

C E R T I F I C A T E

I.P.S. No. 2853-A (1-73)

2016A
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Statement of Source and Authenticity

I, Walter Bossi, hereby certify that I am officially connected with the Government of Switzerland in the following capacity: Swiss Diplomatic Representative, and as such official I have custody of the documents consisting of seventy-three letters and notes, as listed on Exhibit A attached hereto and described as follows: True copy of letters and notes from the Minister of Switzerland addressed to the Japanese Ministry of Foreign Affairs, and replies thereto of the Japanese Ministry of Foreign Affairs addressed to the Minister of Switzerland.

I further certify that the attached letters and notes are official records of the Swiss Legation in Japan and that they are a part of the official archives and files thereof.

Signed at Tokyo on this
3rd day of December, 1946.

/s/ W. Bossi
Signature of Official

Witness: /s/ Max R. Don

Swiss Diplomatic Representative
Official Capacity

Statement of Official Procurement

I, 2nd Lt. Eric W. Fleisher, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Swiss Government in the conduct of my official business.

Signed at Tokyo on this
3rd day of December, 1946.

/s/ Eric W. Fleisher, 2nd Lt. AUSMI
NAME

Witness: /s/ William C. Prout

Investigator, IPS

Exhibit 4.

- 28534 (1) Letter dated 12 February 1942 from Swiss Minister to Shigenori TOGO, Foreign Minister (EE 4.1.2./7.1.-6a CC 2.1.)
- 28534 (2) Letter dated 17 Feb 1942 from Swiss Minister to Shigenori TOGO, Foreign Minister (CC.2.1.2.
1.5.9.2.
1.1.)
- 28534 (3) Letter dated 3 Mar 1942 from Swiss Minister to Shigenori TOGO, Foreign Minister (EE.4.1.2.-CC.2.1.-ca.)
- 28534 (4) Letter dated 3 Jun 1942 from Swiss Minister to Shigenori TOGO, Foreign Minister (CC.1.2.9./2.1.1.-ce.)
- 28534 (5) Letter dated 5 Jun 1942 from Swiss Minister to Shigenori TOGO, Foreign Minister (CC.1.2.3./2.2.1.-ce.)
- 28534 (6) Letter dated 11 Jun 1942 from Swiss Minister to Shigenori TOGO, Foreign Minister (CC.2.2.1./1.2.9.-cc)
- 28534 (7) Letter dated 12 June 1942 from Swiss Minister to Shigenori TOGO, Foreign Minister (CC.1.2.9./1.2.4.-ce)
(CC.2.1.1.)
- 28534 (8) Letter dated 29 Jul 1942 from Gaimusho to Swiss Minister, No. 342/T3
- 28534 (9) Letter dated 30 Jul 1942 from Gaimusho to Swiss Minister, No. 343/T3
- 28534 (10) Letter dated 1 Sep 1942 from Swiss Minister to Shigenori TOGO, Foreign Minister (CC.1.2.9.-cr)
- 28534 (11) Letter dated 2 Sep 1942 from Swiss Minister to Shigenori TOGO, Foreign Minister (CC.1.2.8-cq
CC.1.2.9.)
- 28534 (12) Letter dated 3 Sep 1942 from Swiss Minister to General Hideki TOJO, Prime Minister and Foreign Minister (CC.2.2.1.-ck)
- 28534 (13) Letter dated 10 Sep 1942 from Swiss Minister to General Hideki TOJO, Prime Minister and Foreign Minister (CC.1.2.9./2.1.1.-ce)

- 2853A (14) Letter dated 7 Oct 1942 from Swiss Minister to M. TANI,
Foreign Minister (FF 7.1. - CC
(1.1.24) CC.1.3.7.
CC.1.1.)
- 2853A (15) Letter dated 24 Oct 1942 from Swiss Minister to M. TANI,
Foreign Minister (CC.1.2.24
CC.1.2.9)
- 2853A (16) Letter dated 28 Oct 1942 from Swiss Minister to M. TANI,
Foreign Minister (CC.1.2.9.-c.r.)
- 2853A (17) Letter dated 6 Nov 1942 from Swiss Minister to M. TANI,
Foreign Minister (CC.1.2.20-ca.CC.1.2.9.
CC.1.2.3.)
- 2853A (18) Letter dated 11 Nov 1943 from Swiss Minister to M. TANI,
Foreign Minister (CC.1.2.20 CA CC.1.2.3.
1.2.6
1.2.8
1.2.9
1.2.1
1.2.3
1.2.24
1.2.26
1.2.27
1.2.28)
- 2853A (19) Letter dated 24 December 1942 from Swiss Minister to
Foreign Minister (CC.1.1.-ce)
- 2853A (20) Letter dated 5 Feb 1943 from Swiss Minister to
Foreign Minister (CC.1.1.-dez)
- 2853A (21) Letter dated 16 March 1943 from Swiss Minister to
Foreign Minister (CC.1.1.dat)
- 2853A (22) Letter dated 27 March 1943 from Swiss Minister to
Foreign Minister (CC.1.1./1.2.5.-dez.)
- 2853A (23) Letter dated 31 March 1943 from Swiss Minister to
Foreign Minister (CC.1.1.-dez GG 4.6.9. 24 GG 8.3.4.1.)
- 2853A (24) Letter dated 22 Apr 1943 Gaimusho to Swiss Minister,
No. 109/C.R.
- 2853A (25) Letter dated 22 Apr 1943 Gaimusho to Swiss Minister,
No. 110/C.R.

- 28534 (26) Letter dated 12 May 1943 from Swiss Minister to M. SHIGEMITSU, Foreign Minister (11.1.5.1. dat
FE/gg 8.6.4.2.)
- 28534 (27) Letter dated 2 Jun 1943 from Swiss Minister to M. SHIGEMITSU, Foreign Minister (CC.1.1.-daw.)
- 28534 (28) Letter dated 4 Jun 1943 from Swiss Minister to Foreign Minister (CC.1.1.-dat.)
- 28534 (29) Letter dated 24 Jun 1943 Gaimusho to Swiss Minister, No. 189/C.R.
- 28534 (30) Letter dated 28 Jun 1943 from Swiss Minister to Foreign Ministry (CC.1.2.7. - deu. CC.1.1.)
- 28534 (31) Letter dated 8 July 1943 from Swiss Minister to Jap. Foreign Minister (CC.1.1.-deu.)
- 28534 (32) Letter dated 16 July 1943 from Swiss Minister to M. SHIGEMITSU (CC.1.5.1./2.1.2./1.1.-dgu.)
- 28534 (33) Letter dated 23 July 1943 Gaimusho to Swiss Minister, No. 244/C.R.
- 28534 (34) Letter dated 29 July 1943 from Swiss Minister to M. SHIGEMITSU, Foreign Minister (CC.1.5.1./2.1.2./1.1.-deu.)
- 28534 (35) Letter dated 23 Aug 1943 from Swiss Minister to Foreign Minister (CC.1.1.-deu CC.1.2.4.)
- 28534 (36) Letter dated 4 Sep 1943 from Swiss Minister to Foreign Minister (CC.1.1.-CC.1.2.7.-deu.)
- 28534 (37) Letter dated 22 Oct 1943 from Swiss Minister to Foreign Minister (CC.1.1. deu.
(CC.1.2.4.-CC.1.2.7.-CC.1.2.8.)
- 28534 (38) Letter dated 10 Dec. 1943 from Swiss Minister to Foreign Minister (CC.1.1.-deu.)
- 28534 (39) Letter dated 12 Feb 1944 from Swiss Minister to M. SHIGEMITSU, Foreign Minister (CC.1.1.-EDGb.)
- 28534 (40) Letter dated 13 March 1944 from Swiss Minister to Foreign Minister (CC.1.1.-EGc
CC.1.5.2.)

- 2853A (41) Letter dated 25 March 1944 from Swiss Minister to Foreign Minister (CC.1.5.1./2.1.2./CC.1.1.-EGc.)
- 2853A (42) Letter dated 30 March 1944 from Swiss Minister to Minister Tadakazu SUZUKI, Foreign Ministry (CC.1.1.)
- 2853A (43) Letter dated 10 May 1944 from Swiss Minister to Minister M. SHIGEMITSU, Foreign Minister. (CC.1.1.-EGh.)
- 2853A (44) Memorandum dated 30 June 1944 from Swiss Minister to Minister Tadakazu SUZUKI, Foreign Ministry (CC.1.1.-EAb.)
- 2853A (45) Letter dated 1 July 1944 from Swiss Minister to M. SHIGEMITSU, Foreign Minister (CC.1.1.-EAb.)
- 2853A (46) Memorandum dated 21 July 1944 from Swiss Minister to Foreign Minister (CC.1.1.-EAc.)
- 2853A (47) Letter dated 12 Aug 1944 Gairusho to Swiss Minister, No. 222/C.R.
- 2853A (48) Letter dated 15 Aug 1944 Gairusho to Swiss Minister, No. 223/C.R.
- 2853A (49) Letter dated 17 Aug 1944 from Swiss Minister to M. SHIGEMITSU, Foreign Minister (CC.1.1.-EAd.)
- 2853A (50) Letter dated 12 Sep 1944 from Swiss Minister to M. SHIGEMITSU, Foreign Minister (CC.1.1.-EGc.)
- 2853A (51) Memorandum dated 28 Oct 1944 from Swiss Minister to M. SHIGEMITSU, Foreign Minister (CC.1.1.-EAd-
CC.1.5.1./2.1.2.)
- 2853A (52) Letter dated 10 Nov 1944 from Swiss Minister to Minister Tadakazu Suzuki Foreign Ministry (CC.1.1.-EAd.)
- 2853A (53) Letter dated 13 Nov 1944 SUZUKI to Swiss Minister
- 2853A (54) Letter dated 16 Nov 1944 from Swiss Minister to Foreign Minister (CC.1.1.-EGd)
- 2853A (55) Letter dated 17 Nov 1944 from Swiss Minister to Minister Tadakazu SUZUKI, Foreign Ministry (CC.1.1.-EAd)
- 2853A (56) Letter dated 8 Dec 1944 Gairusho to Swiss Minister, No. 379/C.R.
- 2853A (57) Letter dated 12 Dec 1944 from Swiss Minister to Mamoru SHIGEMITSU, Foreign Minister (CC.1.1.-EAc)

- 28534 (58) Letter dated 3 Jan 1945 from Swiss Minister to Foreign Minister (CC.1.1.-IGc.)
- 28534 (59) Letter dated 16 March 1945 from Swiss Minister to Foreign Minister (CC.1.1.-FGd.)
- 28534 (60) Letter dated 7 April 1945 from Swiss Minister to Mamoru SHIGEMITSU, Foreign Minister (CC.1.1.-FGd.)
- 28534 (61) Letter dated 17 April 1945 from Swiss Minister to Foreign Minister (CC.1.1.-FGc.)
- 28534 (62) Letter dated 19 April 1945 from Swiss Minister to Shigenori TOGO, Foreign Minister (CC.1.7.-4.2.5.34.-FAa.)
- 28534 (63) Aid-Memoire dated 28 April 1945 from Swiss Minister to Minister SUZUKI (CC.1.1.-FGc.)
- 28534 (64) Letter dated 10 May 1945 from Swiss Minister to Shigenori TOGO, Foreign Minister (CC.1.1.-FGc.)
- 28534 (65) Letter dated 16 May 1945 from Swiss Minister to Shigenori TOGO, Foreign Minister (CC.1.1.-FGc.)
- 28534 (66) Letter dated 30 May 1945 from Swiss Minister to Shigenori TOGO, Foreign Minister (CC.1.1.-FFd.)
- 28534 (67) Letter dated 30 May 1945 from Swiss Minister to Shigenori TOGO, Foreign Minister (CC.1.1.-FFd.)
- 28534 (68) Letter dated 5 June 1945 Gaimusho to Swiss Minister, No. 143/C.R.
- 28534 (69) Letter dated 13 June 1945 from Swiss Minister to Shigenori TOGO, Foreign Minister (CC.1.1.-FGd.)
- 28534 (70) Letter dated 14 June 1945 from Swiss Minister to Minister Tadakazu SUZUKI, Foreign Affairs Ministry (CC.1.5.1.-FGc.)
- 28534 (71) Letter dated 13 July 1945 from Swiss Legation to Tadakazu SUZUKI, Foreign Affairs Ministry (CC.1.3.4.-F4b.)
- 28534 (72) Letter dated 13 July 1945 from Swiss Minister to Tadakazu SUZUKI, Foreign Affairs Ministry (CC.1.1.38.-FFc.)
- 28534 (73) Letter dated 31 July 1945 from Swiss Minister to Minister Tadakazu SUZUKI, Foreign Affairs Ministry (CC.1.3.4.-F4c.)

EE.4.1.2./7.1.-ce
CC.2.1.

Tokio, 12 February 1942

CC 1.1.
CC 2.1.2.
CC 1.5.9.2

M. le Ministre.

I have the honor to bring to the knowledge of Your Excellency, following a telegram received from my Government, that the Government of the United States of America is prepared to facilitate, at the request of the representatives of the protecting power, their visits to Japanese subjects who are temporarily detained, interned, or at liberty on parole.

The Government of the United States of America recalls also that it has already made to the Imperial Government, through the intervention of the Swiss Government (see my letters of 27th December, 21st January and 4th February), several propositions relative to the application to civil internees of the Geneva Prisoner of War Convention of 1929.

I would be greatly obliged to Your Excellency if you would let me know the attitude of the Imperial Government and facilitate in part the task of my Legation so far as it concerns visits to internees.

Please accept, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency,
M. Shigenori TOGO,
Minister of Foreign Affairs
Tokio

Tokio, 12 February 1942

CC 1.1.
CC 2.1.2.
CC 1.5.9.2

M. le Ministre.

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I would be greatly obliged to Your Excellency if you would let me know the attitude of the Imperial Government and facilitate in part the task of my Legation so far as it concerns visits to internees.

Please accept, M. le Ministre, the assurances of my highest esteem.

CC.2.1.2.
1.5.9.2
1.1.

Tokio, 17 February 1942

M. le Ministre:

Referring to the letter of 29th January, I have the honor to inform Your Excellency that the Government of the United States of America desires to know if, as it has suggested, the Imperial Government will apply to civil internees the stipulations of the Geneva Prisoner of War Convention.

The Government of the United States of America has already informed the Spanish Ambassador protecting Japanese interests in the United States that he is at liberty to visit prisoner of war camps as well as places where civil internees are detained.

The Government of the United States requests, in conformity with Article 86 of the Geneva Prisoner of War Convention, that the Swiss representatives in Japan and in the territories occupied by Japanese forces be authorized as soon as possible to commence their visits of inspection to places where American citizens who are prisoners of war or civil internees are located.

In asking Your Excellency to consent to make known to me the response of the Imperial Government, I take this opportunity to renew, M. le Ministre, the assurances of my highest esteem.

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs
Tokio

Signed by the Swiss Minister

Tokio, 3 March 1942

EE.4.1.2.-CC.2.1.-ca.

CC.1.1.
CC.2.1.2

M. le Ministre:

I have the honor to acknowledge your letter of 25 February in which Your Excellency furnished me at the request of the Government of the United States of America information on the treatment of American officials and citizens in Japan as well as in territories occupied by the Japanese forces.

I have cabled to my Government all the particulars which Your Excellency has furnished on this subject, which particulars will be transmitted to the Government of the United States of America.

At the end of your letter, Your Excellency informed me that I will continue to receive all facilities to visit internees' camps. I will be extremely grateful to the competent authorities if they will allow my agents to make these visits. I therefore ask for the Rev. Pere Hildebrand, Attache at the Legation, authority to visit all the internees in Tokyo or thereabouts. I ask also the same favor for my delegate at Yokohama, M. Kern, who himself will visit internees' camps in Yokohama. These visits are necessary because several internees require monetary assistance which I am authorized to give to them.

Your Excellency will admit, I am certain, that, absorbed as I am in the representation of foreign interests, it is impossible for me to make all these visits myself and to obtain the necessary information on the things which the internees desire to obtain, such as clothing, boots or pocket money. Your Excellency will agree with me, no doubt, that contacts with internees are one of my most important duties and I am sure that you will help me to accomplish this task and to alleviate the condition of the civilians in respect of which the Japanese authorities, in accordance with the declarations which they have already made, have given their consent.

I take advantage of this occasion to inform Your Excellency that the Swiss Consul at Kobe has not yet been able to obtain the authority to visit internees in his area except at Kyoto where his delegate has been able to interview the American civilians confined there. There remain the American citizens who are imprisoned and about whom I have no information. Their number is not even known to me. As I have had occasion to express on several occasions to the Minister for Foreign Affairs, both verbally and in writing, it is necessary for me to have the list of all American citizens who are confined or arrested or who are at liberty. I will be extremely grateful to the competent authorities if they will allow my agents to. On this matter I desire to be enabled to set at rest the doubts of the American authorities as to their fate. I will be extremely grateful to the competent authorities if they will allow my agents to. I ask also the same favor for my delegate at Yokohama, M. Kern, who himself will visit internees' camps in Yokohama. These visits are necessary because several internees require monetary assistance which I am authorized to give to them.

I believe that on all these points a satisfactory arrangement could be made between the Japanese authorities and the members of my Legation. The goodwill which inspired the letter which Your Excellency wrote to me leads me to think that all the difficulties which we have encountered will be overcome without any damage to Japanese interests.

Please accept, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs
Tokio

CG.1.2.9/2.1.1.-ce.

Tokio, 3 June 1942

CC 1.1.

M. le Ministre,

Following previous communications on the subject of treatment of American prisoners of war and civil internees in Japan and in Territories occupied by the Japanese forces, I have the honor to inform Your Excellency that the Government of the United States of America is disturbed as to the fate of these subjects in the Philippines, at Hongkong, in occupied China, in Malaya and in the Netherlands East Indies. It considers it of great importance that I be authorized, in conformity with Article 86 of the Geneva Prisoner of War Convention of 27th July, 1929, to visit camps of prisoners of war and internees in these various regions.

In the event of the Imperial Government giving a favorable reply to this request of the Government of the United States, I will designate, in agreement with the Imperial authorities, the delegates who will make the visits to the above mentioned camps.

In asking your kind response, I beg you to accept, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs
Tokio

Tokio, 5 June 1942

CC.1.2.8/2.2.1.-ce.-

M. le Ministre,

I have the honor to inform Your Excellency that His Britannic Majesty's Government desires to receive all possible information relating to British prisoners of war and civil internees in the Netherlands East Indies, at Hongkong, Singapore, and all other territories in the Far East. It emphasizes that it desires to have this information not only on British subjects, but also on the subjects of the Dominions, of India and of British colonies without distinction of race, color or creed.

The British Government considers it also of great importance that the Japanese Government should authorize me to name, with the consent of the Imperial authorities, delegates to make regular visits to camps of prisoners and civil internees in accordance with Article 86 of the Geneva Prisoner of War Convention.

I would be therefore obliged to Your Excellency if you would inform me of the reply of the Imperial Government to this request, and take this opportunity of renewing, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs
Tokio

CC.2.2.1/1.2.9.-cc.

Tokio, 11 June 1942.

CC.1.1.

M. le Ministre,

I have the honor to inform Your Excellency that the Government of His Britannic Majesty desires to obtain all possible information on prisoners of war and civil internees who are subjects of the United Kingdom, the Dominions, of British India and of the British colonies, without distinction of race or faith, who are in territories occupied by Japanese troops, namely, at Hongkong, Singapore and in the islands of the South.

The British authorities also consider it of great importance that I be authorized to send delegates to the said territories to visit the prisoners.

I would be obliged to Your Excellency if you would inform me of the attitude which will be taken to the request of the British Government.

Please accept, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs,
Tokio.

CC.1.2.9/1.2.4.-ce.
(CC.2.1.1.)

Tokio, 12 June 1942.
CC 1.1.

M. le Ministre,

I have the honor to inform Your Excellency that the Department of State at Washington has informed my Government for the information of the Japanese Government that the representatives of protecting powers and of the International Committee of the Red Cross in the United States are authorized in the United States to interview without restriction Japanese prisoners of war or civil internees.

The Department of State therefore is extremely desirous that the Imperial Government should grant to me, as well as to the representatives of the International Committee of the Red Cross in Japan and in occupied territories, the same facilities.

I would be obliged if Your Excellency would inform me of the attitude of the Japanese authorities on this request, and I take this occasion to renew, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO,
Minister of Foreign Affairs,
Tokio.

THE GAIMUSHO
TOKYO

No. 342/T3

29 July 1942

CC 1.1.

CC.2.2.1.

CC.1.2.8.

CC.1.2.9

M. le Ministre,

I have to acknowledge receipt of Your Excellency's letters No. CC 1.2.8/2.2.1.-ce. and No. CC.2.2.1./1.2.9.-ce., dated the 5th and the 11th of June last, in which you were good enough to inform me that the British Government wished to obtain information on prisoners of war and civil internees from the British Empire and to arrange for representatives from Your Excellency to visit them.

I hasten to inform Your Excellency that the Imperial Government, having established a principle of not recognizing any representation of interests in occupied territory, the visit made by their delegation to camps of prisoners and civil internees in the territories enumerated in their above mentioned letters cannot be followed up, but in Shanghai alone, in occupied China, the competent authorities can give their authorization.

Please accept, M. le Ministre, the renewed assurances of my highest esteem.

(L.S.) Minister of Foreign Affairs

THE GAIMUSHO
TOKYO

No. 343/T3

30 July 1942
CC.1.1.
CC.2.1.1.
CC.1.2.9.

M. le Ministre,

I have the honor to acknowledge receipt of Your Excellency's letter of 3rd June last, in which you informed me that the Government of the United States of America considered it extremely important that you be authorized to visit American prisoners of war and civilian internee camps in the Philippine Islands, at Hongkong, in occupied China, in Malaya and in the Netherlands East Indies.

I desire to inform Your Excellency that the Imperial Government having in principle refused to recognize the representation of any interests in the occupied territories comprising the Philippine Islands, Hongkong, Malaya and the Netherlands East Indies, it follows that permission cannot be given to your delegates to visit American prisoners and civilian internees in the above mentioned territories, but that in respect of Shanghai only, in occupied China, the competent authorities can give this permission.

Please accept, M. le Ministre, the renewed assurances of my highest esteem.

(L.S.) Signed by the Minister of Foreign Affairs

CC.1.2.9.-cr.-

Tokio, 1 September 1942

CC.1.1.

M. le Ministre,

Referring to the letter of 30th July last, I have the honor to inform Your Excellency that the Government of the United States of America has requested us to send the following communication to the Imperial Government on the subject of visits to prisoner of war and internee camps:

1. The American Government has observed -

- (a) That visits to American prisoners of war and civilian internees made in accordance with the provisions of article 86 of the Prisoner of War Convention by representatives of Switzerland, the protecting power for American interests in Japan, have been restricted to camps and places of detention in Japan proper and in Shanghai where there are only a small proportion of the total number of American nationals held by Japan;
- (b) That visits by delegates of the International Red Cross Committee have been restricted to the same areas with the addition of Hong-kong, contrary to international customs and usages governing the activities of such delegates and contrary to the practice of the American Government, which permits free access by delegates of the Committee to all places where Japanese nationals are held in American and American controlled territory, and expects the Japanese Government reciprocally to grant the same privilege to delegates of the Committee in Japan and in territory under Japanese control.

2. The American Government views with disquiet the restriction by the Japanese Government of the right of visit by official neutral observers to places of internment of American nationals held by the Japanese and reminds the Japanese Government that the right of visit is guaranteed by international usage and specifically provided for in Article 86 of the Prisoner of War Convention in the following words: "Representatives of the protecting power or its accepted delegates shall be permitted to go to any place without exception where prisoners of war are interned. They shall have access to all places occupied by prisoners and may interview as a general rule without witnesses personally or through interpreters."
3. In this connection, the American Government further reminds the Japanese Government that this right of visit is among the most important of the rights granted by the Convention, in that it furnishes both a method of control to safeguard the carrying out of the other provisions of the Convention and forms a means by which contending belligerents may mutually and reciprocally reassure one another of their fulfillment of the provisions of the Convention with regard to nationals of the other power and that, as a result of the refusal of this right, it

may lead to the conclusion that the prisoners and internees in places to which access is refused are being denied the benefit of other provisions of the Convention.

4. The American Government desires to know whether the Japanese Government will henceforth give full effect to the provisions of the Geneva Convention and promptly permit the representatives of the protecting power for American interests to have access to all places of internment of American nationals held by the Japanese, either by allowing these representatives to travel to territory under Japanese control to all those places of detention wherever they may be within that territory, or by speedily and safely removing to those territories to which it now permits access by representatives of the protecting power all the American nationals held by the Japanese in such restricted areas without exception, whether prisoners of war or civilians.

I will be very much obliged to Your Excellency if you will inform me of your views concerning the notice from the United States Government, and I take this occasion to renew, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs
Tokio.

CC. 1.2.8.-eq.

CC. 1.2.9.-

Tokio, 2 September, 1942

CC.1.1.

M. le Ministre,

Referring to the letter No. 342/T3, dated 29th July, concerning the information on prisoners of war and British Civil Internees, I have the honor to inform your Excellency that the British Government has asked us to transmit the following communication to the Imperial Government:

"The British Government finds it impossible to reconcile Japanese refusal to all representatives of protecting Power to visit prisoners or civilians interned in territories under Japanese occupation with assurances of Japanese Government that while not bound by prisoners of war convention, they will observe its terms in respect of British prisoners and will apply the convention to civilians so far as articles can be applied to them. Article eighty-six provides that representatives of protecting Power shall be authorized to proceed to any place without exception where prisoners are interned and that belligerents shall facilitate as much as possible the task of representatives or recognized delegates or protecting Power."

I should be much obliged if Your Excellency would let me know what comments you have to make on this communication from the British Government, and I take this occasion to renew, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs
Tokio

CC.2.2.1.-ck.-

Tokio, 3 September 1942

CC. 1.2.7

CC.1.1.

M. le Prime Minister,

In a letter of 29 July 1942 No. 342/T3, Your Excellency informed me that the Imperial Government, having adopted the principle of not recognizing any representation of interests in occupied territories, were unable to authorize my delegates to visit prisoner of war and British civil internee camps in the said territories, with the exception of Shanghai where the competent Authorities are able to give the necessary authorization.

Allow me to inform you that, on the basis of this information, I have asked the Swiss Consul General at Shanghai to request from the competent Authorities at Shanghai, authorization to visit the prisoner of war and British civil internee camps in that town.

To my surprise, the Japanese Consul-General at Shanghai, replied to the Swiss Consul-General that all questions relative to visiting British prisoners of war were settled solely by the Government at Tokio and that he was unable either to intervene or to procure the necessary information on that subject.

Consequently, I will be very much obliged if Your Excellency will be good enough to tell me precisely what formalities are necessary in order to visit camps of British prisoners of war at Shanghai, and if the authorization should be obtained from Shanghai, as I understood from your letter, or from Tokio, according to the information obtained from the Japanese Consul-General at Shanghai.

In thanking you very much in advance for your kind response, I take this opportunity to renew, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency,
General Hideki TOJO
Prime Minister and
Minister of Foreign Affairs
Tokio

CC. 1.2.9/2.1.1.-cc.

Tokio, 10 September 1942
CC.1.1.1.

M. le Prime Ministre,

Following my letter of 1st September to M. TOGO, I have the honor to inform Your Excellency that the Government of the United States of America desires to know the attitude of the Imperial Government concerning visits to prisoner of war camps not only in Japanese and occupied territories, but also in China, Indo-China and Thailand.

In the event of the Japanese Government accepting in principle that prisoner of war camps can be visited, the Government of the United States considers it extremely important to know at what time and to what camps the Swiss Minister will be allowed to send the delegates to report on the conditions of the camps in question.

In asking Your Excellency to inform me of the decision of the Imperial Government, I take this occasion to renew, M. le Prime Minister, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
General Hideki TOJO
Prime Minister and
Minister of Foreign Affairs
Tokio

FF.7.1.-cc
CC.1.3.7.--(1.2.24)
CC.1.1.-

Tokio, 7 October 1942

M. le Ministre,

I have the honor to inform you that the Japanese Mission in Indo-China has just refused permission for the Swiss Consul at Saigon, to receive the authorization to visit the prisoner of war camps.

