

(184J)

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL
United States Army Forces,
Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA



PUBLIC TRIAL

VOLUME XXX

PAGES 3364 TO 3365

MANILA, P. I.

DATE 11 February 1946

COPY No. 9

AUTHENTICATION

THIS CERTIFIES that this volume is a part of the official Record of the Proceedings of the Military Commission appointed by paragraph 31, Special Orders 176, Headquarters United States Army Forces, Western Pacific, dated 15 December 1945, as amended by paragraph 39, Special Orders 186, Headquarters United States Army Forces, Western Pacific, dated 28 December 1945, in the trial of the case of United States of America against Masaharu Homma.

Dated 13 February 1946.

/s/ Leo Donovan
/t/ LEO DONOVAN
Major General, GSC, USA
President of Commission

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-vs-

MASAHARU HOMMA)

) PUBLIC TRIAL
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High Commissioner's Residence,
Manila, P. I.,
11 February 1946

Met, pursuant to adjournment, at 1500 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer
and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETER FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter

OFFICIAL REPORTERS FOR THE COMMISSION:

MACK M. RACKLIN
S. CORNELIA PEVETO

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

GENERAL DONOVAN: The Charges against the Accused are as follows:

Charge: That Masaharu Homma, between 8 December 1941 and 15 August 1942, then Lieutenant General of the Japanese Imperial Army and commander-in-chief in the Philippines of the armed forces of Japan at war with the United States of America and its allies did unlawfully disregard and fail to discharge his duties as such commander to control the operations of the members of his command, permitting them to commit brutal atrocities and other high crimes against the People of the United States of America, its allies and dependencies, particularly the Philippines, and he, Masaharu Homma, thereby violated the laws of war.

Additional Charge: That Masaharu Homma, then Lieutenant General of the Japanese Imperial Army and Commander-in-Chief in the Philippines of the Armed Forces of Japan at war with the United States of America and its allies did on 6 May 1942 unlawfully refuse to grant quarter to the armed forces of the United States of America and its allies in Manila Bay, Philippines, and did thereby violate the laws of war.

The Accused, his senior counsel and personal interpreter will take position before the Commission.

AUTHENTICATION OF RECORD

The foregoing 3365 pages, contained in Volumes I to XXX inclusive (together with Prosecution Exhibits 1 to 425 inclusive, Commission Exhibit 1, and Defense Exhibits "A" to "Y" inclusive, all under separate covers), are hereby certified as the Record of the Proceedings of the Military Commission appointed by paragraph 31, Special Orders 176, Headquarters United States Army Forces, Western Pacific, dated 15 December 1945, as amended by paragraph 39, Special Orders 186, Headquarters United States Army Forces, Western Pacific, dated 28 December 1945, in the trial of the case of United States of America against Masaharu Homma.

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/s/ Leo Donovan
/t/ LEO DONOVAN
Major General, GSC, USA
President of Commission

THIS ACKNOWLEDGES that the above-described Record was submitted to Defense Counsel prior to being certified by the President of the Commission.

/s/ John H. Skeen, Jr.
/t/ JOHN H. SKEEN, JR.
Major, Inf.
Chief, Defense Counsel

(Whereupon the Accused, Major Skeen, and the personal interpreter of the Accused, took position before the Commission.)

GENERAL DONOVAN: Findings: Upon secret written ballot, two-thirds or more of the members concurring, the Commission finds you:

Of the Charge: Guilty, except the words and figures "8 December 1941 and 15 August 1942," substituting therefor the words and figures "10 December 1941 and 5 August 1942." Of the excepted words and figures: Not guilty; of the substituted words: Guilty.

Of the Additional Charge: Not Guilty.

Has the Accused or his counsel anything further to offer before sentence is announced? Do you wish to make a statement?

THE ACCUSED: A short statement I wish to make.

I wish to thank the gentlemen on the Commission for the courteous ways which I have been treated all through and during my trial. I thank you very much.

GENERAL DONOVAN: Sentence: Upon secret written ballot, two-thirds or more of the members concurring, the Commission sentences you to be shot to death with musketry.

The Accused will be escorted from the courtroom.

The Commission adjourns, sine die.

(Whereupon, at 1505 hours, 11 February 1946, the trial was concluded.)