonment; U. S.;
7 Army 2nd Pte.; James Embaraat;

8 "Watari 1600 Unit Temporary Court Martial;
9 March 16, 1943; Violation of Law of Punishing POW
10 (Breaking Parole); 1 year's imprisonment; U. S.;
11 Army 1st Pte.; Jack E. Thompson;

12 "Watari 1600 Unit Temporary Court Martial;
13 March 16, 1943; Violation of Law of Punishing POW
14 (Breaking Parole); 2 years' imprisonment; U. S.;
15 Army Corp.; Robert C. Banburg" --
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1 THE PRESIDENT: Colonel Woolworth, there
2 are seven more pages, I think. It may be sufficient,
3 subject to what my colleagues think, to just refer us
4 to those in lieu of reading them.

5 My colleagues agree.

6 MR. WOOLWORTH: The prosecution desires to
7 introduce in evidence document 2734, "BA-84, Fujo/POW-
8 Information/ No. 20, Part 51, Re: Supplement to
9 Name List of POW Already Punished."

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution document
12 No. 2734 will be given exhibit No. 1999.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1999 and received in evidence.)

16 MR. WOOLWORTH: (Reading) "BA-84, Fujo/POW-
17 Information/ No. 20, Part 51, 27 July 1943.

18 "Re: Supplement to Name List of POW Already
19 Punished.

20 "From: Commanding Officer of POW Information
21 Bureau.

22 "To: Chiefs of POW Camps.

23 "Since there have been some questions in
24 regard to the above mentioned subject, we inform you
25 for your reference that management of this matter be

1 conducted as follows:

2 "1. Punishments of POW to be recorded in
3 the supplement column of the POW's name list shall
4 be limited to those who have been tried by court
5 martial or at the martial law council.

6 "2. Those cases in which the disciplinary
7 punishment of Article 6 in the POW Treatment Regula-
8 tion and the disciplinary law of Article 8 in the said
9 Regulation were applied correspondingly shall be
10 arranged and kept separately as records; and shall be
11 reported monthly as usual by means of monthly reports."

12 This is the certificate of authenticity.

13 The prosecution desires to introduce document
14 2569, a certificate from the Chief of Correspondence
15 Section, 1st Demobilization Bureau.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution document
18 No. 2569 will receive exhibit No. 2000.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 2000 and received in evidence.)

22 MR. WOOLWORTH: (Reading) "CERTIFICATE,
23 August 5, 1946.

24 "The undersigned does hereby certify that a
25 notification was issued by the name of the Adjutant

1 General under the order of the War Minister on
2 August 14, 1945, to all Army troops to the effect
3 that 'the confidential documents held by every troop
4 should be destroyed by fire immediately.'

5 "The above notification was given by tele-
6 phone to the troops in Tokyo and by telegram to
7 other troops. This telegram and its draft were also
8 destroyed by fire."

9 Signed, "Yozo MIYAMA, Chief of Correspondence
10 Section, 1st Demobilization Bureau."

11 The prosecution desires to have marked for
12 identification document 2594A, and to introduce in
13 evidence excerpts therefrom.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution document
16 No. 2594A will receive exhibit No. 2001 for identifi-
17 cation only, and the excerpt therefrom, bearing the
18 same document number, will receive exhibit No. 2001A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 2001 for identification, and the excerpt
22 therefrom was marked prosecution's exhibit
23 No. 2001A and received in evidence.)
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MR. WOOLWORTH: (Reading) "/Cover page/.

1 From August 1945. File of Dispatched and Received
2 Documents. By M.P. Unit for KAGOSHIMA Area.
3 /Prepare to destroy/.

4 "Item (1). Strictly Secret. KENHISO
5 /M.P. Secret General Affairs/ No. 261.

6 "Instructions for the disposition of documents.
7 Dated August 14, 1945. By Chief of M.P. Headquarters.

8 "In regard to the destroying of documents by
9 fire in the event of disarmament, it should be carried
10 out according KENLEN /M.P. Telegram/ No. 1205 dated
11 14 August. But such documents as will be harmful
12 when they fall into the hands of the enemy, for
13 example, documents concerning foreign affairs, counter-
14 intelligence, thought, peace preservation, etc., and
15 materials by which national power may be estimated
16 and secret history (such as February 26th Incident)
17 must be destroyed as soon as possible.

18 "On the other hand, code books, register of
19 M.P. personnel, documents concerning undisposed
20 intendance and general affairs, etc., should not be
21 destroyed until they are of no use. Documents
22 especially desirable to preserve for future use (for
23 example, blacklist of leftists, etc.) should, as a
24 suggested plan, be ingeniously moved to another place."
25

* * * * *

1 "KENDEN /M.P. Telegram/ No. 1205. Telegram,
2 dated August 14, 1945.

3 "From Chief of M.P. Headquarters.

4 "In the present situation, special attention
5 must be paid in order to destroy large quantities of
6 documents rapidly.

7 "Documents can be destroyed rapidly in air
8 raid shelters by using the natural draft of the
9 fire and throwing them in one after another. Pouring
10 gasoline may seem to quicken the destruction but
11 actually, it retards the burning. In case of extreme
12 emergency, a decisive measure must be taken to destroy
13 all documents except the personnel register, service
14 records, etc. It must be perceived that the timing
15 of destruction will require the arbitrary and decisive
16 judgment of the various grade commanders.

17 "By orders, confidential and secret documents
18 and code books should be destroyed according to the
19 rules and instructions of destruction and they should
20 be carried out thoroughly.

21 "Furthermore, units near the coast should hide
22 and store these documents further inland and should
23 immediately be prepared to destroy them rapidly. The
24 purport and contents of this telegram should be
25 deliberated and preparations be thoroughly made for an

1 emergency.

2 "Telegram addressed to: All Unit Headquarters
3 and Area Commands."

4 * * * * *

5 "Strictly Secret. KENHISHO /M.P. Secret
6 General Affair/ No. 377.

7 "Instructions for the destruction of secret
8 documents, dated August 20, 1945.

9 "By Chief of M.P. Headquarters.

10 "In regard to the destruction of secret
11 documents, it is perceived that documents requiring
12 destruction based on instructions of KENLEN /M.P.
13 Telegram No. 1205/ and KENHISO /M.P. Secret General
14 Affairs/No. 26/ dated 14 August, KENHISO No. 262 dated
15 15 August, have been thoroughly executed. However,
16 there have been cases in past where papers were left
17 behind in the following places. Since there are many
18 examples of such blunders having been committed inad-
19 vertently, careful examination shall be made on such
20 matter. At the same time, a close interior inspection
21 should be carried out inside and outside of adminis-
22 trative buildings and barracks after destruction of the
23 documents. You are instructed to be certain that of
24 the secret documents that require destruction, not a
25 single sheet be left behind.

1 "/T.N. List of places liable to be overlooked./

2 "1. Papers stuck in rear of drawers.

3 "2. Papers inserted under the legs of desks,
4 etc., in order to stabilize them.

5 "3. Papers which have fallen in the rear of,
6 or beneath shelves.

7 "4. Papers remaining unburnt at places of
8 destruction and those scattered about in such places.

9 "5. Papers that have been filed in private
10 reference books which have not yet been put in order.

11 "6. Papers in document store rooms, and
12 supply rooms which have not yet been put in order and
13 papers scattered on the floor.

14 "In addition, a domiciliary search must be
15 considered so all documents and letters in your homes
16 must be investigated and destroyed.

17 "Appended note by Unit Headquarters.

18 "It is required that the thorough measures
19 be taken against even the most trivial matters.

20 "(Prepare to destroy.) Strictly Secret.

21 "SEIBU KENHISHO. /Western District M.P. Secret
22 General Affair/ No. 232. Instructions in the Disposi-
23 tion of Documents. Date: 27 August 1945.

24 "From: Senior Officer of Western M.P. Unit
25 Headquarters.

1 "To: Chief of M.P. Unit of KAGOSHIMA Area.

2 "Regarding the disposition of M.P. Unit
3 documents with the termination of the war, it is per-
4 ceived that documents have been disposed in accordance
5 with JIMUSEIRI KEIKAKU /T.N. - Plans for Adjustment
6 of Business Routine/ and SEIBU KENHISHO /Western M.P.
7 Secret General Affairs/ dated 22 August. You are
8 notified that according to orders disposition of docu-
9 ments hereafter will be conducted as follows:

10 "1. Hereafter, contents of the various M.P.
11 Unit documents shall be carefully deliberated and
12 classified into three categories; namely, documents
13 to be destroyed, documents to be prepared for des-
14 truction and documents to be preserved. Documents to
15 be destroyed and documents to be prepared for des-
16 truction should be clearly marked. Documents to be
17 destroyed should be destroyed thoroughly after being
18 used and documents to be prepared for destruction
19 should be thoroughly arranged so that they can be
20 destroyed at a moment's notice in time of emergency.

21 "In the future, the disposition classification
22 of documents shall be, in general, as shown in the
23 annexed sheet.

24 "2. Hereafter, documents from Headquarters
25 to subordinate units will be marked with the disposition

1 classification of 'Prepare for destruction' or 'Destroy
2 after reading' on the right side of the dispatch file
3 number. Documents not having any marks shall be docu-
4 ments that require preservation.

5 "All units are requested to strictly observe
6 the usage of these marks.

7 "3. Documents already in possession of Head-
8 quarters and subordinate units shall be disposed of
9 immediately according the disposition instructions
10 mentioned in the previous items.

11 "Accordingly, such documents which have already
12 been destroyed and which shall be needed in future,
13 must be reproduced at once."

14 THE PRESIDENT: Well, I suggest that you
15 need not read any more of this.

16 MR. WOOLWORTH: Very well.

17 I desire to introduce document No. 2687,
18 which is a certificate authenticating documents
19 2689 to 2701.

20 Correction: This certificate applies to
21 documents 2688 to 2701.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 2687 will receive exhibit No. 2002.

25 (Whereupon, the document above

referred to was marked prosecution's exhibit No. 2002 and received in evidence.)

MR. WOOLWORTH: (Reading) "I hereby swear that exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, N, and O attached hereto and initialed by me are original documents duly requisitioned and confiscated from Imperial Japanese Army Headquarters for Taiwan, Taihoku, Taiwan, (Formosa), and handed over by a representative of the Imperial Japanese Army in April 1946 to the British-American Formosa War Crimes Team of which I was then a member."

Signed, "James T. N. Cross."

Printed, "James T. N. Cross, Major, Royal Artillery, Commanding, War Crimes Liaison Section, (Formosa) Allied Land Forces, Southeast Asia.

"Sworn before me this 19th day of September 1946.

"Statement of witness sworn before me (signature) signed P. A. L. Vine, Rank, Major, Royal Marines, DAJAG (War Crimes) S.E.A., this 19th day of September 1946.

"(Authority: ALFSEA War Crimes Instructions No. 1, para. 7.)"

If the Tribunal please, I do not think it essential to read the rest of the affidavits attached

1 thereto.

2 Prosecution desires to introduce document
3 No. 2688, certified as exhibit "A" in document
4 No. 2687, being a letter to the Chief of Staff, Taiwan
5 Army, from the Chief, POW Control Bureau.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2688 will receive exhibit No. 2003.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 2003 and received in evidence.)

12 MR. WOOLWORTH: (Reading) "To: Chief of
13 Staff, Taiwan Army. From: Chief, POW Control Bureau.
14 (Coded) Radio #2 of 4. 5th June 1942.

15 "Although the working of prisoner of war
16 officers and warrant officers is forbidden by Article
17 One of 'Rules for the Working of POW's' (10 September
18 1903, Ministry of War Instruction 139), the policy
19 of the control authorities is that under the situation
20 of our country where not one person now eats without
21 working and considering the preservation of health
22 of the POW's, they want them to set to work, volun-
23 tarily; conforming to rank, capabilities and physical
24 condition. It is desired you give proper orders on
25 this. Accordingly, work which is considered suitable

1 is given as follows for your reference:

2 "1. Work which uses technical skills and
3 science.

4 "2. Agriculture.

5 "3. The raising of domestic animals and
6 fowl.

7 "4. The protection and supervision of the
8 general working POW's.

9 "5. The recording of materials for a history
10 of the war.

11 "6. Propaganda duties.

12 "7. Other work which is considered suitable.

13 "Addressees:

14 "Zentsuji, Osaka, Korean Army, Taiwan Army,
15 Nobori (Shanghai) Unit of China Expeditionary Army,
16 and Hong Kong - each Chief of Staff.

17 "Chopped by:

18 "TANAKA, HIGUCHI, YOKOTA and HIRAI.

19 "I hereby certify that this is a true trans-
20 lation from Taiwan Army H.Q. Staff Files concerning
21 Prisoners of War, entry No. 16.

22 "Signed, Stephen H. Green."

23 Prosecution desires to introduce document 2689,
24 letter from the Chief of POW Information Office to
25 Taiwan Army Chief of Staff.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 2689 will receive exhibit No. 2004.

4 (Whereupon, the document above
5 referred to was marked prosecution's exhibit
6 No. 2004 and received in evidence.)

7 MR. WOOLWORTH: (Reading) "To: Taiwan
8 Army Chief of Staff. From: Chief of POW Information
9 Office, Tokyo. Radio #165, 2 April 1942.

10 "Plans are now being pushed on projects for
11 the use of POW's in production, etc., in Taiwan. We
12 think we want to apportion as many as possible to your
13 island. We want you to report immediately a gist of
14 the requisite strength. End.

15 "Chopped by: Staff Officer TANAKA of Taiwan
16 and checked by the C.G. and the C. of S."
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1 Prosecution desires to introduce document
2 No. 2690, letter from the Taiwan Army Chief of Staff
3 to Chief of POW Information Office.

4 THE PRESIDENT: Admitted on the usual
5 terms.

6 CLERK OF THE COURT: Prosecution's docu-
7 ment No. 2690 will receive exhibit No. 2005.

8 (Whereupon the document above
9 referred to was marked prosecution's ex-
10 hibit No. 2005 and received in evidence.)

11 MR. WOOLWORTH: "To: Chief of POW Infor-
12 mation Office, Tokyo. From: Taiwan Army Chief of
13 Staff. Radio #854. 2 April 1942.

14 "Reference Radio #165.

15 "Reply to POW Information Office Radio #165

16 "We will use the POW's principally as
17 laboring power for Taiwan agricultural production
18 and on another hand as material for education and
19 guidance of local islanders. For this we would like
20 for the time being about two or three thousand
21 British and American POW's. Moreover, informal con-
22 sultation has been completed on this matter with
23 the Hong Kong Governor-Generalship."

24 "(Translator's note: On the margin is
25 written, 'The Taiwan Governor-Generalship also

1 concurs')."

2 Prosecution desires to introduce document
3 No. 2691. To the Chief of Staff of the Hong Kong
4 Governor-Generalship, from Taiwan Army Chief of
5 Staff.

6 THE PRESIDENT: Admitted on the usual
7 terms.

8 CLERK OF THE COURT: Prosecution's docu-
9 ment No. 2691 will receive exhibit No. 2006.

10 (Whereupon, the document above
11 referred to was marked prosecution's
12 exhibit No. 2006 and received in evidence.)

13 MR. WOOLWORTH: "To: Chief of Staff of
14 the Hong Kong Governor-Generalship. From: Taiwan
15 Army Chief of Staff. Radio #852. 2 April 1942.

16 "We confer with you on the fact that we
17 want to use British POW's in Hong Kong, principally
18 as agricultural labor in Taiwan and as material
19 for instruction and guidance of local islanders.
20 We want to get about two or three thousand in
21 Taiwan. Moreover, we have an inquiry from the Chief
22 of the POW Information Office on the use of POW's
23 in Taiwan and have answered them that we have in-
24 formally conferred with you on it. For your
25 reference."

1 THE PRESIDENT: Are the words, "Chopped
2 by: HIGUCHI, TANAKA and HIRAI" of no importance?

3 MR. WOOLWORTH: That is on the copy. I
4 neglected to read it, as I thought it unessential.

5 THE PRESIDENT: You omitted to read some-
6 thing of the sort on exhibit No. 2005.

7 MR. WOOLWORTH: That was: "Chopped by:
8 Chief of Staff HIGUCHI and Chief of Section in
9 Charge, TANAKA, and for the staff section by HIRAI.
10 Checked by or for the Commanding General."

11 Prosecution desires to introduce document
12 No. 2692, a letter from Chief of Staff Hong Kong, to
13 Taiwan Army Chief of Staff.

14 THE PRESIDENT: Admitted on the usual
15 terms.

16 CLERK OF THE COURT: Prosecution's docu-
17 ment No. 2692 will receive exhibit No. 2007.

18 (Whereupon, the document above
19 referred to was marked prosecution's
20 exhibit No. 2007 and received in evidence.)

21 MR. WOOLWORTH: "To: Taiwan Army Chief of
22 Staff. From: Chief of Staff Hong Kong Governor-
23 Generalship. Radio #146. 3 April 1942.

24 "As far as this department is concerned,
25 the request of the Taiwan Army that two or three

1 thousand British POW in Hong Kong be transferred
2 to the Formosan Army to supplement labor and for
3 the guidance of Taiwan islanders meets no objection.
4 We would like a directive one way or another.

5 "Chopped by: HIGUCHI, HIRAI, TANAKA,
6 YOKODA.

7 "(Army Staff) (Taiwan Army reference)"

8 Prosecution desires to introduce document
9 No. 2693, from the Chief of Staff Taiwan Army to
10 Chief of Staff POW Information Office, Tokyo.

11 THE PRESIDENT: Admitted on the usual
12 terms.

13 CLERK OF THE COURT: Prosecution's docu-
14 ment No. 2693 will receive exhibit No. 2008.

15 (Whereupon, the document above
16 referred to was marked prosecution's ex-
17 hibit No. 2008 and received in evidence.)

18 MR. WOOLWORTH: "To: Chief POW Informa-
19 tion Office, Tokyo. From: Chief of Staff Taiwan
20 Army. Radio #929. 7 April 1942.

21 "Concerning the allotment of POW's to
22 Taiwan, in Taiwan Radio #854 we wanted for the
23 time being about two or three thousand, prin-
24 cipally as agricultural laboring power. However,
25 afterwards the Governor-Generalship wanted to use

1 them in public works construction and mines, too, so
2 combining this with the substance of the last radio
3 it comes to about seven thousand (7,000), which is
4 referred for due consideration.

5 "Chopped by: HIGUCHI, TANAKA and checked
6 for the Commanding General."

7 Prosecution desires to introduce document
8 No. 2694, from Chief of POW Control Bureau, Tokyo,
9 to Taiwan Army Chief of Staff.

10 THE PRESIDENT: Admitted on the usual
11 terms.

12 CLERK OF THE COURT: Prosecution's docu-
13 ment No. 2694 will receive exhibit No. 2009.

14 ("Whereupon, the document above
15 referred to was marked prosecution's
16 exhibit No. 2009 and received in evidence.)

17 MR. WOOLWORTH: "To: Taiwan Army Chief
18 of Staff. From: Chief of POW Control Bureau,
19 Tokyo. Coded Radio #17. 29 April 1942.

20 "We acknowledge your radio #929 dated 7
21 April, further please consider the following points,
22 and also report the approximate number of POW's
23 that can be confined on Taiwan.
24

25 "1. We want to confine as many POW's as
 possible on Taiwan.