They maintain that the Japanese Government did not adhere to the Geneva Convention of 1929 concerning the treatment of prisoners of war, and that, in consequence they were not bound to observe their rules. The Japanese Mission in Indo-China adds that the Imperial Government did accept from the outset of the war, to apply "mutatis Mutandis" the rules of the said Convention, but that, in this particular case, they cannot authorize the prisoner of war camps to be visited, because of the temporary nature of their installation. They say, moreover, that the Japanese Military Authorities are unable to grant a favorable reply to the request of the Swiss Consul, as they recently discovered that the prisoners of war had tried to get into touch with the exterior and that some escapes had occurred.

The British Government to whom this reply was transmitted, has requested my Government to inform the Japanese Government that they are very surprised at the attitude which they have adopted concerning the application of the Convention relative to treatment of prisoners of war. In fact, through the Argentine Government, at that time in charge of the interests of British interests, the Japanese Government informed them that while not considering themselves bound by the Geneva Convention, they were ready to observe the rules "mutatis Mutandis" concerning the prisoners of war, New Zealand, English, Australian and Canadian, and that on condition of reciprocity they would take into consideration national customs and questions of race with regard to food and clothing. On the 29th January last, His Excellency Mr. TOGO made a similar declaration to the Swiss Legation, relative to the prisoners of war of South Africa. Finally, to a request presented by the Argentine Government for the application of the Convention for all military personnel, European and non-European, for no matter which British Colonial Force, without distinction of race, religion or color, the Japanese Government replied that the agreements covered all prisoners of war without distinction.

The British Government considers, therefore, that the reasons given by the Japanese Mission to the Swiss Consul at Saigon, are incompatible with the assurances which were given to them. In their eyes, the visit to the prisoner of war camps by the Protecting Power, is one of the most important rights contained in the Geneva Convention. They request that the Japanese Government will immediately revise their decision and authorize the Swiss Consul at Saigon to visit the camps for prisoners of war in Indo-China.

I shall be much obliged if you will let me know the reply of the Japanese Government to this communication, and I take this occasion to renew, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Masayuki TANI
Minister of Foreign Affairs
Tokio

CC.1.2.24. cr.
C.O. 1.2. 9.

Tokio, 24 October 1942
CC 1.1.

M. le Ministre,

Following my letter of 7th October concerning permission to visit prisoner of war camps in Indo-China, I have the honor to bring to the notice of Your Excellency the following facts:

The Swiss Consul at Saigon, M. Hirsbrunner, has made further representations to the Japanese mission in Indo-China for the purpose of obtaining permission to visit British prisoner of war camps. These negotiations have been fruitless. The Japanese mission replied, in effect, by letter of 8th October that, in conformity with instructions from the Imperial Government, it would not be possible to allow M. Hirsbrunner to visit the said camps.

The Swiss Consul then asked the Japanese mission in Indo-China if this decision applied equally to American prisoners. According to the reply made by the above mentioned mission to M. Hirsbrunner, the decision applies to all prisoners of war, both American and British.

The interested Governments insist that the Swiss Consul at Saigon be enabled, in conformity with his duty, to carry out as soon as possible the task which has been allotted to him and to give to prisoners of war the assistance which they need. I would, therefore, be extremely obliged to Your Excellency if you would ask the military authorities if they can see any possibility of reversing their decision.

In thanking you very much in advance for Your Excellency's consideration, I take this opportunity, M. le Ministre, to renew the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Masayuki TANI
Minister of Foreign Affairs
Tokio.

CC.1.2.9.-cr.-

Tokio, 28 October 1942
CC 1.1.

M. le Ministre,

As Your Excellency knows, the Governments of the United States of America and Great Britain are waiting for the Swiss representative who is in charge of American and British interests in Japan to visit periodically camps of prisoners of war in the hands of the Imperial Forces. These visits are expressly provided for by the Prisoner of War Code of 27th July, 1929.

The interested Governments consider this matter of extreme importance and frequently request my Government to insist that the Swiss delegates make visits from time to time to these camps according to the provisions of article 86 of the Geneva Convention of 27th July, 1929.

Up to the present, only one visit, namely to Zentsuji, has been made by a representative of the Swiss Legation to prisoners on the island of Shikoku. M. Kengelbacher of my Legation visited Zentsuji on 17th February. He made a second visit to the same camp on 23rd April, but he was not able to take any gifts to the prisoners.

Outside the metropolitan area, that is to say in the territories occupied by the Imperial armies, as well as in China, Indo-China and Thailand, the competent authorities have never given permission to delegates of the protecting power to visit American and British prison camps. At Shanghai alone M. TOGO informed me on 29th and 30th July that our representative would be able to obtain permission to visit the said camps. Nevertheless, the Swiss Consul-General in this city has not been able, up to the present, in spite of numerous requests, to make any visits.

The above-mentioned Geneva Convention provides explicitly in Article 86, paragraph 2, that the delegates of the protecting power shall visit "all localities without exception where prisoners of war are interned." Without doubt, Japan is not legally bound by the Geneva Convention, but as she has undertaken to apply it *mutatis mutandis* it is thought that Japan will not be opposed to putting into practice one of the essential principles. This has been impliedly recognized, so it seems, in authorizing me to send a delegate to Zentsuji.

The Imperial Government has likewise allowed or permitted representatives of the International Committee of the Red Cross to visit certain camps, which confirms my idea that Japan is not opposed in principle to visits to prisoners.

In the event of the Imperial Government permitting Swiss representatives to visit prisoners of war in the hands of the Imperial forces, I would be extremely obliged to Your Excellency if you would inform me when and to what camps such visits can be made.

In thanking you in advance for your considerate response, I take this occasion, M. le Ministre, to renew the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Masayuki TANI
Minister of Foreign Affairs
Tokio

CC. 1.2.20.-ca.

Tokio, 6 November 1942

CC. 1.2.2.-

CC. 1.2.3.-

CC. 1.1.1.

M. le Ministre,

Following my letter of October 20th, I have the honor to inform Your Excellency that, according to a telegram received from Bangkok, the Japanese Military Authorities did not believe themselves able to authorize the Consulate of Switzerland to visit the camps of war prisoners in Thailand. They also refused authority to the representatives of Switzerland to hand over gifts in kind to the prisoners; all that they will be able to do will be, in that case, to authorize such gift in such case, on special demand of the Consulate of Switzerland. It is true that, in a general manner, the Embassy of Japan at Bangkok, which communicated on this subject to our Consulate, could only restrain itself behind the authority of the Imperial War Ministry, which decides finally in all matters concerning the fate of war prisoners.

So, in order to facilitate things, I, myself, had asked our Consulate at Bangkok to try to obtain on the spot authorization to visit the camps of war prisoners - I had addressed the same advice to our Consulate-General at Shanghai - it leaves to me only to pursue steps before the Imperial Authorities with a view to settle either in one way or another the question of visiting all the camps of American and British war prisoners now under the control of the Imperial Forces on the Asiatic Continent.

Permit me to recall to Your Excellency the letter which I addressed to him on this subject on the 2nd of this month, and I shall be extremely obliged to him if he will consent to let me know the attitude of the Imperial War Minister respecting the visit of the camps of American and British war prisoners in Japan, in China, in Indo-China and in Thailand. In case of favorable reply from him, I will take immediately the necessary measures to have visits made to the said camps by the Swiss Delegates with the consent of the Japanese Military Authorities.

Please accept, M. le Ministre, the assurances of my very high esteem.

Signed by the Swiss Minister

To His Excellency
M. Masayuki TANI
Minister of Foreign Affairs
Tokio

CC. 1.2.20.ca

CC. 1.2.3

1.2.6

1.2.8

1.2.9

1.2.1.

1.2.13

1.2.24.

1.2.26

1.2.27

1.2.28

Tokio 13 November 1942

CC.1.1.

M. le Ministre,

I have the honor to inform you that the Japanese Military Authorities at Bangkok have decided not to authorize the Swiss Consul in that town to visit the British prisoners of war camps in Thailand.

Having been informed of this decision by my Government, the British Government has asked us to protest to the Imperial Government against this decision of the military authorities.

While carrying out this request, I take this opportunity of informing Your Excellency that the same military authorities have refused the distribution of food and clothing to these same prisoners. This decision hardly seems to be in keeping with the recent decision of the Imperial Government to authorize the dispatch by ship of exchange of food and clothing and other articles destined for prisoners of war.

The Japanese Embassy at Bangkok has informed the Swiss Consulate that the authorization to send gifts in kind to prisoners of war must be sought for each separate case, but it would appear that in view of the attitude adopted by the military authorities, it would be difficult to arrive at a practical solution without a decision in principle from the Imperial Government.

Under these circumstances, I address myself to Your Excellency in the hope that you will be able to obtain, if possible, from the Imperial Ministry of War, the authorization to remit to the prisoners of war in Thailand the gifts in kind which will attenuate the rigors of captivity. It concerns, as you know, a humane work to which the Committee of the International Red Cross equally attaches the greatest importance, and I feel sure, for my part, that the Imperial Government who has already willingly authorized the dispatch of gifts to prisoners of war in Japan will lend its support to this service which is in full conformity with the generous principles which they claim to hold with regard to the treatment of prisoners of war.

Regarding the general question of visiting the prisoners of war, whether they are in Japan or in territories which are of strategic importance to Japan, I addressed myself recently to you (see my letter of 28th October) with a view to obtaining, if possible, authorization for diplomatic or consular representatives of Switzerland to contact prisoners of war, according to Article 86 of the Code on prisoners of war which the Imperial Government decided to apply *mutatis mutandis*. I have no doubt that the Imperial Ministry of War will agree to examine this question sympathetically and that with their help visits can be made to different prisoners' camps, even if this be done only to reassure the families of the prisoners, especially the wives and children who are without direct news from their dear ones. On this point the British have signalled to me - and Your Excellency will allow me to return, if necessary, to this matter - that owing to the fact that the lists of the prisoners of war have not yet been all communicated, many families in Great Britain and elsewhere are waiting anxiously, not knowing what has happened to a father, son or husband and they have had no news for many long months. I should be very happy, if, thanks to the intervention of the Imperial Government, I am able to do something to alleviate these thousands of unfortunate people who turn imploringly towards my country for help. I feel sure I can count on the generous understanding of the Imperial authorities since I am only requesting the acceleration of the communication of names of prisoners of war, a task to which the competent bureau of the Ministry of War has already been assigned.

I should be happy to receive your reply and views on the preceding questions, and, in thanking you in advance, I take this opportunity to renew, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Masayuki TANI
Minister of Foreign Affairs
Tokio

CC.1.1.-ce.

The Swiss Legation has the honor to inform the Imperial Ministry of Foreign Affairs that His Britannic Majesty's Government learned with pleasure that the delegates of the Swiss Ministry were authorized to visit certain camps for British prisoners of war in Japan.

While emphasizing the fact that representatives of the Protective Powers and of the International Committee of the Red Cross are authorized to visit Japanese internees and prisoners of war in England as well as in the whole of the British Empire, the British Government expresses the hope that the Imperial Authorities will facilitate, on their side, and with the least possible delay, the visit of the Swiss delegates to other camps existing in territory controlled by the Japanese.

In asking the latter to kindly designate the camps which can again be visited, the Legation takes this opportunity of renewing assurances of its high esteem.

Tokio, 24 December 1942

The Imperial Ministry of
Foreign Affairs
Tokio

CC. 1.1.-dez

In their letter No. CC.1.1.cc of 24 December, the Swiss Legation had the pleasure of informing the Imperial Ministry of Foreign Affairs, that the British Minister had been authorized to visit certain camps for prisoners of war in Japan, Korea, Shanghai, and Hong Kong.

The Government of the United Kingdom feels that it is of the greatest importance for the Swiss delegates to visit the other camps in Japan or in occupied territories.

The Swiss Legation would, therefore, be grateful to the Imperial Ministry if they would ask the military authorities to designate, as soon as possible, the camps which could be visited in the near future.

The Legation takes this opportunity to renew to the Imperial Ministry assurances of its high esteem.

Tokio, 5th February 1943

The Imperial Ministry
of Foreign Affairs
Tokio

CC. 1.1.dat.

CC.1.3.1.

The Swiss Legation has the honor to inform the Imperial Ministry of Foreign Affairs that the Government of the United States once more insists that the Military Authorities should allow prisoners of war to converse with the Swiss delegate, without witnesses when he visits the camps.

It seems, in fact, that at the occasion of his visit to the camp at Kiangwan, near Shanghai, the Swiss Consul General was not permitted to talk with the prisoners without the presence of a third person. The Government of the United States considers this to be a serious hindrance and wishes to point out that the practice followed in this matter by the Japanese military authorities does not conform to the Geneva Convention of 29 July 1929, nor, above all, to American practice which authorizes, invariably, the representative from the Spanish Embassy in the United States, to talk without witnesses with interned Japanese internees.

The State Department at Washington attaches, therefore, the greatest importance to the fact that the same treatment should be accorded to the Swiss Delegates who visit American prisoners or internees and they express their firm hope that a reciprocal agreement could be arranged on this matter.

The Legation would be much obliged if the Imperial Ministry of Foreign Affairs would let them know the reply of the Military Authorities. We should like to remind you that the Swiss Minister has sent

two letters to Your Excellency on this subject, the first dated 12 June 1942 and the second dated from the 18th of the same month. These two letters have remained without a reply.

The Legation takes this occasion to renew to the Ministry the assurances of its high esteem.

Tokio, 16 March 1943

The Imperial Ministry of
Foreign Affairs
Tokio

CC.1.1./1.2.5.-dez

By its note of 13th January, the Swiss Legation had the honor to inform the Imperial Ministry of Foreign Affairs that the Government of the United States attached the greatest importance to the fact that the Swiss Minister be authorized to send a delegate to the prisoner of war camps in Taiwan (Formosa).

In the meantime, the British Government also expressed a desire that a Swiss delegate be authorized to visit the said camps as soon as possible.

Without response to the preceding note, the Legation seeks only to recall this matter to the kind attention of the Ministry of Foreign Affairs.

The Legation will be greatly obliged if the Ministry will inform it of the decision of the Imperial Government as to the visits to these camps, and takes this opportunity to renew assurances of its high esteem.

Tokio, 27 March 1943

To Imperial Ministry of
Foreign Affairs
Tokio.

CC. 1.1. - dez

GG. 4.6.9.24

GG. 8.3.4.1.

The Swiss Legation has had the honor on several occasions, the last time by their note of 24 December, to make known to the Imperial Ministry of Foreign Affairs, that the British Government attaches the greatest importance to the fact that the Swiss Minister should be authorized to visit the camps of internees in occupied regions.

Not having received a reply up to date, the Legation wishes to recall this matter to the attention of the Imperial Ministry.

In the meantime, the British Government, has made known to the Federal Government, that they particularly wish to obtain news of those interned in Malaya, of whose fate they do not possess any information.

In conformity with the instructions of our Government, the Legation, in consequence, requests the Imperial Ministry to be good enough to intervene once more, with the competent authorities, so that the Swiss Minister is authorized to send a delegate to the internment camps in that region. We should be greatly obliged, besides, if the Imperial Ministry would furnish us, in the meantime, with all the information which would be useful on those interned in Malaya.

Up to the present, only the camps at Shanghai and Hong Kong have been visited in occupied territories.

The Legation takes this occasion to renew to the Ministry assurances of its high esteem.

Tokio, 31 March 1943

The Imperial Ministry of
Foreign Affairs
Tokio

THE GAIMUSHO
TOKYO

Translation

No. 109/C.R.

VERBAL NOTE

The Imperial Ministry of Foreign Affairs has the honor to acknowledge receipt, from the Swiss Legation, of Notes No. CC.1.1.-ce. and No. CC.1.1.dcz./GG.4.6.9.24./GG.8.3.4.1., dated 24 December and 31st March last respectively, regarding requests for permission to visit prisoner of war and civilian internment camps in the occupied areas.

The Ministry wishes to send the following reply to the Legation:-

As the Foreign Minister has communicated to the Swiss Minister by letter No. 343/TF, dated 30th July 1942, the Imperial Government shall not permit visits to prisoners of war and internment camps in occupied territories including the Philippines, Hong Kong, Malaya and the Sunda Islands, former Dutch territory.

The Ministry wishes to add that permission to visit the camp at Hong Kong was granted to Mr. Kengerbacher in an individual capacity by special arrangement under the condition that it will not become a precedent.

22 April 1943

THE GAIMUSHO
TOKYO

No. 110/C.R.

VERBAL NOTE

The Imperial Ministry of Foreign Affairs has the honor to acknowledge receipt from the Swiss Legation of the notes dated 16th and 19th March last, regarding interviews with POW's, POW correspondence and the POW Camp at Zentsuji.

The Ministry wishes to send the following reply to the Legation:

1. The Imperial Government shall not allow delegates of the protecting Power to interview prisoners of war without the presence of a guard.
2. Maximum number of correspondence by prisoners of war is permitted according to the circumstances of each camp. The American treatment in this matter set out in the above mentioned note, No. CC.1.2.1.deu, is considered as being concerned with civilian internees.
3. Officer prisoners are able to purchase clothing with the pay they receive. Two undershirts and two underwears for each person have already been disposed of by the military authorities. Prisoners with ranks lower than non-commissioned officers are being appropriately provided with their daily necessities of life.
4. In the canteen, goods are sold according to the general market price.

22 April 1943

CC.1.1.
AA.1.5.1.dat.
EE/GG.8.6.4.2.
CC.1.1.

Tokio, 12 May 1943

M. le Ministre,

I have the honor to inform Your Excellency that I have repeatedly intervened with the Minister of Foreign Affairs to the end that a satisfactory ruling might be obtained on the question of the privileges of the Swiss Consulate-General at Shanghai in so far as representative in occupied China of the interests, the safeguarding of which was entrusted to Switzerland in complete agreement with the Imperial Government.

I indulge myself to recall, in particular, the two last letters which I have addressed on this subject to H.E. Mr. TANI under date of October 26th and November 6th last.

Since then, the situation of the Swiss Consulate-General has remained stationery in the sense that it could not assure itself of the necessary support of the Imperial Authorities in the execution of its (Swiss) difficult and delicate mission. Even when I had obtained, out of the kindness of the Imperial Government, that our Consul-General could call upon the camps of war prisoners and civilian internees under the condition that he make the request on the spot, my Government was told by Mr. Fontanel that, in spite of numerous applications to the Consulate-General of Japan at Shanghai, he had not received to this day any reply to his requests. It follows that he is not prepared to use the authority which he possessed.

His activity is also hindered in other spheres, as, for example, that of payment of the financial allocations to the internees in distress or that of assistance and visiting the internees under treatment in the hospitals.

My Government, which assumed the formal engagement to watch over the interests which were entrusted to it, is obviously as much surprised as pained at this state of things and it has charged me to appeal the high intervention of Your Excellency in order to remedy it as far as possible.

Returning to that which I wrote under the date of September 2nd last to H. E. General TOJO, then Minister for Foreign Affairs, I indulge myself to ask you if the Imperial Government would not see the possibility to put an end to such a regrettable situation, to authorize the Swiss Consul-General to exercise freely his activity in the four spheres hereunder:

1. Allocation of financial assistances to the dependents of the countries for which Switzerland represent the interests;

2. Establishment of passports and of identifying papers to the dependants of the said countries;
3. Visit of the camps of war prisoners and of civilian internees under prescribed conditions by the (some words missing);
4. Protection of archives, buildings and properties belonging to foreign states as to their diplomatic and consular personnel.

I little doubt that, on these four points, an agreement will be easily realizable, and I indulge myself to base my conviction on the kind spirit that I have myself always met with from the Imperial Authorities in the exercise of the duty with which I was entrusted for the protection of enemy interests in Japan. That which is possible in the metropolitan area, should it not be in the areas brought under the jurisdiction of the Imperial Forces?

I should be happy if, thanks to the very obliging intervention of Your Excellency, I should be able to inform shortly my Government that the misunderstandings which occurred at Shanghai - because it can never be in question, in my mind at least, as only misunderstandings - have been fortunately dissipated.

I thank you in advance for the consideration you will please give to this request of my Government, and I beg you to accept, M. le Ministre, the assurances of my very high consideration.

Signed by the Swiss Minister

To His Excellency
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokio

CC.1.1.-daw.

Tokio, 2 June 1943

CC.1.5.1.

M. le Ministre,

As Your Excellency knows, the question of prisoner of war camps has given rise to a series of problems of which only one has been solved and of which the others are still under consideration. Among the pending matters there are three which are extremely important to the countries to which belong prisoners of war. They are camps to which visits by the protecting power are allowed, camps in Japan which have still to be visited, as well as the time of visits.

Camps in occupied territories. The Military Authorities have decided that camps outside the metropolitan area cannot be visited. The American and British Governments have protested against this order and request that, in conformity with the Geneva Convention, the camps be visited as soon as they are established. On this point, it may be stated that, if Japan establishes all prison camps in occupied territories, the whole of the Convention will become a dead letter so far as relates to visits to prisoners. The Imperial Government has not yet replied to this present demand of the American and British Governments and the Legation considers it extremely important that a definite decision be made on this matter.

Camps in the metropolitan area. As to camps in Japan, my Legation has received permission to visit several of them and I thank the Military Authorities for the reception which they have given to my delegate. There are other camps concerning which the interested Governments desire to obtain information which I have not yet been able to give them. I would therefore be obliged if Your Excellency would take the matter up with the Military Authorities and inform me of the camps which I may visit in the near future and also the approximate month when these visits may be made. A programme of visits to camps would be very useful to the Legation. Perhaps, it would not be inconvenient for the Ministry of War to draw up a programme.

Time of visits. It is also of importance to me to know the time which must elapse before my Legation may visit the camps which have already been visited. There is no doubt that the Imperial Government is favorable in principle to periodical visits to camps. It has never been stated that visits to prison camps can only take place once. The Geneva Convention in this matter sets out no precise rule, but it is according to the spirit of the Convention that camps should be visited periodically. I would therefore be very obliged to Your Excellency if you would submit for the consideration of the Military Authorities the question whether in principle the camps could be visited at more or less regular intervals (two or three months, for example). My Legation would be happy for the reasons underlying the spirit of the Geneva Convention to make visits as frequently as the Military Authorities consider opportune. These visits are, in effect, as experience has shown, a great comfort for men separated a long time from their families, from their country and whose captivity lasts till the end of the war.

As to the facilities accorded to the Swiss delegates to visit the camps, many requests have been made by the American and British Governments. I have submitted them to the Imperial Government. Some of these have not been granted and the interested Governments have requested that I again endeavor to obtain satisfaction. Some new requests have also been made and I have submitted them to the attention of the Imperial Authorities. For the present, I confine myself to three questions, to be informed as to visits in camps in occupied territories, visits to camps not yet visited in the metropolitan area and lastly the question of the regularity of visits.

I would be extremely obliged to Your Excellency if you would inform me of the views of the Imperial Government on these matters, and in thanking you in advance for your kind response, I beg you to accept, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokio

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Signed by the Swiss Minister

To His Excellency
M. Mamoru SHIGEMITSU

CC.1.1.-daw.

Tokio, 2 June 1943

CC.1.5.1.

M. le Ministre,

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Signed by the Swiss Minister

To His Excellency
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokio

CC.1.1.-dat.-

The Swiss Legation has the honor to inform the Imperial Ministry of Foreign Affairs that they did not fail to communicate the contents of the note No. 110/C.R. of April 22nd last, to their Government, for the information of the Government of the United States.

This latter Government has requested the Federal Government to insist, once more, in their name, to obtain on behalf of the Swiss delegates, the right to talk without witnesses to the prisoners of war in the hands of the Japanese Forces.

I, immediately take this opportunity, to request the kind intervention of Your Excellency in order to ask the Ministry of War if they could not meet this request from the Government of the United States.

The American Government has, once more, given its assurance that the delegates of countries charged with Japanese interests in the United States and in other American territory, have full right to talk without witnesses with Japanese subjects, whether they be internees or prisoners of war whom they are visiting. Thus, in the event of a favorable reply from the Imperial Government the absolute reciprocity would be assured to Japan in this matter.

The Legation takes this opportunity to renew to the Imperial Ministry assurances of its high esteem.

Tokio, 4 June 1943

The Imperial Ministry
of Foreign Affairs
Tokio

THE GAIMUSEHO
TOKYO

No. 189/C.R.

VERBAL NOTE

The Imperial Ministry of Foreign Affairs has the honor to acknowledge receipt from the Swiss Legation of a note, No. CC.1.1.-dat., dated the 4th of this month, informing us of the desire of the Government of the United States for an arrangement to let delegates of the protecting Powers interview prisoners of war without the presence of guards.

The Ministry hastens to inform the Legation that Article 13 of our country's detailed Regulations Relative to the Treatment of Prisoners of War, stipulates that a guard shall be present when prisoners of war are interviewed, and that it is not possible to modify our treatment of prisoners of war practiced in conformity with the said article.

24 June 1943

CC.1.2.7.-den.
CC.1.1.-

Tokio 28 June 1943

M. le Ministre,

By letter of 2 June I have the honor to submit to Your Excellency certain questions concerning the visits to prisoner of war camps, particularly to camps situated in the metropolitan area.

It appears from a recent communication from the Government of the United States of America that it attaches the greatest importance that I be able to visit as soon as possible the prisoner of war camp at Hakodate.

I would, therefore, be very much obliged to Your Excellency if you would inform me of the decision of the Imperial Government on this subject, and take this occasion to renew, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokio

CC.1.1.-deu.

The Swiss Legation has the honor to acknowledge receipt of Note No. 189/C.R. of 24 June from the Imperial Ministry of Foreign Affairs by which it is made known that as Article 13 of the Regulation regarding treatment of prisoners of war provides for the presence of a witness for every visit which is made to them, it was not possible to change the treatment of prisoners in this respect.

The Legation had not failed to make known this information to its Government for the attention of the Government of the United States of America.

At the same time, it would be very much obliged to the Imperial Ministry if it would provide for its files the text of the above mentioned regulations, and takes this opportunity to renew assurances of its high esteem.

Tokio, 8 July 1943

To Imperial Ministry
of Foreign Affairs
Tokio

CC.1.5.1/2.1.2/1.1.-dgu.

Tokio, 16 July 1943

M. le Ministre,

Referring to ^{your} letter of 26th May last, I have the honor to inform Your Excellency that I am required by my Government to send to the Imperial Government the following reply from the United States Government on the subject of treatment of prisoners of war and civil internees in the hands of the Japanese authorities:-

"The United States Government has received the Japanese Government's communication of 28th May 1943 to the Swiss Minister at Tokyo (see letter No. 151/ C.R. of 26th May last) and has noted both the assurance that the Japanese Government will communicate the results of the investigation of each instance of mistreatment of an American national in Japanese hands which has been reported by the United States Government and the reassurance that the Japanese Government will apply the provisions of the Geneva Prisoners of War Convention of 1929 to the treatment of prisoners of war in its hands and that it will apply reciprocally the provisions of the same Convention to the treatment of civilian internees in so far as those provisions are adaptable.

"The United States Government continues to attach the greatest importance to the granting of Japanese permission for Swiss representatives to visit all prisoner of war and civilian internment camps in Japan and Japanese occupied territory, particularly those in Taiwan, the Philippines, Java and Malaya and the camps in Indo-China operated by the Japanese Authorities and for the appointment of delegates of the International Red Cross Committee for these areas to carry on the recognized functions of such delegates including the visiting and reporting on conditions in camps. In this connection the United States Government wishes to remind the Japanese Government that Article 86 of the Geneva Prisoner of War Convention provides that representatives of the protecting Power shall be permitted to go to any place without exception where prisoners of war are interned.

"Note has been taken of the Japanese Government's statements that in some areas the necessity of protecting the security of Japanese Armed Forces and other strategic considerations make it unavoidable for the time being not to allow free activities by nationals of a third State in those areas. It is observed, however, that Taiwan has been under Japanese control for many years and that the Philippines, Java and Malaya have been occupied by Japanese Military Forces for many months.