1 "2. For the purposes of control, the
2 number in each camp should not exceed 500.

3 "3. The army will take responsibility for
4 control and supply but the POW camp facilities with
5 the exception of repairs and additional construction
6 will be the responsibility of the Governor-General-
7 ship or the companies which use the POW's. This will
8 be the frame work.

9 "Chopped by: IGUCHI, TANAKA and YOKOTA."

10 Prosecution desires to introduce document
11 No. 2695, from Adjutant of War Ministry to Taiwan
12 Army Chief of Staff.

13 THE PRESIDENT: Admitted on the usual
14 terms.

15 CLERK OF THE COURT: Prosecution's docu-
16 ment No. 2695 will receive exhibit No. 2010.

17 (Whereupon, the document above
18 referred to was marked prosecution's ex-
19 hibit No. 2010 and received in evidence.)

20 MR. WOOLWORTH: "To: Taiwan Army Chief
21 of Staff HIGUCHI. From Adjutant of War Ministry,
22 KAWABARA Naoichi, Riku A Mitsu 1456 Secret. 6 May
23 1942.

24 "You are notified by order of the decisions
25 made concerning the arrangements for Prisoners of

1 War which are in the attached sheet.

2 "Inclosure.

3 "Top Secret.

4 "Summary of the arrangements for POW's.

5 "The Policy:

6 "1. So that they can be used for the en-
7 largement of our production and as military labor,
8 white POW's will be confined successively in Korea,
9 Formosa and Manchuria. Those who are not suitable
10 for this purpose will be confined in Prisoner of
11 War Camps which will be built immediately on the
12 spot.

13 "2. As for other than white POW's, those
14 for whom there is no necessity for internment will
15 as much as possible be put to practical use on the
16 spot after they have been released on oath.

17 "The Outline:

18 "3. First, by the end of August, this
19 year, a part of the white POW's in Singapore will
20 be confined in Korea, Formosa and other places. The
21 number will be fixed separately.

22 "Other than those necessary on the spot,
23 superior technicians and high ranking officers
24 (Colonels and above) will be included among the
25 POW's confined in Formosa.

1 "4. The remainder will immediately be
2 confined in POW camps organized and built on the spot.

3 "5. For the purposes of control and security
4 in the POW camp organization, it is planned to assign
5 special units organized of Koreans and Formosans.
6 Moreover, the POW camps will be a lumped organiza-
7 tion in each army and each army will consider the
8 proper division it can make.

9 "First sheet chopped by: HIGUCHI, TANAKA,
10 Checked for C.G."

11 Prosecution desires to introduce document
12 No. 2697, from Chief of Prisoner of War Camps,
13 Tokyo, to Chief of Staff, Taiwan Army.

14 THE PRESIDENT: Admitted on the usual
15 terms.

16 CLERK OF THE COURT: Prosecution's docu-
17 ment No. 2697 will receive exhibit No. 2011.

18 (Whereupon, the document above
19 referred to was marked prosecution's
20 exhibit No. 2011 and received in evidence.)

21 MR. WOOLWORTH: "To: Chief of Staff,
22 Taiwan Army. From: Chief Prisoner of War Camps
23 Tokyo. POW Camps Radio #9 Top Military Secret.
24 20 August 1945.
25

"Personnel who mistreated prisoners of

1 war and internees or who are held in extremely bad
2 sentiment by them are permitted to take care of it
3 by immediately transferring or by fleeing without
4 trace. Moreover, documents which would be unfavor-
5 able for us in the hands of the enemy are to be
6 treated in the same way as secret documents and
7 destroyed when finished with.

8 "Addressees: Korean Army, Taiwan Army,
9 Knantung (Manchuria) Army, North China Area Army,
10 Hong Kong. (YOSHIOKA, Nadoji)

11 "Reference in Korea, Taiwan, Mukden, Borneo,
12 North China, Hong Kong, Thailand, Malaya, Java.

13 "Each POW Camp Commanding Officer."

14 Prosecution desires to introduce in evidence
15 document No. 2698, from Chief of Staff Taiwan Military
16 Jurisdiction, to Chief of Staff Taiwan POW Camps.

17 THE PRESIDENT: Admitted on the usual
18 terms.

19 CLERK OF THE COURT: Prosecution's docu-
20 ment No. 2698 will receive exhibit No. 2012.

21 (Whereupon, the document above
22 referred to was marked prosecution's
23 exhibit No. 2012 and received in evidence.)

24 MR. WOOLWORTH: "To: Chief of Taiwan POW
25 Camps. From: Chief of Staff Taiwan Military Juris-

1 diction. Taiwan Mil. Juris. H.Q., POW Sec. Top
2 Secret #4.

3 "NOTIFICATION ON DEALING WITH PRISONERS OF WAR

4 "This is to inform you that on the above
5 subject we have a notification of which the enclosure
6 is a copy and on which you are to give the fitting
7 instructions. Preparations are steadily being made
8 on methods of dealing which will conform to transi-
9 tions in the forthcoming situation, but if further
10 there are things which need urgent settlement, send
11 us your suggestions.

12 "Chopped by: Chief of Staff and HARADA.

13 "I hereby certify that this is a true
14 translation from an order filed in the Taiwan Army
15 W.O. Staff Files concerning POW's. Vol. VII, 2
16 January 1945 to 22 August 1945.

17 "Signed: Stephen H. Green."

18 * * *

19 "To: Chief of Staff Taiwan Military Juris-
20 diction. From: The Vice Minister of War. Riku A
21 Mitsu #2257 Secret. 17 March 1945.

22 "NOTIFICATION ON SUMMARY OF ARRANGEMENTS FOR
23 PRISONERS OF WAR IN CONFORMITY WITH TRANSITIONS
24 IN THE SITUATION.

25 "The handling of Prisoners of War in these

1 times when the state of things is becoming more and
2 more pressing and the evils of war extend to the
3 Imperial Domain, Manchuria and other places, is in
4 the enclosed Summary of Arrangements for Prisoners
5 of War in Conformity with Transitions in the Situa-
6 tion. We hope you follow it making no mistakes.
7 Notified by order.

8 "Chopped by the Vice Minister of War, Gen-
9 eral ANDO, HARADA, General ISAYAMA, UGAKI, HARADA,
10 ENDO.

11 "(Also stamped as received in Taiwan. 27
12 March 1945).

13 "This and enclosure are original, chopped
14 documents sent from Tokyo).

15 * * *

16 "I hereby certify that this is a true trans-
17 lation from an order filed in the Taiwan Army H.Q.
18 Staff Files concerning POW's. Vol. VII. 2 January
19 1945 to 22 August 1945.
20

21 "Signed: Stephen F. Green."

22 Prosecution desires to introduce in evidence
23 document No. 2699, which is the enclosure to docu-
24 ment No. 2698, "Summary of the Arrangements for
25 POW's in Conformance with Transition in the Situa-
tion."

1 THE PRESIDENT: Admitted on the usual
2 terms.

3 MR. WOOLWORTH: If the Tribunal please, I
4 desire to merely have document No. 2699 marked for
5 identification, as it is the same as exhibit No.
6 1978, which is already before the Tribunal.

7 If the Tribunal please, I suggest that
8 possibly I should introduce this in evidence but not
9 bother to read it, as it is already in evidence.

10 THE PRESIDENT: Admitted as already stated.

11 CLERK OF THE COURT: Prosecution's docu-
12 ment No. 2699 will receive exhibit No. 2013.

13 (Whereupon, the document above
14 referred to was marked prosecution's
15 exhibit No. 2013 and received in evidence.)
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1 MR. WOOLWORTH: The prosecution desires to
2 introduce in evidence document No. 2700, a letter
3 from the Chief of Staff Taiwan Military Jurisdiction
4 to the War Ministry Adjutant.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 2700 will receive exhibit No. 2014.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 2014 and received in evidence.)

11 MR. WOOLWORTH (Reading):

12 "TO: Chief of Staff Taiwan Military Juris-
13 diction.

14 "FROM: War Ministry Adjutant

15 "Riku A Tn #281 Routine

16 "16 March 1945

17 "NOTIFICATION CONCERNING WORK OF PRISONERS
18 OF WAR

19 "Up to now there have been directives from
20 the Central Authorities on the duty hours of Prisoners
21 of War each time the latter were dispatched, but in
22 view of the fact that the demands of the situation
23 more and more make necessary a display of the highest
24 degree of efficiency in the prisoners' service, from
25 now on the duty hours of Prisoners of War will conform

1 to the actual situation on the spot (the type of work,
2 the relative difficulty of the work, the urgency
3 of the labor, the season of the year, the health
4 of the prisoners and the working hours of local
5 laborers) and you will direct the commander, POW
6 Camps to decide or change these hours on his own
7 suitable discretion and thus maintain elasticity
8 in this matter of the working hours of Prisoners
9 of War. Notified by order.

10 "Chopped by: ANDO, HIGUCHI, TANAKA, YOKOTO"

11 The prosecution desires to introduce document
12 No. 2701. This is an extract from the journal of
13 the Taiwan Camp Headquarters in Taihoku.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 2701 will receive exhibit No. 2015.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 2015 and received in evidence.)

20 MR. WOOLWORTH: Before reading this document
21 I desire to invite the attention of the Court to a
22 mistake in translation. The year 1944 does not appear
23 in the original Japanese text. That is in the second
24 line on the first page.

25 THE PRESIDENT: The certificate says

1 "1 August 1944." Can we accept that as the fact?

2 MR. WOOLWORTH: The original Japanese text
3 does not include the year 1944.

4 THE PRESIDENT: You can point to nothing
5 else as indicating 1944 is the year?

6 MR. WOOLWORTH: It appears, if the Tribunal
7 please, that these extracts from the journal were
8 covered between 1942 and 1945.

9 THE PRESIDENT: Well, the journal is your
10 indicator.

11 MR. WOOLWORTH (Reading):

12 "From the Journal of the Taiwan POW Camp
13 H.Q. in Taihoku, entry 1 August 1944.

14 "1. (entries about money, promotions of
15 Formosans at Branch camps, including promotion of
16 Yo Yu-toku to 1st Cl. Keibiin - 5 entries)

17 "2. The following answer about the extreme
18 measures for POW's was sent to the Chief of Staff of
19 the 11th Unit (Formosa POW Security No. 10):

20 "Under the present situation if there were a
21 mere explosion or fire a shelter for the time being could
22 be had in nearby buildings such as the school, a
23 warehouse, or the like. However, at such time as
24 the situation became urgent and it be extremely im-
25 portant, the POW's will be concentrated and confined in

1 their present location and under heavy guard the
2 preparation for the final disposition will be made.

3 "The time and method of this disposition
4 are as follows:

5 "(1) The Time.

6 "Although the basic aim is to act under
7 superior orders, individual disposition may be made
8 in the following circumstances:

9 "(a) When an uprising of large numbers
10 cannot be suppressed without the use of firearms.

11 "(b) When escapees from the camp may turn
12 into a hostile fighting force.

13 "(2) The Methods.

14 "(a) Whether they are destroyed indi-
15 vidually or in groups, or however it is done, with
16 mass bombing, poisonous smoke, poisons, drowning,
17 decapitation, or what, dispose of them as the
18 situation dictates.

19 "(b) In any case it is the aim not to
20 allow the escape of a single one, to annihilate them
21 all, and not to leave any traces.

22 "(3) To: The Commanding General

23 "The Commanding General of Military
24 Police

25 "Reported matters conferred on with the

1 11th Unit, the Kiirun Fortified Area H.Q., and each
2 prefecture concerning the extreme security in Taiwan
3 POW Camps.'

4
5 "3. (The next entry concerns the will of
6 a deceased POW)."

1 The prosecution desires to have marked
2 for identification document No. 2853A 1 - 73, and
3 introduce in evidence the synopsis thereof, docu-
4 ment No. 2853B

5 THE PRESIDENT: Admitted on the usual
6 terms.

7 CLERK OF THE COURT: Prosecution document
8 No. 2853A 1 - 73 will be given exhibit No. 2016
9 for identification only, and the excerpts there-
10 from will be given exhibit No. 2016A, which is a
11 synopsis of those.

12 (Whereupon, the document above refer-
13 red to was marked prosecution's exhibit No.
14 2016 for identification, and the excerpts there-
15 from were marked prosecution's exhibit No. 2016A
16 and received in evidence.)

17 MR. WOOLWORTH (reading): "12 Feb. 1942 (A-1)
18 Swiss to Foreign Minister (Togo)

19 U. S. will facilitate visits by protecting
20 power to Japanese subjects. Asks for in-
21 formation as to attitude of Jap. Govt. on
22 application to civil internees of Geneva
23 Convention and visits to internees.

24 "17 Feb. 1942 (A-2) Swiss to Foreign Minister (Togo)
25 Asks if Jap. Govt. will apply Geneva Conv.

1 to civilians and also asks to be permitted
2 to visit American prisoners of war and
3 internees.

4 "3 Mar. 1942 (A-3) Swiss to Foreign Minister (Togo)
5 Asks permission to visit internees camps
6 and for list of American citizens.

7 "3 June 1942 (A-4) Swiss to Foreign Minister
8 (Togo) U. S. is disturbed as to fate of U. S.
9 Nations in Japanese occupied territories,
10 and asks for permission to visit prisoners
11 of war and internees there.

12 "5 June 1942 (A-5) Swiss to Foreign Minister (Togo)
13 Britain asks for information relating to
14 British subjects in Japanese occupied territories,
15 and also asks for permission to visit all camps
16 for prisoners of war and civilian internees.

17 "11 June 1942 (A-6) Swiss to Foreign Minister
18 (Togo). Repeats letter of 5 June as to Dominion
19 subjects.

20 "12 June 1942 (A-7) Swiss to Foreign Minister
21 (Togo). Informs Japanese that Japanese prisoners
22 of war or civilian internees in United States can
23 interview representatives of protecting power and
24 Int. Red Cross without restriction. Asks for
25

1 reciprocal facilities.

2 "29 July 1942 (A-8) Minister of Foreign Affairs
3 (Togo) to Swiss Minister. Replies to letters of
4 5 and 11 June. Japanese Govt. will not
5 recognize protecting powers in occupied
6 territory, therefore visits in those areas
7 to prisoners or internees cannot be made.
8 In Shanghai such visits may be allowed by
9 competent authorities.

10 "30 July 1942 (A-9) Minister of Foreign Affairs
11 (Togo) to Swiss Minister. Replies to letter of 3
12 June. Reply similar to 29 July letter.

13 "1 September 1942 (A-10) Swiss to Foreign Minister
14 (Togo). Reply to 30 July letter. U. S. protests
15 at Japanese decision and requests access
16 to all places of internment of American
17 nationals.

18 "2 September 1942 (A-11) Swiss to Foreign Minister
19 (Togo). Reply to 29 July letter. British protest
20 at Jap refusal to permit visits to prisoners
21 of war and civilians in territories under
22 Japanese control.

23 "3 September 1942 (A-12) Swiss to Prime Minister
24 and Minister for Foreign Affairs (Tojo). States
25 application has been made to competent

1 authorities to visit British nationals in
2 Shanghai. This has been refused because
3 only Tokyo can give consent. Asks for
4 information as to what formalities are
5 necessary in order to visit camps at Shanghai.

6 "10 September 1942 (A-13) Swiss to Prime Minister
7 and Minister for Foreign Affairs (Tojo).
8 Refers to letter of 1 Sept. to Togo. Asks
9 what is the attitude of the Japanese Govern-
10 ment on visits to camps.

11 "7 October 1942 (A-14) Swiss to Foreign Minister
12 (TANI). States Japanese Mission in Saigon
13 has refused permission to visit prisoners
14 of war camps because of the temporary nature
15 of the installations, and also because
16 some escapes had occurred. States this is
17 contrary to Japanese assurances to observe
18 Geneva Convention. Asks Japanese Govern-
19 ment to revise its decision.

20 "24 October 1942 (A-15) Swiss to Foreign Minister
21 (TANI). Repeats 7 October letter and
22 asks that decision be reversed.

23 "28 October 1942 (A-16) Swiss to Foreign Minister
24 (TANI). States that some visits have been
25 made to camps in Japan. Asks when visits

1 may be made to camps in occupied territories.

2 "6 November 1942 (A-17) Swiss to Foreign Minister
3 (TANI). Asks for information as to the
4 attitude of the Japanese Govt. respecting
5 visits to prisoner of war camps in China,
6 Indo-China, and Thailand."

7 THE PRESIDENT: We will recess for fifteen
8 minutes.

9 (Whereupon, at 1045 a recess was taken
10 until 1100.)

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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 Woolworth.

4 MR. WOOLWORTH: If the Tribunal please,
5 prosecution desires to introduce in evidence, rather
6 than to have marked for identification, document --
7 exhibit No. 2016 which was the complete file of
8 correspondence of which the synopsis is exhibit 2016A,
9 and to have the privilege of reading the synopsis
10 rather than the full text of the letters.

11 MR. BROOKS: Mr. President, I would like to
12 inquire now if, under that, if the documents, the
13 seventy-three documents starting with document No.
14 2853A (1) to 2853A (73) are all in evidence under
15 the court exhibit No. 2016. Is that the understanding?
16

17 MR. WOOLWORTH: That was the intention of
18 the prosecution.

19 THE PRESIDENT: Well, IPS document No. 2853A,
20 1 to 73, inclusive, is marked 2016A.

21 MR. WOOLWORTH: The synopsis is marked thus.
22 The documents themselves were originally marked for
23 identification 2016.

24 THE PRESIDENT: To warrant the synopsis
25 you must have the documents which are summarized
admitted in evidence and not merely for identification,

1 and they have been so admitted according to my under-
2 standing.

3 CLERK OF THE COURT: Prosecution's document
4 No. 2853A consists of documents consecutively numbered
5 from 1 to 73, is given exhibit No. 2016 and admitted
6 according to order of Court. And the synopsis there-
7 of bears prosecution document No. 2853B and has been
8 given exhibit No. 2016A previously admitted according
9 to the order of the Court.

10 (Whereupon, prosecution's document
11 No. 2853A (1) to 2853A (73), inclusive,
12 previously marked prosecution's exhibit No.
13 2016 for identification, was received in
14 evidence.)

15 MR. WOOLWORTH: Continuing the reading of
16 exhibit 2016A, on page 3:

17 "13 November 1942 (A-18)

18 Swiss to Foreign Minister (TANI)

19 Protests to Swiss having been refused permission
20 to visit camps in Thailand and to send gifts in
21 kind. Asks for permission to make such visits
22 and to send such goods. Also asks Japanese
23 Government to communicate lists of names of
24 prisoners of war.
25

1 "24 December 1942 (A-19)

2 Swiss to Foreign Minister (TANI)

3 Acknowledges permission to visit certain camps
4 in Japan. Asks for same rights in Japanese
5 occupied territory.

6 "5 February 1943 (A-20)

7 Swiss to Foreign Minister (TANI)

8 Acknowledges permission to visit certain camps
9 in Japan, Korea, Shanghai and Hong Kong. Asks
10 for similar permission to visit other camps in
11 Japan and in occupied territories.

12 "16 March 1943 (A-21)

13 Swiss to Foreign Minister (TANI)

14 Asks for right of Swiss representative to converse
15 with prisoners without witnesses. States that
16 previous requests to this effect made on 12 June
17 1942 and 18 June 1942 have not been replied to.