"The Japanese Government is also reminded that Article 7 of the Geneva Convention provides that prisoners of war shall be evacuated from the zone of combat in the shortest period possible after their capture. The United States Government considers that the Japanese Government has obligated itself under this provision of the Convention to remove American nationals held as prisoners of war or civilian internees from areas where active military operations are being carried on to camps outside those areas where representatives of the Swiss Government and the delegates of the International Red Cross Committee may visit them.

"Recognizing that rumors with regard to conditions of internment naturally tend to arise in time of war whether or not they have any basis in fact, the United States Government has granted every facility to the Spanish representatives charged with the protection of Japanese interests in the Continental United States and to the delegates of the International Red Cross Committee to the end that the Japanese Government might have unbiased neutral reports on conditions in prisoner of war camps, internment camps and relocation centers where Japanese nationals in the United States are gathered. Moreover, visits by Swedish and International Red Cross representatives have been permitted to those camps in the Hawaiian Islands where any Japanese are interned.

"The best assurance that Japan is fulfilling its undertaking to apply the provisions of the Geneva Prisoners of War Convention to the treatment of prisoners of war in its hands and to the treatment of civilian internees in so far as those provisions are adaptable to civilians would be afforded by allowing representatives of the Swiss Government to discharge their obligation to visit all camps where prisoners of war and civilian internees are held and by allowing delegates of the International Red Cross Committee to carry on the recognized functions of their office. The failure of the Japanese Government to grant reciprocal facilities for the neutral inspection of civilian internment and prisoner of war camps in all areas under Japanese control can lead only to the conclusion that the reports of American nationals held by the Japanese Authorities being treated in a manner far below the standards of the Geneva Convention are not mere rumors but are grounded on fact."

Please accept, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokio

THE GAIMUSHO
TOKYO

No. 244/C.R.

23 July 1943

M. le Ministre,

I have the honor to acknowledge receipt of Your Excellency's letter No. CC.1.1.daw. dated 2nd June last, communicating the desires of the Governments of both the United States and Great Britain regarding the problem of visiting prisoner of war camps.

As regards prisoner of war camps in the occupied areas, a notification will be made to Your Excellency if the time comes when permission can be granted; and as regards prisoner of war camps in Japan proper which have not yet been visited, permission will be granted gradually at a favorable opportunity. Permission for periodic visits to those camps that have already been visited, shall not be granted in advance; but in case a visit is desired, consideration will be given to applications made on all such occasions.

I wish to send Your Excellency the above reply.

Please accept, Your Excellency, the renewed assurances of my highest esteem.

/s/ Mamoru SHIGEMITSU
(SEAL)

Minister of Foreign Affairs

CC.1.5.1/2.1.2/1.1.-dau.

Tokio, 29 July 1943

M. le Ministre,

Following my letter of July 16th, I have the honor to inform you that considering the very great importance which is placed upon the welfare of their nationals in the Philippines, the Government of the United States of America insists once more in demanding that the Minister of Switzerland be authorized to designate a delegate charged with visiting the camps of war prisoners and civilian internees situated at Manila or in other localities.

In this respect, I dare to observe that no control could be carried out until now in the Philippines respecting the application of the Covenant of Geneva through the Military Authorities. The International Committee of the Red Cross has not obtained to this day the right of having an authorized representative in the Philippines. Therefore, the Federal Authorities will be happy if the Imperial Authorities see the possibility of assuring in the Philippines, as in Japan Proper, the normal functioning of the code of war prisoners.

By reason of the notable importance which is placed upon this question of principle, I shall be extremely grateful to Your Excellency if he will consent to examine once more with the Military Authorities if it will not be possible to remedy the present situation, in the proper interest of the great principles which are the basis of the Covenant of Geneva of 1929.

Please accept, M. le Ministre, the assurances of my high regard.

Signed by the Swiss Minister

To His Excellency
M. Mamoru SEIGEMITSU
Minister of Foreign Affairs
Tokio

CC.1.1.- deu.
CC.1.2.4.

By letter of 23rd July, Mr. SHIGEMITSU gave to the Swiss Minister certain information on the subject of visits to prisoner of war camps. He informed him in particular that a new request must be made each time the Swiss Minister desired to visit a camp which had already been visited.

The Swiss Legation has the honor to inform the Imperial Ministry for Foreign Affairs that the British Government considers it extremely important that it obtain information concerning camps at Tokyo and Yokohama.

The Legation would be extremely obliged to the Imperial Ministry if it would inform me when the delegate of the Swiss Minister may be able to visit the above mentioned camps which have only been visited once in December last.

In thanking the Minister in advance for his kind response, the Legation takes this occasion to renew the assurances of its highest esteem.

Tokio, 23 August 1943

The Imperial Minister
of Foreign Affairs
Tokio

CC.1.1.-
CC.1.2.7.-dsu.

By letter of 28th June, 1943, the Swiss Minister had the honor to inform M. SHIGEMITSU that the Government of the United States considered it extremely important that the Swiss Legation be authorized to visit prisoner of war camps at Hakodate.

This favor having been granted to the International Committee of the Red Cross, one cannot see why it has been refused to the protecting power.

Having had no reply, the Legation once more brings this matter to the attention of the Imperial Minister for Foreign Affairs.

The Legation would be obliged to the Minister if he would inform the Legation as to the intentions of the military authorities on the subject of visits to other camps (camps already visited and camps not yet visited). It would be happy to be able to accomplish its duty in conformity with the stipulations of the Geneva Convention.

It takes this occasion to renew assurances of its high esteem.

Tokio, 4 September 1943

The Imperial Minister
of Foreign Affairs
Tokio

CC.1.1.-deu.
(CC.1.2.4.-
CC.1.2.7.-
CC.1.2.8.-)

(C.R.-10224)

By letter of 23rd July, M. SEIGEMITSU gave the Swiss Minister certain information concerning visits to prisoner of war camps. He informed him, in particular, that a new request must be made each time the Swiss Minister desired to visit camps already visited.

Following this principle, the Swiss Legation had the honor to inform the Imperial Minister for Foreign Affairs on 23rd August that it desired to visit camps at Tokyo and Yokohama. It has not yet received any reply.

Also in the above mentioned letter the Minister for Foreign Affairs informed the Swiss Minister that, as regards camps in Japan not yet visited, permission to visit would given from time to time.

The Legation therefore applied to the Ministry by notes of 28th June and 4th September that it be allowed to visit the camp at Hakodate and on 29th July to visit the camp at Hiraoka. These requests have also not been replied to.

The Legation informs the Imperial Ministry that it considers it extremely important that it obtain as soon as possible permission to visit the above mentioned camps.

In thanking the Minister in advance for his kind response, it takes this occasion to renew assurances of its high esteem.

Tokio, 22 October 1943

The Imperial Minister
of Foreign Affairs.
Tokio

CC.1.1.-den.

CC.1.2.4.

1.2.7.

1.2.8.

The Swiss Legation had the honor on several occasions, the last by letter of 22nd October, to seek the good offices of the Imperial Ministry for Foreign Affairs for the purpose of visiting as soon as possible prisoner of war camps at Tokyo, Yokohama, Hakodate and Hiraoka. As the Ministry will remember, the delegate of the Swiss Minister has only once visited camps at Tokyo and Yokohama, in December last, while those at Hakodate and Hiraoka have never been visited.

Having had no reply, the Legation once more brings this matter to the attention of the Ministry. It considers it to be of extreme importance to know the decision of the Imperial Government.

The Legation takes this opportunity to renew to the Ministry assurances of its high esteem.

Tokio, 10 December 1943

The Imperial Minister
of Foreign Affairs
Tokio

CC.1.1.1.-EDGd.

Tokio, 12 February 1944

M. le Ministre,

I had the honor on several occasions to draw the attention of Your Excellency to the importance which the British and American Governments attach to visits to prisoner of war and civil internee camps.

On 23rd July last, you informed me that, so far as concerns prisoner of war camps in occupied territories, authority to visit would be given to me when it was opportune to do so. Also you informed me that a new application must be made each time I desire to visit camps which have already been visited.

In view of the foregoing, I requested by letter of 29th July the right to send a delegate to the camps in the Philippines. My Legation intervened with the Minister for Foreign Affairs by notes of 23rd August, 4th September, 22 October, 17th November, 10th December, 25th January and 4th February, asking for the right to visit camps at Hakodate, Hirakawa, and Niigata, and to revisit camps at Fukuoka, Tokyo and Yokohama. None of these requests have yet been replied to.

The Governments of the United Kingdom, Australia, New Zealand, South Africa and India have requested my Government to make to the Imperial Government a formal demand to authorize the protecting power and the International Committee of the Red Cross to visit all camps of prisoners of war and civil internees in Japan and in occupied regions.

Please accept, M. le Ministre, assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokio

CC.1.1.-EGc.

CC.1.5.2.-

CC.1.2.4.

Referring to previous communications, the Swiss Legation has the honor to inform the Imperial Minister for Foreign Affairs that the British Government has expressed a desire that the Swiss Minister be enabled to visit as soon as possible prisoner of war camps. The Government of the United Kingdom considers it especially important that camps at Tokyo, Osaka and Fukuoka may be visited again, for they have only been visited once.

Furthermore, having learned that new camps have been established in Tokyo and in the district of Fukuoka and that prisoner of war hospitals were being established at Shinagawa and Moji, it has requested that prisoners of war in such places be visited without delay. In this regard, the British Government has stressed that in other countries representatives of the protecting power are able to make frequent visits to prisoner of war camps. This is so even in Germany where camps are visited by representatives three or four times a year.

In addition, the Government of the United Kingdom has received very alarming reports on the physical condition of prisoners of war in Japan and it believes that they are made to perform very severe work. It is desirous of obtaining information on this matter.

In these circumstances, the Legation once more asks the Imperial Minister when the Swiss Minister will be authorized to send delegates to prisoner of war camps in Japan. It would be obliged, furthermore, to the Minister if he would communicate the information requested by the British Government on the physical condition and work of prisoners of war.

In thanking the Minister in advance for his kind and prompt response, the Legation takes this occasion to renew assurances of its high esteem.

Tokio, 13 March 1944

The Imperial Ministry
of Foreign Affairs
Tokio

CC.1.5.1./2.1.2./
CC.1.1.-EGc.

The Swiss Legation has the honor to inform the Imperial Ministry for Foreign Affairs that, according to a communication from the British Government the Domei agency has recently quoted in a radio broadcast an article in the Nippon Times in which appears the following phrase: "The Japanese Government will take steps to facilitate extensive observations by objective parties, should more proof be needed about the treatment of prisoners of war."

NIPPON

The Legation informs the Ministry that the Government of the United Kingdom is referring no doubt to a phrase in the article in the Nippon Times of 13th February last (morning edition) entitled "Atrocity Stories Again." It contains the following sentence: "If still more proof were needed, there is no doubt that the Government will take steps to facilitate more extensive observations by objective parties."

The London Government considers that this indicates that the Japanese Government is prepared to agree to the requests to permit representatives of protecting powers in the Far East to visit camps of prisoners of war which have not yet been visited and to revisit those already visited.

The Legation would be glad to know the intention of the Imperial Authorities on the subject of visits to prisoner of war camps, and takes this opportunity to renew to the Ministry assurances of its high esteem.

Tokio, 25 March 1944

The Imperial Ministry
of Foreign Affairs
Tokio

CC.1.1.

Personal

Tokio, 30 March 1944

You know that I have not been satisfied with my activities as representative of foreign interests in Japan. The results do not correspond to the efforts. I can see this in a concrete fashion as shown by the statistics of my services and requests which have been made by my Government probably at the request of the Governments who have confided their interests to us. I desire to confine myself for the moment to my requests to visit prisoner of war camps. Reviewing the many personal requests made over more than two years, I find that from 1st February, 1942, to 15th March, 1944, I have intervened 134 times in writing. These 134 notes or letters have brought exactly 24 replies from the Gaimusho. Most of these replies are either negative or forward to me decisions made by competent authorities. It also appears that since last July - and this is confirmed by what I have mentioned to you several times - the Gaimusho does not even reply to most of my requests. I have received, in fact, three replies in nine months.

You will realize without difficulty that this result is not brilliant, especially if one takes into account the fact that my requests are all founded upon the well-known stipulations of the Geneva Conventions. It cannot be doubted that the requests made are those which are generally made between belligerents on the treatment of prisoners of war.

These facts speak for themselves and I believe that it would perhaps be of interest to submit them to your chiefs and particularly to His Excellency the Minister for Foreign Affairs.

I take into account not only my own difficulties, but also our common difficulties, for I know that in this respect you reply each time you receive a response from the military authorities, and who knows, after all, if the above summary, which is eloquent of the results obtained, will not aid us to get over the impasse in which we have been for months. The impasse has existed, as you well know, since before the "atrocities" campaign launched by the American and British Governments. It is perhaps necessary to search for the reasons for the public protests made by the Governments at London and Washington. The fact is that I have not been enabled to send them replies following the many requests which I have been ordered to make to the Imperial Government. I do not desire to do more, as I have often said to you and as I have myself expressed to Mr. SHIGEMITSU, than to contribute to the improvement of the situation, but it is necessary that the many requests of the Legation receive better response.

I do not wish to abandon hope in this matter, and I beg you to accept, my dear Minister, my kindest regards.

To His Excellency
M. Minister Tadakazu SUZUKI
Imperial Ministry of Foreign Affairs
Tokio

CC.1.1. - EGH.
22 1.1.

Tokio, 10 May 1944.

M. le Ministre,

Following previous communications relative to camps of prisoners of war and civil internees in the Far East, I have the honor to bring to the knowledge of Your Excellency that the Government of the United States of America has furnished the following information as to visits to Japanese prisoners of war and internees' camps in the metropolitan area of the United States and at Hawaii:

"Representatives of the Spanish Embassy and the Swedish Legation, which have undertaken the protection of Japanese interests in the continental United States and territory of Hawaii respectively, have made frequent visits in the course of the last two years to all places without exception where Japanese nationals have been held as prisoners of war, evacuees, internees or detainees and have been freely allowed to interview them without witnesses and have been permitted the greatest freedom in inspecting all features of the various places of detention.

Tule Lake
"The Representatives of Spain visited Tule Lake relocation center 5 times, Central Utah relocation center 4 times and to the other 8 relocation centers 3 visits have been made to each of them.

"Fort Missoula and Kenedy internment camps under Department of Justice have been visited 5 times, Santa Fe internment camp has been visited 4 times and 4 visits were made to Seagoville before the Japanese nationals were transferred elsewhere.

"Since the opening of the Crystal City internment camp to Japanese nationals in March 1943, 2 visits have been made there and also to Kooskia, which was opened in May last year.

"Before the removal of the Japanese nationals from Tuna Canyon and Fort Lincoln, these camps were visited at least 3 and 2 times respectively.

"During such time as Japanese nationals were held in the detention stations at Seattle, Chicago, San Pedro, Denver, Griffiths Park, Fort Howard, Salt Lake City and other cities, frequent visits to them were made by the Representatives of the Spanish Embassy.

"The Spanish Consuls at San Francisco and New York may visit at will, upon application to the Commander of the two stations, the Japanese held at Sharp Park, San Francisco and Ellis Island, New York.

"The Spanish Representatives made 1 visit to Fort Sill, 2 visits each to Camp Livingston, Lordsbury, Fort Sam Houston, Fort Lewis and 4 visits to Fort George Meade during the time when Japanese civilians were held in custody of the War Department.

"One visit has been made by the Spanish Representative to the Japanese prisoners of war at Camp McCoy and previously many of these same prisoners were visited at other camps.

"Japanese nationals held in detention in the territory of Hawaii have recently been visited by the representative of the Swedish Legation in Washington. These Japanese were previously visited several times by the Swedish Consul at Honolulu."

The State Department has also made known that it has received from the Spanish Ambassador at Washington a request to visit all places in the United States where Japanese subjects are interned. In order to assure reciprocity in this matter, the Washington Government desires to know the steps taken by the Japanese Government to authorize Swiss representatives to visit all places not already visited in which American citizens are detained.

The Government of the United States is particularly anxious that visits be made to camps in Thailand, in Burma, in Malaya, in the Netherlands East Indies and in the Philippines, which have not been visited since their establishment, which took place in some cases more than two years ago. It considers it of extreme importance that the Swiss representatives be granted the facilities provided by the Geneva Prisoner of War Convention of 27th July, 1929, which are enjoyed by the Spanish and Swedish representatives in American territory.

I would therefore be obliged to Your Excellency if you would inform me of the intentions of the Imperial Government concerning visits to camps not already visited in the Far East, particularly those which are in the above mentioned regions.

In thanking Your Excellency for his kind response, I beg you to accept, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokio

CC.1.1.EAb.

To His Excellency
M. Minister SUZUKI.

M e m o r a n d u m

Visits to Prisoner of War
Camps in Occupied Territories

In the course of the exchange of views with the Imperial Minister for Foreign Affairs, on the subject of visits to prisoner of war camps in territories occupied or controlled by Japanese authorities, the Swiss Minister drew attention to the fact that these visits were rendered most difficult because the Swiss have not obtained the authority to protect American and British interests in the said Territories.

Referring to the advice of the competent authorities, it is possible to point to a contradiction between the fact of the Swiss not being authorized to represent these interests in general and the authority which was given to them to visit prison camps in occupied territories. The Swiss Minister has had occasion to state to the Imperial Ministry for Foreign Affairs and, in particular, to SEIGEMITSU, that the Swiss for their part do not contend that an authority to visit the camps in question will be an implied abandonment of the principle which the Imperial Government believes should be adopted so far as concerns the protection of American and British interests in the said territories. The Swiss have obtained in exceptional cases authority to visit prison camps at Hong Kong without having contended that their mandate to protect foreign interests should be extended in a general manner to Hong Kong. The Swiss Minister has communicated to his Government the difficulty which according to the Imperial Government is an obstacle to the making of visits to camps in occupied territories and the Federal Government has forwarded this advice to the Government of the United States.

The foregoing has been confirmed by the Swiss Government, which states that it will not consider that the fact that the Swiss have been authorized to visit the said camps will be interpreted as a change in the attitude adopted by Japan on the question of the representation of American interests in occupied territories. The Washington Government states, in effect, that the two questions should be dealt with separately. It states that on 25th April, 1943, Spain was charged with the representation of German and Italian interests in French North Africa. At the same time the Swiss had been charged with protecting German and Italian prisoners of war in the United States. This establishes that the question relating to prisoners of war can well be separated from the general representation of foreign interests.

The Swiss Minister thought that this example cited by the United States itself would be of interest to the Imperial Government, and asks for it the generous consideration of the competent Imperial authorities.

Tokio, 30 June 1944

CC.1.1.-EAb.

Tokio, 1st July 1944

M. le Ministre,

As I have had occasion to refer several times to the competent services of the Ministry of Foreign Affairs, the Government of the United States of America has learned with great satisfaction that Your Excellency is exploring with the competent authorities the possibility of authorizing me to visit prisoner of war camps in occupied territories. It has informed me that it awaits with great interest the result, and emphasizes once more the great importance which it attaches to a satisfactory decision on a matter which has caused it great concern.

After the interview which I had with Your Excellency on 3rd May last on the subject of the reply of the Imperial Government to complaints made by the Government of the United States relating to the treatment of American prisoners of war in the power of Japan, I have informed my Government for transmission to the Government of the United States of the attitude which the Imperial authorities have adopted towards the American protests. In this regard the Government of the United States has requested me to inform Your Excellency that "the published reports to which M. SHIGEMITSU objects are accounts of the sufferings of American nationals in camps in Japanese occupied territories that come into the hands of American agencies from reliable sources." It adds that "to end the publication of such accounts, Japan has only to remove the conditions giving rise to such accounts and permit Swiss representatives so to inform the United States Government."

The Government of the United States sets out in addition that it is obliged to "inform its citizens of the condition of its nationals in enemy custody" and makes the following observations:

"The persistent refusals of the Japanese Government to allow the visits by the representatives of the protecting Power to camps located in Japanese occupied territories leads naturally to the conclusion that conditions in these areas continue to be unsatisfactory and such as to make Japan ashamed to have them observed by Neutrals. The Japanese Government has at its command the most effective method of removing the causes of unfavorable reports and thereby preventing the future publication of such reports if it gives reality to its numerous professions of its intentions of applying humanitarian considerations in its treatment of civilian internees and prisoners of war and if it makes the improvements promised by Minister SHIGEMITSU. The American Government will be in a position to reassure the relatives and friends of the American nationals held by Japan with regard to their condition and treatment when the Japanese Government accords the American nationals the humanitarian treatment it has promised and when it permits the Swiss representatives to visit all places where American nationals are held and to verify and confirm that their treatment is in accordance with the promises of the Japanese Government. The American Government keeps entertaining the hope that the Japanese Government will be persuaded without further delay to enable the representatives of the Swiss Government to visit all detained Americans wherever they may

be detained. There would seem to be no reason why such visits - without prejudice to the juridical position taken by Japan on the question of representation of enemy interests - should not be permitted by the Japanese Government."

As Your Excellency has stated, the Government of the United States refers to the Japanese promise relative to visits to camps. It cannot refer to a formal promise, Your Excellency having only promised to examine the question, without giving any guarantee as to the result of this examination. I consider it necessary to be precise in this matter in order to prevent any misunderstanding.

Concerning the last point mentioned by the Government of the United States on the subjects of visits to prison camps and the general representation of American interests in occupied territories, I sent only yesterday a memorandum relative to the competent services of your Ministry.

It would be of great interest to me to know the reactions or the decisions of the Imperial Government which these remarks of the United States Government caused, and, in awaiting a communication as to this matter, for which I am very much obliged to Your Excellency, I beg you to accept, M. le Ministre, assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokio.

CG. 1.1.-EAc.

M e m o r a n d u m

The Imperial Authorities have recently informed the Swiss Minister that he will be authorized to visit all prisoner of war camps in Japan.

The Swiss Legation recently visited camps at Kawasaki. It considers it extremely important to know when it can visit other camps.

The Governments of Great Britain and the United States of America insist that these visits take place.

Also, the Legation would be obliged to the Imperial Ministry for Foreign Affairs if it would inform it, if possible, the intentions of the Ministry of War.

Tokio, 21 July 1944

THE GAIMUSHO
TOKYO

12 August 1944

No. 222/C.R.

A. la Ministro,

I have the honor to acknowledge receipt of Your Excellency's letter No. CC.1.1.FAG of 1st July, regarding the treatment of American nationals in the hands of the Empire, and the visiting of prisoner of war camps in the Japanese occupied areas.

As regards the protest by the United States Government to the treatment of American nationals now in the hands of the Imperial Government, communicated through Your Excellency's letter of 2nd May, the Imperial Government's opinion and general principle on the above treatment are just as I have already related in detail to Your Excellency in my letter dated 28th of April.

Your Excellency has also been already informed of the Imperial Government's opinion on the scandalous propaganda which the United States Government had launched against Japan at the same time with the above protest. I wish to inform Your Excellency that the Imperial Government shall make no changes whatever in its attitude in this regard.

The reasons for the difficulty at the moment to grant persons of a third country permission to visit prisoner of war camps in the areas occupied by the Japanese Army, have also been stated in my letter of the 28th April. However, the fact that I had informed Your Excellency that the above permission to visit the camps shall be considered, only goes to show the Imperial Government's fair attitude towards the problem of treating enemy nationals according to the above mentioned established principles in the face of difficulties. The result of this consideration shall be communicated to Your Excellency later.

Moreover, what I would like to once more call the careful attention of the United States to, at this moment, is that it is considered a matter of greatest importance that treatment of enemy nationals should be managed according to the spirit of the 1929 Convention, even in situations not predicted by it.

Especially it is expected that the United States Government will give prompt and full consideration from the standpoint of humanity to the requests of the Imperial Government on this point expressed to Your Excellency in my letter of the 28th April, and that the results will be made known to this Government. The Imperial Government requests Your Excellency to properly communicate with the United States Government on this matter.

/s/ Mamoru SHIGEMITSU
Minister of Foreign Affairs

TEL GAIMUSHO
TOKYO

No. 223/C.R.

VERBAL NOTE

The Imperial Ministry of Foreign Affairs has the honor to acknowledge receipt, from the Swiss Legation in Tokyo, of a memorandum No. CC.1.1.EAG, dated 21 July, requesting permission to visit prisoner of war camps in Japan. In reply, I wish to send Your Excellency the opinion of the Imperial Government as follows:

In the above memorandum, the Swiss Legation in Tokyo has stated that, "Recently, the Imperial Authorities have notified the Minister of Switzerland that visits to all prisoner of war camps in Japan shall be permitted." However, if this is a quotation of the said statement by the Imperial Minister of Foreign Affairs in the conversations with the above Minister on 3 May, I wish to point out that the statement, "I shall do as much as I can as regards visits to camps in Japan proper and China," was made at that time by the Foreign Minister.

Actually, a delegate of the Swiss Minister has successively visited the prisoner of war camps in Nagoya, Niigata, and Tokyo, after the above conversations, and the Swiss Legation has expressed its satisfaction to the Imperial authorities concerned.

It has already been explained that it is our policy to let the Imperial Authorities concerned gradually grant permission to visit other camps when applications are made on each occasion by the Swiss Legation.

15 August 1944

CC.1.1.-EAs.

Tokio, 17 August 1944.

M. le Ministre,

I had the honor to receive your letter of 12th August in which Your Excellency informed me of the views of the Imperial Government concerning visits to prisoner of war camps requested by the Government of the United States of America and also treatment in general of subjects of enemy countries. As Your Excellency has asked me to do, I have forwarded the contents of the letter to my Government to be transmitted to the Government of the United States.

I take advantage of this opportunity to acknowledge receipt of the memorandum of 15th August in which the Ministry of Foreign Affairs informed me that it is not correct that Japan has agreed to authorize visits to all camps of prisoners of war in Japan and that it cannot undertake to do so. I have noted this communication and have informed my Government in order to prevent any misunderstanding.

On the other hand, the same memorandum states that "the competent authorities intend to authorize visits to other camps as and when the Legation requests it."

As I have frequently expressed to M. SUZUKI, it would be difficult for my Government to assume such responsibility. The Swiss have never received a list of prisoner of war camps in Japan and it would be therefore impossible to apply to visit camps the existence of which it does not know. Your Excellency will understand that the Swiss Government cannot be made responsible for the fact that a camp has not been visited simply because, not knowing of its existence, it has not made any request to that effect.

In reality, the Federal Government has requested since the outbreak of hostilities in the Pacific to be allowed to visit all camps of prisoners of war belonging to the countries whose interests the Swiss represent. In conformity with my instructions, I have made numerous requests both verbally and in writing on this matter. I have applied also to the military authorities to inform me of the camps which I may visit. I am entirely at the mercy of the Ministry of War and am prepared to visit any camp at any time.

If for one reason or another the Ministry of War considers it preferable that I renew my requests to visit for each particular camp, I will be prepared to do so, but I request Your Excellency that you procure for me a complete list of prisoner of war camps in Japan. Such list has always been denied me and it would give me great help.

I consider that it will be sufficient to inform Your Excellency of the impossibility of my Government accepting a responsibility for camps not yet visited and that Your Excellency will consent to reconsider what I think is a simple misunderstanding.

The misunderstanding appears more apparent since the Legation has not only done all which it is required to do in relation to visiting prisoner of war camps without exception; it has already demanded that it be informed at what interval of time it will be allowed to visit once more camps already visited. It has insisted in conformity with its instructions on the regularity of visits, but this question is still unanswered and I do not know yet the opinion of the Ministry of War on this subject.

I would be extremely happy - and Your Excellency will also share my sentiment which is also that of my Government - if it would be possible to prevent in such an important matter misunderstandings on the obligations and responsibilities of my country. The Swiss will not neglect anything in order to accomplish conscientiously the many duties of protection which they have assumed and it does not request to visit one camp more than another. All prisoners of war belonging to the countries which she represents are entitled to equal assistance from her. It goes without saying that for practical reasons it will be impossible to visit all the camps the same day or the same week. Visits ought necessarily to be staggered, but it is for the Imperial authorities to decide the camp to visit and the day of such visit. I will accept, I repeat, only the decision of the Ministry of War: I am in this matter at its entire disposition.