18 "27 March 1943 (A-22)

19 Swiss to Foreign Minister (TANI)

20 Repeats request made on 13 January 1943 to be
21 permitted to visit camps in Taiwan.

22 "31 March 1943 (A-23)

23 Swiss to Foreign Minister (TANI)

24 States that several previous requests for per-
25 mission to visit camps in occupied territories

1 have not received any reply. Once more asks
2 for that permission and also for information
3 as to internees in Malaya.

4 "22 April 1943 (A-24)

5 Foreign Ministry (SHIGEMITSU) to Swiss

6 Reply to letters of 24 December and 31 March.
7 States that as was mentioned in the letter of
8 30 July 1942, visits to camps in occupied
9 territories cannot be permitted.

10 "22 April 1943 (A-25)

11 Foreign Ministry (SHIGEMITSU) to Swiss

12 Reply to letters of 16 and 19 March. Cannot
13 allow Swiss to make unrestricted visits to
14 prisoners of war and that correspondence of
15 prisoners is permitted according to the cir-
16 cumstances in each camp.

17 "12 May 1943 (A-26)

18 Swiss to Foreign Minister (SHIGEMITSU)

19 Refers to previous letters of 26 October and
20 6 November. States that no permission has yet
21 been obtained to visit camps at Shanghai in
22 spite of many requests. Requests inter alia
23 authority to visit all camps.

24 "2 June 1943 (A-27)

25 Swiss to Foreign Minister (SHIGEMITSU)

1 Repeats request for permission to visit camps
2 in occupied territories. Requests permission
3 to visit other camps in Japan. Requests infor-
4 mation as to when he may revisit camps which
5 have already been visited.

6 "4 June 1943 (A-28)

7 Swiss to Foreign Ministry (SHIGEMITSU)

8 Requests right to talk to prisoners without
9 witnesses.

10 "24 June 1943 (A-29)

11 Foreign Minister (SHIGEMITSU) to Swiss

12 Reply to 4 June. Regulations prohibit talks
13 without a guard. Therefore, request cannot be
14 granted.

15 "28 June 1943 (A-30)

16 Swiss to Foreign Minister (SHIGEMITSU)

17 Requests permission to visit Hakodate prison
18 camp.

19 "8 July 1943 (A-31)

20 Swiss to Foreign Minister (SHIGEMITSU)

21 Acknowledges letter of 24 June and asks for
22 text of regulations.

23 "16 July 1943 (A-32)

24 Swiss to Foreign Minister (SHIGEMITSU)

25 Requests permission to visit all camps and

1 states that prisoners should be evacuated from
2 the zone of combat.

3 "23 July 1943 (A-33)

4 Foreign Minister (SHIGEMITSU) to Swiss

5 Reply to 2 June. Permission to visit camps in
6 occupied territories will be given as soon as
7 it is opportune. Visits to camps in Japan
8 already visited will be considered when specific
9 applications are made.

10 "29 July 1943 (A-34)

11 Swiss to Foreign Minister (SHIGEMITSU)

12 Repeats 10 July. Requests permission to visit
13 camps in Philippines.
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1 "23 August 1943 (A-35)

2 Swiss to Foreign Ministry (SHIGEMITSU)

3 Request to revisit camps at Tokyo and Yokohama.

4 "4 September 1943 (A-36)

5 Swiss to Foreign Ministry (SHIGEMITSU)

6 Request to visit Hakodate. Inquires as to atti-
7 tude of Japanese Government on visits to other
8 camps.

9 "22 October 1943 (A-37)

10 Swiss to Foreign Ministry (SHIGEMITSU)

11 Asks for replies to letters of 23 August, also
12 28 June, 4th September and 29th July re visits
13 to prison camps.

14 "10 December 1943 (A-38)

15 Swiss to Foreign Ministry (SHIGEMITSU)

16 Asks for a reply to letter of 22 October re
17 visits to certain camps in Japan.

18 "12 February 1944 (A-39)

19 Swiss to Foreign Ministry (SHIGEMITSU)

20 Complaining that requests to visit camps sent
21 between August 1943 and February have received
22 no reply. Makes a formal demand to visit all
23 camps.

24 "13 March 1944 (A-40)

25 Swiss to Foreign Ministry (SHIGEMITSU)

1 Requests to visit camps. States that British
2 Government has received alarming reports of phys-
3 ical condition and work of prisoners. Asks to
4 be informed as to the physical condition and
5 work of prisoners of war.

6 "25 March 1944 (A-41)

7 Swiss to Foreign Ministry (SHIGEMITSU)

8 Requests to visit camps. Quotes statement in
9 Nippon Times that Govt. will facilitate observa-
10 tions by objective parties.

11 "30 March 1944 (A-42)

12 Swiss to SUZUKI, Tadakatsu (not accused) of
13 Foreign Ministry

14 States that from 1 Feb. 1942 to 15 March 1944
15 Swiss have intervened in writing 134 times re
16 visits to camps. There have been 24 replies.
17 In last nine months only 3 replies received.
18 Most of replies have been negative.

19 "10 May 1944 (A-43)

20 Swiss to Foreign Minister (SHIGEMITSU)

21 States visits are made by protecting power to
22 Japanese prisoners in America without restriction.
23 Requests visits to prisoner of war camps in Japa-
24 nese controlled territories..
25

"30 June 1944 (A-44)

1 Swiss to SUZUKI, Tadakatsu (not the accused) of
2 the Foreign Ministry

3 Sets out that the Japanese raise the question that
4 the Swiss have not received authority to protect
5 British and U.S. subjects in occupied territories,
6 and asks for permission to visit.

7 "1 July 1944 (A-45)

8 Swiss to Foreign Minister (SHIGEMITSU)

9 Refers to promise by SHIGEMITSU to examine the
10 question of visits to prisoners of war camps.
11 Mentions the statements of the U.S. Government
12 re atrocities. Asks for humane treatment of
13 U.S. prisoners.

14 "21 July 1944 (A-46)

15 Swiss to Foreign Minister (SHIGEMITSU)

16 Refers to Japanese statement that Swiss will be
17 authorized to visit the prisoner of war camps
18 in Japan. Asks when it can visit camps.

19 "12 August 1944 (A-47)

20 Foreign Minister (SHIGEMITSU) to Swiss

21 Sets out attitude of Japanese Government re
22 denying visits to camps in occupied territories.

23 "15 August 1944 (A-48)

24 Foreign Minister (SHIGEMITSU) to Swiss

25 Reply to 21 July. Permission to visit camps in

1 Japan will be granted when asked for.

2 "17 August 1944 (A-49)

3 Swiss to Foreign Minister (SHIGEMITSU)

4 States Swiss have never received list of prisoner
5 of war camps in Japan and, therefore, cannot under-
6 take the responsibility of making specific appli-
7 cations. Requests permission to visit all camps
8 and asks for a list of camps in Japan.

9 "12 September 1944 (A-50)

10 Swiss to Foreign Minister (SHIGEMITSU)

11 Asks that humane treatment be accorded to British
12 prisoners and asks permission to visit all camps.

13 "28 October 1944 (A-51)

14 Swiss to Foreign Ministry (SHIGEMITSU)

15 Reiterates request for permission to visit all
16 camps in occupied territories.

17 "10 November 1944 (A-52)

18 Swiss to SUZUKI (not the accused)

19 Asks for confirmation of promise made by
20 SHIGEMITSU that permission to visit camps in
21 occupied territories would be given on
22 condition of reciprocity.

23 "13 November 1944 (A-53)

24 SUZUKI to Swiss

25 Visits to Manila, Shonan and Bangkok may be commenced.

1 "16 November 1944 (A-54)

2 Swiss to Foreign Ministry (SHIGEMITSU)

3 States that only five camps in Japan have been
4 visited. Asks permission to visit others.

5 "17 November 1944 (A-55)

6 Swiss to SUZUKI

7 Asks reasons why competent authorities will not
8 permit visits in N. E. I.

9 "8 December 1944 (A-56)

10 Foreign Minister (SHIGEMITSU) to Swiss

11 Reply to 1 July and 12 September. Japanese Govern-
12 ment will allow visits to prisoners of war camps
13 in occupied territories provided they do not inter-
14 fere with military operations and on conditions of
15 reciprocity. Will commence negotiations on this
16 subject with International Red Cross re visits in
17 P.I., Shonan and Thailand.

18 "12 December 1944 (A-57)

19 Swiss to Foreign Minister (SHIGEMITSU)

20 Acknowledges 8 December.

21 "13 January 1945 (A-58)

22 Swiss to Foreign Ministry (SHIGEMITSU)

23 Asks when camps may be visited

24 "16 March 1945 (A-59)

25 Swiss to Foreign Ministry (SHIGEMITSU)

1 Mentions visits to 2 camps in Japan. Asks when
2 others may be visited.

3 "7 April 1945 (A-60)

4 Swiss to Foreign Minister (SHIGEMITSU)

5 Reply to 8 December. States reciprocity already
6 exists and has existed for a long time.

7 "17 April 1945 (A-61)

8 Swiss to Foreign Ministry (TOGO)

9 States only 2 camps in Japan visited in 1945. Asks
10 permission to visit other camps.

11 "19 April 1945 (A-62)

12 Swiss to Foreign Minister (TOGO)

13 Asks permission for M. Rush to visit camps.

14 Mentions that many weeks have elapsed since this
15 request was first made.

16 "28 April 1945 (A-63)

17 Swiss to SUZUKI (not the accused)

18 States request made on 16 March, 3, 17 April to
19 visit certain camps in Japan, Formosa and Mukden
20 have been unanswered.

21 "10 May 1945 (A-64)

22 Swiss to Foreign Minister (TOGO)

23 U.S. asks if Japs will allow visits to Singapore,
24 Japan, Formosa, and Manchuria.

25 "16 May 1945 (A-65)

1 Swiss to Foreign Minister (TOGO)

2 Asks for permission to visit all camps.

3 "30 May 1945 (A-66)

4 Swiss to Foreign Minister (TOGO)

5 Informs Japanese that visits to camps for Japanese
6 POW's in Tinian, Saipan, Guam and New Caledonia
7 will be authorized by the United States when the
8 Japanese have given a favourable answer to the
9 letter of 10 May.

10 "30 May 1945 (A-67)

11 Swiss to Foreign Minister (TOGO)

12 Requests to be allowed to visit all camps in Japan.

13 "5 June 1945 (A-68)

14 Foreign Minister (TOGO) to Swiss

15 Answer to 7 April. Jap. Govt. will lose no time
16 in having a representative of International Red
17 Cross visit prisoner of war camps, in Thailand
18 and on conclusion of negotiations with Int. Red
19 Cross committee will authorize visits in Malaya.

20 "13 June 1945 (A-69)

21 Swiss to Foreign Minister (TOGO)

22 Reiterates that U.S. has agreed to all camps being
23 visited.

24 "14 June 1945 (A-70)

25 Swiss to SUZUKI, Tadakatsu (not the accused) of

1 the Foreign Ministry

2 Asks for visits, notification of all names
3 of all prisoners of war and internees and
4 removal of camps from vicinity of military
5 objectives.

6 "13 July 1945 (A-71)

7 Swiss to SUZUKI, Tadakatsu (not the accused)
8 of the Foreign Ministry

9 Re visit to Shonan. Difficulties raised by
10 Japanese as to the person who is to visit.
11 Japanese will not allow Swiss to select their
12 representative.

13 "13 July 1945 (A-72)

14 Swiss to SUZUKI (not the accused) of the
15 Foreign Ministry

16 Reports of Swiss visitors will be sent in
17 the clear as required by the Japanese.

18 "31 July 1945 (A-73)

19 Swiss to SUZUKI (not the accused) of the
20 Foreign Ministry

21 Asks when visits to camps in Thailand and
22 Singapore will be permitted."
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1 MR. WOOLWORTH: The prosecution desires to
2 introduce in evidence document No. 1432A which is a
3 letter from SHIGEMITSU to the Swiss Minister.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 1432A will receive exhibit No. 2017.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 2017 and received in evidence.)

10 MR. WOOLWORTH: (Reading)

11 "No. 249/Yyo. Ordinary

12 "24 July 1943

13 "To His Excellency, the Envoy Extraordinary
14 and Minister Plenipotentiary of Switzerland, Camille
15 Georges /phonetic/:

16 "With this letter I have the honor to
17 acknowledge receipt of your Excellency's letter
18 No. CC 1.3.6. DCu of the 5th July concerning the treat-
19 ment of prisoners of war in the Thailand Camp and
20 the matter of visiting this camp.

21 "The competent authorities to whom the con-
22 tents of said letter had been immediately communicated
23 inform me that the prisoners of the Thailand Camp
24 are equitably treated; furthermore, those who are
25 sick have received the best medical treatment in the

1 prisoner of war hospital. So far as the matter of
2 visiting the camp is concerned, authorization will
3 not be given for the moment.

4 "Please accept, Monsieur le Ministre,
5 renewed assurances of my high esteem.

6 "Minister of Foreign Affairs

7 "Mamoru SHIGEMITSU."

8 There is the usual certificate of authen-
9 ticity.

10 Prosecution desires to introduce in evidence
11 document No. 1432B which is a verbal note from the
12 Japanese Foreign Office.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 1432B will receive exhibit No. 2018.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 2018 and received in evidence.)

19 MR. WOOLWORTH: (Reading)

20 "No. 35/C.R.

21 "Verbal Note

22 "The Imperial Japanese Ministry of Foreign
23 Affairs has the honor to acknowledge the receipt of
24 a Note Verbale of the Royal Swedish Legation in
25 Tokyo dated the 28th June requesting that permission

1 be granted for Mr. Folke Enstedt, the Swedish Consul-
2 General at Bangkok, to visit the prisoners of war
3 camps in Thailand. The Ministry of Foreign Affairs
4 begs to state in reply that in the present circum-
5 stances it is not possible to grant the desired per-
6 mission."

7 Dated 7 July 1943.

8 The document bears the usual certificate of
9 authenticity.

10 The prosecution desires to introduce in
11 evidence document No. 1432C which is a note from
12 the Imperial Japanese Ministry to the Swedish Lega-
13 tion.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 1432C will receive exhibit No. 2019.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 2019 and received in evidence.)

20 MR. WOOLWORTH: (Reading)

21 "No. 34/C.R.

22 "Verbal Note

23 "The Imperial Japanese Ministry of Foreign
24 Affairs has the honor to acknowledge the receipt of
25 a Note Verbale of the Royal Swedish Legation in

1 Tokyo dated the 25th June inquiring whether it
2 would be possible to permit Mr. E. Strandberg, a
3 former Danish Consul, to visit the Changi Civilian
4 Internment Camp in Syonan. The Ministry of Foreign
5 Affairs begs to state in reply that in the present
6 circumstances the desired permission cannot be granted.

7 "7th July 1943."

8 The document bears the usual certificate
9 of authenticity.
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1 Prosecution desires to introduce document
2 No. 1432-D. This is a letter from Kuma SUZUKI, not
3 the accused, of the Foreign Office to the Chief of
4 the POW Information Bureau.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document
7 No. 1432-D will receive exhibit No. 2020.

8 (Whereupon, the document above
9 referred to was marked prosecution's ex-
10 hibit No. 2020 and received in evidence.)

11 MR. WOOLWORTH: (Reading)

12 "Resident Ordinary No. 459

13 "From: Kuma SUZUKI, Envoy Extraordinary
14 and Minister Plenipotentiary Office for the residents
15 in enemy countries, Foreign Office

16 "To: Chief of the POW Information Bureau

17 "Regarding the Proposal of the American
18 Government Pertaining to the Treatment of POW, dated
19 19 June 1943

20 "The Government of Switzerland has, by
21 request of the American Government, recently inquired
22 of us if it is all right for a representative of the
23 Swiss Minister to ask the questions enumerated in
24 the attached questionnaire when he visits the POW
25 camps or the civilian internee camps.

1 "Accordingly we are sending you the said
2 questionnaire and its translation.

3 "Please give us your instructions."

4 THE PRESIDENT: You do not propose to read
5 the questionnaire, do you? It seems to be directed
6 to the terms of the Geneva Convention or the Prisoner
7 of War Convention.

8 MR. WOOLWORTH: Prosecution desires to
9 introduce document No. 1432-E, which is the reply
10 of the POW Information Bureau to exhibit No. 2020.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution document
13 No. 1432-E will receive exhibit No. 2021.

14 (Whereupon, the document above
15 referred to was marked prosecution's ex-
16 hibit No. 2021 and received in evidence.)

17 MR. WOOLWORTH: (Reading)

18 "COPY

19 "88 (in red ink.) T.N. Figure 79 in red
20 ink crossed out)

21 "(T.N. Marked 'Finished,' implying 'Read'
22 in columns for the Chief, and bearing seals of
23 Secretaries / 'Jimu-Kan' / YASUDA, YAMAUCHI and
24 ITAGATA).

25 "POW Information No. 39 of IX

1 "Reply re Proposal of the American Government
2 Regarding the Questions to be Put to POW

3 "23 June 1943 /Showa 18/

4 "From: Chief of POW Information Bureau,
5 Taira HAMADA

6 "To: Envoy Extraordinary and Minister
7 Plenipotentiary, Kuma SUZUKI Office for the Residents
8 in Enemy Countries, Foreign Office

9 "I hereby beg to reply regarding the subject
10 under caption as per your letter of inquiry, Resident
11 Ordinary No. 459, dated 19 June, as follows:

12 "1. According to Article 13 of the POW
13 Treatment Regulations, it is stipulated that, when
14 having interviews with POW's, the Chief of the POW
15 Camp shall restrict the scope of the conversation.

16 "2. The aforesaid scope of conversation
17 shall differ according to the circumstances of each
18 POW Camp.

19 "3. Therefore, we are of the opinion that
20 the proposal of the Swiss Government cannot be accepted
21 in toto."

22 The document contains the usual certificate
23 of authenticity.

24 Prosecution desires to introduce in evidence
25 document No. 2765-A-1 to 22, which is a series of

1 correspondence between the Japanese Minister of
2 Foreign Affairs and the Swiss Minister.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution document
5 No. 2765-A, component parts consecutively numbered
6 from 1 to 22, will receive exhibit No. 2022.

7 (Whereupon, the document above
8 referred to was marked prosecution's ex-
9 hibit No. 2022 and received in evidence.)

10 MR. WOOLWORTH: (Reading)

11 "CC.1.2.8.-ca.

12 "Tokyo, 8 July 1942

13 "M. le Ministre,

14 "I have the honor to inform Your Excellency
15 that Sir Robert Craigie has sent me a photograph
16 published on 23 June in the 'Japan Times and Advertiser'
17 which shows British prisoners of war cleaning the
18 streets of Rangoon under the amused eyes of the public.
19 He has requested me to make the necessary representations
20 to the Imperial Government for he considers that work
21 of this kind ought not to be forced on prisoners of
22 war, above all in a country where the cleaning
23 of streets is coolie work. In his opinion the work
24 was humiliating for the soldiers and in all of these
25 cases the Japanese newspapers ought not to be allowed

1 to publish photographs of this kind.