With the idea that these explanations have definitely removed the misunderstanding which has occurred and in the knowledge that Your Excellency will understand the attitude which is prompted by the conditions under which it is bound to visit prisoner of war camps in Japan, I take this occasion to renew to you the assurances of my highest esteem.

Signed by the Swiss Minister

M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokio

CC.1.1.-EGc.

Tokio, 12 September 1944

M. le Ministre,

By letter of 1st July, I had the honor to bring to the knowledge of Your Excellency a communication from the Government of the United States of America on the treatment of American subjects in the hands of Japan and on visits to prisoner of war and civil internees' camps in the Far East, particularly in occupied territories. On 12th August Your Excellency sent me the reply of the Imperial Government to the above mentioned letter and as I informed you by letter of 17th August, I sent the reply to my Government to be transmitted to the Washington Government.

In the meantime, the British Government has expressed the desire to be joined in the request which I made on 1st July in the name of the Government of the United States.

In this regard, I repeat the terms of the American communication and request that the Japanese Government accord to British subjects in the Far East humane treatment in conformity with the principles which it has promised to apply and that it authorize as soon as possible Swiss representatives to visit all British in the Far East who are detained or interned.

I will be obliged to Your Excellency if you will let me know the reply of the Imperial Government to this British request, and beg you to accept, M. le Ministre, assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokio

CC.1.1. EAJ. CC 1.5.1./2.1.2.

M e m o r a n d u m

According to a communication to the Swiss Government, the British Government is very anxious to get positive information on the Japanese Government's intentions regarding the visits by the Protecting Power of the prisoner of war camps in occupied territories. It drew especially the attention of the Federal Government to the fact that since the interview in May last between H. E. the Japanese Foreign Minister and the Swiss Minister, the question did not realize the least progress in spite of all and incessant efforts made by the Protecting Power.

In that respect His Majesty's Government - it did not know yet at that time the definite reply of the Japanese Government about the shipment of food and medicines through a Russian port - presented the following remarks:

There is no improvement to be noted, except a slight increase in the volume of mails from the Far East and better facilities to visit the camps in Japan proper. But this latter point is a minor concession since the camps referred to are those in which the least unsatisfactory conditions exist. There is no doubt that the very strong public feeling existing in the British Commonwealth on this subject is fully known to the Japanese Government, also that a public demand for a further statement elucidating conditions of British war prisoners and civilian internees in the Far East is rising. A public statement cannot be avoided and, in the present state of things, it cannot be a reassuring one. His Majesty's Government will be compelled to publicly repeat their resentment at the lasting unsatisfactory conditions to which British war prisoners and civilians are exposed while held by the Japanese, unless it can announce before long some definite improvement as to underline the Japanese Government's particular agreement to the granting of permission to visit all camps not yet visited.

The Swiss Minister would be very glad to know whether the Imperial Government is of the opinion that some improvement could be brought about in the near future to the present situation where no visits to the camps in occupied territories, except in China, are allowed.

Tokyo, October 28, 1944

CC.1.1.-Ea.-

Tokio, 10 November 1944.

My dear Minister,

The reply which you have given to my colleague Bossi on the subject of a written confirmation which I am awaiting from Minister SHIGEMITSU has put me in an extremely embarrassing situation.

As you know, M. SHIGEMITSU spontaneously offered to confirm in writing that which he had stated verbally concerning visits to prisoner of war camps in occupied territories. I have duly informed my Government that I would be sending to it in two or three days the text of the written reply from the Minister for Foreign Affairs. My Government would certainly have advised London and Washington. It appears now that you will have learned of M. SHIGEMITSU's offer. He has not given me a confirmation, but a new communication made after certain exchanges of views between the military authorities and the delegate of the International Committee of the Red Cross. What I desire to obtain is exactly what was offered to me by M. SHIGEMITSU - written confirmation of the decision of the Ministry for War.

I know that you will realize that it will be difficult to inform my Government that a misunderstanding has arisen. The confirmation which M. SHIGEMITSU promised me is so simple that I make once more an appeal to your goodwill to get me out of the very unfortunate situation in which I am at the moment. If you think it opportune, I am prepared to request an audience with M. SHIGEMITSU to prevent any further misunderstanding.

You will do me a great service in sending this simple confirmation. I ask for nothing more.

Please accept, my dear Minister, my kindest regards.

His Excellency
M. Minister Tadakazu SUZUKI
Imperial Ministry of Foreign Affairs
Tokio.

THE GAIMUSHO, TOKYO

Tokio, 13 November 1944.

Dear Minister,

CC.1.1.

I wish to reply to your letter of 10th instant expressing my regrets that you are in an embarrassing situation. It seems that it is only a misunderstanding. Mr. SHIGEMITSU said in the course of the interview of 28th October:-

"The question of visits to camps in occupied territories has been the subject of full consideration on our part and we have already come to a conclusion which ought to give great satisfaction to interested Governments.

"Permission will be given to representatives of the International Committee of the Red Cross to visit these camps on condition of reciprocity. I do not know exactly where they will be allowed, but I think that those of Shonan, Manila and Thailand can be visited. As to these matters, please consult Mr. SUZUKI. We wish to reply in writing to the memorandum which you sent to us on this subject."

And Mr. SHIGEMITSU added that he did not desire to do anything to discredit the Federal Government.

It is true that we have taken a long time in sending the written reply. I think that your sympathetic colleague has given to you at my request my sincere excuses. The fact is that the promised details are important and we wish to give them in writing, but that does not mean that certain exchanges of views are necessary between the military authorities and the International Committee. Briefly, our reply will be to confirm and complete what Mr. SHIGEMITSU has told you, but what has happened is that the representatives of the Committee can commence their visits to Manila, Shonan and Bangkok.

I understand through Mr. Bossi that you have informed Berne of this new situation following your conversation with Mr. Shigemitsu. You have done this and your communication will not be ignored. In the meantime, if you like, you can consider this letter as confirmation in spite of its form not being official, for which I apologize. But I have replied as soon as possible. On the other hand, a written reply will not be delayed very long now.

I hope that these few lines will rid you of embarrassment, and I beg you to accept, my dear Minister, my kindest regards.

/s/ T. SUZUKI

CC.1.1.-EGd.

The Swiss Legation has the honor to bring to the attention of the Imperial Ministry of Foreign Affairs the subject of visits to prisoner of war camps. It was able to visit at least some camps in Japan, such as Nagoya, Niigata, Kawasaki (Tokio), Hakodate, Wakayama. There are, however, many camps which have not been visited for a long time, and many others which have never been visited at all by the Protecting Power.

The Legation would be very much obliged to the Ministry if it would indicate the camps which his delegate may next be able to visit, with the date of visits.

The Ministry is not unacquainted with the fact that the British Government and the Government of the United States of America attach to this question the greatest importance. They have expressed the desire that the delegate of the Swiss Minister be able to inspect as soon as possible the camps not yet visited and the camps which have not been visited for a long time.

In thanking in advance the Imperial Ministry for its kind response, the Legation takes this opportunity to renew assurances of its high esteem.

Tokio, 16 November 1944

The Imperial Ministry
of Foreign Affairs
Tokio

CC.1.1.-EaA.-

Tokio, 17 November 1944

My Dear Minister,

Your letter of 13th November concerning my interview with the Minister for Foreign Affairs is in my possession and I thank you for it.

The procedure followed is different from that which I was led to believe. Instead of a confirmation pure and simple of what was said to me by Mr. SHIGEMITSU, I have received a detailed communication on the intentions of the Imperial Government. The result will be practically the same and I am pleased that I will not have to go back on the cable to my Government, since you have been good enough to give me official confirmation of the statements which were made to me by Mr. SHIGEMITSU. I am extremely obliged to you for having done so.

I have noted that your letter does not mention the Netherlands Indies. Have all visits to these territories been excluded? You will remember that Mr. SHIGEMITSU did not make any distinction in occupied territories. If we spoke of the special case of Thailand, it was on my own initiative, because I have been charged by my Government, as you know, to request that the protecting Power be authorized to visit camps in a country with which we have for a long time had diplomatic relations. It would be of much interest to me to know if the military authorities cannot accede to this derogation from the general rule which has been adopted. However, I am not asking for an official reply. A word from you will be sufficient to satisfy my Government, but as far as Indo-China is concerned, I am certain that London in particular will want to know why it was included in the decision adopted by the Imperial Government. The question is too important to be passed over in silence.

You will perhaps consider it opportune to state in the note which I expect to receive from the Minister the reasons why competent authorities will not permit visits in the said territories.

In thanking you again very much for the great kindness with which you have responded to my request, I beg you to accept, my dear Minister, my kind regards.

His Excellency
M. Minister T. SUZUKI
Imperial Ministry of Foreign Affairs
Tokio

THE CAPITAL
TOKYO

No. 379/C.R.

His Excellency, M. Camille Gorgas
Envoy Extraordinary and Minister
Plenipotentiary for Switzerland

8 December 1944

M. le Ministre,

Referring to the requests by the Governments of the United States and Great Britain for permission to visit American and British prisoner of war and civilian internment camps in the occupied areas, made through Your Excellency's letters dated 1 July and 12 September, the Imperial Government, after special consideration of the matter as I have once replied to Your Excellency through my letter No. 222/C.R. dated 12 August, has now decided to grant permission for visits as in the following. Therefore, I beg of Your Excellency to communicate this matter to the governments concerned, and give this Government a prompt reply as to their intentions.

The Imperial Government has been considering the problem of granting nationals of a third country permission to visit prisoner of war and civilian internment camps in various areas in the south; and it has, in conformity with the desires of the Governments of the United States, Great Britain, and other Allied Nations, and in accordance to the request by the International Red Cross Committee (specially refer to Your Excellency's letter No. CC.1.1. dated 12 February), decided to recognize temporarily, at the occasion of visits, the position of Representative Delegate of the International Red Cross Committee in Tokyo to persons connected with this organization on the spot and who are accepted by the Imperial Government as appropriate; and to gradually grant such persons permission to visit prisoner of war and military internment camps situated in places that will not hinder the military operations. This will shortly be carried out in camps in the Philippine Islands, Singapore and Thailand, and necessary negotiations with the International Red Cross Committee shall be commenced simultaneously with this notification.

The above permission shall be granted on the condition that the Governments of the United States, Great Britain and other Allied Nations will, under the principle of reciprocity, grant delegates of the International Red Cross Committee permission to visit Japanese prisoners of war and civilian internment camps in their respective areas of occupation. Especially as regards the United States, the Imperial Government shall make it a condition that permission will be granted for visits to Japanese prisoner of war and civilian internment camps in New Caledonia, Saipan, Tinian and Guam.

Please accept, Your Excellency, the renewed assurances of my highest esteem.

/s/ Mamoru SHIGEMITSU
Minister of Foreign Affairs

CC.1.1.-EAc.

Tokio, 12 December 1944

M. le Minister,

I have the honor to acknowledge receipt of your letter of 8th December in which Your Excellency informed me of the decision of the Imperial Government on the subject of visits to prisoner of war and civil internee camps in occupied territories.

I have transmitted the contents of your communication to my Government to be forwarded to the interested Governments and hope to be able to inform you without delay of the attitude of these Governments, particularly concerning the question of reciprocity.

Please accept, M. le Ministre, assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellence
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokio

CC.1.1.-EGc.

By note of 16th November the Swiss Legation had the honor to recall the attention of the Imperial Ministry of Foreign Affairs to the fact that many prisoner of war camps have not yet been visited and that others have not been visited for a long time.

The Legation considers it of extreme importance to know the camps which it will be possible for it to visit and the date of visits.

The Governments of Britain and the United States of America insist that the Legation visit as soon as it is able to do so the above mentioned camps.

In thanking the Imperial Ministry in advance for its kind response, the Legation takes this occasion to renew assurances of its high esteem.

Tokio, 3 January 1945

The Imperial Ministry
of Foreign Affairs
Tokio

CC.1.1.-EGd.

Referring to previous communications, the Swiss Legation has the honor to inform the Imperial Ministry of Foreign Affairs that it considers it of extreme importance to know what prisoner of war camps it will be able to visit immediately.

The delegate of the Swiss Minister has recently visited the principal camp of Tokyo at Omori and the hospital at Shinagawa. There are still many camps which the Legation has not yet visited or which it has not visited for a long time.

In thanking in advance the Imperial Ministry for its kind response, the Legation takes this occasion to renew assurances of its high esteem.

Tokio, 16 March 1945

The Imperial Ministry
of Foreign Affairs
Tokio

CC.1.1.-FGd.

Tokio, 7 April 1945.

M. le Ministre,

By letter of 8th December, Your Excellency informed me of the decision of the Imperial Government on the subject of visits to prisoner of war and civil internees' camps in occupied territories. You stated, in particular, that permission to visit these camps would be given on condition that the British Government, the Government of the United States of America and the allied governments would permit on condition of reciprocity the delegates of the International Committee of the Red Cross to visit prisoner of war and civil internee camps in regions occupied by those countries.

The Government of the United Kingdom requests that I inform the Imperial Government that the delegates of the International Committee of the Red Cross have for a long time been allowed to visit Japanese prisoners of war in the British Empire and that accordingly full reciprocity already exists.

Please accept, M. le Ministre, assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokio

CC.1.1.1.-FGd.

The Swiss Legation has the honor to inform the Imperial Ministry of Foreign Affairs that the Government of the United States of America has again requested without delay reports made on visits of the delegate of the Swiss Minister to prisoner of war camps at Tokyo, Yokohama, Kobe, Osaka and Nagoya.

The Legation has intervened on many occasions with the Ministry, the last time by note of 16th March, with the object of obtaining permission to visit again camps which have not been inspected for a long time. It has also requested that visits take place at regular intervals and has stressed the importance that the Governments which the Swiss represent in Japan attach to this question. All these requests have received no reply.

As the Ministry will remember, the delegate of the Swiss Minister has only been able to visit this year two camps, namely the principal camp at Tokyo and the prisoners' hospital in that city. These visits took place in the month of February, that is to say nearly four months after the visit which the delegate had made to the prisoners' hospital at Kobe and the camp at Wakayama.

The Legation would be therefore obliged to the Ministry if it would inform it of the names of the camps which could be inspected now, as well as the exact date on which such visits may take place.

In thanking in advance the Imperial Minist. for its kind response, the Legation takes this occasion to renew assurances of its high esteem.

Tokio, 17th April 1945

The Imperial Ministry
of Foreign Affairs
Tokio.

CC.1.1.-A.2.5.34.-
FAa.-

Karuizawa, 19 April 1945

M. le Ministre,

I have the honor to bring to the attention of Your Excellency that my Government has designated M. Erwin Ruch as delegate of the Swiss Minister to visit camps of prisoners of war and civilian internees.

He relieves M. Pierz, who has been acting in that place for my Legation, but has not been able to rejoin his post in Japan.

The Foreign Ministry has been informed of these changes by a separate note.

It has been many weeks since I have asked the Ministry to let me know if the Military Authorities have any reason to advance against the nomination of M. Ruch as delegate to visit the camps of prisoners of war. I believe Article 86 of the Prisoner of War Code provides in effect, "The delegates ought to be named by agreement so that they will exercise their mission." This demand has been repeated many times to the Ministry, but, in spite of all my efforts, I have not obtained any response.

After this long and inexplicable silence, my Government naturally is desirous that M. Ruch be able to exercise the power which has been confided to him, since the Military Authorities have not given any valid reason against the choice of this delegate. The good character of M. Ruch is beyond the slightest blemish.

He has been on the list of the Diplomatic Corps in the position of Attache, the Military Authorities having at different times expressed the desire that the Swiss Minister choose his delegate preferably from colleagues appearing on the list of members of the Diplomatic Corps.

It is my constant desire to give satisfaction to the Military Authorities - not only have I twice consulted on the choice of M. Ruch, but again I have called him Attache of the Legation; I hope then that M. Ruch, who already has visited some camps in his official position, will obtain all the help that the Military Authorities have been willing to give in the past to my delegates.

I thank in advance the Ministry of War, and at the same time, the Prisoner of War Bureau for their kind assistance.

In asking Your Excellency to consent to communication before going to the Imperial Ministry of War, I take this occasion to renew, M. le Ministre, the assurances of my highest regard.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO,
Minister of Foreign Affairs
Tokio

CC.1.1.-FGc.

CC.1.2.5.

CC.1.3.15

A i d e - M e m o i r e

The Swiss Legation has made representations on many occasions to the Imperial Ministry for Foreign Affairs on the subject of visits to prisoner of war camps which have not been inspected or which have not been visited for a long time. The last visit of the delegate of the Swiss Minister took place on 19th February at the principal camp at Tokyo and the prisoner of war hospital at Shinagawa.

In the meantime, the Legation has expressed a desire to make further visits in its letters of 16th March and 17th April. The Legation requested in particular that it be authorized to visit camps in Tokyo, Yokohama, Kobe, Osaka and Nagoya.

In addition, by notes of 3rd and 6th April, the British Government demanded that visits should be made to camps at Formosa and Mukden.

All these notes have remained unanswered.

The Legation attaches the greatest importance to knowing the name of the camps which it will be able to visit soon, also the date on which the visits may be made.

Karuizawa, 28 April 1945.

(Note written in ink:
Sent by the Minister to
Minister SUZUKI, 28 April 1945 p.m.)

,CC.1.1.-FGc.

Tokio, 10 May 1945

M. le Ministre,

By letter No. 379/C.R. of 8th December, M. SHIGEMITSU informed me of the decision on the subject of visits by representatives of the delegation of the International Committee of the Red Cross in Japan to prisoner of war and civil internee camps in occupied territories. Your predecessor stated that the permission to visit camps would only be granted on condition that the British Government, the Government of the United States of America and the Allied Governments permitted on condition of reciprocity delegates of the International Committee of the Red Cross to visit camps of Japanese prisoners and civil internees in the regions occupied by those countries. The Imperial Government expressed the desire in particular that permission be given to visit camps in New Caledonia, Saipan, Tinian and Guam.

I have the honor to bring to the knowledge of Your Excellency that the Government of the United States has requested my Government to furnish the following communication to the Imperial Government:-

"The United States Government has given consideration to Japanese Government's proposal to permit visits by representatives of the International Red Cross Committee to certain specially designated prisoners of war and civilian camps in Japanese occupied territory. It is noted that Japanese Government proposes that the United States Government make arrangements to authorize visits to prisoner of war and internment camps where Japanese nationals are held on Saipan, Tinian, Guam and New Caledonia. The Japanese Government offers on basis of reciprocity to authorize visits by representatives of the International Red Cross Committee to prisoner of war camps at Singapore, prisoner of war hospital in Thailand and to Santo Tomas civilian camp at Manila subject to exigencies of military operations. The United States Government notes with gratification the evidence of the Japanese Government's willingness to take this first step to permit visits by representatives of the International Red Cross Committee to camps never visited before by representatives of the protecting Power or International Red Cross Committee. It points out, however, that in view of the fact that American nationals at Santo Tomas camp have now been freed by American Forces it is obvious that offer to authorize visits by representatives of the International Red Cross Committee to Santo Tomas camp has no value at this time, thus limiting materially the reciprocity offered by the Japanese Government. The United States Government requests clarification of the Japanese Government's offer to permit visits by International Red Cross Committee representatives to civilian camps at Singapore where American nationals are held. Are representatives of the International Red Cross Committee authorized to visit prisoner of war camp in Thailand where American nationals are held by Japanese Authorities? The United States Government also desires assurance that representatives of the protecting Power and the International Red Cross Committee are authorized regularly to visit and to report on all camps in Japan proper, Formosa, China and Manchuria where American nationals are held.

Upon receipt of satisfactory clarification of points raised by it, the United States Government is prepared to arrange for accredited representatives of the protecting Power and the International Red Cross Committee regularly to inspect camps where Japanese nationals are held in Saipan and to report on conditions under which they are held. Although not previously proposed to the Japanese Government, the United States Government is prepared to make arrangements for visits by representatives of the protecting Power and the International Red Cross to Guam and Tinian. It will also endeavor to obtain permission from appropriate Authorities for visits to camps in New Caledonia where Japanese nationals are held in American custody."

As Your Excellency will remember, I have already informed him of the attitude of the British Government on this matter in my letter of 7th April to M. SHIGEMITSU.

I draw the attention of Your Excellency to the fact that the telegram containing the abovementioned communication only reached me on 4th May, although it had been sent from Berne on 11th April.

In asking Your Excellency for the response of the Imperial Government to the present communication, I take this occasion to renew, M. le Ministre, assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs
Tokio

CC.1.1.-FGc.

Very Urgent

Karuizawa, 16 May 1945

M. le Ministre,

I have the honor to draw Your Excellency's attention to the many requests concerning visits to prisoner of war camps in Japan which have not been inspected or which have not been visited for a long time. I have requested on many occasions that a programme of visits be prepared and that visits be made at regular intervals. During an interview which I had with General TAMURA in the month of January last, I drew his attention to the importance which the interested Governments attached to this matter. He stated that I would receive full satisfaction.

In the meantime, as Your Excellency knows, my delegate has only been able to visit this year two camps, namely the principal camp at Tokyo and the prisoners' hospital in that city. These visits took place in the month of February, that is to say, nearly four months after the visit which my delegate made to the prisoners' hospital at Kobe and to the camp at Wakayama.

In a new communication the British Government has stated that the protecting Power has not visited for a long time prisoners at Shanghai and Bangkok. It is frankly surprising to hear of the new difficulties which Japan causes to the Swiss in carrying out their duty. It is noted, in effect, that the Prisoner of War Bureau favors the International Committee of the Red Cross and it is impossible to understand this discrimination.

The Government of the United Kingdom has requested in consequence that I express to the Imperial Government its great dissatisfaction with this state of affairs, which I also regret. It is insisted that the assurances which have been given be promptly realized and that a programme of visits be drawn up for at least three months for camps in Japan.

I would be extremely obliged to Your Excellency to intervene urgently with the Ministry of War and to enable me to give without delay a satisfactory reply. It would interest me in particular to know if, since the reorganization of the Prisoner of War Bureau, Japan has decided to modify its general attitude concerning visits to camps. The difficulties which I have experienced in obtaining permission to report if the prisoners are treated in conformity with the principles of the Geneva Convention are, in effect, surprising, and it would be extremely regrettable if my Legation should be met with new obstacles in a matter in which, by reason of its requests and its efforts, it had obtained some results which enabled it to expect favorable consideration.

Please accept, M. le Ministre, assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs
Tokio.

CC.1.1.-FFd.

Karuizawa, 30 May 1945

M. le Ministre,

Following my letter of 10 May last, I have the honor to bring to the attention of Your Excellency the terms of a new communication which I have just received. The International Committee of the Red Cross at Geneva asked the Government of the United States of America for authorization to visit camps in which are interned some Japanese nationals in Tinian, Saipan, Guam, and the one in New Caledonia.

The Washington Government declares it is ready to grant the request of the Committee of Geneva when the Imperial Government shall have favorably answered the communication that I transmitted by my letter above mentioned.

Please accept, M. le Ministre, assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs
Tokio.

CC.1.1.--FDd.

Karuizawa, 30 May 1945

M. le Ministre,

By letter of 16th May last, I had the honor to draw the attention of Your Excellency to the number of requests which I had made to enable me to visit camps of prisoners of war in Japan which have never been inspected or which have not been inspected for a long time.

I informed you also that the Government of the United Kingdom had requested me to insist once more that the Imperial Government allow the protecting power to visit prisoner of war camps at regular intervals and that a programme of visits be established covering at least three months.

According to a further communication which I have received, the Government of the United States of America joins in the request of the British Government and on its part protests against the difficulties which I have encountered in sending my delegates to camps containing American prisoners of war.

It states, in effect, that in 1945 only the camp at Omori and the hospital at Shinagawa were visited and that no report had been furnished to it either by the protecting Power or by the International Committee of the Red Cross since 1943 on the camps of -

Hiraoka
Yokohama
Kanagawa-Yokohama
Kobe
Chikko

Hirohata
Kamaishi
Sakurashima
Amagasaki
Zentsuji-Mukoshima,

and since 1944 on the camps of -

Formosa
Tokyo-Kawasaki, Nos. 2 and 5
Niigata
Osaka No. 11
Fukuoka Nos. 12 and 17

Hakodate
Kemiiso
Muroran
Hospital at Kobe.

The Washington Government states in addition that, to its knowledge, there still are in Tokyo, Yokohama, Hakodate, Fukuoka, Zentsuji and Kobe-Osaka prisoner of war camps which have never been officially announced by the Imperial authorities and which in consequence have never been visited. It requests me, therefore, to inform the Imperial Government that it insists that the delegates of the protecting power and the International Committee of the Red Cross be authorized without delay to visit all camps in Japan in which American prisoners of war are detained.

Please accept, M. le Ministre, the assurances of my highest
esteem.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs
Tokio

THE GAIMUSHO
TOKYO

5 June 1945

No. 143/C.R.

To His Excellency, M. Camille Gorges
Envoy Extraordinary and Minister
Plenipotentiary for Switzerland

M. le Ministre,

I have the honor to acknowledge receipt of Your Excellency's letter No. CC.1.1. FGD dated 7 April last, informing us of the acceptance by the Government of Great Britain, of the Imperial Government's proposal of 8 December 1944, regarding permission to visit prisoner of war and civilian internment camps in areas occupied by Japan.

In connection with this matter, the International Red Cross Committee also had informed this government by telegram dated 6 April of the acceptance, under reciprocal conditions, of the proposal in question by the Netherlands Government as well as the Government of Great Britain. Therefore, it is expected that the Governments of the United States and the other Allied Nations will have no objection in principle to the said proposal.

In this connection, the Imperial Government has decided to lose no time in having a representative of the International Red Cross Committee visit the hospital in the prisoner of war camp in Thailand. As regards visits to prisoner of war camps in Malaya, deliberations are presently under way with the said Committee as to the particulars for carrying this out; and I wish to inform Your Excellency that it is our intention to grant permission at the conclusion of this deliberation.

Please accept, Your Excellency, the renewed assurance of my highest esteem.

/s/ Shigenori TOGO
Minister of Foreign Affairs

CC.1.1.FGd.

Karuizawa, 13 June 1945.

M. le Ministre,

I have the honor to acknowledge receipt of your letter of 5th June in which Your Excellency informed me that the Imperial Government had decided to authorize a visit to the hospital for prisoners of war in Malaya by a representative of the International Committee of the Red Cross. Your Excellency stated that negotiations are preceeding on this matter with the said Committee.

Also Your Excellency stated that not only the British Government but also the Netherlands Government had accepted the proposition of the Japanese Government concerning visits in occupied territories. The Imperial Government is waiting for the United States Government and the other Allied Governments to state that they have no objection to the said proposition.

In the meantime, I desire to draw Your Excellency's attention to the fact that the Government of the United States has also replied to this proposition and that I have sent to you the tenor of this reply by my letter of 10th May.

You will also remember that in the terms of my letter of 30th May the Geneva Committee has asked the Government of the United States for permission to inspect camps at Tinian, Saipan, Guam and New Caledonia where Japanese subjects are detained.

Please accept, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs
Tokio.

CC.1.5.1.-FGc.

(CC.1.1.-

CC.1.2.-

CC.1.4.-)

Karuizawa, 14 June 1945

My dear Minister,

You know that the Governments of Britain and of the United States of America are exhibiting great concern as regards prisoners of war in the hands of Japan. These Governments insist that the Federal Government take steps to obtain a reply to their pressing demands to obtain information about the prisoners or to ameliorate their conditions. But in spite of many requests not only to the Minister for Foreign Affairs but also to his Ministry, I have not received any reply which enables me to give to the interested Governments any information on this important question which they have awaited for a long time with impatience.

I have already called your attention to this state of affairs in my personal letter of 2nd June concerning the nomination of M. Ruch as delegate of the Swiss Minister to visit the camps.

In a new communication from Berne, the London Government has expressed the desire that an urgent solution be found for the three following serious problems.

1. The right of the protecting Power and the International Committee of the Red Cross to visit all camps of prisoners of war and civil internees in all regions of the Far East.
2. Prompt notification of the names of all prisoners of war and civil internees in the power of Japan, also of prisoners of war and internees who have died.
3. Removal of camps from the vicinity of industrial quarters and military objectives.