2 "I have submitted the question to my Government
3 which has requested me to call in a friendly manner
4 the attention of the Imperial authorities to the fact
5 that the dignity of soldier prisoners has been need-
6 lessly hurt. Article 2, paragraph 2, of the Prisoner
7 of War Code of 27 July 1929 expressly states that prisoners
8 of war 'must be treated in all cases with humanity
9 and are to be protected specially against acts of
10 violence, insults and public curiosity.'"

11 Omitting the next paragraph and reading the
12 last:

13 "I would, nevertheless, be greatly obliged
14 if Your Excellency would bring the matter to the notice
15 of the competent military authorities, and in thanking
16 you in advance for your obliging intervention, I
17 take this occasion to renew, M. le Ministre, the
18 assurances of my highest esteem.

19 "Signed by the Swiss Minister

20 "To His Excellency, M. Shigenori TOGO,
21 Minister of Foreign Affairs, Tokyo."
22

23 "CC.1.2.8-ca.-
24

25 "Tokyo, 1 August 1942

"M. le Ministre,

1 "To follow my letter of 9 July I have the
2 honor to inform your Excellency, following the expressed
3 instructions of my Government, that the British
4 Government does not admit that prisoners of war should
5 be compelled to work belittling their dignity. It
6 has requested the Swiss Government to make every
7 representation on this subject, and attaches the
8 greatest importance to these matters as they were
9 shown in the photograph published by the 'Japan
10 Times and Advertiser.'"

11 I omit reading the rest of the letter except
12 that it was addressed to "His Excellency M. Shigenori
13 TOGO, Minister of Foreign Affairs."

14
15 "CC.1.2.8.-cc.

16 "Tokyo, 15 September 1942

17 "CC.1.3.8

18 "M.le Prime Minister .

19 "I have the honor to bring to the notice of
20 Your Excellency the fact that the British Government
21 has requested that the following protest be sent to
22 the Imperial Government:

23 "'Information from most reliable sources
24 is that prisoners of war imprisoned in Rangoon goal
25 are subjected to the following treatment:

1 "(a) Rations are confined to bread, salt
2 and water twice daily with occasional issue of vegetables.

3 "(b) Prisoners of war sleep on floor on
4 sacking or boards only.

5 "(c) No cigarettes or tobacco are issued.

6 "(d) Their boots have been confiscated
7 and they are compelled to do heavy work while bare-
8 footed.

9 " 'In consequence of this inhumane treatment,
10 prisoners are weak, thin and dejected.

11 " 'British Government assumes that Japanese
12 Government is unaware of brutalities committed by
13 Military Authorities in a distant theater of operations.
14 Whatever excuse may be offered for (a), (b) and (c)
15 above there can be no excuse for confiscation of
16 prisoners' boots. British Government protests most
17 strongly against these breaches of Convention and
18 demand immediate redress."

19 I omit the last paragraph.

20 "Signed by the Swiss Minister

21 "To His Excellency, M. General Hideki TOJO,
22 Prime Minister and Minister of Foreign Affairs, Tokyo."

23 "CC.1.3.8.-cr

24 "Tokyo, 9 December 1942
25

1 "M. le Ministre,

2 "By my letter of 15th September addressed to
3 His Excellency, General TOJO, then Minister of Foreign
4 Affairs, I had the honor to advise the Imperial
5 Government that the Government of the United Kingdom
6 was disturbed on the subject of bad treatment accorded
7 the prisoners of war detained in the Rangoon prison.
8

9 "I take this occasion to recall this matter
10 to the kind attention of Your Excellency and would
11 be very appreciative if you would agree to take steps
12 to appease the fears of the British Government."

13 I omit the last paragraph.

14 "Signed by the Swiss Minister," addressed
15 to "M. Masayuki TAKI, Minister of Foreign Affairs,
16 Tokyo."

17 "The Gaimusho, Tokyo

18 "Translation

19 "No. 33/c.r.

20 "9 February 1943

21 "M. le Ministre," --

22 I omit the first paragraph and read the
23 second:

24 "I desire to inform Your Excellency that the
25 competent authorities have stated that after having

1 made full inquiry, the facts stated in the said letters
2 never occurred."

3 Signed "Minister of Foreign Affairs."
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1 "CC.1.3.8.-deu

Tokyo 12 February 1943

2 "M. le Ministre,

3 "By letter of 15 September addressed to
4 TOJO, then Minister for Foreign Affairs, and by letter
5 of 9 December addressed to Your Excellency, I had the
6 honor to make known to the Imperial Government the
7 doubts which His Britannic Majesty's Government had
8 on the subject of the bad treatment of prisoners of
9 war in Rangoon.

10 "In the meantime the Government of the
11 United Kingdom has requested my Government to com-
12 municate to the Imperial Government additional in-
13 formation on the conditions prevailing at the same
14 time in the said prison. According to information
15 from the Foreign Office, superior officers, European
16 and Indian, were slapped until they lost consciousness;
17 they have also been beaten on the head by Japanese
18 soldiers. The injuries to their ears and eyes
19 suffered by the prisoners following the punching
20 have been aggravated by the lack of medical supplies.
21 All medical supplies are insufficient and the sanitary
22 conditions bad. Twenty or thirty men died. Many men
23 died from dysentery during the first months of cap-
24 tivity caused by insufficient water. In addition,
25 Europeans have been forced to carry out degrading

1 work. Severe punishments were inflicted on prison-
2 ers; it is also clear that some of them have been
3 deprived of all food for two days for having commit-
4 ted minor offenses and that Indian prisoners of war
5 have been deprived of food for having refused to
6 enroll in the Indian National Army. It seems also
7 that all prisoners are in need of proper clothing
8 and are in rags.

9 "The British Government is most concerned
10 that this state of things should exist. It insists
11 strongly once more that the representatives of the
12 protecting Powers and the delegates of the Inter-
13 national Committee of the Red Cross be enabled to
14 visit prisoners of war and civil internees at
15 Rangoon, also those in other camps in Burma, Malaya
16 and the Netherlands Indies.

17 "It expresses the hope that the Imperial
18 Government will not refuse to accede to this request;
19 if it should do so it will be obliged to conclude
20 that not only the reports which have been received
21 are correct, but also that at present the conditions
22 are such that the Japanese authorities do not desire
23 to admit neutral delegates to the above mentioned places.
24

25 "My above mentioned letters have not been
replied to and I recall this matter to the attention

1 of Your Excellency and would be obliged if you would
2 consent to intervene with the competent authority to
3 give, as soon as possible, permission to visit to
4 my delegates or the delegates of the International
5 Committee of the Red Cross the prisons of Rangoon,
6 prisoners and internee camps in Burma and Malaya,
7 and also in the southern island."

8 Addressed "To His Excellency, H. Masayuki
9 TANI, Minister of Foreign Affairs, Tokyo. Signed by
10 the Swiss Minister."

11 I omitted the last paragraph.

12
13 "CC.1.3.6.-EGc. CC.1.3.8.-

14 "The Swiss Legation has the honor to inform
15 the Imperial Ministry of Foreign Affairs that accord-
16 ing to information recently brought to the attention
17 of the British Government, the condition of the prison-
18 ers of war in Thailand and Burma leaves much to be
19 desired.

20 "There are, in particular, many cases of
21 beriberi, and the medical supplies to treat this
22 disease are non-existent.

23 "The Government of the United Kingdom has
24 drawn the attention of the Swiss Government to these
25 matters and insists that the Imperial authorities

1 take all necessary measures to send essential
2 medical supplies as soon as possible to the camps in
3 Thailand and Burma."

4 Addressed "To the Imperial Ministry of
5 Foreign Affairs, Tokyo. Tokyo, 28 February 1944."

6
7 "CC.1.3.6.-EGc CC.1.3.8.-

8 "By note of 28 February the Swiss Legation
9 had the honor to inform the Imperial Ministry of
10 Foreign Affairs that the British Government was
11 apprized that prisoners of war in Thailand and Burma
12 lacked medical supplies. It asked then that the
13 Imperial authorities take necessary measures to send
14 them as soon as possible.

15 "In a new communication, the London Govern-
16 ment expressed its desire to know if the above men-
17 tioned prisoners now have at their disposition the
18 essential medical supplies."

19 I omit the last paragraph.

20 "Tokyo 25 April 1944.

21 "To the Imperial Ministry of Foreign Affairs,
22 Tokyo."

23
24 "CC.1.3.6.-EGc. CC.1.3.8.-

25 "By notes of 28 February and 25 April the

1 Swiss Legation had the honor to inform the Imperial
2 Ministry of Foreign Affairs that the British Govern-
3 ment had been apprized that the prisoners of war in
4 Thailand and Burma lacked medical supplies. It
5 requested then that the competent authorities take
6 the necessary measures to send them as soon as possible.

7 "Since there has been no response to this
8 date, the Legation desires to recall this matter to
9 the kind attention of the Ministry; it attaches the
10 greatest importance to knowing if the surviving
11 prisoners have now at their disposal the essential
12 medical supplies."

13 "Tokyo, 10 June 1944."

14 Addressed "To the Imperial Ministry of
15 Foreign Affairs, Tokyo."

16
17 "CC.1.3.8.-EGf.

18 "By letter of 15 September 1942 addressed
19 to TOJO, then Minister for Foreign Affairs and by
20 letter of 9 December to TANI, the Swiss Minister
21 had the honor to make known the anxiety of the British
22 Government on the subject of the bad treatment of
23 prisoners of war in Rangoon prison. The London
24 Government furnished at the same time a number of
25 particulars relative to this treatment.

1 "By letter No. 33/C. R. of 9 February 1943,
2 the Minister for Foreign Affairs replied to the
3 Swiss Minister that the facts mentioned in the above
4 mentioned letters did not happen.

5 "The Swiss Minister transmitted the contents
6 of that letter to his Government for the attention of
7 the Government of the United Kingdom.

8 "The Swiss Legation has the honor to inform
9 the Imperial Ministry for Foreign Affairs that the
10 British Government has in a recent communication
11 requested that the following matters concerning the
12 treatment of prisoners of war in Burma be brought to
13 the notice of the Imperial Government:

14 "1. First complaint concerns area of
15 Moulmein and falls under three headings:

16 "A. Notifications: According to postcards
17 printed by the Japanese Authorities, about 20,000
18 British and Allied prisoners of war are detained in
19 or near Moulmein. Transfer of prisoners of war to
20 this camp has never been notified; and it is believed
21 that capture of many prisoners of war now in this and
22 other Burmese camps has also never been notified.
23 Nor has any notification been received of numerous
24 deaths that are known to have occurred there.

25 "B. Conditions: Conditions under which

1 prisoners of war in Moulmein camp are detained are
2 known to His Majesty's Government to be at least as
3 bad as, if not worse, than those which existed in
4 Thailand. During October and November 1942 prisoners
5 of war in Moulmein itself are known to have died at
6 the rate of approximately 10 per diem, the principal
7 cause of death being dysentery. In other camps ad-
8 ministered by the Japanese Authorities in or near
9 Moulmein an even more appalling rate of mortality
10 has occurred amongst prisoners of war working on
11 that Burmese railway. These deaths are the direct
12 and inevitable result of conditions in camps and in
13 particular of the wholly inadequate rations provided
14 by the Japanese Authorities, of the latter's failure
15 to provide medicines or equipment in hospitals, of
16 almost complete lack of adequate clothing or even
17 footwear and of severity of labor exacted from prisoners
18 of war.

19 "C. Exhibition of prisoners: In February
20 of 1944, 25 prisoners of war were paraded through the
21 town of Moulmein. They were in an emaciated condition
22 and were forced to carry notices in Burmese stating
23 that they had recently been captured on the Arakan
24 front (which was not the case). They were further
25 held up to ridicule and contempt by a Japanese officer

1 who accompanied the parade. Such proceedings are
2 clearly contrary to honorable standards of warfare
3 and unworthy of a nation calling itself civilized,
4 apart from being a breach of Article 2 of the
5 Prisoners of War Convention.

6 "2. Second complaint concerns conduct of
7 Japanese troops in forward areas in Burma. In the
8 course of the first two Burma campaigns these troops
9 committed a number of atrocities on prisoners of war
10 (instances can be supplied if required). The present
11 Burma campaign has been marked by the massacre and
12 ill-treatment of British and Indian prisoners of war,
13 including wounded soldiers and medical personnel,
14 captured near Ngakysdauk on February 7, 1944.

15 "The Medical personnel were tortured by
16 tight binding of their hands for long periods and
17 deprivation of food and water for two days. No
18 medical attention whatever was given to wounded
19 prisoners of war and those patients who groaned from
20 pain were shot or bayoneted. Other patients were
21 deliberately put in line of fire which resulted in
22 at least one death and many injuries. No attempt was
23 made to evacuate prisoners of war.

24 "On February 14th, Japanese forces evacuated
25 the area. Before doing so they deliberately massacred

1 the remaining prisoners (at least 20 British and
2 Indians, many of whom were wearing Red Cross arm
3 letterings) by shooting. These facts are known from
4 testimony of eye witnesses. Further instances of
5 brutality of Japanese forward troops during the
6 present campaign are:

7 "A. Execution or beheading of wounded
8 West African lance corporal at Phoongyi Ky sung at
9 the end of January 1944.

10 "B. Bayoneting of four Indian soldiers
11 who had attempted to escape from a prisoners of war
12 camp about 5 miles east of Kalawain in January 1944.

13 "C. Massacre with swords of about 50 wounded
14 Britains and Indian prisoners of war in Manipur in
15 March 1944.

16 "D. Outrage committed on March 26, 1944,
17 at Khandok when a West African prisoner of war was
18 tied to a tree, his fingernails were cut off and his
19 heart cut out by a Japanese medical officer.'

20 "His Britannic Majesty's Government considers
21 it of great importance that the Imperial authorities
22 make a complete inquiry into the above mentioned
23 facts and take all proper measures to prevent their
24 repetition."

25 I omit the last paragraph.

1 "To the Imperial Ministry of Foreign Affairs,
2 Tokyo.

3 "Tokyo, 4 July 1944."

4 "CC.1.5.1.-EG1. CC. CC.1.3.6. CC.1.3.8.

5 "MEMORANDUM

6
7 "During his recent visits to prisoner of
8 war camps in Japan, the Swiss delegate learned that
9 there were still several cases of beriberi among the
10 prisoners. It appears, moreover, that they are of
11 long standing.

12 "The British Government inclines to the
13 belief that beriberi is always rampant in other camps
14 in the Far East and it requests the Swiss Legation
15 to intervene to obtain an assurance that the necessary
16 steps have been taken to combat this disease.

17 "In the Legation's letters of 28 February,
18 25 April and 10 June, to the Imperial Ministry for
19 Foreign Affairs, the London Government has already
20 requested that medical supplies be sent to camps in
21 Thailand and Burma where there is beriberi."

22 Dated "Tokyo, 9 August 1944."

23
24 "THE GAIMUSHO, TOKYO, Translation. No. 246/C.R.

25 "NOTE VERBALE"

1 I omit the first paragraph.

2 "The Ministry desires to inform the Legation
3 of the following matters after having had a reply
4 from the Competent Authorities to whom it had made
5 inquiry on this subject:

6 "1. In protest No. 1-A, the British Govern-
7 ment alleged that the transfer to Burma of allied
8 prisoners of war had not been made known to it. But
9 in reality the majority of British and Allied prisoners
10 of war who were then in Burma had been prisoners of
11 war attached to camps in Thailand and Malaya and had
12 been provisionally transferred to Burma. The Imperial
13 Government which specially concerns itself with the
14 communication of names of prisoners of war has already
15 notified the International Committee of the Red Cross
16 of the names of more than 10,000 prisoners of war
17 attached to camps in Thailand and Malaya. The names
18 of deceased prisoners in these regions are actually
19 in the course of communication.

20
21 "2. The reply to other questions recently
22 submitted will be communicated after an examination
23 of the alleged facts.

24 "26 August 1944."

25 "THE GAIMUSHO, TOKYO, Translation. No. 295/C.R.

"MEMORANDUM"

I omit the first paragraph.

"The Imperial Government, by exercising great vigilance as to the health and hygiene of prisoners of war, takes added measures, such as monthly medical examination in each prisoner of war camp, to enable sickness to be treated in its first stage. As a preventive measure against beriberi, the competent authorities give them, as the Minister has informed the Legation by Note Verbale No. 215/C. R. dated 29 July last, replying to that of the Legation No. CC.1.5.1.-deu of 9 December 1943, unpolished rice in place of polished rice, also rice bran, concentrated vitamins, etc., and in consequence, they do not lack vitamins. The number of prisoners suffering from beriberi is less than 1% in Japan, and the same in Thailand, and in Burma only a rate of under 2%. And these figures are actually diminishing on account of proper treatment being given. All of which goes to show that there is no need for any anxiety on this subject.

"As far as the food in general of the prisoners is concerned, the competent authorities are giving them, in spite of different obstacles arising in the

1 supply situation, the same food in quality and
2 quantity as that of Japanese base troops. It is
3 said that it is much superior to that of the Japan-
4 ese generally.

5 "Concerning prisoners in the camps of
6 Thailand and Burma, to which the Legation made
7 reference in the last part of its said Memorandum,
8 the same measures are taken for their health, and
9 the necessary remedies are provided for them.

10 "3 October 1944."

11 THE PRESIDENT: We will adjourn until half-
12 past one.

13 (Whereupon, at 1200, a recess was
14 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 Woolworth.

MR. WOOLWORTH: If the Tribunal please, in connection with the last letter read before adjournment, I desire to invite the Court's attention to exhibit Nos. 473, 475, 1989, and 1990.

The prosecution desires to introduce in evidence document No. 2765A-14. I beg your pardon. That has already been introduced.

"On the 26th August" -- omitting the first paragraph: "On the 26th August the Ministry informed the Legation that many prisoners of war in Burma had temporarily transferred there, and that they were attached to camps in Thailand and Malaya. The Imperial Government, which was trying to accelerate the transmission of names of prisoners of war in its power, had already notified the International Committee of the Red Cross of more than 10,000 names of prisoners in the said camps. The Minister added that he would reply to the other points set out in the British

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1 communication after an examination of the alleged
2 facts.

3 "The Legation has informed its Government of
4 the preceding matters, to be forwarded to the Govern-
5 ment of the United Kingdom.

6 "It is set out in a recent communication from
7 London that the British Government considers it of
8 great importance to know, as soon as possible, the
9 result of the inquiry made by the Imperial authorities
10 on the subject of the treatment of prisoners in Burma
11 and of the tortures which they suffered. The compe-
12 tent authorities have had more than three months --
13 since the Legation's note of 4th July -- to make the
14 necessary investigations in this matter.

15 "Also, the London Government has requested
16 that the attention of the Japanese Government be drawn
17 to the case of a further atrocity in Burma. It states
18 that it has learned of the following case from an eye-
19 witness:

20 "'About a year after British withdrawal
21 from Tavoy (sometime in 1943), I witnessed execution
22 of six British soldiers who I was told were officers.

23 "'On the morning previous to the execution,
24 a town crier went around the town of Tavoy beating a
25 gong and inviting townspeople to be present on an open

1 field near the postoffice. Many went to witness the
2 execution. I saw the six British soldiers each tied
3 to a cross and opposite them were three Japanese sol-
4 diers and three Burmese civil policemen. When the
5 order was given, the three Japanese soldiers charged
6 at three of the British soldiers with fixed bayonets
7 and killed them. A few minutes later, the three
8 Burmese civil policemen bayoneted the remaining three
9 British soldiers. The six English soldiers were bare-
10 footed, they were Khaki shorts and vests. They were
11 not blindfolded.'