As to the first point, you know that I have this year visited only two prisoner of war camps and you know also my continual efforts to visit camps in Japan which have not been inspected at all or which have not been inspected for a long time. The approval given to the nomination of M. Ruch as my delegate is a first step and I sincerely hope that he will be allowed without delay to make the visits which the interested Governments require.

So far as concerns visits in occupied territories, I have received the letter from the Minister for Foreign Affairs dated 5th June in which he states that negotiations are taking place between the Ministry and the International Committee of the Red Cross for the purpose of making visits to the prisoners' hospital in Malaya. I received this news with satisfaction; I hope that this visit, as well as others, will take place shortly.

Handwritten notes:
M. Ruch
5.6.45
from Kommandant

I send you herewith a copy of a letter from M. TOGO by which I acknowledge receipt of the above mentioned communication.

With regard to the second point above mentioned, the Government of the United Kingdom has complained on many occasions of the delay in communicating the names of prisoners of war and civil internees in the power of Japan and particularly of those who have died. In my letter of 19th May to the Minister for Foreign Affairs, I set out that the London Government had stated that thousands of prisoners had died in Thailand and Burma without their names having been notified. It is not necessary to tell you that entire families are plunged into a great anxiety because of the lack of any news and my Government would be extremely happy to be able to inform these unfortunate families of the fate of their loved ones.

As to the last point relative to the situation of camps near military objectives, the interested Governments attach great importance to this, which importance I have stressed in my numerous letters to the Minister for Foreign Affairs and also, as you will remember, during the interview which you arranged between General TAMURA and myself. These Governments urgently demand that prisoners and internees be moved from dangerous zones so that they no longer may be exposed to the danger of bombing. I have given in my above mentioned letters by way of example the names of a certain number of camps in such zones. To my knowledge nothing has been done to remedy the position; I have not even received a reply to my requests.

I once more make an appeal to you to aid us in our humanitarian task and to help us to carry out the duty which has been confided to my country. I hope that thanks to your efforts it will soon be possible for me to inform my Government of the decision of the Imperial Government on the problems mentioned in this letter.

The Government of His Britannic Majesty insists on knowing if the Japanese Government has modified its policy concerning the treatment of prisoners of war. I would be extremely embarrassed to reply, but it is what you know as well as I do, that the situation has perhaps never been as bad as during the last six months. The efforts which have been made by M. SHIGEMITSU to bring about a change in the sense of a greater freedom to visit camps in Japan as well as overseas do not seem to have given any result at all. You will regret this no doubt as much as I do.

Please accept, my dear Minister, my kindest regards.

Attachment

To His Excellency
M. Minister Tadakazu SUZUKI
Ministry of Foreign Affairs
Tokio

AA.1.1.38.-FFc.

Karuizawa, 13 July 1945

CC.1.5.3.1./C.1.5.5.

CC.1.1.

My dear Minister,

Your letter of 8 July last has reached me and I thank you for the information you kindly communicated to me.

Obviously I regret the decision of the Japanese Authorities to cancel everywhere the collective monthly aid for prisoners of war, and not to accept our requests for the remaining payments in suspense for the months of April and May, but I understand also that if the money is not able to be used for State reasons of contract, it would be better not to send it.

With regard to the messages not censored, including the official mail of the Legation for the Political Department at Berne which will be sent in the postal sacks used for the correspondence of the British prisoners of war, I reserve this until I know the opinion of my Government on this subject.

As to that which concerns visits to prisoners of war camps in the southern regions, you have been very clear, and I have taken note that the reports of my delegates ought to be sent by telegrams in the clear. I have informed my Government of this. There is then no misunderstanding in this respect.

Please believe, my dear Minister, in my kindest regards.

To His Excellency
M. Minister Tadakazu SUZUKI
Ministry of Foreign Affairs.
Tokio.

CC.1.3.4.-FAC.

(CC.1.1.-

CC.1.3.6.-)

Karuizawa, 31 July 1945

My dear Minister,

A telegram from my Government informed me that the British Government was satisfied that it will be possible for Switzerland to visit the camps in the occupied areas. It reiterated the assurance that as far as the British Empire is concerned, reciprocity exists already for the benefit of Japan. It relies upon that, to begin with, the visiting of the camps in Thailand and at Singapore will be made without delay and it asks me to give it the precise information on the dates for the visits.

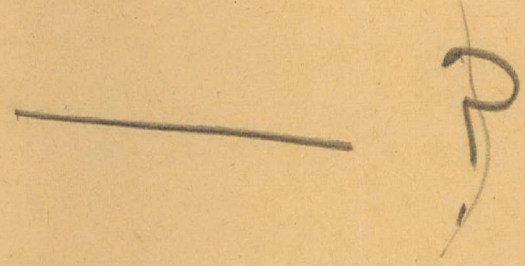
With regard to the calls at Shonan (Singapore) by my delegate, Mr. Wild, Chancellor of the former Consulate of Switzerland in that city, I am glad to hope that you will be soon able to arrange to let me know that the military authorities will permit him to carry out his calls as well as my delegate. I wait, not without some impatience, for your reply to my letters of July 13 and 19, as I shall regret to infer from a longer silence that, since Switzerland accepted the representation of Japanese interests in the United States of America, Canada and in other countries, the good feelings manifested in these latest times by the Imperial Authorities have died. One will not be able to understand, indeed, that our Chancellor, Mr. Wild, who has been from this moment accepted as delegate by the military authorities, could not make a call as "Swiss Delegate," but only as delegate of the International Committee of the Red Cross. One spoke, as you know, of the discrimination between the Swiss Government and the Committee of Geneva, and the fact is that it makes no difference what the question is or nearly so - difficulties arise each time that Switzerland asks something. My Legation cannot obtain anything without long and painful efforts. One can hardly believe that in time of war, a question such as that of precedence between the Swiss Government and the Committee of Geneva could bring such delays. However that may be, after the extremely generous gesture that has just been made by the Federal Government in favor of Japan, it seems to me that it will not be the very moment to say: "Mr. Wild is 'persona grata' as soon as he declares himself delegate of Geneva; he is no longer as soon as he claims to be from Berne." On what would you rest this discrimination?

If you deem that, to settle this affair, it will be preferable that my Government shall apply directly to M. le Ministre Kase, as we have had to do very many times, not without success after all, I shall be very grateful to you if you will let me know. I shall be, however, very surprised if after having taken note of my above mentioned letters, the Political Director of the Ministry, who looks after the maintenance of relations at the very least correctly between Switzerland and Japan, approves the procedure of the War Prisoners Bureau respecting my country, especially in the present circumstances.

As for the cars of Thailand, I will also be obliged to you if you will let me know when the first calls may be made. I have designated for these visits Mr. Lenzinger, professional consul, attached to the Swiss Consulate at Bangkok.

Please accept, my dear Minister, my best regards.

To His Excellency
M. Minister Tadakazu SUZUKI
Ministry of Foreign Affairs
Tokio.



2016A

Synopsis of Document No. 2853-A-(1)-(73)

- 12 Feb. 1942 (A-1) Swiss to Foreign Minister (Togo)
U.S. will facilitate visits by protecting power to Japanese subjects. Asks for information as to attitude of Jap. Govt. on application to civil internees of Geneva Convention and visits to internees
- 17 Feb. 1942 (A-2) Swiss to Foreign Minister (Togo)
Asks if Jap. Govt. will apply Geneva Conv. to civilians and also asks to be permitted to visit American prisoners of war and internees.
- 3 Mar. 1942 (A-3) Swiss to Foreign Minister (Togo)
Asks permission to visit internees camps and for list of American citizens.
- 3 June 1942 (A-4) Swiss to Foreign Minister (Togo)
U.S. is disturbed as to fate of U.S. Nationals in Japanese occupied territories, and asks for permission to visit prisoners of war and internees there.
- 5 June 1942 (A-5) Swiss to Foreign Minister (Togo)
Britain asks for information relating to British subjects in Japanese occupied territories, and also asks for permission to visit all camps for prisoners of war and civilian internees.
- 11 June 1942 (A-6) Swiss to Foreign Minister (Togo)
Repeats letter of 5 June as to Dominion subjects.
- 12 June 1942 (A-7) Swiss to Foreign Minister (Togo)
Informs Japanese that Japanese prisoners of war or civilian internees in United States can interview representatives of protecting power and Int. Red Cross without restriction. Asks for reciprocal facilities.
- 29 July 1942 (A-8) Minister of Foreign Affairs (Togo) to Swiss Minister
Replies to letters of 5 and 11 June. Japanese Govt. will not recognise protecting powers in occupied territory, therefore visits in those areas to prisoners or internees cannot be made. In Shanghai such visits may be allowed by competent authorities.
- 30 July 1942 (A-9) Minister of Foreign Affairs (Togo) to Swiss Minister
Replies to letter of 3 June. Reply similar to 29 July letter.

- 1 September 1942 (A-10) Swiss to Foreign Minister (Togo)
Reply to 30 July letter. U.S. protests at Japanese decision and requests access to all places of internment of American nationals.
- 2 September 1942 (A-11) Swiss to Foreign Minister (Togo)
Reply to 29 July letter. British protest at Japanese refusal to permit visits to prisoners of war and civilians in territories under Japanese control
- 3 September 1942 (A-12) Swiss to Prime Minister and Minister for Foreign Affairs (Tojo)
States application has been made to competent authorities to visit British nationals in Shanghai. This has been refused because only Tokyo can give consent. Asks for information as to what formalities are necessary in order to visit camps at Shanghai.
- 10 September 1942 (A-13) Swiss to Prime Minister and Minister for Foreign Affairs (Tojo)
Refers to letter of 1 Sept. to Togo. Asks what is the attitude of the Japanese Government on visits to camps.
- 7 October 1942 (A-14) Swiss to Foreign Minister (TANI)
States Japanese Mission in Saigon has refused permission to visit prisoners of war camps because of the temporary nature of the installations, and also because some escapes had occurred. States this is contrary to Japanese assurances to observe Geneva Convention. Asks Japanese Government to revise its decision.
- 24 October 1942 (A-15) Swiss to Foreign Minister (TANI)
Repeats 7 October letter and asks that decision be reversed.
- 28 October 1942 (A-16) Swiss to Foreign Minister (TANI)
States that some visits have been made to camps in Japan. Asks when visits may be made to camps in occupied territories.
- 6 November 1942 (A-17) Swiss to Foreign Minister (TANI)
Asks for information as to the attitude of the Japanese Govt. respecting visits to prisoner of war camps in China, Indo-China and Thailand.

- 13 November 1942 (A-18) Swiss to Foreign Minister (TANI)
Protests at Swiss having been refused permission to visit camps in Thailand and to send gifts in kind. Asks for permission to make such visits and to send such goods. Also asks Japanese Government to communicate lists of names of prisoners of war.
- 24 December 1942 (A-19) Swiss to Foreign Minister (TANI)
Acknowledges permission to visit certain camps in Japan. Asks for same rights in Japanese occupied territory.
- 5 February 1943 (A-20) Swiss to Foreign Minister (TANI)
Acknowledges permission to visit certain camps in Japan, Korea, Shanghai and Hong Kong. Asks for similar permission to visit other camps in Japan and in occupied territories.
- 16 March 1943 (A-21) Swiss to Foreign Minister (TANI)
Asks for right of Swiss representative to converse with prisoners without witnesses. States that previous requests to this effect made on 12 June 1942 and 18 June 1942 have not been replied to.
- 27 March 1943 (A-22) Swiss to Foreign Minister (TANI)
Repeats request made on 13 January 1943 to be permitted to visit camps in Taiwan.
- 31 March 1943 (A-23) Swiss to Foreign Minister (TANI)
States that several previous requests for permission to visit camps in occupied territories have not received any reply. Once more asks for that permission and also for information as to internees in Malaya.
- 22 April 1943 (A-24) Foreign Ministry (Shigemitsu) to Swiss
Reply to letters of 24 December and 31 March. States that as was mentioned in the letter of 30 July 1942, visits to camps in occupied territories cannot be permitted.
- 22 April 1943 (A-25) Foreign Ministry (Shigemitsu) to Swiss
Reply to letters of 16 and 19 March. Cannot allow Swiss to make unrestricted visits to prisoners of war and that correspondence of prisoners is permitted according to the circumstances in each camp.

12 May 1943 (A-26)

Swiss to Foreign Minister (Shigemitsu)

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

2 June 1943 (A-27)

Swiss to Foreign Minister (Shigemitsu)

Repeats request for permission to visit camps in occupied territories. Requests permission to visit other camps in Japan. Requests information as to when he may revisit camps which have already been visited.

4 June 1943 (A-28)

Swiss to Foreign Ministry (Shigemitsu)

Requests right to talk to prisoners without witnesses.

24 June 1943 (A-29)

Foreign Minister (Shigemitsu) to Swiss

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

28 June 1943 (A-30)

Swiss to Foreign Minister (Shigemitsu)

Requests permission to visit Hakodate prison camp.

8 July 1943 (A-31)

Swiss to Foreign Minister (Shigemitsu)

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

16 July 1943 (A-32)

Swiss to Foreign Minister (Shigemitsu)

Requests permission to visit all camps and states that prisoners should be evacuated from the zone of combat.

23 July 1943 (A-33)

Foreign Minister (Shigemitsu) to Swiss

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

29 July 1943 (A-34)

Swiss to Foreign Minister (Shigemitsu)

Repeats 16 July. Requests permission to visit camps in Phillipines.

- 23 August 1943 (A-35) Swiss to Foreign Ministry (Shigemitsu)
Request to revisit camps at Tokyo and Yokohama.
- 4 September 1943 (A-36) Swiss to Foreign Ministry (Shigemitsu)
Request to visit Hakodate. Inquires as to attitude of Japanese Government on visits to other camps.
- 22 October 1943 (A-37) Swiss to Foreign Ministry (Shigemitsu)
Asks for replies to letters of 23 August, also 28 June, 4th September and 29th July re visits to prison camps.
- 10 December 1943 (A-38) Swiss to Foreign Ministry (Shigemitsu)
Asks for a reply to letter of 22 October re visits to certain camps in Japan.
- 12 February 1944 (A-39) Swiss to Foreign Minister (Shigemitsu)
Complaining that requests to visit camps sent between August 1943 and February have received no reply. Makes a formal demand to visit all camps.
- 13 March 1944 (A-40) Swiss to Foreign Ministry (Shigemitsu)
Requests to visit camps. States that British Government has received alarming reports of physical condition and work of prisoners. Asks to be informed as to the physical condition and work of prisoners of war.
- 25 March 1944 (A-41) Swiss to Foreign Ministry (Shigemitsu)
Requests to visit camps. Quotes statement in Nippon Times that Govt. will facilitate observations by objective parties.
- 30 March 1944 (A-42) Swiss to Suzuki, Tōankatsu (not accused) of Foreign Ministry
States that from 1 Feb. 1942 to 15 March 1944 Swiss have intervened in writing 134 times re visits to camps. There have been 24 replies. In last nine months only 3 replies received. Most of replies have been negative.
- 10 May 1944 (A-43) Swiss to Foreign Minister (Shigemitsu)
States visits are made by protecting power to Japanese prisoners in America without restriction. Requests visits to prisoner of war camps in Japanese controlled territories.

- 30 June 1944 (A-44) Swiss to Suzuki, Tadakatsu (not the accused) of the Foreign Ministry
Sets out that the Japanese raise the question that the Swiss have not received authority to protect British and U.S. subjects in occupied territories, and asks for permission to visit.
- 1 July 1944 (A-45) Swiss to Foreign Minister (Shigemitsu)
Refers to promise by Shigemitsu to examine the question of visits to prisoner of war camps. Mentions the statements of the U.S. Government re atrocities. Asks for humane treatment of U.S. prisoners.
- 21 July 1944 (A-46) Swiss to Foreign Minister (Shigemitsu)
Refers to Japanese statement that Swiss will be authorized to visit the prisoner of war camps in Japan. Asks when it can visit camps.
- 12 August 1944 (A-47) Foreign Minister (Shigemitsu) to Swiss
Sets out attitude of Japanese Government re denying visits to camps in occupied territories.
- 15 August 1944 (A-48) Foreign Minister (Shigemitsu) to Swiss
Reply to 21 July. Permission to visit camps in Japan will be granted when asked for.
- 17 August 1944 (A-49) Swiss to Foreign Minister (Shigemitsu)
States Swiss have never received list of prisoner of war camps in Japan and therefore cannot undertake the responsibility of making specific applications. Requests permission to visit all camps and asks for a list of camps in Japan.
- 12 September 1944 (A-50) Swiss to Foreign Minister (Shigemitsu)
Asks that humane treatment be accorded to British prisoners and asks permission to visit all camps.
- 28 October 1944 (A-51) Swiss to Foreign Ministry (Shigemitsu)
Reiterates request for permission to visit all camps in occupied territories.
- 10 November 1944 (A-52) Swiss to Suzuki (not the accused)
Asks for confirmation of promise made by Shigemitsu that permission to visit camps in occupied territories would be given on condition of reciprocity.
- 13 November 1944 (A-53) Suzuki to Swiss
Visits to Manila, Shonan and Bangkok may be commenced.

- 16 November 1944 (A-54) Swiss to Foreign Ministry (Shigemitsu)
States that only five camps in Japan have been visited. Asks for permission to visit others.
- 17 November 1944 (A-55) Swiss to Suzuki
Asks reasons why competent authorities will not permit visits in N. E. I.
- 8 December 1944 (A-56) Foreign Minister (Shigemitsu) to Swiss
Reply to 1 July and 12 September. Japanese Government will allow visits to prisoners of war camps in occupied territories provided they do not interfere with military operations and on conditions of reciprocity. Will commence negotiations on this subject with International Red Cross re visits in P.I., Shonan and Thailand.
- 12 December 1944 (A-57) Swiss to Foreign Minister (Shigemitsu)
Acknowledges 8 December.
- 3 January 1945 (A-58) Swiss to Foreign Ministry (Shigemitsu)
Asks when camps may be visited.
- 16 March 1945 (A-59) Swiss to Foreign Ministry (Shigemitsu)
Mentions visits to 2 camps in Japan. Asks when others may be visited.
- 7 April 1945 (A-60) Swiss to Foreign Minister (Shigemitsu)
Reply to 8 December. States reciprocity already exists and has existed for a long time.
- 17 April 1945 (A-61) Swiss to Foreign Ministry (Togo)
States only 2 camps in Japan visited in 1945. Asks permission to visit other camps.
- 19 April 1945 (A-62) Swiss to Foreign Minister (Togo)
Asks permission for H. Rush to visit camps. Mentions that many weeks have elapsed since this request was first made.
- 28 April 1945 (A-63) Swiss to Suzuki (not the accused)
States request made on 16 March, 3, 17 April to visit certain camps in Japan, Formosa and Mukden have been unanswered.
- 10 May 1945 (A-64) Swiss to Foreign Minister (Togo)
U.S. asks if Japs will allow visits to Singapore, Japan, Formosa, and Manchuria.

- 16 May 1945 (A-65) Swiss to Foreign Minister (Togo)
Asks for permission to visit all camps.
- 30 May 1945 (A-66) Swiss to Foreign Minister (Togo)
Informs Japanese that visits to camps for Japanese POW's in Tinian, Saipan, Guam and New Caledonia will be authorized by the United States when the Japanese have given a favourable answer to the letter of 10 May.
- 30 May 1945 (A-67) Swiss to Foreign Minister (TOGO)
Requests to be allowed to visit all camps in Japan.
- 5 June 1945 (A-68) Foreign Minister (Togo) to Swiss
Answer to 7 April. Jap. Govt. "will lose no time" in having a representative of International Red Cross visit prisoner of war camps, in Thailand, and on conclusion of negotiations with Int. Red Cross committee will authorize visits in Malaya.
- 13 June 1945 (A-69) Swiss to Foreign Minister (Togo)
Reiterates that U.S. has agreed to all camps being visited.
- 14 June 1945 (A-70) Swiss to Suzuki, Tadokatsu (not the accused) of the Foreign Ministry
Asks for visits, notification of all names of all prisoners of war and internees and removal of camps from vicinity of military objectives.
- 13 July 1945 (A-71) Swiss to Suzuki, Tadokatsu (not the accused) of the Foreign Ministry
Re visit to Shonan. Difficulties raised by Japanese as to the person who is to visit. Japanese will not allow Swiss to select their representative.
- 13 July 1945 (A-72) Swiss to Suzuki (not the accused) of the Foreign Ministry
Reports of Swiss visitors will be sent in the clear as required by the Japanese.
- 31 July 1945 (A-73) Swiss to Suzuki (not the accused) of the Foreign Ministry
Asks when visits to camps in Thailand and Singapore will be permitted.

2017

Document No. 1432-A

Page 1

No. 249/Kyo. Ordinary

File is 9
24 July 1943

TO His Excellency, the Envoy Extraordinary and Minister Plenipotentiary
of Switzerland, Camille Georges /phonetic/:

With this letter I have the honor to acknowledge receipt of your
Excellency's letter No. CC 1.3.6 DCu of the 5th July concerning the
treatment of prisoners of war in the Thailand Camp and the matter of
visiting this camp.

The competent authorities to whom the contents of said letter
had been immediately communicated inform me that the prisoners of the
Thailand Camp are equitably treated; furthermore, those who are sick
have received the best medical treatment in the prisoner of war hos-
pital. So far as the matter of visiting the camp is concerned,
authorization will not be given for the moment.

Document No. 1432-A
Please accept, Monsieur le Ministre, renewed assurances of my
high esteem.. Ordinary

TO His Excellency, the Envoy Extraordinary and Minister Plenipotentiary
of Switzerland, Camille Georges /phonetic/

Minister of Foreign Affairs

Mamoru SHIGEMITSU

With this letter I have the honor to acknowledge receipt of your
Excellency's letter No. CC 1.3.6 DCu of the 5th July concerning the
treatment of prisoners of war in the Thailand Camp and the matter of
visiting this camp.

The competent authorities to whom the contents of said letter

C E R T I F I C A T E

W.D.C. No. _____

I.P.S. No. 1432-A

Statement of Source and Authenticity

I, NAKANISHI, Sadayoshi, hereby certify that I am officially connected with the Japanese Government in the following capacity: Acting Director of the Prisoner of War Information Bureau and that as such official I had custody of the document hereto attached consisting of 2 pages, dated 24 July, 1943 and described as follows: Letter to Swiss Minister from Japanese Minister of Foreign Affairs re visiting Thailand POW Camp

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Prisoner of War Information Bureau

Signed at Tokyo on this
8th day of November, 1946.

/s/ NAKANISHI, Sadayoshi
Signature of Official

SEAL

Witness: /s/ Koji Yokoi

Acting Director of the Prisoner
of War Information Bureau
Official Capacity

Statement of Official Procurement

I, J. A. Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
8th day of November, 1946

/s/ J. A. Curtis, 2nd Lt.
NAME

Witness: /s/ G.S. Woolworth

Investigator
Official Capacity

2018

No. 35/C.H.

Verbal Note

The Imperial Japanese Ministry of Foreign Affairs has the honor to acknowledge the receipt of a Note Verbale of the Royal Swedish Legation in Tokyo dated the 28th June requesting that permission be granted for Mr. Folke E^ustedt, the Swedish Consul-General at Bangkok, to visit the prisoners of war camps in Thailand. The Ministry of Foreign Affairs begs to state in reply that in the present circumstances it is not possible to grant the desired permission.

7th July, 1943.

C E R T I F I C A T E

W.D.C. No. _____
I.P.S. No. 1432-B

Statement of Source and Authenticity

I, NAKANISHI, Sadayoshi, hereby certify that I am officially connected with the Japanese Government in the following capacity: Acting Director of the Prisoner of War Information Bureau and that as such official I had custody of the document hereto attached consisting of 1 page, dated 7 July, 1943, and described as follows: Verbal Note to Swedish Legation in Tokyo from Japanese Ministry of Foreign Affairs refusing Mr. Folke Enstedt permission to visit POW Camps in Thailand

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Prisoner of War Information Bureau

Signed at Tokyo on this
8th day of November, 1946.

/s/ NAKANISHI, Sadayoshi
Signature of Official

SEAL

Witness: /s/ Koji Yokoi

Acting Director of the Prisoner
of War Information Bureau
Official Capacity

Statement of Official Procurement

I, J. A. Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
8th day of November, 1946.

/s/ J. A. Curtis, 2nd Lt.
NAME

Investigator
Official Capacity

Witness: /s/ G.S. Woolworth

5019

No. 34/C.R.

Verbal Note

The Imperial Japanese Ministry of Foreign Affairs has the honor to acknowledge the receipt of a Note Verbale of the Royal Swedish Legation in Tokyo dated the 25th June inquiring whether it would be possible to permit Mr. E. Strandberg, a former Danish Consul, to visit the Changi Civilian Internment Camp in Syonan. The Ministry of Foreign Affairs begs to state in reply that in the present circumstances the desired permission cannot be granted.

7th July, 1943

C E R T I F I C A T E

I.D.C. No. _____
I.P.S. No. 1432-C

Statement of Source and Authenticity

I, NAKANISHI, Sadayoshi, hereby certify that I am officially connected with the Japanese Government in the following capacity: Acting Director of the Prisoner of War Information Bureau, and that as such official I had custody of the document hereto attached consisting of 1 page, dated 7 July, 1943, and described as follows: Verbal Note to Swedish Legation in Tokyo from Japanese Foreign Affairs Ministry refusing Mr. E. Strandberg permission to visit Changi Civilian Internment Camp in Svonan.

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Prisoner of War Information Bureau

Signed at Tokyo on this
8th day of November, 1946.

/s/ NAKANISHI Sadayoshi
Signature of Official
SEAL

Witness: /s/ Koji Yokoi

Acting Director of the Prisoner
of War Information Bureau
Official Capacity

Statement of Official Procurement

I, J. A. Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
8th day of November, 1946.

/s/ J. A. Curtis, 2nd Lt.
NAME

Witness: /s/ G. S. Woolworth

Investigator
Official Capacity

Resident Ordinary No. 459

19 June 1943

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

To: Chief of the POW Information Bureau

Regarding the Proposal of the American Government Pertaining
to the Treatment of POW

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

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

Please give us your instructions.

QUESTIONNAIRE

1. Are civilian internees required to perform labor without their consent?
2. Are non-commissioned officers used in other than supervisory capacity without their consent? Are officers required to perform labor?
3. Are officers and civilian internees given gainful employment if they volunteer? If so what is the nature of the employment?
4. How many men are absent from the camp to perform labor? Into how many groups have they been divided?
5. In a camp where men return to camp each evening specify number of men who generally go out in work parties.
6. Who determines which prisoners of war must work and which need not work? Has this official any rules which he must follow in making his decision? What are those rules?
7. What official is charged with the responsibility of seeing that the standards of the Geneva Prisoners of War Convention as well as those set up by the detaining Power are met?
8. Where is labor performed?
9. What kind of labor is performed?
10. Under what industrial, sanitary and climatic conditions is labor performed?
11. Does the detaining Power provide food, clothing and medical care to the prisoners as contemplated by the Geneva Prisoners of War Convention? Does the detaining Power make employers responsible for the observation of these sections of the Convention?
12. What provision is made for the religious and recreational needs of the men in labor groups who do not return to the base camp each night?
13. What are the hours of labor? On how many days per week is labor not required?
14. What wages are paid? Are these wages larger or smaller than payment prescribed by Article 34 of the Geneva Convention?
15. How much of the wages are paid in cash, in script?
16. How much of the wages are deducted for maintenance?
17. What can the men buy with funds given them?

C E R T I F I C A T E

W.D.C. No. _____
I.P.S. No. 1432-D

Statement of Source and Authenticity

I, IIDA, Yukio, hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of General Affairs, Prisoner of War Information Bureau, and that as such official I have custody of the document hereto attached consisting of 4 pages, dated 19 June, 1943, and described as follows: Resident Ordinary No. 459 Regarding the proposal of the American Government pertaining to the treatment of POW, and questionnaire.

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Prisoner of War Information Bureau.

Signed at Tokyo on this
12th day of Nov., 1946.