12 "The Government of the United Kingdom desires
13 to know the names of the six British soldiers and has
14 demanded that an inquiry be opened and that the cul-
15 prite be punished. It refers to the letter of the
16 Swiss Minister to SHIGEMITSU dated 21st October in
17 which it was stated that the British Government had
18 learned of the putting to death of four Indians in
19 the camp at Moteik (Burma) and raises a very strong
20 protest against the manner in which they were treated.
21 It further demands that an inquiry be made and that
22 the culprit be punished.

23 "Finally, the Government of the United
24 Kingdom has requested that the Imperial Government
25 be notified that it has received reports that

1 conditions in Rangoon Central Gaol are extremely
2 bad. This prison is used as a camp and in it are
3 about 700 British, Americans and Indians. These
4 prisoners are ill-treated and measures must be taken
5 immediately for proper medical supplies to be sent
6 to them."

7 I will omit the last paragraph.

8 Dated "Tokyo, 18 November 1944.

9 "To the Imperial Ministry of Foreign Affairs,
10 Tokyo."

11 "Tokyo, 4 December 1944.

12 "CC. 1. 7. 63. - FGc.

13 "CC. 1. 3. 6. -

14 "CC. 1. 3. 8. -

15 "M. le Ministre,

16 "I have the honor to inform Your Excellency
17 that the British and Australian Governments have
18 requested my Government to send the following commu-
19 nication to the Japanese Government:

20 "'Some 100 Australian and United Kingdom
21 survivors from the Japanese transport S. S. "Rakuyo
22 Maru" torpedoed in South China Sea on September 12th
23 have reached Australia and Great Britain. Following
24 is a brief summary of the knowledge which has con-
25 sequently come into the possession of His Majesty's

1 Government in the United Kingdom and Australia re-
2 garding treatment of British and Australian prisoners
3 of war by Japanese military authorities; all available
4 prisoners of war in Singapore and Java were moved
5 early in 1942 to Burma or Thailand. Australians were
6 sent by sea to Burma crowded into ships' holds which
7 had been horizontally sub-divided so that ceilings
8 were no more than 4 feet high. Prisoners from the
9 United Kingdom were sent by rail to Thailand so
10 crowded into steel cattle trucks that they could not
11 even lie down during the journey. They were then
12 marched some 80 miles. All were sent to work on the
13 construction of a railway through primitive disease-
14 infected jungle in Thailand and Burma. Conditions
15 under which all these men lived and worked were in-
16 human; such accommodation as was provided gave little
17 or no protection against tropical rains or blazing
18 sun. Worn out clothing was not replaced and soon
19 many lacked clothing, boots and head covering. The
20 only food provided was a pannikin of rice and a small
21 quantity of watery stew three times a day, but work
22 had to go on without respite whatever cost in human
23 suffering or life. The inevitable result was a
24 dreadful death rate, the lowest estimate being 20 per
25 cent. These conditions continued until the railway

1 was finished about October 1943 when those not needed
2 for maintenance work were moved to camps in Thailand
3 and later to Singapore en route to Japan.

4 "The rescued men were on a ship which left
5 Singapore early in September 1944. There were probably
6 1300 United Kingdom and Australian prisoners of war on
7 board. After she was sunk, the Japanese deliberately
8 picked up all Japanese survivors but left the prisoners
9 to their fate. Statements of our men constitute direct
10 and unimpeachable evidence of the outrageous treatment
11 by the Japanese of defenseless prisoners of war.'

12 "The Governments of the United Kingdom and
13 Australia make a strong protest against the inhuman
14 treatment inflicted on those prisoners.

15 "I add that I have informed his excellency
16 M. le Ministre SUZUKI in a personal letter of 18th
17 November that the survivors of the 'Rakuyo Maru'
18 have, according to British information arrived in
19 England and Australia and that a public statement
20 will be made in these two countries, following the
21 statement of the above mentioned on the ill-treatment
22 inflicted upon prisoners of war in Thailand and Burma.

23 "Please accept, M. le Minister, the assurances
24 of my highest esteem.

25 "Signed by the Swiss Minister.

1 "To His Excellency, M. Mamoru SHIGEMITSU,
2 Minister of Foreign Affairs, Tokyo."

3 The SUZUKI mentioned in the last document
4 is not the accused in this case.

5 "CC. 1. 3. 8. -FGc.

6 "The Swiss Legation has the honor to inform
7 the Imperial Ministry for Foreign Affairs that accord-
8 ing to a communication from the British Government
9 there has been found in Burma a mimeographed booklet
10 entitled: 'Notes for the interrogation of prisoners
11 of war,' and marked 'Very secret.' It was put out
12 on 6th August 1943 by the 'HAYASHI Division Staff'
13 and bore the signature of FUJIHARA. This booklet
14 was to be used as a guide to interrogate British,
15 American and Dutch prisoners and contains the following
16 passages:

17 "I. Care must be exercised when making use
18 of rebukes, invectives or torture (gomon) as it will
19 result in his telling falsehoods and making a fool
20 of you.

21 "II. The following are the methods normally
22 to be adopted:

23 "a. Torture (gomon) which includes kick-
24 ing, beating and anything connected with physical
25 suffering. This method to be used only when everything

1 else fails as it is the most clumsy one. (Note: In
2 the text, the passage is specially marked.) Change
3 the interrogating officer when using violent torture,
4 and good results can be had if the new officer ques-
5 tions in a sympathetic manner.

6 "b. Threats:

7 "1. Hints of future physical discomforts,
8 for instance: torture, murder, starving, solitary
9 confinement, deprivation of sleep.

10 "2. Hints on future mental discomforts,
11 for instance: he will not be allowed to send letters,
12 to inform his home he is a war prisoner, he will not
13 be given the same treatment as the other prisoners of
14 war, he will be kept till the last in the event of an
15 exchange of prisoners, etc.'

16 "The Government of the United Kingdom has
17 requested that the attention of the Japanese Govern-
18 ment be drawn to the foregoing. It recalls that the
19 Japanese Government has recently strongly denied
20 that Imperial authorities make use of torture (see
21 letter No. 185/C.R., from SHIGEMITSU to the Swiss
22 Minister of 1st July last.

23 "The London Government presumes that the
24 above mentioned instructions have been given unknown
25 to the Imperial Government and it requires not only

1 that the Japanese Government revoke these instruc-
2 tions, but that it will punish the persons who gave
3 them.

4 "In asking the Ministry to make known as
5 soon as possible the response of the Imperial Govern-
6 ment to the present communication, the Legation takes
7 this occasion to renew its assurances of high esteem.

8 "Tokyo, 5 December 1944.

9 "To the Imperial Ministry of Foreign Affairs,
10 Tokyo."

11 "CC.1.3.8.-FGd

12 "CC.1.7.57.

13 "CC.1.7.60.

14 "By notes of 4th July and 18th November,
15 the Swiss Legation had the honor to inform the
16 Imperial Ministry of Foreign Affairs that the Govern-
17 ment of His Britannic Majesty had complained of the
18 ill-treatment to which the prisoners of war in Burma
19 had been subjected. It cited many cases of torture
20 which had been inflicted upon these prisoners. Also
21 it advised that the conditions in the 'Rangoon Central
22 Jail,' where 700 prisoners of war were confined, were
23 very bad, and that medical attention ought to be
24 dispensed quickly to those above named prisoners.

25 "The Ministry will remember that on 26th

1 August it had particularly notified the Legation that
2 it would respond, after examination of the alleged
3 facts, to the points listed in the British communication
4 transmitted by the above mentioned note of 4th July.

5 "No response having been received to this
6 date, the Legation desires to recall this matter to
7 the kind attention of the Imperial Ministry. The
8 Government of the United Kingdom was in effect very
9 desirous to know as soon as possible the results of
10 the inquiries undertaken by the Imperial authorities
11 on the subject of the matters referred to in the above
12 mentioned notes."

13 Omitting the last paragraph.

14 Dated, "Tokyo, 23 January 1945.

15 "To the Imperial Ministry of Foreign
16 Affairs, Tokyo."
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1 "CC. 1.3.8. - FGc.

2 CC. 1.7.57 --

3 CC. 1.7.60 --

4 "By notes of 4th July, 18th November and
5 23rd January, the Swiss Legation had the honor to
6 inform the Imperial Ministry of Foreign Affairs that
7 the Government of His Britannic Majesty had complained
8 of the ill-treatment to which the prisoners of war in
9 Burma had been subjected. It cited many cases of
10 torture which had been inflicted upon these prison-
11 ers. Also it advised that the conditions in the
12 'Rangoon Central Jail' where 700 prisoners of war were
13 confined, were very bad, and that medical attention
14 ought to be dispensed quickly to those above named
15 prisoners.

16 "The Ministry will remember that on 26th
17 August it had particularly notified the Legation that
18 it would respond, after examination of the alleged
19 facts, to the points listed in the British communica-
20 tion transmitted by the above mentioned note of 4th
21 July.

22 "No response having been received to this
23 date, the Legation desires to recall this matter to
24 the kind attention of the Imperial Ministry. The
25 Government of the United Kingdom was in effect very

1 desirous to know as soon as possible the results of
2 the inquiries undertaken by the Imperial authorities
3 on the subject of the matters referred to in the
4 above mentioned notes."

5 Dated "Tokyo, 19 March, 1945.

6 "To the Imperial Ministry of Foreign Affairs, Tokyo."

7 - - -

8 "CC. 1.7.63. - FGd.

9 CC. 1.3.6./3.8.

10 By letter of 4 December the Swiss Minister
11 had the honor to bring to the attention of His
12 Excellency M. Mamoru SHIGEMITSU a protest of the
13 British and Australian Governments against the ill-
14 treatment inflicted on prisoners of war in Thailand
15 and Burma, as well as against the conditions under
16 which a certain number of prisoners had been trans-
17 ported from Singapore on the 'Rakuyo Maru.' The
18 Swiss Legation would be very much obliged to the
19 Imperial Ministry of Foreign Affairs if it would
20 communicate the reply of the Japanese Government to
21 this protest, and it takes this occasion to renew
22 to the Ministry the assurances of its high esteem.

23 "Tokyo, 23 April 1945.

24 "To the Imperial Ministry of Foreign Affairs, Tokyo."

25 The last paragraph omitted.

1 "THE GAIMUSHO
TOKYO

2 "Translation
3 No. 116/C.R.

4 "N O T E V E R B A L E

5 "Referring to Notes. Nos. CC.1.3.8. - EGf.
6 and CC.1.3.8. - EGc./CC.1.7.57/CC.1.7.60., of the
7 Swiss Legation under dates of 4th July and 18th
8 November, 1944, and following the Note. No. 246/C. R.
9 of 26th August, 1944, the Imperial Ministry of
10 Foreign Affairs has the honor to inform the Legation
11 as follows, based on the report of competent authori-
12 ties:

13 "1. As regards notification of transfer of prison-
14 ers of war (paragraph 1-A of the British Government's
15 protest transmitted by note No. CC.1.3.8. EGf of 4th
16 July 1944), it was replied to by letter No. 246/C. R.
17 of 26th August, 1944.

18 "2. As regards the treatment of prisoners of war
19 (paragraph 1-B of the British protest), the authori-
20 ties concerned regret that the situation of prisoners
21 of war in Moulmein camps and in the outskirts of that
22 city are such that the concentrated efforts of all the
23 sanitary services of the Japanese troops cannot pre-
24 vent the spread of diseases of the digestive system,
25

1 etc., cases of which have increased, caused not only
2 by the very bad conditions due to the climate, but
3 also by the frequent interruption, in the rainy season
4 of 1943, of communications with these localities. The
5 prisoners are not the only ones who suffer from this
6 difficult situation; the Japanese troops stationed in
7 the same region were themselves obliged to face the
8 same situation. But by the extraordinary efforts of
9 the troops in those places, in the autumn of the same
10 year, necessary sanitary installations were completed,
11 and in consequence the number of sick and deaths was
12 considerably lessened.

13 "3. The inquiry made into the subject of the
14 exhibition of prisoners of war (paragraph 1-C of the
15 British protest) discloses that no such thing ever
16 occurred.

17 "4. The full inquiry made by competent authori-
18 ties has shown that it is impossible to accept the
19 allegation of the British Government that atrocities
20 were committed by Japanese troops in Burma (paragraph
21 2 of the British protest and the last part of the
22 letter of 18th November, 1944.)

23 "The competent authorities, who are just as
24 concerned about the treatment of prisoners of war now
25 as they have been in the past, continue to guide the

1 Japanese troops accordingly at these places.

2 "15 May 1945"

3 - - -

4 "CC 1.7.63. - EGc.

5 (CC. 1.3.6./1.3.8.)

6 "By letter of 4th December the Swiss
7 Minister had the honor to bring to the attention
8 of His Excellency M. Mamoru SHIGEMITSU, a protest
9 from the British and Australian Governments against
10 the ill-treatment inflicted on prisoners of war in
11 Thailand and Burma, as well as against the condi-
12 tions under which a certain number of prisoners had
13 been transported from Singapore aboard the 'Rakuyo
14 Maru.'

15 "By note of 23rd April the Swiss Legation
16 expressed to the Imperial Ministry of Foreign Af-
17 fairs its desire to be acquainted with the point of
18 view of the Japanese Government on this protest.

19 "Without response to this date, the Legation
20 desires to recall this matter to the kind attention
21 of the Ministry.

22 "It takes this occasion to renew the
23 assurances of its high esteem.

24 "Karuizawa, 2 July 1945

25 "To the Imperial Ministry of Foreign Affairs, Tokyo."

1 "CC. 1.3.8. - FFg.

2 "The Swiss Legation has the honor to inform
3 the Imperial Ministry of Foreign Affairs that His
4 Britannic Majesty's Government has requested the
5 Federal authorities to address in its name the follow-
6 ing note to the Imperial Government:

7 "1. The following signed statement has been made
8 by a British soldier captured by Japanese Forces near
9 Undaw on the 24th January 1945. This soldier had
10 been wounded during the night by a bullet which had
11 entered the left side of his back and emerged through
12 his right buttock.

13 "At daybreak the Japanese appeared (about
14 15 of them) and the first one took off my cap com-
15 forter and hit me across the head with the flat of his
16 bayonet. Another Japanese took my wrist watch and
17 others went through my pockets taking a purse,
18 cigarette case, fountain pen, pencils and my parti
19 and 11 army pay book, also my identity disk. Two
20 Japanese then took hold of me to try and stand on
21 my feet, but I collapsed to the ground. They then
22 took hold of my wrists and dragged me approximately
23 200 yards to a temple in Undaw where a Burmese was
24 tied up, and taking me inside, they wired my ankles
25 and attached the wire to a bolt on a door, leaving

1 me hanging with my shoulders resting on the ground.
2 One Japanese officer and two other ranks then pro-
3 ceeded to question me reference tanks, artillery,
4 planes and the disposition of our battalion. (I
5 asked to see the medical officer about my wounds. He
6 was brought in. My shirt and trousers were cut with
7 scissors. He looked at the wound but no dressings were
8 applied.) I replied that I did not know anything and
9 only told them my name, number and rank. They then
10 left me, but were in and out asking the same ques-
11 tions. I asked for water but was refused. They
12 then brought in Fusilier Dodd who was in my section
13 into the temple. His hands were tied behind his back.
14 He did not appear to be wounded. He remarked to me,
15 'I don't half feel dry.' As soon as he spoke they
16 took him away and the last I saw him he was being
17 taken round a small hill. They appeared again and
18 asked me some questions as before, throwing my Ab 64
19 down by the side of me. Next thing recollected was
20 them cutting me down and placing me on an improvised
21 stretcher. A bottle of water was placed outside my
22 reach and on trying to get hold of it I knocked it
23 over; I just managed to get a mouthful. During the
24 night our artillery started a bombardment and an
25 officer took my rifle and rounds and went out. That

1 is the last I saw of the Japanese. The following morn-
2 ing I saw two men passing the door and on calling out
3 to them found they were Royal Scots. They gave me
4 some water and sent for a stretcher. I was taken
5 back to the field ambulance.

6 (Signed) "J. E. Thomas Fus!"

7 "2. The British officers who were present when
8 Fusilier Thomas (and the body of the Burmese civilian)
9 were recovered state that outside the temple they
10 discovered the body of another prisoner who had been
11 buried with only his head out of the ground.

12 "The Government of His Britannic Majesty
13 demands that the Imperial Government take the neces-
14 sary measures to prevent a recurrence of like things
15 and desires also to be informed of the punishment in-
16 flicted on the official and the Japanese soldiers re-
17 sponsible for the ill-treatment inflicted on these
18 British prisoners of war.

19 "In asking the Ministry to kindly communicate
20 the response of the Imperial Government to the present
21 notification, the Legation takes this opportunity to
22 renew the assurances of its high esteem.

23 "Karuizawa, 5 July 1944.

24 "To the Imperial Ministry of Foreign Affairs, Tokyo."
25

1 The prosecution desires to introduce in
2 evidence document 2767A 1-8.

3 THE PRESIDENT: Admitted on the usual
4 terms.

5 CLERK OF THE COURT: Prosecution document
6 No. 2767A, consisting of documents thereof 1 to 8,
7 inclusive, will be given exhibit No. 2023.
8

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 2023 and received in evidence.)

12 MR. WOOLWORTH: And synopsis of same
13 document, document No. 2767B.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution document
16 No. 2767B, being a synopsis of the aforesaid docu-
17 ment, will be given No. 2023A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 2023A and received in evidence.)
21
22
23
24
25

MR. WOOLWORTH: (Reading)

"5 July 1943 (A-1) Swiss Minister to Foreign Minister (Shigemitsu). Forwards protest from the British Government that reports indicate that British prisoners of war in Thailand are being ill-treated through lack of food, clothing, and medicines and condition aggravated by heavy work on railroads and road building. Requested authority to be given Swiss Consul at Bangkok to visit camps and report upon conditions.

"24 July 1943 (A-2) Minister of Foreign Affairs (Shigemitsu) to Swiss Minister. Answering letter of 5 July 1943 states that prisoners of war in Thailand are equitably treated; all sick have received proper medical treatment at prisoners of war hospital. Denies permission to visit the camps.

"30 Aug 1943 (A-3) Minister of Switzerland to Foreign Minister (Shigemitsu). Forwards further protest from United Kingdom re treatment of British prisoners of war in Thailand; states that they have been living in the jungle under extreme hardship, insufficient food, numerous diseases such

1 as beriberi, dysentery, diarrhea, malaria
2 and cholera; with deaths in excess of 3000;
3 with no proper medicines. Swiss Minister
4 requests Foreign Minister to help ameliorate
5 the conditions.

6 "29 Sept 1943 (A-4) Swiss Minister to Imperial
7 Ministry of Foreign Affairs (Shigemitsu).
8 Forwards protest by British against prison-
9 ers of war being employed in Thailand in
10 violation of Article 27 of Geneva Conven-
11 tion and again demanded authority to visit
12 prisoners of war camp in Thailand be granted
13 Swiss Consul at Bangkok.