/s/ IIDA, Yukio
Signature of Official
SEAL

Witness: /s/ ^{ei} Keji Yokoi

Chief of General Affairs
Official Capacity

Statement of Official Procurement

I, J. A. Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
12th day of Nov., 1946.

/s/ J. A. Curtis, 2nd Lt.
NAME

Witness: /s/ Marian A. Linhart

Investigator
Official Capacity

88 (in red ink.) T.N. Figure 79 in red ink crossed out)
(T.N. Marked "Finished," implying "Read" in columns for the Chief,
and bearing Seals of Secretaries /"Jimu-Kan"/ YASUDA, YAMAUCHI and
MITAGATA).

POW Information No. 39 of IX

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

23 June 1943 /Showa 18/

From: Chief of POW Information Bureau, Taira HAMADA

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

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

1. According to Article 13 of the POW Treatment Regulations,
it is stipulated that, when having interviews with POW's,
the Chief of the POW Camp shall restrict the scope of the
conversation.
2. The aforesaid scope of conversation shall differ according
to the circumstances of each POW Camp.
3. Therefore, we are of the opinion that the proposal of the
Swiss Government cannot be accepted in toto.

W.D.C. No. _____

I.P.S. No. 1432-E

Statement of Source and Authenticity

I, IIDA, Yukio, hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of General Affairs, Prisoner of War Information Bureau, and that as such official I have custody of the document hereto attached consisting of 1 page, dated 23 June, 1943, and described as follows: POW Information No. 39 of IX - Reply to the proposal of the American Government regarding the questions to be put to POW

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Prisoner of War Information Bureau

Signed at Tokyo on this12th day of Nov. 1946./s/ IIDA Yukio

Signature of Official

SEAL

Witness: /s/ Koji YokoiChief of General Affairs

Official Capacity

Statement of Official Procurement

I, J. A. Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this12th day of Nov. 1946./s/ J. A. Curtis, 2nd Lt.

NAME

Investigator

Official Capacity

Witness: /s/ Marian A. Linhart

2032
C E R T I F I C A T E

I.P.S. No. 2765-A-1-22

Page No. 1

Statement of Source and Authenticity

I, Walter Bossi, hereby certify that I am officially connected with the Government of Switzerland in the following capacity: Swiss Diplomatic Representative, and as such official I have custody of the documents, consisting of twenty-two letters and notes, as listed on Exhibit A attached hereto and described as follows: True copy of letters and notes in French from the Minister of Switzerland addressed to the Japanese Ministry of Foreign Affairs and the original replies thereto of the Japanese Ministry of Foreign Affairs addressed to the Minister of Switzerland.

I further certify that the attached letters and notes are official records of the Swiss Legation in Japan and that they are a part of the official archives and files thereof.

Signed at Tokyo on this
10th day of December, 1946.

/s/ W. Bossi
Signature of Official

Witness: Max H. Joss /s/

Swiss Diplomatic Representative
Official Capacity

Statement of Official Procurement

I, 2nd Lt. Eric W. Fleisher, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Swiss Government in the conduct of my official business.

Signed at Tokyo on this
10th day of Dec. 1946.

/s/ Eric W. Fleisher, 2nd Lt.
NAME US MI

Witness: /s/ Henry Shimojima

Investigator, IPS
Official Capacity

<u>Document No.</u>	<u>EXHIBIT</u>	<u>Description</u>
2765-A-1		Letter dated 8 July 1942 from the Swiss Minister to TOGO (CC.1.2.8.-ca.)
2765-A-2		Letter dated 1 August 1942 from the Swiss Minister to TOGO (CC.1.2.8.-ca.)
2765-A-3		Letter dated 15 September 1942 from the Swiss Minister to General TOJO (CC.1.2.8.-cc.)
2765-A-4		Letter dated 9 December 1942 from the Swiss Minister to TANI (CC.1.3.8.-cr.)
2765-A-5		Letter dated 9 February 1943 from Japanese Minister of Foreign Affairs to the Swiss Minister (No. 33/C.R.)
2765-A-6		Letter dated 12 February from the Swiss Minister to TANI (CC.1.d.8.-deu.)
2765-A-7		Letter dated 28 February 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs. (CC.1.3.6.-EGc. CC.1.3.8.)
2765-A-8		Letter dated 25 April 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.6.-EGc. CC.1.3.8.)
2765-A-9		Letter dated 10 June 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.6.-EGc. CC.1.3.8.)
2765-A-10		Letter dated 4 July from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.8.-EGf.)
2765-A-11		Memorandum dated 9 August 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.5.1.-EGi. CC.1.3.6. CC.1.3.8.)
2765-A-12		Note Verbale dated 26 August from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 246/C.R.)
2765-A-13		Memorandum dated 3 October 1944 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 295/C.R.)
2765-A-14		Letter dated 18 November 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.8.-EGc. CC.1.7.57.-CC.1.7.60.)
2765-A-15		Letter dated 4 December 1944 from the Swiss Minister to SHIGEMITSU (CC.1.7.63.-EGc. CC.1.3.6.- CC.1.3.8.)
2765-A-16		Letter dated 5 December 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.8.-EGc.)

<u>Document No.</u>	<u>Description</u>
2765-A-17	Letter dated 23 January 1945 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.8.-FGd. CC.1.7.57. CC.1.7.60.)
2765-A-18	Letter dated 19 March 1945 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.8.-FGc. CC.1.7.57. CC.1.7.60.)
2765-A-19	Letter dated 23 April 1945 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.7.63-FGd. CC.1.3.6./1.3.8.)
2765-A-20	Note Verbale dated 15 May 1945 from the Japanese Ministry of Foreign Affairs to the Swiss Minister. (No. 116/C.R.)
2765-A-21	Letter dated 2 July 1945 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.7.63.-FGc. CC.1.3.6./1.3.8.)
2765-A-22	Letter dated 5 July 1945 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.8.-FFg.)

CC.1.2.8.-ca.

Tokyo, 8 July 1942

M. le Ministre,

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

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

There is no doubt that this provision is generally applied by all belligerents and it seems to me to be certain that it will also be applied by the Japanese forces. The case mentioned by the ex-Ambassador for Great Britain is no doubt an isolated one.

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

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs
Tokyo

CC. 1. 2. 8-ca.-

Tokyo, 1 August 1942

M. le Ministre,

To follow my letter of 9 July I have the honor to inform your Excellency, following the express instructions of my Government, that the British Government does not admit that prisoners of war should be compelled to work belittling their dignity. It has requested the Swiss Government to make every representation on this subject, and attaches the greatest importance to these matters as they were shown in the photograph published by the "Japan Times and Advertiser". The principle announced by Article 2 of the Prisoner of War Code of 27 July 1929 seems to it the main point and it trusts that the Imperial Government will see to it that on this point the Geneva Convention is fully applied.

As I said in my preceding letter, I do not doubt that this principle, so important to the authors of the Convention, will be applied by Japanese officials and other belligerents.

Please accept, M. le Ministre, the assurances of my highest consideration.

Signed by the Swiss Minister

To His Excellency
M. Shigenori TOGO
Minister of Foreign Affairs
Tokyo.

Subaji =

CC.1.2.8.-cc.

Tokyo, 15 September 1942
CC.1.3.8

M. le Prime Minister,

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

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

- (a) Rations are confined to bread, salt and water twice daily with occasional issue of vegetables.
- (b) Prisoners of war sleep on floor on sacking or boards only.
- (c) No cigarettes or tobacco are issued.
- (d) Their boots have been confiscated and they are compelled to do heavy work while barefooted.

In consequence of this inhumane treatment, prisoners are weak, thin and dejected.

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

I will be greatly obliged to Your Excellency if you will inform me of the response of the Japanese Government, and take this occasion to renew, M. le Prime Minister, assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. General Hideki TOJO
Prime Minister and Minister of Foreign Affairs
Tokyo.

Tokyo, 9 December 1942

M. le Ministre,

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

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

In thanking you in advance for your kind response, I take this occasion to renew, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Masayuki TANI
Minister of Foreign Affairs
Tokyo

THE GAIMUSHO
TOKYO

Translation

No. 33/C. R

9 February 1943

M. le Ministre,

I have the honor to acknowledge receipt of Your Excellency's two letters, Nos. CC.1.2.8.-cc. and CC. 1.3.8.-cr., dated 15 September and 9 December last, relative to the treatment of British prisoners of war at Rangoon.

I desire to inform Your Excellency that the competent authorities have stated that after having made full inquiry, the facts stated in the said letters never occurred.

Please accept, M. le Ministre, the renewed assurances of my esteem.

(L. S.) Minister of Foreign Affairs

CC.1.3.8.-deu

Tokyo 12 February 1943

M. le Ministre,

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

In the meantime the Government of the United Kingdom has requested my Government to communicate to the Imperial Government additional information on the conditions prevailing at the same time in the said prison. According to information from the Foreign Office, superior officers, European and Indian, were slapped until they lost consciousness; they have also been beaten on the head by Japanese soldiers. The injuries to their ears and eyes suffered by the prisoners following the punching have been aggravated by the lack of medical supplies. All medical supplies are insufficient and the sanitary conditions bad. Twenty or thirty men died. Many men died from dysentery during the first months of captivity caused by insufficient water. In addition, Europeans have been forced to carry out degrading work. Severe punishments were inflicted on prisoners; it is also clear that some of them have been deprived of all food for two days for having committed minor offenses and that Indian prisoners of war have been deprived of food for having refused to enroll in the Indian National Army. It seems also that all prisoners are in need of proper clothing and are in rags.

The British Government is most concerned that this state of things should exist. It insists strongly once more that the representatives of the protecting Powers and the delegates of the International Committee of the Red Cross be enabled to visit prisoners of war and civil internees at Rangoon, also those in other camps in Burma, Malaya and the Netherlands Indies.

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

My above mentioned letters have not been replied to and I recall this matter to the attention of Your Excellency and would be obliged if you would consent to intervene with the competent authority to give, as soon as possible, permission to visit to my delegates or the delegates of the International Committee of the Red Cross the prisons of Rangoon, prisoners and internec camps in Burma and Malaya, and also in the southern island.

Please accept, M. le Ministre, the assurances of my highest
esteem.

Signed by the Swiss Minister

To His Excellency
M. Masayuki TANI
Minister of Foreign Affairs
Tokyo.

CC.1.3.6.-EGc.

CC.1.3.8.-

The Swiss Legation has the honor to inform the Imperial Ministry of Foreign Affairs that according to information recently brought to the attention of the British Government, the condition of the prisoners of war in Thailand and Burma leaves much to be desired.

There are, in particular, many cases of beri-beri, and the medical supplies to treat this disease are non-existent.

The Government of the United Kingdom has drawn the attention of the Swiss Government to these matters and insists that the Imperial authorities take all necessary measures to send essential medical supplies as soon as possible to the camps in Thailand and Burma.

The Legation will be greatly obliged to the Imperial Ministry if it will bring these matters to the attention of competent authorities, and takes this occasion to renew assurances of its esteem.

Tokyo, 28 February 1944

To the Imperial Ministry
of Foreign Affairs, Tokyo

CC.1.3.6.-JGc

CC.1.3.8.-

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

In a new communication, the London Government expressed its desire to know if the above mentioned prisoners now have at their disposition the essential medical supplies.

The Legation would be greatly obliged to the Ministry if it would furnish the information in this regard; and takes this occasion to renew assurances of its high esteem.

Tokyo 25 April 1944

To the Imperial Ministry
of Foreign Affairs
Tokyo

CC.1.3.6.--EGC

CC.1.3.8.--

By notes of 28 February and 25 April the Swiss Legation had the honor to inform the Imperial Ministry of Foreign Affairs that the British Government had been apprized that the prisoners of war in Thailand and Burma lacked medical supplies. It requested then that the competent authorities take the necessary measures to send them as soon as possible.

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

The Legation takes this occasion to renew to the Imperial Ministry assurances of its high esteem.

Tokyo, 10 June 1944

To the Imperial Ministry
of Foreign Affairs
Tokyo

CG.1.3.8.-JGf.

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

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

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

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

- "1. First complaint concerns area of Moulmein and falls under three headings:
 - A. Notifications: According to postcards printed by the Japanese Authorities, about 20,000 British and Allied prisoners of war are detained in or near Moulmein. Transfer of prisoners of war to this camp has never been notified: and it is believed that capture of many prisoners of war now in this and other Burmese camps has also never been notified. Nor has any notification been received of numerous deaths that are known to have occurred there.
 - B. Conditions: Conditions under which prisoners of war in Moulmein camp are detained are known to His Majesty's Government to be at least as bad as, if not worse, than those which existed in Thailand. During October and November 1942, prisoners of war in Moulmein itself are known to have died at the rate of approximately 10 per diem, the principal cause of death being dysentery. In other camps administered by the Japanese Authorities in or near Moulmein an even more appalling rate of mortality has occurred amongst prisoners of war working on that Burmese railway. These deaths are the direct and inevitable result of conditions in camps and in particular of the wholly inadequate rations provided by the Japanese Authorities, of the latter's failure to provide medicines or equipment in hospitals, of almost complete lack of adequate clothing or even footwear and of severity of labor exacted from prisoners of war.
 - C. Exhibition of prisoners: In February of 1944, 25 prisoners of war were paraded through the town of Moulmein. They were in an emaciated condition and were forced to carry notices in Burmese stating that they had recently been captured on the Arakan front

- (which was not the case). They were further held up to ridicule and contempt by a Japanese officer who accompanied the parade. Such proceedings are clearly contrary to honorable standards of warfare and unworthy of a nation calling itself civilized, apart from being a breach of Article 2 of the Prisoners of War Convention.
2. Second complaint concerns conduct of Japanese troops in forward areas in Burma. In the course of the first two Burma campaigns these troops committed a number of atrocities on prisoners of war (instances can be supplied if required). The present Burma campaign has been marked by the massacre and ill-treatment of British and Indian prisoners of war, including wounded soldiers and medical personnel, captured near Ngakyedauk on February 7, 1944.

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

On February 14th, Japanese forces evacuated the area. Before doing so they deliberately massacred the remaining prisoners (at least 20 British and Indians, many of whom were wearing Red Cross arm letterings) by shooting. These facts are known from testimony of eye witnesses. Further instances of brutality of Japanese forward troops during the present campaign are:

- Heart
cut
out
- A. Execution or beheading of wounded West African lance corporal at Phoongyi Ky sung at the end of January 1944.
 - B. Bayonetting of four Indian soldiers who had attempted to escape from a prisoners of war camp about 5 miles East of Kelawain in January, 1944.
 - C. Massacre with swords of about 50 wounded Britains and Indian prisoners of war in Manipur in March 1944.
 - D. Outrage committed on March 26, 1944, at Khandok when a West African prisoner of war was tied to a tree, his finger nails were cut off and his heart cut out by a Japanese medical officer."

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

In thanking in advance the Imperial Ministry for its kind response, the Legation takes this occasion to renew the assurances of its high esteem.

Tokyo, 4 July 1944

To the Imperial Ministry
of Foreign Affairs
Tokyo

CC.1.5.1.-EG1.

CC

CC.1.3.6.

CC.1.3.8

M E M O R A N D U M

During his recent visits to prisoner of war camps in Japan, the Swiss delegate learned that there were still several cases of beri-beri among the prisoners. It appears, moreover, that they are of long standing.

The British Government inclines to the belief that beri-beri is always rampant in other camps in the Far East and it requests the Swiss Legation to intervene to obtain an assurance that the necessary steps have been taken to combat this disease.

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

The Legation would be very much obliged to the Imperial Ministry of Foreign Affairs if it would make known its views on this subject.

Tokyo, 9 August 1944.

THE GAIMUSHO
TOKYO

Translation

No. 246/C. R.

NOTE VERBALE

The Imperial Ministry for Foreign Affairs has the honor to acknowledge receipt of the Swiss Legation's letter No. CC.1.3.8.-EGf. of 4 July last relative to the treatment of British prisoners of war in Burma.

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

1. In protest No. 1-A, the British Government alleged that the transfer to Burma of allied prisoners of war had not been made known to it. But in reality the majority of British and Allied prisoners of war who were then in Burma had been prisoners of war attached to camps in Thailand and Malaya and had been provisionally transferred to Burma. The Imperial Government which specially concerns itself with the communication of names of prisoners of war has already notified the International Committee of the Red Cross of the names of more than 10,000 prisoners of war attached to camps in Thailand and Malaya. The names of deceased prisoners in these regions are actually in the course of communication.
2. The reply to other questions recently submitted will be communicated after an examination of the alleged facts.

26 August 1944

THE GAIMUSHO
TOKYOTranslation

No. 295/C. R.

M E M O R A N D U M

By Memorandum No. CC.1.5.1-EGi. dated 9 August last, the Swiss Legation sent to the Imperial Ministry of Foreign Affairs a request from the British Government relative to the matter of beri-beri among prisoners of war.

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 beri-beri, 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 beri-beri 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 supply situation, the same food in quality and quantity as that of Japanese base troops. It is said that it is much superior to that of the Japanese generally.

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

3 October 1944

23-384
"Sunshin"
Tch. < 23/273
pm Cpt mally. Sent
PV count
24 Oct. 23-2769

do not lack vitamin

CC.1.3.8.-EGc.

CC.1.7.57.-

CC.1.7.60.-

By note of 4th July the Swiss Legation had the honor to send to the Imperial Ministry for Foreign Affairs a communication from His Britannic Majesty's Government on the subject of ill-treatment of prisoners of war in Burma. The London Government cited several cases of torturing of prisoners. It complained also that the names of prisoners in Burma had not been notified.

On 26th August the Ministry informed the Legation that many prisoners of war in Burma had been 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 communication after an examination of the alleged facts.

The Legation has informed its Government of the preceding matters, to be forwarded to the Government of the United Kingdom.

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

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

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

"On the morning previous to the execution, a town crier went around the town of Savoy beating a gong and inviting townspeople to be present on an open field near the post office. Many went to witness the execution. I saw the six British soldiers each tied to a cross and opposite them were three Japanese soldiers and three Burmese civil policemen. When the order was given, the three Japanese soldiers charged at three of the British soldiers with fixed bayonets and killed them. A few minutes later, the three Burmese civil policemen bayonetted the remaining three British soldiers. The six English soldiers were barefooted, they were Khaki shorts and vests. They were not blindfolded."

The Government of the United Kingdom desires to know the names of the six British soldiers and has demanded that an inquiry be opened and that the culprits be punished. It refers to the letter of the Swiss Minister to SHIGAMI^{SW} dated 21st October in which it was stated that the British Government had learned of the putting to death of four Indians in the camp at Moteik (Burma) and raises a very strong protest against the manner in which they were treated. It further demands that an inquiry be made and that the culprits be punished.

Finally, the Government of the United Kingdom has requested that the Imperial Government be notified that it has received reports that conditions in Rangoon Central Gaol are extremely bad. This prison is used as a camp and in it are about 700 British, Americans and Indians. These prisoners are ill-treated and measures must be taken immediately for proper medical supplies to be sent to them.

The Legation would be very much obliged to the Imperial Ministry if it would inform it as soon as possible as to the attention which has been given to the requests of the British Government, and in thanking in advance for its kind response, it takes this occasion to renew assurances of its high esteem.

Tokyo, 18 November 1944

To the Imperial Ministry
of Foreign Affairs
Tokyo.

Document No. 2765-A-15
CC.1.7.63.-EGC.
CC.1.3.6.-
CC.1.3.8.-

Tokyo, 4 December 1944

M. le Ministre,

I have the honor to inform Your Excellency that the British and Australian Governments have requested my Government to send the following communication to the Japanese Government:-

"Some 100 Australian and United Kingdom survivors from the Japanese transport S. S. "Rakuyo Maru" torpedoed in South China Sea on September 12th have reached Australia and Great Britain. Following is a brief summary of the knowledge which has consequently come into the possession of His Majesty's Government in the United Kingdom and Australia regarding treatment of British and Australian prisoners of war by Japanese military authorities; all available prisoners of war in Singapore and Java were moved early in 1942 to Burma or Thailand. Australians were sent by sea to Burma crowded into ships' holds which had been horizontally sub-divided so that ceilings were no more than 4 feet high. Prisoners from the United Kingdom were sent by rail to Thailand so crowded into steel cattle trucks that they could not even lie down during the journey. They were then marched some 80 miles. All were sent to work on the construction of a railway through primitive disease-infected jungle in Thailand and Burma. Conditions under which all these men lived and worked were inhuman; such accommodation as was provided gave little or no protection against tropical rains or blazing sun. Worn out clothing was not replaced and soon many lacked clothing, boots and head covering. The only food provided was a pannikin of rice and a small quantity of watery stew three times a day, but work had to go on without respite whatever cost in human suffering or life. The inevitable result was a dreadful death rate, the lowest estimate being 20 percent. These conditions continued until the railway was finished about October 1943 when those not needed for maintenance work were moved to camps in Thailand and later to Singapore on route to Japan.

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

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

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

Please accept, M. le Ministre, the assurances of my highest esteem.

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

Signed by the Swiss Minister

CC.1.3.8.-1Gc.

The Swiss Legation has the honor to inform the Imperial Ministry for Foreign Affairs that according to a communication from the British Government there has been found in Burma a mimeographed booklet entitled: "Notes for the interrogation of prisoners of war," and marked "Very secret." It was put out on 6th August 1943 by the "Kayashi Division Staff" and bore the signature of BUKIHARA. This booklet was to be used as a guide to interrogate British, American and Dutch prisoners and contains the following passages:-

- "I. Care must be exercised when making use of rebukes, invectives or torture (gomon) as it will result in his telling falsehoods and making a fool of you.
- II. The following are the methods normally to be adopted:
 - a. Torture (gomon) which includes kicking, beating and anything connected with physical suffering. This method to be used only when everything else fails as it is the most clumsy one. (Note: in the text, the passage is specially marked.) Change the interrogating officer when using violent torture, and good results can be had if the new officer questions in a sympathetic manner.
 - b. Threats:
 1. Hints of future physical discomforts, for instance: torture, murder, starving, solitary confinement, deprivation of sleep.
 2. Hints of future mental discomforts, for instance: he will not be allowed to send letters, to inform his home he is a war prisoner, he will not be given the same treatment as the other prisoners of war, he will be kept till the last in the event of an exchange of prisoners, etc."

The Government of the United Kingdom has requested that the attention of the Japanese Government be drawn to the foregoing. It recalls that the Japanese Government has recently strongly denied that Imperial authorities make use of torture (see letter from SHIGEMITSU to the Swiss Minister of 1st July last).

No. 185/c.R.

The London Government presumes that the above mentioned instructions have been given "unknown" to the Imperial Government and it requires not only that the Japanese Government revoke these instructions, but that it will punish the persons who gave them.

In asking the Ministry to make known as soon as possible the response of the Imperial Government to the present communication, the Legation takes this occasion to renew its assurances of high esteem.

To the Imperial Ministry
of Foreign Affairs, Tokyo

Tokyo, 5 December 1944

CC.1.3.8.-FGd.

CC.1.7.57.

CC.1.7.60.

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

The Ministry will remember that on 26th August it had particularly notified the Legation that it would respond, after examination of the alleged facts, to the points listed in the British communication transmitted by the above mentioned note of 4th July.

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

In asking the Ministry if it will kindly attend to this so that the London Government may be informed as soon as possible, the Legation takes this occasion to renew assurances of its high esteem.

Tokyo, 23 January 1945

To the Imperial Ministry
of Foreign Affairs
Tokyo.

CC.1.3.8.-FGc.

CC.1.7.57.-

CC.1.7.60.-

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

The Ministry will remember that on 26th August it had particularly notified the Legation that it would respond, after examination of the alleged facts, to the points listed in the British communication transmitted by the above mentioned note of 4th July.

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

In asking the Ministry if it will kindly attend to this so that the London Government may be informed as soon as possible, the Legation takes this occasion to renew assurances of its high esteem.

Tokyo, 19 March, 1945

To the Imperial Ministry
of Foreign Affairs
Tokyo.

CC.1.7.63.-FGd.

CC.1.3.6./3.8

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

Tokyo, 23 April 1945

To the Imperial Ministry
of Foreign Affairs
Tokyo

THE GAIMUSHO
TOKYO

Translation
No. 116/C.R

N O T E V E R B A L E

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

1. As regards notification of transfer of prisoners of war (paragraph 1-A of the British Government's protest transmitted by note No. CC.1.3.8. EGf of 4th July 1944), it was replied to by letter No. 246/C. R. of 26th August, 1944.
2. As regards the treatment of prisoners of war (paragraph 1-B of the British protest), the authorities concerned regret that the situation of prisoners of war in Moulmein camps and in the outskirts of that city are such that the concentrated efforts of all the sanitary services of the Japanese troops cannot prevent the spread of diseases of the digestive system, etc., cases of which have increased, caused not only by the very bad conditions due to the climate, but also by the frequent interruption, in the rainy season of 1943, of communications with these localities. The prisoners are not the only ones who suffer from this difficult situation; the Japanese troops stationed in the same region were themselves obliged to face the same situation. But by the extraordinary efforts of the troops in these places, in the autumn of the same year, necessary sanitary installations were completed, and in consequence the number of sick and deaths was considerably lessened.
3. The inquiry made into the subject of the exhibition of prisoners of war (paragraph 1-C of the British protest) discloses that no such thing ever occurred.
4. The full inquiry made by competent authorities has shown that it is impossible to accept the allegation of the British Government that atrocities were committed by Japanese troops in Burma (paragraph 2 of the British protest and the last part of the letter of 18th November, 1944.)

The competent authorities, who are just as concerned about the treatment of prisoners of war now as they have been in the past, continue to guide the Japanese troops accordingly at these places.

15 May 1945

00.1.7.63.-10c.
(cc.1.8.8./1.8.8.)

By letter of 4th December the Swiss Minister had the honor to bring to the attention of His Excellency M. Mamoru SHIGEMITSU, a protest from the British and Australian Governments against the ill-treatment inflicted on prisoners of war in Thailand and Burma, as well as against the conditions under which a certain number of prisoners had been transported from Singapore aboard the "Takuyo Maru."

By note of 23rd April the Swiss Legation expressed to the Imperial Ministry of Foreign Affairs its desire to be acquainted with the point of view of the Japanese Government on this protest.

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

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

Karizawa, 2 July 1945

To the Imperial Ministry
of Foreign Affairs
Tokyo

The Swiss Legation has the honor to inform the Imperial Ministry of Foreign Affairs that His Britannic Majesty's Government has requested the Federal authorities to address in its name the following note to the Imperial Government:

- "1. The following signed statement has been made by a British soldier captured by Japanese Forces near Undaw, Burma on the 24th January 1945. This soldier had been wounded during the night by a bullet which had entered the left side of his back and emerged through his right buttock. 'At daybreak the Japanese appeared (about 15 of them) and the first one took off my cap comforter and hit me across the head with the flat of his bayonet. Another Japanese took my wrist watch and others went through my pockets taking a purse, cigarette case, fountain pen, pencils and my parti and 11 army pay book, also my identity disk. Two Japanese then took hold of me to try and stand on my feet, but I collapsed to the ground. They then took hold of my wrists and dragged me approximately 200 yards to a temple in Undaw where a Burmese was tied up, and taking me inside, they wired my ankles and attached the wire to a bolt on a door, leaving me hanging with my shoulders resting on the ground. One Japanese officer and two other ranks then proceeded to question me reference tanks, artillery, planes and the disposition of our battalion. (I asked to see the medical officer about my wounds. He was brought in. My shirt and trousers were cut with scissors. He looked at the wound but no dressings were applied.) I replied that I did not know anything and only told them my name, number and rank. They then left me, but were in and out asking the same questions. I asked for water but was refused. They then brought in Fusilier Dodd who was in my section into the temple. His hands were tied behind his back. He did not appear to be wounded. He remarked to me, "I don't half feel dry." As soon as he spoke they took him away and the last I saw him he was being taken round a small hill. They appeared again and asked me some questions as before, throwing my AB 64 down by the side of me. Next thing recollected was them cutting me down and placing me on an improvised stretcher. A bottle of water was placed outside my reach and on trying to get hold of it I knocked it over; I just managed to get a mouthful. During the night our artillery started a bombardment and an officer took my rifle and rounds and went out. That is the last I saw of the Japanese. The following morning I saw two men passing the door and on calling out to them found they were Royal Scots. They gave me some water and sent for a stretcher. I was taken back to the field ambulance. (Signed) J. E. Thomas Fus.'
2. The British officers who were present when Fusilier Thomas (and the body of the Burmese civilian) were recovered state that outside the temple they discovered the body of another prisoner who had been buried with only his head out of the ground."