14 "1 Oct 1943 (A-5) Minister of Foreign Affairs
15 (Shigemitsu) to Swiss Minister. States
16 that British prisoners of war received same
17 treatment as Japanese soldiers in Thailand;
18 further states that Japanese government
19 believes that British attitude is based on
20 information from unreliable sources. Per-
21 mission to visit prisoner of war camps for
22 military reasons can not yet be given.

23 "20 Oct 1943 (A-6) Imperial Ministry (Shigemitsu)
24 to Swiss Legation. Answering protest for-
25 warder Sept 29 states that there is no such

fact as referred to in the protest.

"6 April 1944 (A-7) Swiss Legation to Foreign

Ministry (Shigemitsu). States that Jap-

anese Ambassador at Bangkok informed Swiss
Consul at Bangkok that:

1. Commandant of prisoner of war camps in
Thailand does not recognize the Swiss Con-
sulate's mandate to protect American and
British interests in Thailand. In conse-
quence, the Swiss Consul is not allowed to
make gifts of necessities and money to
prisoners of war.

2. The receipts for goods and funds are
only signed by the Japanese authorities.

As to (1) the Swiss Legation stated it could
not see why it should not act as protecting
power in Thailand and occupied countries.

As to (2) observes that the Japanese au-
thorities in preventing the signing of re-
ceipts by prisoners of war for goods sent
them, as such attitude is in violation of
the Geneva Convention. The Swiss Legation
reserves the right to make a formal protest
against 'the incomprehensible attitude of
the commandant of the prisoners of war camps

in Thailand.'

1 "20 July 1944 (A-8) Japanese Minister (Shigemitsu)
2 answering memorandum 6 April 1944. States
3 as to the first subject of said memorandum
4 that it would be a mistake to assume that
5 the right of Swiss to visit prisoners of war
6 camps was established by the recognition of
7 the Thailand government of the Swiss as pro-
8 tecting power. As to the second point that
9 'it is always possible, as a gesture of
10 good will to have the receipts signed by the
11 prisoners' representatives.'"

12 Prosecution desires to introduce document
13 No. 2751-A-1 to -6.
14

15 THE PRESIDENT: Admitted on the usual
16 terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 2751-A, with the inclusive documents 1 to 6,
19 shall be given exhibit No. 2024.

20 (Whereupon, the document above
21 referred to was marked prosecution's ex-
22 hibit No. 2024 and received in evidence.)

23 MR. WOOLWORTH: A-1 of exhibit No. 2024 was
24 presented by Mr. Lopez, in another phase, and is
25 known as exhibit No. 1477.

1 If the Tribunal please, I desire to dispense
2 with the reading of that document.

3 A-2 of exhibit No. 2024 was presented by
4 Mr. Lopez, and is known as exhibit No. 1479. The
5 reading of that document will be dispensed with, if
6 you will have no objection.

7 A-3 of exhibit No. 2024 is as follows:

8 "THE GAIMUSHO

9 "TOKYO

10 "Translation

11 "No. 98/C.R. 24 April 1944

12 "M. le Ministre,

13 "To follow my letter of 26 May 1943 reply-
14 ing to Your Excellency's letter of 23 December 1942,
15 relative to a protest of the Government of the United
16 States of America on the subject of the treatment of
17 American citizens in the power of Japan, I have the
18 honor to communicate in the annexed statement the
19 result of the inquiries which have been carefully as
20 well as minutely made on each of the cases enumerated
21 in the said protest.

22 "I will be obliged if Your Excellency will
23 transmit this reply to the Government of the United
24 States of America.

25 "Please accept, M. le Ministre, the renewed

1 assurances of my high esteem.

2 "(U.S.) Minister of Foreign Affairs"

3 * * *

4 "Reply on the Individual Cases Cited in the
5 Protest of the American Government.

6 "As was stated in the Japanese Government's
7 reply dated on the 26 May, 1943 addressed to the Swiss
8 Minister in Tokyo, the individual cases cited in the
9 protest of the U.S. Government as examples of the
10 treatment accorded American civilians in detention,
11 all relate, with one or two exceptions, to persons
12 charged with criminal offences, including those who
13 after having been duly tried and convicted, are now
14 actually serving their prison terms.

15 "It is unnecessary to explain the impro-
16 priety of expecting the application of the stipulations
17 of the Convention of 1929 relative to the treatment
18 of prisoners of war to those criminally accused per-
19 sons who under the laws of Japan are treated alike
20 regardless of whether they are Japanese subjects or
21 foreigners. Nevertheless, the Japanese authorities
22 concerned have accorded to the American accused,
23 nationals of an enemy country, a treatment as gener-
24 ous as permitted by law, by taking into consideration
25 the mode of their daily life, and their respective

1 social positions and ages, for which they have often
2 expressed their gratitude, as is described hereunder.

3 "That the American Government's protest
4 has been made by distorting and exaggerating the
5 facts which are contradictory for instance, by com-
6 plaining at one place of the placing of Americans
7 in common jail and remonstrating, at another, against
8 their solitary confinement.

9 "In the following pages are given the
10 description of the actual conditions as regards the
11 individual cases, excepting those to which answers
12 have already been given.

13 "A. CIVILIANS

14 "(a) Conditions in Prisons and Internment Camps.

15 "I. The Bridge House, Shanghai.

16 "All the cases in Shanghai cited by the
17 American Government are concerned with the violators
18 of military regulations. Such criminals in detention
19 are subject to restrictions as provided for by law,
20 which are applied to all without discrimination
21 between Japanese subjects and foreigners. Needless
22 to say, they are not to be considered as being on the
23 same footing with those civilians interned under
24 civil procedure.
25

"The Military Police Detention House in

1 Shanghai is used for prisoners of all nationalities,
2 Japanese nationals, nationals of enemy countries
3 and those of third countries.

4 "As regards health, all the inmates, being
5 allowed to take proper exercise, and given proper
6 medical attention by army doctors, there is nothing
7 to be considered unsatisfactory. Food is rationed
8 alike to all, no distinction being made. However,
9 in consideration of their mode of living, Europeans
10 and Americans are permitted to eat such articles of
11 food as they may receive from outside or they may
12 choose to purchase at their own expense. As to
13 wearing apparel they are allowed to use those of their
14 own, besides those supplied by the institution,
15 including blankets.

16 "As it indicated above, the American inmates
17 of the House, were accorded an unusually good treat-
18 ment through the special considerations by the
19 authorities. There existed no impropriety nor
20 negligence in the manner or method of their detention.
21 Nor did there occur any case of diseases due to deten-
22 tion, such as are mentioned in the American note.

23 "II. Army Prison, Peking.

24 "The six persons, Floyd F. Spielman, R.E.
25 McCann, C.J. Eskeline, J.B. Sherwood, E.Y. Mills

1 and P.H. Benedict, mentioned in the American note,
2 were arrested under the warrant issued on March 7,
3 1942, by the Procurator of the Military Court of the
4 Japanese Army in North China on account of their
5 violation of military regulations.

6 "They were taken into the North China Army
7 Prison in Peking on March 11, at 6:30 o'clock p.m.
8 On the following day at 4:30 o'clock p.m. they were
9 ordered to detention in accordance with the warrant
10 issued on the same day by the Military Procurator.

11 "The agreement for the exchange of diplo-
12 matic officials and residents between Japan and the
13 United States was concluded while their cases were
14 being investigated. Accordingly, the proceedings
15 were dropped, and by order of the Military Procurator
16 they were released on June 8, 1942, at 8 o'clock a.m.
17 "(1) Conditions of health during detention.

18 "Eskeline was ordered to rest for twenty-
19 three days because of an internal malady and a
20 sprain of the left leg, and Benedict for three days
21 because of inflammation of the bladder, but both
22 recovered, owing to a timely treatment. McCann was
23 examined by an army doctor, and was allowed to wear
24 glasses. The remaining three men maintained good
25 health throughout the period of their detention.

1 "(2) Food.

2 "All those in detention -- Japanese and
3 foreigners -- are alike given the soldier's rations.
4 But in view of their mode of daily life and their
5 ages, and as a special caution against any adverse
6 effect a sudden change of diet might have upon their
7 health, mental as well as physical, these men were
8 served Western meals with bread for breakfast and
9 dinner, and the soldier's food only for lunch, dur-
10 ing the first month. It was then discovered that
11 they became gradually accustomed to, and began to
12 prefer the soldier's food. In fact, one of the six
13 men, Sherwood, indicated his preference for the
14 soldier's food from the outset, while after the lapse
15 of about two months all the men were asking for it.

16 "The daily ration per capita consisted of
17 for main food 600 grammes of cleaned rice, and 187
18 grammes of cleaned barley; or 900 grammes of wheat
19 (bread); and for subsidiary food 21 grammes of beef,
20 or 42 grammes of fish, with 480 grammes of vegetables,
21 having in all 3,500 calories of nutritive value. All
22 meals were served warm.

23 "(3) Bathing.

24 "A hot bath was regularly provided for all
25 twice a week, on Sundays and Wednesdays, while a

1 shower bath was substituted on occasion during the
2 summer months. Eskeline on account of his malady
3 was ordered to refrain from bathing for twenty-
4 three days, from the day of his incarceration until
5 April 2. To the rest of the men bathing was neither
6 prohibited nor suspended at any time throughout the
7 entire period.

8 "(4) Physical Exercise.

9 "The men were ordered to take outdoor exer-
10 cises for half an hour to one hour, and to do free
11 exercises indoors in bad weather. Save that for some
12 twenty days Eskeline was ordered to stop exercising
13 upon the doctor's advice, the others were never pro-
14 hibited for any reason from taking physical exercise
15 for any extended period as is alleged in the American
16 note.

17 "(5) Detention Cells.

18 "Each detention cell has a floor space
19 15.75 square metres, being 3.34 metres high. It is
20 provided with one window and equipped with ventila-
21 tion, electric lights, and toilet facilities. The
22 walls being plastered, and the floor and ceiling
23 covered with wooden boards, the cell is of per-
24 manent construction. All cells are always kept
25 clean. While two to five persons are usually put

1 in one cell, the Americans in question were allotted
2 one cell for two persons, so that they might have
3 more room. Moreover, their cells were selected from
4 among the best situated and most quiet in the entire
5 prison.

6 "(6) Clothing and Beddings.

7 "The six men were all too big and tall for
8 the regular prison clothes. Accordingly, for the
9 sake of their comfort, they were allowed to use
10 their own clothes which they were wearing, or had
11 brought with them, or those which were presented to
12 them by friends.

13 "As to beddings, the articles in general
14 use were supplied. Although the rule prescribes
15 one cotton quilt, one woollen blanket and one pillow
16 for each person and two mats for three persons, the
17 Americans were provided each with 2 quilts, 2
18 blankets, a pillow and a mat. And all these articles
19 were regularly laundered and always kept clean.
20
21
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"It may be added that because at the time they were brought to the prison, the weather was still cold, they were permitted to wear their overcoats they had with them.

"(7.) Gains and losses in weight.

"The six men were weighed when they were taken into the prison, and when they were released. The figures for their respective weights in grammes are as follows:

Names	When taken in	When released	
Spielman	71.900	71.800	-100
McCann	83.100	83.000	-100
Eskeline	78.800	78.500	-300
Sherwood	83.500	82.300	-1.200
Mills	62.800	62.850	+ 50
Benedict	70.000	70.100	+100

"The American note alleges that these men lost an average of about 18 kilogrammes in weight, but their actual loss, as shown above, amounts to no more than to 258 grammes. It should be noted, moreover, that the men were incarcerated in March, while they were released in summer when all persons generally lose in weight, in view of which an average loss of 258 grammes is of no significance.

"(8.) Special considerations.

1 "The Army prison had no one who could speak
2 English fluently, and the Americans did not know the
3 Japanese language. Accordingly, a Japanese, who had
4 long resided in America, was employed on April, 1942,
5 and was assigned exclusively to the duty as inter-
6 preter for the Americans. They all greatly appreciated
7 the devoted service of this man and thanked the prison
8 authorities for the special considerations in this
9 regard. Especially at the time of their departure
10 from Peking for Tientsin the said interpreter proved
11 so helpful in every respect that the Americans were
12 profuse in expressing their gratitude. The alleged
13 maltreatment of these prisoners, mentioned in the
14 American note is utterly groundless.

15 "III. Tsingtao.

16 "The seven persons mentioned in the American
17 note, namely, Frank G. Keefe, Cady Cooper, Frank
18 B. Halling, Charles Liebgold, C. J. Meyer, N. H. Mills,
19 and H. J. Zimmerman -- were all suspected of espionage
20 and taken to the Military Police headquarters on
21 December 8, 1941 and placed in detention in the Assem-
22 bly Hall of the Tsingtao Municipal Police Bureau for
23 the purpose of examination until the 27th of the same
24 month, on which date Meyer and Mills were released
25 while the others were transferred on the following day

1 to the residence of the Manager of the E Wo Company.
2 Here the five men were held while on the basis of the
3 preliminary investigations the authorities were pro-
4 ceeding with the examination of the evidences on hand.
5 In the meantime with the operation of the Exchange
6 Agreement they were set free. The conditions under
7 which they lived during the period of their detention
8 are as follows: The conditions of the detention quar-
9 ters.

10 "The Assembly Hall of the Tsingtao Municipal
11 Police Bureau in which the Americans were first
12 detained, is a large room, about 250 square meters in
13 size, which is used as a classroom and for holding
14 ceremonial functions. Here two large stoves were
15 installed, and the temperature of the hall was main-
16 tained at 15 - 20 degrees, Centigrade. The detainees
17 were provided with improvised beds, while they were
18 allowed to use, as they wished, their own clothing and
19 beddings. As to food, they were allowed, according
20 to their wish, to have it sent from their respective
21 homes, and no restriction of any kind was imposed.
22 Daily outdoor exercises for an hour were also permitted,
23 and everything was done to look after their health.

24 "The Manager's residence of the E Wo Company
25 to which the five men were transferred is one of the

1 best houses to be found in the City of Tsingtao with
2 complete equipments and facilities. They were allowed
3 to use their own beds, beddings, clothes, and to have
4 their meals sent from their homes, and to use freely
5 the piano and the ping-pong on the premises. Besides,
6 they were permitted to meet friends and the members
7 of their families in the presence of an official.

8 "All in all, these Americans were accorded as
9 generous a treatment as possible. All allegations made
10 in the American note, such as that 'they were confined
11 in an unheated common jail for a period of three
12 weeks' have no foundation on facts.

13 "IV. Fort Santiago, Manila.

14 "Of the two men, Roy Bennett and Robert
15 Abbott, who are mentioned in the American note as
16 having been imprisoned in Fort Santiago, Manila,
17 Roy Bennett was placed in the Internment Camp at
18 Santo Thomas on April 20, 1943, where he has been
19 since and is well. As for Robert Abbott, although
20 he had participated in the battles of Bataan and was
21 later captured, he concealed the fact on being
22 admitted in the Philippine National Hospital toward
23 the end of May, 1942; and by pretending to be an
24 engineer so as to evade the treatment as a prisoner
25 of war he entered the Santo Thomas Internment Camp

1 following his discharge from hospital on November 23
2 of the same year and continued to remain there until
3 January 12, 1943. On the discovery of his fraudulent
4 act, he was sentenced to minor imprisonment for
5 three months, and upon the expiration of the term he was
6 put in the Prisoners of War Camp, where he has since
7 been and is well. In the light of these facts the
8 protest of the American Government is irrelevant, and
9 its insistence upon Abbott's release from prison is
10 wide of mark.

11 "V. Camp Stanley, Hong Kong.

12 "All the nationals of the enemy countries
13 interned at Fort Stanley are being well treated, for
14 which they are grateful. There has never existed,
15 nor exist, such a situation as is described in the
16 American note. The internees are all doing well, being
17 given special permission to use their own things and
18 to purchase whatever articles of food they prefer.

19 "VI. Santo Thomas, Manila.

20 "The Japanese army entered the city of Manila
21 on January 2, 1942, and opened the Internment Camp at
22 Santo Thomas on the 4th of the same month, and let
23 the internees to take charge of management of the camp.
24 The internees were notified in advance to bring with
25 them their personal effects and daily necessities, so

1 as to render their life in the camp as comfortable
2 as possible. In spite of this advance notice given,
3 there were some who failed to bring mosquito nets,
4 clothes, and beddings. In the face of the disruption
5 of communication immediately following the Japanese
6 occupation of the city and the immense number of the
7 internees to be dealt with, which reached 3,000 at the
8 end of January, the military authorities speedily
9 granted them permission and facilities to send for
10 their personal belongings. That the Japanese army,
11 while pursuing the retreating enemy on the one hand,
12 went about earnestly on the other hand to take American
13 civilians under protection and placed at their disposal
14 the transportation facilities and men they could ill
15 afford to spare, was source of general gratitude on
16 the part of all Americans on the spot. It should be
17 noted that the actual situation was totally different
18 from what is alleged to have been in the American note.

19 "The protest regarding food is also in
20 contradiction with facts. At the beginning, in com-
21 pliance with the wishes of the internees and with a
22 view to avoiding a sudden change of diet and
23 respecting personal preferences, each internee was
24 allowed to obtain his meals at his own expense. But
25 as time passed, it was feared this arrangement might

1 prove unfair to those who did not have much money.
2 Therefore, beginning with the last day of February,
3 1942, in accordance with the general desire of the
4 internees, a ration system was adopted, the Philippine
5 Red Cross Society, which was then in the process of
6 organization, being authorized to pay the cost, while
7 those who so wished, were permitted to purchase supple-
8 mentary food at their own expense. This system proved
9 satisfactory and convenient to the internees. The
10 Red Cross responsible only for the distribution of
11 the daily rations at the camp as a whole, did not,
12 of course, undertake to loan money to individuals
13 separately. The purchase and preparation of the food
14 was left entirely to the self-governing body of the
15 camp, and the army helped to obtain such commodities
16 as were difficult to find on the market. Never on any
17 occasion, the cost of the ration was limited to 25
18 centavos. The Philippine Red Cross which was formally
19 established in April, 1942, continued to distribute
20 rations until June. Since then the Japanese Military
21 authorities have borne all the cost of the rations
22 and all other expenditures for the maintenance of the
23 camp, while the management of the camp is left as
24 before in the hands of the self-governing body organized
25 by the internees themselves. The food served at the

1 camp has been ever since its opening quite satisfactory
2 both in quality and quantity'-- so much so, in fact,
3 that it is even criticized as being too good as com-
4 pared with the food available to the people of the
5 city in general. Within the camp, order is maintained
6 and various activities are carried on by the above-
7 mentioned self-governing body in accordance with the
8 Code of Regulations formulated by itself and through
9 the respective officials appointed by itself. For
10 this magnanimous treatment the internees are all grate-
11 ful.

12 "VII. Davao and other internment camps in
13 the Philippines.

14 "The 'first six weeks' mentioned in the Ameri-
15 can note refer to the period during which American
16 residents in the city were housed for protection in
17 the American Club without being required to do abso-
18 lutely no work. Later some persons for the sake of
19 their health requested to be allowed to do some light
20 outdoor work, and they were assigned the work of
21 removing objects which were lying on the streets and
22 obstructing traffic. On the other hand, the Santa
23 Anna area where the warehouses of Davao for provisions
24 were situated had been set on fire and reduced to
25 ashes by the fleeing American soldiers, and the

1 provisions in the shops within the city had been
2 carried away and secreted also by American soldiers,
3 so that the people of the city were faced with an
4 extreme scarcity of food. They had practically
5 nothing to eat but corn and millet, and even these
6 were difficult to obtain. That at such a time those
7 Americans at the club were provided with meals contain-
8 ing with certain amounts of corn was due entirely to
9 the generous efforts of the Japanese army, who more-
10 over supplied them with cleaned rice, fish, and
11 canned foods out of their own none-ample stock.
12 Indeed, those Americans were being fed far better than
13 the average Japanese residents and the Philippines at
14 that time.