The Government of His Britannic Majesty demands that the Imperial Government take the necessary measures to prevent a recurrence of like things, and desires also to be informed of the punishment inflicted on the official and the Japanese soldiers responsible for the ill-treatment inflicted on these British prisoners of war.

In asking the Ministry to kindly communicate the response of the Imperial Government to the present notification, the Legation takes this opportunity to renew the assurances of its high esteem. Karuizawa, 5 July 1945
To the Imperial Ministry of Foreign Affairs, Tokyo.

2023A

SYNOPSIS OF DOCUMENT NO. 2767-A-(1)-(8)

- 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 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 as beri beri, dysentery, diarrhea, malaria and cholera; with deaths in excess of 3000; with no proper medicines. Swiss Minister requests Foreign Minister to help ameliorate the conditions.
- 29 Sept 1943 (A-4) Swiss Minister to Imperial Ministry of Foreign Affairs (Shigemitsu). Forwards protest by British against prisoners of war being employed in Thailand in violation of Article 27 of Geneva Convention and again demanded authority to visit prisoners of war camp in Thailand be granted Swiss Consul at Bangkok.
- 1 Oct 1943 (A-5) Minister of Foreign Affairs (Shigemitsu) to Swiss Minister. States that British prisoners of war received same treatment as Japanese soldiers in Thailand; further states that Japanese government believes that British attitude is based on information from unreliable sources. Permission to visit prisoner of war camps for military reasons can not yet be given.
- 20 Oct 1943 (A-6) Imperial Ministry (Shigemitsu) to Swiss Legation. Answering protest forwarded 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 Japanese Ambassador at Bangkok informed Swiss Consul at Bangkok that:

1. Commandant of prisoner of war camps in Thailand does not recognize the Swiss Consulate's mandate to protect American and British interests in Thailand. In consequence, 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 authorities in preventing the signing of receipts 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."

20 July 1944 (A-8) Japanese Minister (Shigemitsu) answering memorandum 6 April 1944.

States as to the first subject of said memorandum that it would be a mistake to assume that the right of Swiss to visit prisoners of war camps was established by the recognition of the Thailand government of the Swiss as protecting power. As to the second point that "it is always possible, as a gesture of goodwill to have the receipts signed by the prisoners' representatives."

2073

C E R T I F I C A T E

I.F.S. No. 2767-A-1-8

Page No. 1

Statement of Source and Authenticity

I, Walter Bossi, hereby certify that I am officially connected with the Government of Switzerland in the following capacity: Swiss Diplomatic Representative, and as such official I have custody of the documents, consisting of eight letters and notes, as listed on Exhibit A attached hereto and described as follows: True copy of letters and notes in French from the Minister of Switzerland addressed to the Japanese Ministry of Foreign Affairs and the original replies thereto of the Japanese Ministry of Foreign Affairs addressed to the Minister of Switzerland.

I further certify that the attached letters and notes are official records of the Swiss Legation in Japan and that they are a part of the official archives and files thereof.

Signed at Tokyo on this
10th day of December, 1946.

/s/ W. Bossi
Signature of Official

Witness: /s/ Max R. Joss

Swiss Diplomatic Representative
Official Capacity

Statement of Official Procurement

I, 2nd Lt. Eric W. Fleisher, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Swiss Government in the conduct of my official business.

Signed at Tokyo on this
10th day of Dec., 1946.

/s/ Eric W. Fleisher, 2nd Lt. U.S.A
N.I.E

Witness: Henry Shinjima (s)

Investigator, IFS
Official Capacity

EXHIBIT

<u>Document No.</u>	<u>Description</u>
2767-A-1	Letter dated 5 July 1943 from the Swiss Minister to SHIGAMITSU (CC.1.3.6.-deu.)
2767-A-2	Letter dated 24 July 1943 from the Japanese Minister of Foreign Affairs to the Swiss Minister (No. 249/C.R.)
2767-A-3	Letter dated 30 August 1943 from the Swiss Minister to SHIGAMITSU (CC.1.3.6.-dbeu.)
2767-A-4	Letter dated 29 September 1943 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.6.-dezz. CC.1.5.2.)
2767-A-5	Letter dated 1 October 1943 from Japanese Minister of Foreign Affairs to the Swiss Minister (No. 376/C.R.)
2767-A-6	Note Verbale dated 20 October 1943 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 407/C.R.)
2767-A-7	Memorandum dated 6 April 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.6.-Eaa)
2767-A-8	Note Verbale dated 20 July 1944 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 205/C.R.)

CC.1.3.6.-dcu

Tokyo 5 July 1943

I have the honour to bring to the knowledge of Your Excellency the following protest from the British Government to the Imperial Government:

"The British Government are receiving fragmentary reports that British prisoners of war in Thailand are being submitted to treatment so callous that many of them are seriously ill. Thus, a dependable source recently in Thailand tells of serious deficiencies in rations issued, lack of suitable clothing and shoes and complete lack of quinine and other medicines. It is also understood that prisoners of war have been put to heavy work on road and railway building which aggravates the conditions induced by deficiencies of their diet and by their lack of clothing and medicines.

As the Japanese Government continue (despite repeated requests that they honour their own undertaking to apply the terms of the Prisoners of War Convention) to withhold authority to representatives of protecting Power to visit Thai camps, these circumstantial reports provide the only information available to the British Government which must be acceptable to them as representing facts. They therefore enter the most formal and vigorous protest to the Japanese Government regarding the conditions under which British prisoners of war are held in Thailand and request in most insistent terms that the Swiss Consul at Bangkok be given every facility to carry out functions of representatives of the protecting Power under the Convention and in particular to visit camps and report upon conditions and to speak to camp representatives and to individual prisoners."

In asking your Excellency to consent to let me know the response of the Imperial Government to this protest of the British Government, I take this occasion, Mr. Minister, to renew the assurances of my highest esteem.

The Minister of Switzerland

His Excellency
Mr. Mamoru Shigemitsu
Minister of Foreign Affairs
Tokio

THE GAIMUSHO

TOKYO

Translation

24 July 1943

No. 249/C. R.

I have the honor to acknowledge receipt of Your Excellency's letter No. CC.1.3.6.-dcu., of 5th inst. concerning the treatment of prisoners of war in camps in Thailand, and ~~visit~~ to these camps.

The competent authorities, to whom the contents of the said letter were immediately communicated, have informed me that prisoners in camp in Thailand are equitably treated; all the sick have received proper medical treatment at a prisoner of war hospital. As regards a visit to the camp, permission will not be given for the present.

Please accept, Mr. Minister, the renewed assurances of my highest esteem.

(L.S.)

Mamoru SHIGEMITSU

Minister of Foreign Affairs

To His Excellency
M. Camille Gorges
Minister Extraordinary and
Envoy Plenipotentiary for
Switzerland

CC.1.3.6.-dbeu.

Tokyo 30 August 1943

Referring to my letter of 5 July, I have the honour to bring to the knowledge of Your Excellency that according to recent information received by the Government of the United Kingdom, the condition of British prisoners of war continues to leave much to be desired.

Since their arrival in Thailand, the prisoners have been living in the jungle under conditions of extreme hardship with sanitary conditions very reduced. Food has been, for Europeans, insufficient and numerous diseases such as beri beri have been caused by under-nourishment. Further, the prisoners have become very weak through lack of meat, and they are suffering from dysentery and diarrhea. Cases of malaria are also very numerous. The state of health of the prisoners is extremely critical and the number of deaths exceeds 3,000.

Also, prisoners are required to work long hours, without break, and they are short of clothes, especially trousers and boots. Recently, in order to speed up construction of a railway, they have been taken to work at all times and hours. A number of Hindus, Chinese and Malays have been living in proximity to British prisoners and they have been using the same water. Cholera broke out at many places on the line and many deaths occurred amongst British and Dutch prisoners. The doctors in the camps were very worried by this epidemic which spread rapidly.

The prisoners lack indispensable medicines, such as physiological saline, bismuth, kaolin, essential oils, potassium permanganate, to treat this dangerous disease; nurses who attended the sick were without protective coverings or antiseptics. The hospital did not have sufficient equipment.

In addition, the prisoners suffered from other diseases and there were no medicines to treat them properly.

In view of the foregoing, I would be greatly obliged if Your Excellency would intervene with the competent authorities so that the conditions of the British prisoners are ameliorated.

I also consider it to be of great importance that the Swiss Consul at Bangkok be authorized to visit, as soon as he can, prisoner of war camps in that country.

Please accept, Mr. Minister, the assurances of my highest esteem.

The Minister of Switzerland

His Excellency
Mr. Minoru Shigemitsu
Minister of Foreign Affairs
Tokyo

CC.1.3.6.-dezz

By letter of 30 August, the Swiss Minister had the honour to inform His Excellency, M. Shigemitsu, that according to information from the British Government, the condition of prisoners of war in Thailand continued to leave much to be desired. By note of the same date, the Swiss Legation informed the Imperial Ministry for Foreign Affairs of another communication from the Government of the United Kingdom on this subject.

Without response to this day the Legation recalls this matter to the kind attention of the Ministry.

In the meantime the London Government has requested that the following be transmitted to the Japanese Government:

"His Majesty's Governments have received reliable information that officers detained at prisoner of war camps in Thailand and particularly at No. 2 Camp have been compelled to do work in breach of Article 27 of the Geneva Convention.

His Majesty's Governments therefore request that Japanese Government order an immediate investigation to establish the facts.

They take this opportunity to renew their previous demands that the Swiss Consul at Bangkok be immediately authorized to visit and inspect all prisoner of war camps in Thailand and to report upon conditions therein. Should investigations show that there is truth in the above report, His Majesty's Governments demand that instructions be immediately issued to the authorities in charge of the camp to release all officers from compulsory work and that those responsible for this breach of the Convention be suitably punished."

In asking the Ministry to kindly make known as soon as possible the response of the Imperial Government to these British demands, the Legation takes this occasion to renew assurances of its highest esteem.

Tokyo, 29 September 1943

To the Imperial Ministry
of Foreign Affairs
Tokio

THE GAIJUSHO

TOKYO

Translation

No. 376 /C. R.

1 October 1943

Mr. Minister,

Referring to the letter No. CC. 1. 3. 6.-dbu and the Swiss Legation's note, No. CC. 1. 3. 6.-dbu, both dated 30 August last, dealing anew with the subject of the treatment of British prisoners of war in Thailand, I have the honour to inform Your Excellency as follows:

Regarding the treatment of British prisoners of war in Thailand, I add to the communication addressed to Your Excellency on 24 July last, which gives full particulars, that the Imperial Government accords to prisoners of war the same treatment as to Japanese soldiers stationed in Thailand.

The names of prisoners and deceased prisoners are sent as soon as possible through the International Committee of the Red Cross.

The Imperial Government is forced to the conclusion that the attitude of the British Government which is based on information from unreliable sources, has been assumed for the purpose of making a protest by inventing such information, or for the purpose of trying to obtain, by exaggerating information with little foundation, a permit to visit prisoner of war camps, which for military reasons cannot yet be given. The Imperial Government requests that when representations of this nature are made, the source of such information be clearly stated.

Please accept, Mr. Minister, the renewed assurances of my high esteem.

/s/Mamoru SHIGEMITSU SEAL
(L.S.) Minister of Foreign Affairs.

To His Excellency
M. Camille Gorges
Minister Extraordinary and
Envoy Plenipotentiary for
Switzerland

THE GAIMUSHO
TOKYO

Translation

No. 407 /Kyo Futsu

Note Verbal

The Imperial Ministry of Foreign Affairs have the honour to acknowledge receipt of the note verb 1 of the Swiss Legation in Japan No. CC 1.3.6. DEZZ/CC 1.5.2. dated September 29th, by which the Legation communicated to the Imperial Ministry a protest note of the British Government which was based on an information that officers who were taken prisoners of war are being forced to labour at the internment camp for F.O.F. in Thailand.

The Imperial Ministry have the honour to reply to the Legation, as the result of reference of the case to the Authorities concerned, that there is no such fact as referred to above and request to forward the communication to the British Government.

October 20th, 1943.

CC. 1.3.6. -En

Memorandum

Last month the Japanese Ambassador at Bangkok verbally informed the Swiss Consul at Bangkok inter alia, as follows:

1. The Commandant of prisoner of war camps in Thailand, agreeing with the Prisoners of War Information Bureau at Tokio, does not recognize the Swiss Consulate's mandate to protect American and British interests in Thailand. In consequence, the Swiss Consul is not allowed to make gifts of necessities and money to prisoners of war, except in his private capacity.

2. The receipts for goods and funds are only signed by the Japanese authorities, to the exclusion of all intervention of the representatives of the P.O.W.'s (confidential men of business).

As regards point 1, the Swiss Legation considers it important to know the reasons for this action. One cannot see why the Swiss cannot carry out the duty of protecting power in a country such as Thailand, which appears to be in the position of an occupied country.

As to point 2, the British Government and also the Swiss Government cannot understand why prisoners of war for whom goods and money are despatched, should be prevented from establishing by receipts signed by themselves, that they have actually received the goods which have been sent. The British Government observes that this attitude by the Japanese authorities is in complete contradiction to the Geneva Convention. (As the activity of the International Committee of the Red Cross is also paralyzed by the Japanese authorities, the London Government considers, in particular, that there is a violation of Article 78 of the Prisoner of War Code which Japan has agreed to apply mutatis mutandis.)

It is elementary, it seems, that the Japanese authorities permit those receiving goods to give a receipt for them. If they continue to refuse a request so natural and to keep to themselves the book relating to the disposition of goods and money sent by the Swiss Consulate, the British Government will be obliged to deliver a formal protest against such acts. As, in this matter, humanitarian considerations are above all others, necessities and money will continue to be sent as in the past, but under protest.

The Swiss Legation, in conformity with the request of the British Government, reserves the right to make a formal protest against the incomprehensible attitude of the Commandant of Prisoner of War Camps in Thailand. The hope is expressed that in the meantime, the Imperial Government will order the Japanese authorities in Thailand to modify their attitude which does not appear to be consistent with international practice.

Tokio, 6 April 1944

THE G. I. MUSHO

TOKYO

TranslationNOTE VERBALE

By memorandum No. CC. 1. 3. 6.-E.A. of 6 April last the Swiss Legation informed the Imperial Ministry for Foreign Affairs that the Commandant of Prisoner of War Camps in Thailand would not recognize the representation by the Swiss of British and American interests in Thailand and that he refuses to allow prisoners of war to sign receipts themselves for goods received.

The Minister has the honour to inform the Legation as follows:

As to the first subject of the said memorandum, if the Thai Government has recognized Swiss representation of British and American interests in Thailand, the Imperial Government has no concern therewith. It would be a mistake to assume that the right of such representation to visit prisoner of war camps under the control of the Imperial Army is established by such recognition.

As to the second point, the Imperial Government as a matter of policy gives to the sender of goods, receipts duly signed by the Japanese authorities in charge of the prisoners of war. It is convinced that it is no breach of Article 78 of the Convention relative to the treatment of prisoners of war. It cannot understand why the British Government doubts the receipts delivered by the Imperial authorities. It is always possible, as a gesture of goodwill, to have the receipts signed by the prisoners' representatives.

20 July 1944

C E R T I F I C A T E

I.P.S. No. 2751-A-1-6

Page 1

Statement of Source and Authenticity

I, Walter Bossi, hereby certify that I am officially connected with the Government of Switzerland in the following capacity: Swiss Diplomatic Representative, and as such official I have custody of the documents, consisting of six letters and notes, as listed on Exhibit A attached hereto and described as follows: True copy of letters and notes in French from the Minister of Switzerland addressed to the Japanese Ministry of Foreign Affairs and the original replies thereto of the Japanese Ministry of Foreign Affairs addressed to the Minister of Switzerland.

I further certify that the attached letters and notes are official records of the Swiss Legation in Japan and that they are a part of the official archives and files thereof.

Signed at Tokyo on this
6th day of December, 1946.

/s/ W. Bossi
Signature of Official

Witness: /s/ Max R. Joss

Swiss Diplomatic Representative
Official Capacity

Statement of Official Procurement

I, 2nd Lt. Eric W. Fleisher, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Swiss Government in the conduct of my official business.

Signed at Tokyo on this
6th day of December, 1946.

/s/ Eric W. Fleisher, 2nd Lt. AUSMI
NAME

Witness: /s/ Hiram Newbill

Investigator, IPS
Official Capacity

Exhibit A

<u>Document No.</u>	<u>Description</u>
2751-A-1	Letter and attachments, Tokyo, 23 December 1942 from Swiss Minister to Masayuki TANI (CC.2.1.2.-ca. 1.5.1.)
2751-A-2	Letter dated Tokyo, 5 February 1944 from Swiss Minister to SHIGEMITSU (CC.1.5.1.-EDGc.CC.2.1.2.)
2751-A-3	Letter dated 24 April 1944, from SHIGEMITSU to Swiss Minister (No. 98/C.R.)
2751-A-4	Letter dated 28 April 1944 from Japanese Foreign Ministry to Swiss Minister (No. 97/C.R.)
2751-A-5	Letter dated 10 August 1944 from SHIGEMITSU to the Swiss Minister (No. 224/C.R.)
2751-A-6	Letter dated 1 March 1945 from Swiss Minister to SHIGEMITSU (CC.1.5.1.-FGc. CC.2.1.2.)

CC.2.1.2.-ca.
1.5.1.

Tokyo, 23 December 1942

M. le Ministre,

In connection with the instructions of my Government, I have the honor to communicate to Your Excellency a protest from the Government of the United States enumerating cases in which, according to declarations of American citizens repatriated from Japan, they have been subjected to ill treatment by officials or junior Japanese employees.

The Government of the United States has repeated to my Government that it is ready under conditions of reciprocity on the part of Japan to conform with all the provisions of the Geneva Convention concerning prisoners of war and civilian internees, and that it has already demonstrated its intention in asking the cooperation of the Power which represents Japanese interests in the United States, as well as that of the International Red Cross Committee, all of whose representatives have access on American territory to places where Japanese subjects are detained.

It adds that it has always been, and still is, fully disposed to open inquiries on every complaint emanating from the Imperial Government, and that it has always appreciated, and still appreciates, the cooperation which it gets from the power representing the Japanese interests in the United States.

My Government, in taking notice of this last observation, informs me that there is no doubt that the cooperation given by the Government of the United States to the Power protecting Japanese interests in the United States will be accorded in the same measure by the Imperial Government to my country insofar as representing American interests in Japan. This cooperation has already been manifested many times since the Swiss assumed the task of representing in Japan interests of enemy Powers. There is then every reason to admit that insofar as complaints made by the United States Government on the subject of a certain number of its nationals in Japan or the territories occupied by Japan are concerned, the cooperation between the Imperial Government and my country has been shown to be useful, and it is hoped that it will be the same in other regions. After these preliminary observations, I desire to send to Your Excellency the following text of the American protest:

"From American citizens repatriated from Japan and Japanese controlled territories the Government of the United States has learned of instances of gross mistreatment suffered by American civilians and prisoners of war in the power of the Japanese Government in violation of the undertaking of that Government to apply the provisions of the Geneva Convention to prisoners of war taken by Japanese forces and insofar as they may be adaptable to civilians, to American civilian internees in Japan and Japanese controlled territories.

"It is evident that the Japanese Government has failed to fulfill its undertaking in this regard and that some officers and agencies of that Government have violated the principles of the Geneva Convention in their treatment of certain American nationals not only by positive mistreatment but by failure to provide for these American nationals necessities of life that should, in accordance with the provisions of the Convention be furnished by the holding authorities.

The Government of the United States therefore lodges with the Japanese Government a most emphatic protest and expects that the inhuman and uncivilized treatment accorded American nationals both civilians and prisoners of war will be made a matter of immediate investigation and that the Japanese Government will give assurances that treatment inconsistent with the provisions and spirit of the Geneva Convention is not now and will not in the future be inflicted upon American nationals detained, interned or held prisoners of war in Japan or Japanese controlled territory. The American Government also expects the Japanese Government to take necessary disciplinary action with regard to agents or officers of that Government who have inflicted mistreatment upon American nationals or who have neglected their obligations to supply to American nationals in their care necessities of life which the Geneva Convention provides shall be supplied.

There follows a statement citing cases of mistreatment of American nationals in Japanese hands:

Paragraph A. - CIVILIANS.

a) Conditions in prisons and internment camps.

Americans incarcerated in jails were furnished unhealthful and inadequate rations of common criminals. Those interned were supplied a meager diet for which they were sometimes compelled to pay or they were given no food and had to provide their sustenance under difficulties. This situation apparently still exists in certain areas. It is direct contrast to the treatment accorded Japanese subjects in United States who are provided hygienic quarters with adequate space for individual needs, sufficient wholesome food in preparation of which allowance is made for nationals differences in taste and in addition allowances of money for tobacco, sweets and toiletries.

I. Bridge House Shanghai.

More than fifty-three Americans have been imprisoned for varying periods up to over six months in gendarmerie prison Bridge House where they were crowded into vermin infested cells with common criminals some of whom suffered from loathsome contagious diseases. Sanitary facilities were primitive and inadequate; food was far below standard necessary to maintain health; no heat was supplied from December to June and medical care was virtually nonexistent. Americans were compelled to sit by day and to sleep by night provided only with filthy and inadequate blankets on cold floor. They were not allowed to converse with each other or smoke at any time. An outstanding example of effects of incarceration at this prison is the condition of Mr. J. B. Powell who through lack of medical attention developed gangrene and lost the front half of both feet.

II. Army prison Peiping.

Floyd F. Spielman, R. E. McCam, C. J. Eskeline, J. B. Sherwood, E. X. Mills and P. H. Benedict were taken in handcuffs from Tientsin on March 2 to Army prison at Peiping where conditions were as bad as those at Bridge House. During 89 days of imprisonment their first exercise was for five minutes after 37 days in cells. At one time they went without bathing for 23 days and as a result of unhealthful food and harsh treatment they lost an average of forty pounds in weight.

III. Tsingtao.

Frank G. Keefe, Grady Cooper, Frank R. Halling, Charles Liebgold, C. J. Meyer, N. H. Mills and H. J. Zimmerman were confined in an unheated common jail in Tsingtao for a period of three weeks. They were forced to sleep on floors or benches without covering in coldest winter months.

IV. Fort Santiago Manila.

Roy Bennett, Robert Abbott and other Americans are reported to be imprisoned under barbarous conditions in Fort Santiago. They were reported practically unrecognizable in June as a result of hardships and mistreatment suffered. The American Government insists that they be released immediately and receive medical care.

V. Camp Stanley Hongkong.

Americans in Hongkong were taken on January 4th and received no food and very little water during first forty-eight hours. On January 21 they were placed in Fort Stanley where they were forced to provide most of their bedding and other necessities. Food given them was insufficient, amounting to nine hundred calories daily per person. They were subjected to indignities and insults by gendarmerie and their faces were frequently slapped. Result of malnutrition: average loss of weight among these internees was thirty pounds.

VI. Santo Tomas Manila.

Americans at Santo Tomas because of lack of preparation were forced to sleep on floors without mosquito nets or covering for at least three nights before they were permitted to obtain necessities from their houses. They were offered choice of being fed by holding Authorities at cost of twenty-five centavos per day or of feeding themselves with funds the American Red Cross had in the Philippine National Bank. They were refused permission to use Red Cross funds for supplementing food which holding Authorities should have supplied and not being able to exist on twenty-five centavos were obliged to depend entirely on Red Cross funds to feed themselves. Those funds may be exhausted and the American Government is gravely concerned regarding the welfare of these internees.

VII. Davao and other internment camps in the Philippines.

In Davao interned Americans were forced to perform hard labor during the first six weeks of their internment. They were at first provided with an inadequate ration of cornmeal and fish. In April they were informed that they would have to provide for their own sustenance and would have to reimburse the Japanese Authorities for the food previously furnished. From information received, conditions in other internment camps in the Philippines appear equally bad. The American Government expects that the Japanese Government will take immediate steps to fulfill its undertaking to furnish American nationals held by it with suitable and adequate housing and sustenance under humane and hygienic conditions.

b) Mistreatment and torture.

I. Torture and physical violence.

Japanese Authorities have resorted to physical torture of American nationals and numerous of them were subjected to great mental torture by being constantly threatened with treatment far worse than that they were already suffering.

(A.) Three American missionaries in Korea were subjected to "water cure" and brutal beatings. In Keijo, R. O. Reiner, aged fifty-nine, suffered this torture six times during the period from May 1 to May 16. In one instance he collapsed from effect of blows and while lying unconscious on the floor, was kicked by gendarmerie employee named Syo with such force that his rib was broken. When he requested medical attention and pointed to broken rib, gendarmerie employee named Kim, struck him vicious blow directly over broken rib. On one occasion Reiner was given fifty or sixty lashes with rubber hose and pulley belting making half inch deep cuts on his arms and legs. Edwin W. Koons, aged sixty-two suffered the same torture at the Ryuzan police station.

(B.) In Ichang, Elsie W. Riebe and Walter P. Morse were taken without explanation to the Japanese headquarters where she was struck many times with a bamboo pole and he was beaten for two hours with an iron rod, one-half inch thick. These acts of cruelty were committed in the presence of the commanding officer of the Japanese police in Ichang.

(C.) Joseph L. Macsparran was arrested on December 8th at Yokohama, bound with a rope and taken to Yokohama prison. During his imprisonment in dark unfurnished cell he had three hemorrhages from duodenal ulcers but was denied medical attention despite numerous requests. While undergoing questioning, he collapsed from internal hemorrhage and was unable to stand or walk without assistance, yet he was handcuffed as usual when returned to his cell.

II. Solitary confinement.

Many American citizens were kept in solitary confinement for periods

ranging from a few days to many weeks in cells, unheated rooms or other equally unhealthful places, in some cases deprived of all reading matter and subjected to indignities from their guards. The following are typical cases:

1) H. W. Meyers, aged 70, missionary in Japan since 1897, after harsh treatment during nearly five months in prison at Kobe was deprived of all books and on May 1 put in solitary confinement at Osaka until his release for repatriation on June 7.

2) William Mackesy, solitary confinement in one room of his house at Tsu Micken Japan from December 10 to March 30th, 1942.

3) Mrs. Alice C. Grube, solitary confinement from December 25th, 1941 to 9 April 1942 in unheated room of Osaka prison.

4) J.B.N. Talmadge, aged 57, solitary confinement in common jail Koshu from 8 December 1941 to 9 April 1942.

5) Edward Adams, in a common jail at Taikyū, from December 8 to 28.

III. Deaths due to mistreatment and neglect.

1) Arthur Duhamel, missionary priest on Guadalcanal is reliably reported to have been bayoneted through the throat by Japanese soldiers after being held prisoner for three weeks.

2) Leo Poloquin, aged fifty, requested hospitalization at the Christian Hospital Heijo because of serious heart ailment but Japanese Authorities refused permission and forced his return to Kangai without treatment. He died at Kobe as the result of this neglect.

3) Charles Liebgold, aged sixty-seven, imprisoned in an unheated jail at Tsingtao, contracted a cold which developed into a fatal attack of pneumonia.

4) George B. MacFarland, aged seventy, at Bangkok, Thailand succumbed after an operation at the Chulalongkorn Hospital in May, 1942. Orders issued by Japanese military Authorities in Bangkok to the police guards at his residence fatally delayed emergency operation necessary to save this life.

The American Government expects that the Japanese Government will take immediate steps to punish the persons guilty of these crimes against American nationals.

IV. Violation of exchange agreement.

1) Transportation.

American nationals in Tsingtao and Chefoo were required to pay for their passage to Shanghai. Internees who were forced to pay their fare to

Yokohama from Nagasaki were reimbursed only part of the sum expended. Accommodations provided on local vessels were in some cases worse than those furnished deck passengers.