15 "By April 1942 the situation at Davao had
16 gradually improved, and supplementary articles of
17 food such as vegetables began to appear on the market.
18 Accordingly, in compliance with the wishes of the
19 internees, they were permitted to purchase their food
20 on their own account, while rice, sugar, salt, condi-
21 ments, etc., that were not easily obtainable were
22 distributed by the military authorities.

23 "At first all Americans were interned for
24 protection in view of the situation which rendered it
25 impossible for them to secure food if they had lived

1 by themselves, and the military authorities used their
2 good offices in enabling them to procure the provisions,
3 for which they were required to pay. But since
4 September 1942, when the persons to be interned were
5 decided upon, the cost of provisions for these
6 internees has been borne by the Military authorities,
7 while the matters of purchase, cooking, etc., have
8 been left to the self-governing body organized by the
9 internees themselves.

10 "Americans at other camps in the Philippines
11 have been given a treatment similar to that accorded
12 the American internees at Lavao as described above.

13 "B. Maltreatment and Torture.

14 "I. Torture and physical violence.

15 "(1.) R. A. Reiner and Edwin W. Koons.

16 "Beginning with February 8, 1942, Edward
17 Hughes Mills, an American, was being examined at the
18 Ryuzan Police Station, Keijo, as a suspect for
19 espionage. In the course of the said examination it
20 was established from his statements and as the result
21 of the search of his house that Reiner was involved in
22 the crime. He was therefore taken to the Ryuzan Police
23 Station and an examination of his case was commenced.
24 It was found that Reiner beside being charged with the
25 aforesaid crime, was also guilty of an infringement upon

1 the Foreign Exchange Control Ordinance. During the
2 examination, though he appeared to be in good health,
3 he was segregated from other criminals and allowed to
4 occupy a solitary cell in view of his rather advanced
5 age. Moreover, he was asked several times to state
6 his wishes, which were taken into consideration in
7 order to afford him the best possible treatment.
8 Whereas his crime was clearly established, the case was
9 dropped with the coming into force of the Exchange
10 Agreement, and he was set free on May 25, 1942. On
11 the occasion of his release, Reiner while thanking
12 the police authorities on behalf of the Americans who
13 had been similarly held at the police station, stated
14 to the effect that as he was being examined as an enemy
15 national suspected of acts of benefiting the enemy, he
16 had anticipated a most severe and rigorous examination,
17 but he had been dealt by police authorities always in
18 the kindest manner; that he deeply admired the Japanese
19 spirit thus manifested.

20 "In the American note of protest it is stated
21 that Reiner was tortured six times between May 1 and
22 May 6, and that he was kicked by a gendarmerie employee
23 named Syo in such a manner that his rib was broken,
24 and that a vicious blow was struck over his broken
25 rib by another gendarmerie employee named Kim. As a

1 matter of fact no gendarmes, to say nothing of their
2 employees, were ever permitted to frequent the
3 premises of the Ryuzan Police Station, while the station
4 itself has no employee named either Syo or Kim. It
5 must be concluded the story is a fabrication. Further-
6 more, the records of the medical examination made on
7 Reiner at the time of his release established the fact
8 that he was sound and healthy and nothing unusual was
9 to be noted on his person. That a man, 59 years of
10 age, who had his rib broken and received 'half-inch deep
11 cuts' on his arms and legs should have so quickly and
12 so completely recovered within several days as to re-
13 tain no trace thereof, is unbelievable. It only
14 proves the careless and groundless character of the
15 American protest.

16 "From the statement of Mills and as the result
17 of the search of his house it was established that Koons
18 was also an accomplice, and he was taken to the Ryuzan
19 Police Station on May 11, 1942. He was examined and
20 treated like Reiner. His case was also dropped, and
21 he was released for repatriation. Here the note of the
22 American Government is equally perfunctory and careless.
23 Koons has left a record of his 'Impressions' (see
24 Annex A) which proves further how unwarranted is the
25 American protest.

1 "(2.) Beating at Ichang.

2 "The allegation that Elsie W. Riebe and Walter
3 P. Morse in Ichang were beaten is entirely unfounded.
4 It is plain to common sense whether or not any man can
5 remain alive after having been 'beaten for two hours
6 with an iron rod, one-half inch thick.'

7 "The above-mentioned two persons were allowed
8 to remain in their respective houses, the only
9 restriction they were subjected to being that they
10 were required to obtain permission for going out to
11 town - excepting to the portion of the city between
12 Ma-lu and Kang Chiang-lu. The Japanese authorities
13 prohibited Chinese connected with church to visit the
14 residences of Riebe and Morse, but the two were
15 afforded special facilities for obtaining food and
16 daily necessities. Neither of them, except on errands
17 of their own regarding the matters of housekeeping, did
18 ever visit the authorities. Nor did the latter ever
19 take them out anywhere. The atrocities cited in the
20 American note have no foundation on fact."

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"(3) Joseph F. MacSparran.

"Joseph F. MacSparran was arrested on December 8, 1941, as a suspected violator of the National Defense and Security Ordinance in accordance with the criminal procedure as provided for under the same ordinance. He was placed in the Yokohama Penitentiary for examination. On February 21, 1942 he was indicted on charge of violation of the National Defense and Security Ordinance and the Foreign Exchange Control Ordinance. He was accused on April 21 with an additional offense of violating the Police Peace Regulations. It was while the examination by a preliminary judge was in progress that with the conclusion of the Exchange Agreement the prosecution was cancelled and he was set free.

"At the penitentiary MacSparran was accorded a specially favorable treatment, being placed in the best western-style cell, well-lighted and well ventilated and provided with desk and chair, a bed, a washroom with flush toilet.

"Immediately upon his incarceration he was given a medical examination, and thereafter was visited daily by a physician. On December 20, 1941, he said he had a stomach trouble and requested medical examination. It was found he was suffering from no

1 particular malady, but he was given a medicine.
2 He returned the medicine saying that it was ineffective.
3 Since then special attention was paid to the state of
4 his health. However, he ate, exercised, and bathed
5 as usual, and appeared entirely normal in every respect.
6 Never once did he request medical attention for
7 hemorrhages from duodenal ulcers. Altogether twenty-
8 one times during his incarceration he was questioned
9 by the procurator and the preliminary judge, and on
10 every occasion he seemed to be in high spirits and
11 cheerfully answered the questions put to him. The
12 procurator came to the penitentiary for the questioning,
13 but whenever it was necessary to take him to the court
14 for preliminary examination light handcuffs were used
15 in conformance with the law of Japan. It was the
16 proper measure to take in the handling of any criminal-
17 ly accused person. That while undergoing questioning
18 he was unable, on account of internal hemorrhages, even
19 to stand up is an allegation without a vestige of
20 truth.

21 "II. Solitary Confinement.

22 "(1) H. W. Mayers.

23 "Suspected of violating the National Defense
24 and Security Ordinance, H. W. Mayers was arrested on
25 December 8, 1941 according to the criminal procedure

1 as prescribed by the said Ordinance. He was taken
2 to the Kobe Detention House where as the result of
3 examination he was acquitted. On the other hand, it
4 was established that he was guilty of violating the
5 Army Criminal Code and the Foreign Exchange Control
6 Ordinance. Accordingly, while released on March 5,
7 1942, as a suspected violator of the National Defense
8 and Security Ordinance, he was indicted afresh on the
9 same day before the Kobe District court on the charge
10 of violations of the Army Criminal Code and the
11 Foreign Exchange Control Ordinance, and remanded to
12 the Kobe Detention House under the warrant issued by
13 the judge of that court. On April 5 he was sentenced
14 to imprisonment for 7 months counting the 20 days
15 pending the trial. While he was serving his sentence,
16 he was removed to the Osaka Prison on May 1st, and
17 was granted a ticket of leave on June 7. During that
18 period he was for a time, January 4 - February 5, 1942,
19 transferred to the temporary jail belonging to the
20 Kikusui-bashi Police Station of Kobe.

21 "At the Kobe Detention House, in consideration
22 of his advance age and with a view to avoiding any
23 adverse effect that confinement in common jail might
24 have upon his health and especially to enabling him
25 to sleep well, the best and newly furnished cell in

the institution was assigned to Mayers for his
1 exclusive occupancy. During his detention pending
2 the trial he was permitted to use the private beddings
3 and clothes of his own choice. He was provided with
4 a chair, which is not a part of the regular furniture
5 for ordinary cells. As regards meals, he was per-
6 mitted in compliance with his wishes to obtain them
7 from outside. During his penal servitude after con-
8 viction he was furnished with the regular prison
9 bed, clothing and meals, but at the same time he was
10 given special permission to wear shoes, and special
11 care was taken in the preparation of his meals. As
12 for books, he was allowed to read those sent to him
13 after they had been duly censored.

14 "During his incarceration in the Osaka
15 Prison, he was shown similar consideration, and given
16 a single cell for solitary confinement. He was per-
17 mitted to receive the Bible, the Japanese National
18 Reader, etc. from outside. His wife, Grace, visited
19 him in the middle of May, under the prison regulations
20 which permit the visit of a relative once a month.
21 He was grateful especially as he was not put in
22 common jail but given a single cell; it is strange
23 that the American Government should make that very
24 fact an object of protest.
25

1 "(2.) William Mackesy

2 "William Mackesy was given special permission
3 to remain in his own house until he was interned in
4 the civilian camp in Kobe. He appreciated fully
5 the good will of the authorities concerned, and by
6 avoiding contact with outsiders as much as possible,
7 he endeavoured not to give any cause for misunder-
8 standing on the part of the authorities to whom he
9 frequently expressed his sense of gratitude. He
10 lived in a room he had rent in a building attached
11 to his church. With the privilege of remaining in
12 his own residence, he was free to regulate his daily
13 life as he liked and enjoyed special comforts and
14 conveniences.

15 "(3.) Alice C. Grube

16 "Suspected of violation of the National
17 Defense and Security Ordinance, Alice C. Grube was
18 arrested on December 8, 1941, and taken to the
19 temporary jail belonging to the Tamatsukuri Police
20 Station in Osaka where she was first examined. On
21 the 25th of the same month she was transferred to
22 the Osaka Detention House for further questionings
23 by the Procurator, as the result of which she was
24 cleared of the suspicion, and set free on April 9,
25 1942.

1 "The authorities of the Osaka Detention
2 House, in deference to her position and prestige,
3 did not confine her in common jail. Instead, she
4 was allowed to occupy exclusively a sunny and
5 healthy cell in the women's section of the insti-
6 tution. Under the house regulations the cells are
7 not equipped with stoves, and the use of fire for
8 any purpose is prohibited. Special permission was
9 granted Grube to use a hot-water bottle, which she
10 declined, saying it was unnecessary, as she had a good
11 sunny room.
12

13 "Accordingly, she was allowed to wear an
14 overcoat in her cell. The rule prohibiting a detainee
15 to bring in any personal effects or other articles,
16 was waived in her case, and she was allowed to
17 bring with her a large number of articles including
18 23 books, a bed, 3 cotton quilts, 2 blankets, a
19 complete wardrobe, and toilet requisites. She was
20 always given the first turn for bathing, and provided
21 with such food as she desired, besides tea and coffee,
22 cakes and fruits which she was allowed to purchase
23 as she pleased. Generosity to the maximum degree
24 was shown in her treatment."
25

1 THE PRESIDENT: Colonel Woolworth, do you
2 submit that this material you have been reading
3 establishes breaches of the Convention by way of
4 admission or otherwise?

5 MR. WOOLWORTH: This is a reply --

6 THE PRESIDENT: Or that it implicates the
7 accused in any such breach? I know what the docu-
8 ment is, but I would like to know why you are read-
9 ing it to the extent that you are reading it.

10 MR. WOOLWORTH: If the Tribunal please, the
11 sole purpose in reading this reply by SHIGEMITSU,
12 who is in the dock, is that it has been proven
13 before in this case that the facts which he denies--
14 the matters which he denies in this reply of his
15 were, as a matter of fact, true, that those atroci-
16 ties had been committed, and I believe it implicates
17 him.

18 THE PRESIDENT: What he says by way of ex-
19 culpation does not tend to prove his guilt unless
20 in the course of excusing himself he makes ad-
21 missions. No doubt you are saving the defense
22 the trouble of reading this document. To that
23 extent the time is not wasted.

24 MR. WOOLWORTH: If the Tribunal please,
25 it is not the desire of the prosecution to conceal

1 anything in connection with this diplomatic corres-
2 pondence.

3 THE PRESIDENT: You are not concealing it,
4 because you have tendered it in evidence. My point
5 is -- and it may not be well taken -- why read all
6 these details as part of the prosecution's case?
7 I am seeking an explanation; not telling you what
8 to do but seeking an explanation to which I think
9 I am entitled.

10 MR. WOOLWORTH: If the Tribunal please, it
11 appears to the prosecution that the sending of this
12 letter over the signature of the Japanese Foreign
13 Minister, in which statements are contained which
14 have been shown to be absolutely false, carries the
15 imputation of intent on his part and guilty knowledge
16 of the offences which had been committed.

17 THE PRESIDENT: That would be clear if this
18 could be shown to be a pure fabrication on the part
19 of the defendant SHIGEMITSU. But it is otherwise
20 if he was passing on information he had obtained
21 from others, his subordinates included. However,
22 I am not conducting the prosecution; I am endeavor-
23 ing to carry out my duty to shorten the trial where
24 I think it may be shortened.

25 Proceed with your reading.

1 MR. WOOLWORTH: I only want to say one word
2 more. It seems to the prosecution that it was his
3 responsibility to know the truth of these allega-
4 tions which he made and that he is responsible for
5 any misinformation he passed on.

6 In the interest of brevity, I will pass
7 to page 16 of this same document.

8 (Reading) "d. Prisoner of war" --

9 THE PRESIDENT: I understand that some of
10 the judges want to hear it, and of course I will
11 have to take the wishes, the views of each judge.
12 By a majority we agree to allow you to cut down the
13 amount of material you intend to read. We will
14 leave it to you.

15 We will recess for fifteen minutes now.

16 (Whereupon, at 1445 a recess was
17 taken until 1500.)
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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 Woolworth.

4 MR. WOOLWORTH: Prosecution will read from
5 page 16 of exhibit 2024, sub-paragraph B, Prisoners
6 of War:

7 "B. PRISONERS OF WAR

8 "The American Government states that it has
9 received reports of inhuman treatment accorded American
10 prisoners of war by the Japanese authorities, which
11 is inconsistent with the provisions and spirit of
12 the Geneva Convention, and proceeds to cite instances
13 alleged to have occurred in the Philippines and the
14 punishment of Americans for an attempted escape at
15 Shanghai.

16 "1. The Philippines.

17 "The American Government is reminded of
18 the situation in the Philippines during those days
19 immediately following the Japanese occupation of the
20 Bataan Peninsula. Order had not yet been restored;
21 traffic facilities had been destroyed; the American
22 soldiers prior to their retreat and surrender had
23 burned food and medical supplies in accordance with
24 their 'Scorched-earth' tactics; the Japanese armies
25 themselves were finding it difficult to replenish

1 their stock of provisions and medical supplies; and
2 furthermore, the number of American prisoners of war
3 were far greater than anticipated. It was inevitable
4 that under these circumstances the American war
5 prisoners should have suffered temporarily from scar-
6 city of food and inadequate medical attention. Never-
7 theless, the Japanese military authorities, in the
8 face of insuperable difficulties, did their best to
9 feed the Americans and to care for the sick and wounded.
10 The Americans captured in Bataan were obliged to go
11 on foot when they were being taken to Camp O'Donnel,
12 because owing to the destruction of the means of
13 conveyances it was impossible to send them in auto-
14 mobiles.

15 "However, as regards the alleged instances
16 of mistreatment of the prisoners on their way to and
17 after their arrival at the Camp, cited in the American
18 note, are groundless according to the investigations
19 that have been made under the difficult circumstances."

20 The prosecution desires to introduce in
21 evidence -- it is already in evidence, 2751-A-4
22 which is a letter from The Gaimusho dated 28 April
23 1944.

24 THE PRESIDENT: Admitted on the usual terms.

25 MR. WOOLWORTH: I will read from page 3,

1 the center of the second paragraph, beginning "The
2 Japanese Government."

3 THE PRESIDENT: It is already admitted,
4 isn't it? The document you ask to admit is already
5 part of 2024.

6 MR. WOOLWORTH: (Reading)

7 "The Japanese Government are, however,
8 dealing, from a humanitarian point of view, with
9 matters relating to prisoners of war and civilian
10 internees, on the basis of the 1907 Convention re-
11 lating to the Law and Custom of Land Warfare and
12 the 1929 Convention for the Amelioration of the
13 Conditions of the Wounded and Sick of Armies in the
14 Field, taking moreover into consideration the pro-
15 visions of the 1929 Convention relating to the Treat-
16 ment of Prisoners of War. These intentions of the
17 Japanese Government have already been made known to
18 the United States Government."

19 THE PRESIDENT: What page are you reading
20 from?

21 MR. WOOLWORTH: I was reading on page 3,
22 middle of the second paragraph. I now read from
23 page 4, the second paragraph:

24 "The United States Government state that the
25 representatives of the Swiss government in Japan are

1 entrusted with the protection of American interests
2 in Japanese occupied territories, whereas, as already
3 communicated to the United States Government through
4 the intermediary of the Swiss Government, the policy
5 of the Japanese Government is not to recognize rep-
6 resentation of enemy interests in Japanese occupied
7 territories and, therefore, is not permitting visits
8 to the War Prisoner Camps and Civilian Internee Camps
9 in those territories. Furthermore in view of the
10 needs of military operations, visits of the representa-
11 tives of relief societies and others also are not
12 permitted for the time being."

13 I now read A-5 of the same document, same
14 exhibit:

15 "'KYO' - 'HI' /Confidential/No. 224.

16 "To His Excellency,

17 "Camille Gorges,

18 "Envoy Extraordinary and Minister Pleni-
19 potentiary for Switzerland.

20 "Excellency:-

21 "I hereby have the honour of addressing you
22 in writing.

23 "Following my letter No. 97/C.R. --"

24 THE PRESIDENT: Page 5, you said?

25 MR. WOOLWORTH: A-5 of exhibit No. 2024.

1 The extracts just read were from 2024-A-4.

2 "Excellency:-

3 "I hereby have the honour of addressing you
4 in writing.

5 "Following my letter No. 97/C.R. dated
6 April 28th whereby, in reply to the protest of the
7 United States Government in regard to the treatment
8 of U. S. POWs and Internees within the jurisdiction
9 of the Empire (the Imperial Government duly replied
10 to you in detail on the basis of the results of their
11 investigations) we are now in receipt of the follow-
12 ing additional data regarding conditions at the POW
13 and Internment Camps at Shanghai, Canton, Hong Kong,
14 Java, and the Philippines, and beg to send same to
15 you herewith with the request that same be kindly
16 transmitted to the United States Government.

17 "I beg to take this opportunity of reassuring
18 Your Excellency of my respects.

19 "Dated the 16th day of August 1944.

20 "Mamoru SHIGEMITSU, Minister for Foreign
21 Affairs."

22 In the interest of brevity I will omit
23 reading the full text of the reply.
24
25

A-6 of document 2024.

"Tokio, 1 March 1945 CC.1.5.1. - FGc. CC.2.1.2.

"m. le Ministre,

"By letter No. 98/C.R. of 24th April last Your Excellency made known to me the response of the Imperial Government to the protest of the Government of the United States of America on the subject of treatment of American citizens within the power of Japan.

"As I informed you by letter of 5th May, I communicated this response to my Government for the attention of the Washington Government.

"The Government of the United States has asked to have the following communication addressed to the Japanese Government:

"The Japanese Government's reply of 24th April 1944 to the United States Government's protest of 23rd December 1942 states that the United States Government's protest was "made by distorting and esaggerating the facts." The United States Government cannot accept a statement by the Japanese Government impugning its veracity. The United States Government's protest concerning treatment accorded by Japanese Authorities to American nationals in Japan and Japanese occupied territory is based on documentary evidence which cannot be refuted in such an arbitrary fashion

1 by the Japanese Government. The statements contained
2 in the Japanese Government's reply of 24th April 1944
3 are so far removed from the facts as known to the
4 United States Government that it can only conclude
5 that the Japanese Government has permitted itself to
6 be misled by fabricated reports of local officials and
7 has not made an independent investigation of the mat-
8 ters protested in the United States Government's note
9 of 23rd December 1942. The United States Government
10 therefore considers the reply unsatisfactory and will
11 continue to hold the Japanese Government answerable.
12 The Japanese Government has referred to section IV of
13 the United States Government's protest of 23rd December
14 1942 making certain charges against the United States
15 Government. The reply to this reference will be the
16 subject of a separate communication from the United
17 States Government. Minister of Switzerland To
18 His Excellency M. Mamoru SHIGEMITSU Minister of Foreign
19 Affairs Tokio"

20 The prosecution desires to introduce in evi-
21 dence document 2766-A, 1 to 10, together with document
22 No. 2766-B, a synopsis of the same documents.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 2766-A, with inclusive documents 1 to 10, is given

1 exhibit No. 2025. The synopsis thereof, prosecution's
2 document No. 2766-B, is given exhibit No. 2025-A.

3 (Whereupon, prosecution's document
4 No. 2766-A, with inclusive documents 1 to 10,
5 was marked prosecution's exhibit No. 2025, and
6 prosecution's document No. 2766-B was marked
7 prosecution's exhibit No. 2025-A, and were
8 received in evidence.)

9 MR. WOOLWORTH: (Reading) "Synopsis of
10 Document No. 2766-A, 1 to 10. 15 December 1942 (A-1)
11 Swiss Legation to Foreign Minister (TANI) Inquiry in
12 behalf of United States asking if Japan is applying
13 Articles 27 to 34 of the Geneva Convention of 27 July
14 1929 re labor of prisoners of war.

15 "28 January 1943 (A-2) Japanese Foreign
16 Ministry (TANI) to Swiss Legation answering letter of
17 15 December, and states: 1. Japanese Government
18 employs prisoner of war labor in spirit of Geneva Con-
19 vention. 2. Prisoners are employed in labor which is
20 not dangerous. 3. Daily hours of labor of prisoners
21 same as civil workers in Japan. 4. Paid same as non-
22 commissioned officers and men of Japanese Army.

23 "4 February 1943 (A-3) Swiss Legation to
24 Foreign Ministry (TANI) Swiss requests statement that
25 Japan will not assign prisoners of war to labor in the

1 manufacture or transportation of material to be used
2 in warfare or having direct connection with operations
3 of war.

4 "20 February 1943 (A-4) Foreign Minister
5 (TANI) to Swiss Legation states labor of prisoners of
6 war has no direct connection with operation of war.

7 "4 March 1944 (A-5) Swiss Legation to Minis-
8 try of Foreign Affairs. Complains that prisoners of
9 war in Yokohama area compelled to perform humiliating
10 work in public (namely, sweeping streets), and were
11 searched in public before re-entering their enclosure
12 in violation of Article 2 of the Geneva Convention.

13 "22 April 1944 (A-6) Japanese Foreign Ministry
14 to Swiss Legation. Foreign Minister SHIGEMITSU answer-
15 ing letter of 4 March re treatment of prisoners of war
16 states: 1. Japanese Government is not bound by the
17 prisoner of war convention of 1929 but it is policy
18 of Japanese government to protect prisoners of war
19 against insults as provided in Article 2 of the Japan-
20 ese rules for treatment of prisoners of war. 2. Denies
21 prisoners of war forced to clean streets but cleaning
22 done within camp and seen through fence.

23 "27 April 1944 (A-7) Swiss Minister to Jap-
24 anese Ministry of Foreign Affairs (SHIGEMITSU) An-
25 swering note of 22 April 1944 remarks statement that

1 Japanese Government would not be bound by Geneva Con-
2 vention does not coincide with previous declarations
3 in which Japan agreed to apply provisions of the con-
4 vention mutati mutandis. Requested full particulars as
5 to the articles thereof Japanese government considers
6 inapplicable by reason of internal legislation.

7 "9 June 1945 (A-8) Swiss Legation to the Im-
8 perial Ministry of Foreign Affairs (TOGO) Swiss Lega-
9 tion transmitted protest from United States against
10 labor of American prisoners of war held in Japan as
11 (1) working excessive hours having direct connection
12 with the war operations within the fortifications of
13 Shinagawa and at Navy docks at Tokyo Bay. (2) Being
14 humiliated and beaten by guards and demands that con-
15 ditions be rectified and stated that the Japanese gov-
16 ernment as well as the individuals concerned be held
17 responsible to insure that the provisions of the Hague
18 and the Geneva prisoners of war convention will at all
19 times be applied to the treatment of prisoners of war.

20 "5 July 1945 (A-9) Swiss Legation to the Min-
21 istry of Foreign Affairs (TOGO) Forwarding protest
22 by United States re Japanese authorities in Thailand
23 quartering prisoners of war in warehouses at the port
24 of Bangkok in an area close to docks, railroad yards
25 and other military objectives and their employment on

1 labor having direct relation with war operations.
2 United States warned the Japanese Government they will
3 hold government responsible for failure to protect
4 lives and health of Americans in Japanese custody.

5 "1 August 1945 (A-10) Japanese Foreign Minis-
6 try (TOGO) to Swiss Legation. Answering protest of
7 United States sent by Swiss 9 June 1945 denies fact
8 of subjecting American prisoners of war to the labor
9 pointed out by the United States."

10 The prosecution desires to introduce in evi-
11 dence document No. 2781-A-1.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 2781-A, with inclusive documents 1 and 2, will be
15 given exhibit No. 2026.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 2026, and was received in evidence.)

19 MR. WOOLWORTH: (Reading) "CC.1.5.1.-dcu

20 "The Swiss Legation has the honor to inform
21 the Imperial Ministry of Foreign Affairs that according
22 to a communication from the Federal Political Depart-
23 ment, the British Government is greatly concerned about
24 the food supply of POW and it believes in effect that
25 the prisoners, being accustomed to a different diet,

1 suffer from certain under-nourishment. The Government
2 of the United Kingdom proposes that additional food in
3 the form of soya products, such as soya milk, soya
4 flour and soya butter, be distributed to POW and thus
5 augment the nutritive value of their food. It believes
6 in effect that Japan has a large quantity of these
7 products.

8 "The Legation would be obliged to the Imper-
9 ial Ministry if it would take up with the competent
10 authorities the matter of this request of the British
11 Government.

12 "In thanking the Ministry in advance for its
13 kind response, the Legation takes this occasion to
14 renew the assurances of its high esteem. Tokyo, 16
15 June 1943 To the Imperial Ministry of Foreign Affairs
16 Tokyo."

17 "The Gaimusho Tokyo No. 187/C.R. NOTE
18 VERBALE.

19 "The Imperial Ministry of Foreign Affairs has
20 the honor to acknowledge receipt from the Swiss Lega-
21 tion of a note, No. CC.1.5.1.-dcu., dated 16 June,
22 informing the Imperial Government of the request made by
23 the British Government for soya bean products to be
24 supplied to British prisoners of war.

25 "As regards this matter, the British Government

1 had previously made the same proposal through the Inter-
2 national Red Cross Committee, to which the Imperial Gov-
3 ernment had given a reply as per attached copy.

4 "The Ministry requests the Legation to be ad-
5 vised of the particulars from the said copy. 23 June
6 1943 Attachment."

7 "Copy. Foreign Office 10th June 1943

8 "Dear Dr. Paravicini, With reference to your Memoran-
9 dum of the 21st May addressed to this Ministry con-
10 cerning an increase in the quantity of soya bean
11 products supplied to British prisoners of war, I beg
12 to inform you that the authorities concerned, who have
13 been and are paying the best possible attention to the
14 quantity and the nutritive value of the food given to
15 prisoners of war, do not see the necessity of increas-
16 ing the supply of any particular foodstuff. Yours
17 sincerely, E. SUZUKI." Addressed to: "Dr. F. Para-
18 vicini, Representative in Japan of the International
19 Red Cross Committee, No. 254, Yamasita-cho, Naka-ku,
20 Yokahama."

21 If the Tribunal please, I desire to call as a
22 witness Shigeru YAMAZAKI.
23
24
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YAMAZAKI

DIRECT

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1 S H I G E R U Y A M A Z A K I, called as a
2 witness on behalf of the prosecution, being first
3 duly sworn, testified through Japanese inter-
4 preter as follows:

DIRECT EXAMINATION

BY MR. WOOLWORTH:

7 Q Please state your name, residence and occupa-
8 tion.

9 A YAMAZAKI, Shigeru; no profession; Miyagi,
10 Tamazukuri, Iwadeyama, Nino Kamae 3.

11 Q Are you a former officer of the Japanese
12 Imperial Army?

13 A Yes.

14 Q From January 1942 to March 1943 were you
15 an officer in the Imperial Japanese Army?

16 A Yes, I was.

17 Q During that period where was your station and
18 what was your duty?

19 A I served in the Prisoner of War Information
20 Bureau and the Prisoner of War Control Bureau in the
21 War Ministry at Tokyo. My position was that of a
22 high official.

23 Q What was your rank at that time?

24 A I was a colonel.

25 Q At the outbreak of the war between Japan and

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1 the United States what bureau of the War Ministry
2 handled prisoner of war matters?

3 A The Prisoner of War Information Bureau and
4 the Prisoner of War Control Bureau acted according to
5 the orders of the Military Affairs Bureau.

6 Q Prior to the time the Prisoner of War Informa-
7 tion Bureau was established, what bureau handled
8 prisoner of war matters, if you know?

9 A I believe it was the Military Affairs Bureau.

10 Q In the work of the Prisoner of War Information
11 Bureau and the Prisoner of War Control Bureau, or
12 Management Bureau, did these two bureaus have the
13 same officer at the head of them simultaneously,
14 concurrently?

15 A Yes, they were.

16 Q Did the chief of the Prisoner of War Manage-
17 ment Bureau and concurrently chief of the Prisoner of
18 War Control Bureau have control over the policies in
19 regard to the treatment of prisoners of war?

20 A Yes.

21 Q Were his policies controlling on all matters
22 affecting the management of prisoners of war and their
23 control?

24 MR. BLEWETT: If the Court please, I think
25 the question has been fully answered.

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1 MR. WOOLWORTH: Are you objecting to the
2 question?

3 MR. BLEWETT: Yes, I object, sir. The
4 question has been fully answered and the question
5 in this other form is leading and is an effort to
6 have the witness explain his answer.

7 THE PRESIDENT: It would require a very
8 strict application of the rules of evidence to hold
9 it was leading. The witness may answer; I am not
10 sure that he has already answered. I doubt it.

11 MR. WOOLWORTH: The witness has been in-
12 structed to answer, I believe.

13 THE PRESIDENT: Objection overruled.

14 MR. BLEWETT: If you please, sir, may I be
15 permitted to suggest what the last question was prior
16 to this one?

17 THE PRESIDENT: Rightly or wrongly we have
18 decided to overrule your objection and to allow the
19 question.

20 MR. WOOLWORTH: May I ask that the question
21 be read to the witness?

22 (Whereupon, the last question was
23 read by the Japanese court reporter.)

24 A The chief of the Prisoner of War Information
25 Bureau, and concurrently the chief of the Prisoner of

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1 War Management Bureau, was given the power of decision
2 only to a very limited extent and on important matters
3 he had to receive his orders from the Military Affairs
4 Bureau.

5 Q Do you recall the matter of protests filed
6 by the Swiss Legation in connection with the protests
7 against the treatment of the Doolittle flyers?

8 A I do recall it.

9 Q Do you know why those protests were not answer-
10 ed by the Japanese Government?

11 A I do not recollect whether the reply was
12 actually sent during my tenure of office or not but
13 I do recall that the feeling within army circles at
14 the time was strongly against sending any such reply.

15 MR. WOOLWORTH: I think that is all.

16 THE PRESIDENT: Dr. KIYOSE.

17 CROSS-EXAMINATION

18 BY DR. KIYOSE:

19 Q In your testimony you mention the Prisoner
20 of War Information Bureau. Do you know whether the
21 Prisoner of War Information Bureau is an office supposed
22 to be established as a result of international conven-
23 tions?

24 A I wish to have the question repeated.

25 Q When you referred to the Information Bureau,

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1 you were referring to the Prisoner of War Information
2 Bureau, weren't you?

3 A Yes.

4 Q Do you know whether it was a special organ
5 which our country was supposed to make in accordance
6 with international treaties?

7 A I do know.

8 Q Then, do you know that this bureau was not
9 simply a bureau within the War Ministry, such as the
10 Military Service Bureau or the Military Affairs
11 Bureau, but was a special bureau known as an outside
12 bureau?

13 A Yes, I do know that.

14 Q Then, do you also know that this Prisoner of
15 War Information Bureau, as well as the Prisoner of War
16 Management Bureau, which is related to it, were not
17 under the control of the Military Affairs Bureau --
18 that is, they did not belong under the Military Affairs
19 Bureau?

20 A At that time the Prisoner of War Information
21 Bureau was under the guidance of the War Minister and
22 the Prisoner of War Administration Bureau cooperated
23 more positively with the War Minister.
24
25

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1 Q Then, when you testified recently -- when you
2 testified a moment ago that the Prisoner of War
3 Information Bureau and the Prisoner of War Control
4 Bureau had to receive orders from the Military
5 Affairs Bureau, did you not mean simply that it had
6 to receive orders from the War Ministry and that the
7 Military Affairs Bureau was a bureau in the War
8 Ministry?

9 A All important matters had to go through the
10 Military Affairs Bureau and without going through the
11 Military Affairs Bureau nothing could be done. There-
12 fore, I stated to that effect. Correction: Almost
13 nothing could be done.

14 Q I can not quite understand. When you say
15 that all matters had to go through the Military Affairs
16 Bureau, do you mean that the Director of the Military
17 Affairs Bureau himself gave the orders or that the
18 documents simply were routed through the Military
19 Affairs Bureau?

20 A By that I mean that rather than going through
21 the Military Affairs Bureau, it had -- Correction: My
22 meaning was that I meant something far stronger than
23 simply going through the Military Affairs Bureau.

24 Q Are you aware that the Director of the
25 Prisoner of War Information Bureau at the time was

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1 Lieutenant General UEMURA?

2 A Yes.

3 Q Was Lieutenant General UEMURA also Director
4 of the Prisoner of War Control Bureau or the Management
5 Bureau?

6 A Yes.

7 Q Was not the Director of the Military Affairs
8 Bureau Major General MUTO?

9 A At first it was His Excellency General MUTO,
10 then, later on, it was General SATO.

11 Q You mean Major General, don't you? You
12 said "Major General," did you not?

13 A General SATO was at that time Lieutenant
14 General -- Major General.

15 Q What about General MUTO?

16 A He was Lieutenant General.

17 Q At the time?

18 A Yes.

19 Q You are sure?

20 A I am sure. I repeat: General MUTO was
21 Lieutenant General, and, at the beginning, General
22 SATO was Major General. However, he was promoted to
23 Lieutenant General. However, I do not know when he
24 was promoted.

25 Q Accepting your testimony as true then, do

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1 you believe it possible, in the light of the organization
2 of our Army, that General MUTO, a Major General,
3 could give orders to General -- Lieutenant General
4 UEMURA?

5 A By rank such a thing was not possible.
6 However, in so far as the actual work was concerned,
7 the Chief of the Military Affairs Bureau as the assistant
8 to the Chief of the General Staff could do that.
9 Correction: The Director of the Military Affairs
10 Bureau was a kind of Chief of Staff to the War Minister
11 so far as the work was concerned and thus was able to
12 give orders.

13 Q When you say that he was a kind of Chief of
14 Staff, does that not mean that he simply communicated
15 the orders which came from the War Minister; that he
16 was simply the channel through which orders from the
17 War Minister himself came?

18 A The Director of the Military Affairs Bureau
19 could transmit the order -- transmitted the orders
20 as a kind of Chief of Staff.

21 Q Have you ever seen the rules of organization
22 of the Prisoner of War Information Bureau or of the
23 Prisoner of War Management Bureau?

24 A Yes, I know.

25 Q Do not the rules of that bureau state that

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1 the Prisoner of War Information Bureau is under the
2 direct supervision of the War Minister?

3 A In form it was so, namely, it was directly
4 under the director of the Military Affairs -- directly
5 under the War Minister. However, in so far as actual
6 work was concerned, nothing could be done without
7 going through the Director of the Military Affairs
8 Bureau.

9 Q When you say, "going through the Director of
10 the Military Affairs Bureau," do you think that means
11 the same thing as by order of the Military -- Director
12 of the Military Affairs Bureau?

13 A The Director of the Military Affairs Bureau
14 had no authority to issue orders, but the Director
15 received the orders of the War Ministry -- of the
16 War Minister -- and was in a position to enforce them
17 emphatically. In other words, he was a kind of
18 supervisory organ.

19 Q Did the Director of the Military Affairs Bureau
20 also have the right of giving orders to the Chief
21 of the Prisoner of War Management Bureau?

22 A The Director of the Military Affairs Bureau
23 had no authority to control the Director of the
24 Prisoner of War Information Bureau -- Administration
25 Bureau.

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1 Q Thank you, I understand. Now, concerning
2 the protests which were made through the Swiss
3 Government about which was the last part of your
4 testimony, you testified that the feeling in Army
5 circles was strongly against a reply. Since you were
6 in the Army at the time, were you also one of those
7 who was against -- correction: Leave out the word
8 "strongly."

9 A As a member of the Prisoner of War Information
10 Bureau I thought then that a reply should be sent.
11 However, the atmosphere within the War Ministry was
12 such that they were reluctant to send any reply. That
13 is how I took it.

14 THE PRESIDENT: We will adjourn until half-
15 past nine tomorrow morning.

16 (Whereupon, at 1600 an adjournment
17 was taken until Friday, 10 January 1947 at
18 0930.)
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