2) Baggage limitation and search.

Japanese Authorities in some areas ruled that Americans being repatriated might take only as much baggage as they could carry themselves forcing many in Korea, Manchuria, Hongkong and Thailand to leave behind necessary clothing and effects. Americans were forced in some cases to carry their own baggage even where there were available porters whom they were prevented from employing. This treatment is in contrast to that accorded Japanese subjects repatriated from the United States who were permitted to take almost unlimited amounts of baggage with them. Baggage was often searched three or four times and different officials made inconsistent decisions as to what Americans could take. The effects of American officials from Korea were searched in violation of the agreement.

Paragraph B. - PRISONERS OF WAR

Reports have been received of inhuman treatment accorded prisoners of war by the Japanese Authorities which is completely inconsistent with the provisions and spirit of the Geneva Convention.

I. Philippines.

American and Filipino troops taken at Marikina were forced to march ninety miles despite fatigue, sickness and wounds to camp O'Donnell near Tarlac. During the march, sick and wounded dropped by the roadside and were left without medical care and when those who survived reached the camp O'Donnell, they were without food for thirty-six hours and without shelter for three days, sick and well equally exposed to the elements. The Japanese Authorities made no effort to give medical care to sick and wounded and American and Filipino nurses and doctors who volunteered their services were refused permission to enter the camp. A death rate estimated at twenty-five percent was the result of this neglect.

Seven American commissioned officers were brought from Zamboanga to Davao where Japanese Authorities forced them to work stripped to the waist in a river bed as a result of which they were severely sunburned. They were given no medical attention and only after lapse of several days was a Filipino doctor permitted to visit them. Their food was entirely insufficient and the Japanese would not allow Filipinos to supplement meager diet with gifts of food. These officers and Filipino officers who were later confined with them were subjected to harsh treatment and indignities from their Japanese guards.

The American Government must insist that the treatment of these prisoners be in accordance with the provisions of the Geneva Convention that their names be reported and that representatives of the protecting Power be permitted access to them.

II. Shanghai.

The American Government again most emphatically protests the illegal sentences imposed by a military court at Shanghai on Commander W. S. Cunningham, U.S.N., Lieutenant-Commander D. Smith, U.S.N.R., and/or N. J. Totters for an attempted escape from Woosung camp. The American Government also protests the mistreatment of four United States Marines, Corporals Stewart, Gerald Story, Brimmer and Battles who, after an unsuccessful attempt to escape from the Woosung war prisoner camp, were imprisoned in the Bridge House at Shanghai and later transferred to Gendarmerie western district substation prison, 94 Jessfield Road, where they were subjected to the so-called "Electric Treatment" in violation of the provisions of the Geneva Convention regarding admissible punishments. The American Government insists that the sentences imposed on these prisoners be cancelled, that their punishment be in accordance with the prisoners of war Convention and that their treatment be in accordance with their rank."

Please accept, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Masayuki TANI
Minister of Foreign Affairs
Tokyo

CC.1.5.1.-EDGc.

CC.2.1.2.

Pc
Re - Shoot down that flag -
Tokyo, 5 February 1944

M. le Ministre,

By letter of 23 December 1942 I had the honor to transmit to His Excellency M. Masayuki TANI, a protest from the Government of the United States of America on the subject of ill-treatment inflicted by Japanese officials and junior officials on certain American citizens in the Far East.

On 26 May last, Your Excellency communicated to me the first reply of the Imperial Government, adding that the result of the inquiries undertaken on the various matters set out in the above mentioned letter would be communicated to me later on.

I have already, by my letter of 16 July, informed you of the views of the United States Government on this reply of the Imperial Government.

The Washington Government requests my Government to send to the Japanese Government the following new communication:

"The Government of the United States refers to its communication delivered to the Japanese Government on 23rd December 1942 (see above-mentioned letter of 23rd December) by the Swiss Legation in Tokyo in charge of American interests in Japan and Japanese occupied territory concerning reports that the Government of the United States had received of the mistreatment of American nationals in Japanese hands. The Swiss Legation in Tokyo on 28th May 1943 (see the above mentioned response of the Imperial Government) forwarded to the Government of the United States a preliminary reply from the Japanese Government to this communication, in which that Government stated that it would communicate in due course the results of investigations concerning each instance referred to in the note of the Government of the United States. No reports of investigations regarding these instances have yet been received.

The Government of the United States has taken due note of the statement of the Japanese Government "concerning the special circumstances prevailing in areas which have until recently been fields of battle" and concerning "the manifold difficulties which exist in areas occupied by the Japanese Forces or where military operations are still being carried on." The Government of the United States points out, however, that the regions in which Americans have been taken prisoner or interned have long ceased to be scenes of active military operations, and that the Japanese holding Authorities have therefore had ample opportunity to establish an orderly and humane internment program in accordance with their Government's undertaking. Despite this fact, the Government of the United States continues to receive reports that the great proportion of American nationals are the victims either of inhuman cruelty or of callous failure to provide the necessities of life on the part of the Japanese holding Authorities in violation of the common laws of civilization and of the Japanese Government undertaking to apply to American nationals the humane provisions of the Geneva Prisoners of War Convention.

There follows a statement of the principal categories of the deprivation of rights, cruelties, wanton neglect, mistreatment and hardship to which according to information received by the Government of the United States from many sources Americans in Japanese custody have been subjected:

1. The representatives of the Swiss Government entrusted with the protection of American interests in Japan and Japanese occupied territory have not been permitted to go to every place without exception where prisoners of war and civilian internees are interned, have not been permitted to interview without witnesses the persons held, and have not had access to all places occupied by the prisoners (Article 86 of the Geneva Prisoners of War Convention).
2. Representatives of the International Red Cross Committee have been refused permission to visit most of the places where American nationals are held by the Japanese Authorities (Articles 79 and 88).
3. American nationals have not been permitted to forward complaints to the Japanese holding Authorities or to representatives of the protecting Power (Article 42).
4. The Japanese Authorities have punished and have threatened to punish American nationals for complaining concerning the conditions of captivity (Article 42).
5. The Japanese Government has failed to furnish needed clothing to American nationals (Article 12).
6. The Japanese Authorities have confiscated personal affects from American civilian internees and prisoners of war (Article 6).
7. American prisoners of war and civilian internees have been subjected to insults and public curiosity (Article 2).
8. Civilians and prisoners of war interned by Japan are suffering from malnutrition and deficiency diseases because of the failure and refusal of the detaining Authorities to provide health sustaining food for their charges or to permit the United States to make regular shipments on a continuing basis under appropriate neutral guarantees of supplemental food and medical supplies (Article 11 and the specific reciprocal undertaking of Japan to take into account national differences in diet).
9. The Japanese Authorities have devoted to improper and forbidden uses the profits of the sale of goods in camp canteens instead of devoting them to the welfare of the persons held in the camps (Article 12).
10. Contrary to the specific undertaking of the Japanese Government, the detaining Authorities have compelled civilians to perform labor other than that connected with the administration, maintenance and management of internment camps. Officer prisoners of war have been forced to labor and non-commissioned officers to do other than supervisory labor (Article 27).

11. Prisoners of war have been required to perform labor that has a direct relation with war operations (Article 31).

12. Medical care has in many instances been denied to prisoners of war and civilian internees and when given has been generally so poor as to cause unnecessary suffering and unnecessary deaths (Article 14).

13. The Japanese Government has reported the names of only a part of the American prisoners of war and civilian internees in its hands (Article 77) and of American combattants found dead by Japanese Forces (Article 4 of the Convention for the amelioration of the condition of the sick and wounded of armies in the field, to which Japan is a contracting party).

14. The Japanese Government has not permitted internees and prisoners of war freely to exercise their religion (Article 10).

15. The Japanese Government has not posted the Convention in camps in English translation, thus depriving American prisoners of war and civilian internees of knowledge of their rights thereunder (Article 84).

16. The Japanese Government has failed to provide adequate equipment and accommodations in prisoner of war and civilian internment camps and transports but on the contrary forced them to subsist in inhumane conditions (Article 10).

17. The Japanese Government has completely failed to apply the provisions of the Geneva Prisoners of War Convention (Title III, Section V, Chapter 3), with regard to trial and punishment of prisoners of war despite the fact that violations of its undertaking in this respect have repeatedly been called to its attention, but on the contrary has imposed cruel and inhuman punishments without trial.

18. The Japanese Authorities have inflicted corporal punishment and torture upon American nationals (Article 46).

The Government of the United States emphasizes that it has based the foregoing charges only on information obtained from reliable sources. Many well authenticated cases can be cited in support of each of the charges.

The Government of the United States also desires to state most emphatically that as the Japanese Government can assure itself from an objective examination of the reports submitted to it by the Spanish, Swedish and International Red Cross representatives who have repeatedly visited all places where Japanese are held by the United States, the United States has consistently and fully applied the provisions of the Geneva Prisoners of War Convention in the treatment of all Japanese nationals held by it as prisoners, as prisoners of war or (so far as they are adaptable), as civilian internees, detainees or evacuees in relocation centers. Japanese nationals have enjoyed high standards of housing, food, clothing and medical care. The American Authorities have furthermore freely and willingly accepted from the representatives of the protecting Powers and the International Red Cross Committee

suggestions for the improvement of conditions under which Japanese nationals live in American camps and centers and have given effect to many of these suggestions most of which, in view of the high standards normally maintained, are directed toward the obtaining of extraordinary benefits and privileges of a recreational, educational or spiritual nature.

The Government of the United States demands that the Japanese Government immediately take note of the charges made above and take immediate steps to raise the treatment accorded American nationals held by Japan to the standard provided by the Geneva Prisoners of War Convention which the United States and the Japanese Government have mutually undertaken to apply. The Government of the United States also expects the Japanese Government to take proper disciplinary or penal action with regard to those of its officials, employees and agents who have violated its undertakings with respect to the Geneva Convention and the international common laws of decency.

The Government of the United States again directs the attention of the Japanese Government to the system of neutral supervision provided in Article 86 of the Geneva Convention. The Government of the United States again reminds the Japanese Government of the complete fulfillment of the provision of this article as respects the activities of the Government of Spain acting as protecting Power for Japanese interests in the Continental United States and of the Government of Sweden as protecting Power for Japanese interests in Hawaii.

The Government of the United States therefore expects the Japanese Government in accordance with recognized practice of civilized states fully to implement the provisions of the Geneva Prisoners of War Convention. The United States Government demands that the Japanese Government will, among other things, promptly implement the provisions of Article 86 in respect to the activities of the Government of Switzerland as protecting Power for American interests in Japan and Japanese controlled territory and will make it possible for the Government of Switzerland to give to the Government of the United States assurances to the effect that Swiss representatives have been able to convince themselves by the full exercise of the rights granted under Article 86 that the abuses set forth in the foregoing statement have been completely rectified or that steps have been taken in that direction that are considered by Switzerland to be adequate.

The United States Government until the present has refrained from publishing in this country the facts known to it regarding outrages perpetrated upon its nationals, both prisoners of war and civilian internees, by the Japanese. The United States Government hopes that as these facts are now again officially called to the Japanese Government's attention that Government will adopt a policy of according to United States nationals in its hands the treatment to which they are entitled and will permit representatives of the protecting Power to make such investigations and inspections as are necessary in order to give assurances to this Government that improved treatment is in fact being accorded to American nationals. In such case this Government would be in a position to assure the American people that the treatment of American nationals by the Japanese Authorities had been brought into conformity with the standards recognized by civilized nations."

The Government of the United States has requested at the same time to communicate to the Imperial Government the following facts, upon which it bases the accusations, stating that they constitute only a small number of all those which have come to its attention from a reliable source:

"Ad. charges 1 and 2: Prisoner of war and civilian internment camps in Thailand, Manchuria, Burma, Malaya and the Dutch East Indies in the Philippines, French Indo-China, and prisoner of war camp No. 1 in Formosa have never been visited by Swiss representatives although they have repeatedly requested permission to make such visits. None of these camps except the one at Mukden are known to have been visited by International Red Cross representatives. In recent months visits have not been allowed to the prisoner of war camps near Tokyo and Yokohama and the prisoner of war camps in and near Hong Kong although the Swiss representatives have requested permission to make such visits.

The value of such few visits as have been permitted to some camps has been minimized by restrictions. Swiss representatives at Shanghai have been closely escorted by several representatives of the Japanese Consulate General at Shanghai during their visits to camps and have not been allowed to see all parts of camps or to have free discussion with the internees. Similar situations prevail with respect to the civilian internment camps and prisoner of war camps in metropolitan Japan and Formosa.

By contrast all of the camps, stations and centers where Japanese nationals are held by the United States have been repeatedly visited and fully inspected by representatives of Spain and Sweden who have spoken at length without witnesses with the inmates, and International Red Cross representatives have been and are being allowed freely to visit the camps in the United States and Hawaii where Japanese nationals are held.

Ad charge 3: Communications addressed by the persons held to the protecting Power concerning conditions of captivity in several of the civilian camps near Shanghai, among them Ash camp and Chapei camp, remain undelivered. The same situation exists with respect to the civilian internment camp in Baguio and in most if not all of the camps where American prisoners of war are held. Persons held at Baguio, Chefoo, Saigon and at times in the Philippines prisoner of war camps were denied permission to address the camp commander.

Ad charge 4: On one occasion during the summer of 1943 all of the persons held at the Columbia Country Club, Shanghai were punished by cancellation of dental appointments because complaints were made to representatives of the Swiss Consulate General. During the same period at camp "B" Yangchow the entire camp was deprived of a meal by the camp commander because complaints had been made concerning the delivery of spoiled food.

There are cited under Section XVIII below cases of prisoners of war being struck because they asked for food or water.

Ad charge 5: Civilian internees at Hong Kong have gone without footwear and civilian internees at Kobe have suffered from lack of warm clothing. In 1942 and 1943 American and Filipino prisoners of war in the Philippines and civilian internees at Baguio were forced to labor without shoes and clad only in loin cloths.

Ad charge 6: This is reported to have been the case at the following camps: prisoner of war camps in the Philippine Islands, prisoner of war enclosures at Mariveles Bay, Philippine Islands, civilian internment camps at Baguio, Canton, Chefoo, Peking, Manila, Tsingtao, Weihsien and Yangchow, and at the Ash camp, Chapel camp, Lungwa camp and Pootung camp in or near Shanghai. The articles most needed by the prisoners and internees have been taken. For example Japanese soldiers took the shoes from an American officer prisoner of war who was forced to walk unshod from Bataan to San Fernando during the march which began about April 10th 1942. Although the prisoners constantly suffered from lack of drinking water, canteens were taken from prisoners during this march; one of these victims was Lieutenant-Colonel William B. Dyess.

At Corregidor a Japanese soldier was seen by Lieutenant-Commander Melvyn M. McCoy with one arm covered from elbow to wrist and the other arm half covered with wrist watches taken from American and Filipino prisoners of war.

Ad charge 7: American prisoners of war in Manila were forced by Japanese soldiers to allow themselves to be photographed operating captured American military equipment in connection with the production of the Japanese propaganda film "Rip down the stars and stripes."

Prisoners of war from Corregidor being taken to Manila were not landed at the port of Manila but were unloaded outside the city and were forced to march through the entire city to Dilibid prison about May 23rd 1942.

Japanese school children, soldiers and civilians have been admitted to internment camps and encouraged to satisfy curiosity regarding the persons held. Such tours were conducted at Baguio, Hong Kong and Tsingtao.

Ad charge 8: Deficiency diseases such as beri-beri, pellagra, scurvy, sprue, etc. are common throughout Japanese internment camps. These diseases are least common in the civilian internment camps (called assembly centers) at Shanghai and in some other camps where the persons held have but recently been taken into custody or where trade by the internees themselves with outside private suppliers is allowed. It appears therefore that the great prevalence of deficiency disease in prisoner of war camps where internees have been solely dependent upon the Japanese Authorities for their food supply over an extended period is directly due to the callous failure of these Authorities to utilize the possibilities for a health sustaining diet afforded by available local products. The responsibility for much of the suffering and many of the deaths from these diseases of American and Filipino prisoners of war rests directly upon the Japanese Authorities. As a specific example prisoners of war at Davao penal colony suffering from

grave vitamin deficiencies could see from their camp trees bearing citrus fruit that they were not allowed to pluck. They were not even allowed to retrieve lemons seen floating by on a stream that runs through the camp.

Ad charge 9: For example, in the prisoner of war camps at Hong Kong the profits of the canteens have not been used by the holding Authorities for the benefit of the prisoners.

Ad charge 10: At Baguio, civilian internees have been forced to repair sawmill machinery without remuneration. Officers prisoners of war have been compelled by Major Mida, the camp commandant at Davao colony, to perform all kinds of labor including menial tasks such as scrubbing floors, cleaning latrines used by Japanese troops and working in the kitchens of Japanese officers.

Ad charge 11: Ten American engineers were required to go to Corregidor in July 1942 to assist in rebuilding the military installations on that island and prisoners of war have been worked in a machine tool shop in the arsenal at Mukden.

Ad charge 12: The condition of health of prisoners of war in the Philippine Islands is deplorable. At San Fernando in April 1942 American and Filipino prisoners were held in a barbed wire enclosure so overcrowded that sleep and rest were impossible. So many of them were sick and so little care was given to the sick that human excrement covered the whole area. The enclosure at San Fernando was more than 100 kilometers from Bataan and the abominable treatment given to the prisoners there cannot be explained by battle conditions. The prisoners were forced to walk this distance in seven days under merciless driving. Many who were unable to keep up with the march were shot or bayoneted by the guards. During this journey as well as at other times when prisoners of war were moved in the Philippine Islands they were assembled in the open sun even when the detaining Authorities could have allowed them to assemble in the shade. American and Filipino prisoners are known to have been buried alive along the roadside and persistent reports have been received of men who tried to rise from their graves but were beaten down with shovels and buried alive.

At camp O'Donnel conditions were so bad that 2,200 Americans and more than 20,000 Filipinos are reliably reported to have died in the first few months of their detention. There is no doubt that a large number of these deaths could have been prevented had the Japanese Authorities provided minimum medical care for the prisoners. The so-called hospital there was absolutely inadequate to meet the situation. Prisoners of war lay sick and naked on the floor receiving no attention and too sick to move from their own excrement. The hospital was so overcrowded that Americans were laid on the ground outside in the heat of the blazing sun. The American doctors in the camp were given no medicine and even had no water to wash the human waste from the bodies of the patients. Eventually when quinine was issued there was only enough properly to take care of ten cases of malaria while thousands of prisoners were suffering from the disease. Over two hundred out of three hundred prisoners from camp O'Donnel died while they were on a work detail in Batangas.

At Cabanatuan, there was no medicine for the treatment of malaria until after the prisoners had been in the camp for five months. The first shipment of medicines from the Philippine Red Cross was held up by the camp Authorities on the pretext that they must make an inventory of the shipment. This they were so dilatory in doing that many deaths occurred before the medicine was released. Because of lack of medicines and food, scurvy broke out in the camp in the fall of 1942. Since the prisoners had been at the camp for some months before this disease became prevalent, the responsibility for it rests upon the detaining Authorities.

It is reported that in the autumn of 1943 fifty percent of the American prisoners of war at Davao had a poor chance to live and that the detaining Authorities had again cut the prisoners' food ration and had withdrawn all medical attention.

Though the medical care provided for civilian internees by the Japanese camp Authorities appears to have been better than that provided for prisoners of war, it still does not meet the obligations placed on the holding Authorities by their Government's own free undertaking and by the laws of humanity. At the civilian internment camp, camp John Hay, childbirth took place on the floor of a small storeroom. At the same camp a female internee who was insane and whose presence was a danger to the other internees was not removed from the camp. A dentist who was interned at the camp was not permitted to bring in his own equipment. The Los Banos camp was established at a recognized endemic center of malaria, yet quinine was not provided and the internees were not allowed to go outside of the fence to take anti-malarial measures.

The Japanese Authorities have not provided sufficient medical care for the American civilians held in camps in and near Shanghai and the internees have themselves had to pay for hospitalization and medical treatment. Deaths directly traceable to inadequate care have occurred.

Even in metropolitan Japan, the Japanese Authorities have failed to provide medical treatment for civilian internees and it has been necessary for Americans held at Myoshi, Yanakita and Sumire to pay for their own medical and dental care.

Ad charge 14: For example, the internees at camp John Hay were not allowed to hold religious services during the first several months of the camp's operation and priests have not been allowed to minister to prisoners held by the Japanese in French Indo-China.

Ad charge 15: No copy of an English translation of the text of the Geneva Prisoners of War Convention has been available to civilian internees or prisoners of war nor have the Japanese Authorities taken other steps to inform the persons held of their rights under the terms of the Convention. Reports have been received of the Japanese Authorities informing prisoners of war that they were captives having no rights under international law or treaty.

Ad charge 16: At Camp O'Donnell, many of the men had to live without shelter during 1942. In one case, twenty-three officers were assigned to a shack fourteen by twenty feet in size. Drinking water was extremely scarce, it being necessary to stand in line six to ten hours to get a drink. Officers had no bath for the first thirty-five days in the camp and had but one gallon of water each in which to have their first baths after that delay. The kitchen equipment consisted of cauldrons and a fifty-five gallon drum. Protes (?) were cooked in the cauldrons, washed with a piece of timber, and each man was served one spoonful as his ration.

In late October 1942, approximately 370 prisoners of war were transferred from the Manila area to the Davao penal colony on a transport vessel providing only twenty inches per man of sleeping space. Conditions on the vessel were so bad that two deaths occurred and subsequently because of weakness some fifty percent of the prisoners fell by the roadside on the march from the water front at Lasang, Davao to the penal colony (?).

The places used by the Japanese Authorities for the internment of American civilians in the Philippine Islands were inadequate for the number of persons interned at the Brent School at Baguio. Twenty to thirty civilians were assigned sleeping accommodations in a room which had been intended for the use of one person.

At the Columbia Country Club at Shanghai, the internees were obliged to spend 10,000 CRB dollars of their own funds to have a building de-loused so that they might use it for a needed dormitory. At Weihsien, no refrigeration equipment was furnished by the Japanese Authorities and some of the few household refrigerators of the internees were taken from them and were used by the Japanese guards with the result that food was spoiled during the summer of 1943. The lack of sanitary facilities is reported from all of these camps

Ad charge 17: American prisoners have suffered death and imprisonment for participation in military operations. Death and long term imprisonment have been imposed for attempts to escape for which the maximum penalty under the Geneva Convention is thirty days arrest. Neither the American Government nor its protecting Power has been informed in the manner provided by the Convention of these cases or of many other instances when Americans were subjected to illegal punishment. Specific instances are cited under the next charge.

Ad charge 18: Prisoners of war who were marched from Bataan to San Fernando in April 1942 were brutally treated by Japanese guards. The guards clubbed prisoners who tried to get water and one prisoner was hit on the head with a club for helping a fellow prisoner who had been knocked down by a Japanese army truck. A colonel who pointed to a can of salmon by the side of the road and asked for food for the prisoners was struck on the side of his head with the can by a Japanese officer. The colonel's face was cut open. Another colonel who had found a sympathetic Filipino with a cart was horsewhipped in the face for trying to give transportation to persons unable to walk. At Lubao, a Filipino who had been

run through and gutted by the Japanese was hung over a barbed wire fence. An American lieutenant-colonel was killed by a Japanese as he broke ranks to get a drink at the stream.

Japanese sentries used rifle butts and bayonets indiscriminately in forcing exhausted prisoners of war to keep moving on the march from the Cabanatuan railroad station to camp No. 2 in late May 1942.

At Cabanatuan, Lieutenant-Colonels Lloyd Biggs and Howard Breitung and Lieutenant R.(?) Gilbert attempting to escape during September 1942, were severely beaten about the legs and feet and then taken out of the camp and tied to posts, were stripped and were kept tied up for two days. Their hands were tied behind their backs to the posts so that they could not sit down. Passing Filipinos were forced to beat them in the face with clubs. No food or water was given to them. After two days of torture they were taken away and according to the statements of Japanese guards they were killed, one of them by decapitation. Other Americans were similarly tortured and shot without trial at Cabanatuan in June and July 1942 because they endeavored to bring food into the camp. After being tied to a fence post inside the camp for two days, they were shot.

At Cabanatuan, during the summer of 1942, the following incidents occurred: a Japanese sentry beat a private so brutally with a shovel across the back and the thigh that it was necessary to send him to the hospital. Another American was crippled for months after his ankle was struck by a stone thrown by a Japanese. One Japanese sentry used the shaft of a golf club to beat American prisoners and two Americans caught while obtaining food from Filipinos were beaten unmercifully on the face and body. An officer was struck behind the ear with a riding crop by a Japanese interpreter. The same officer was again beaten at Davao penal colony and is now suffering from partial paralysis of the left side as the result of these beatings. Enlisted men who attempted to escape were beaten and put to hard labor in chains.

At the Davao penal colony, about April 1st, 1943, Sergeant McFee was shot and killed by a Japanese guard after catching a canteen full of water which had been thrown to him by another prisoner on the opposite side of a fence. The Japanese Authorities attempted to explain this shooting as an effort to prevent escape. However, the guard shot the Sergeant several times and in addition shot into the barrack on the opposite side of the fence toward the prisoner who had thrown the canteen. At about the same time and place, an officer returning from a work detail tried to bring back some sugar cane for the men in the hospital. For this, he was tied to a stake for twenty-four hours and severely beaten.

In the internment camp at Baguio, a boy of sixteen was knocked down by a Japanese guard for talking to an internee girl and an elderly internee was struck with a whip when he failed to rise rapidly from his chair at the approach of a Japanese officer. Mr. R. Gray died at Baguio on March 15th, 1942 after being beaten and given the water cure by Police Authorities.

At Santo Tomas, Mr. Krogstadt died in a military prison after being corporally punished for his attempted escape."

As you well understand, certain words of this communication have been mutilated in the telegraphic transmission. Some of the words will be found in lines 11, 14 and 24 on page 17, and at line 15 of page 19. I have requested the repetition from the postal authorities, and will not fail to inform you of their response as soon as it reaches me.

The Government of the United States requests that the Imperial Government take immediate steps to remedy these matters and take all measures to prevent their recurrence. It desires further that I be enabled to visit, or cause to be visited, all the places without exception where American citizens are detained, in conformity with Article 86 of the Geneva Convention of 27 July 1929, relative to the treatment of prisoners of war.

In asking Your Excellency to let me know the response of the Imperial Government to the communication above mentioned, and to the requests of the United States Government, I take this occasion to renew, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokyo.

THE GAIMUSHO
TOKYO

Translation

No. 98/C.R.

24 April 1944

M. le Ministre,

To follow my letter of 26 May 1943 replying to Your Excellency's letter of 23 December 1942, relative to a protest of the Government of the United States of America on the subject of the treatment of American citizens in the power of Japan, I have the honor to communicate in the annexed statement the result of the inquiries which have been carefully as well as minutely made on each of the cases enumerated in the said protest.

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

Please accept, M. le Ministre, the renewed assurances of my high esteem.

(L. S.) Minister of Foreign Affairs

Attachment

Reply on the Individual Cases cited in the
Protest of the American Government.

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

It is unnecessary to explain the impropriety of expecting the application of the stipulations of the Convention of 1929 relative to the treatment of prisoners of war to those criminally accused persons who under the laws of Japan are treated alike regardless of whether they are Japanese subjects or foreigners. Nevertheless, the Japanese authorities concerned have accorded to the American accused, nationals of an enemy country, a treatment as generous as permitted by law, by taking into consideration the mode of their daily life, and their respective social positions and ages, for which they have often expressed their gratitude, as is described hereunder.

That the American Government's protest has been made by distorting and exaggerating the facts which are contradictory for instance, by complaining at one place of the placing of Americans in common jail and remonstrating, at another, against their solitary confinement.

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

A. CIVILIANS

(a.) Conditions in Prisons and Internment Camps.

I. The Bridge House, Shanghai.

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

The Military Police Detention House in Shanghai is used for prisoners of all nationalities, Japanese nationals, nationals of enemy countries and those of third countries.

As regards health, all the inmates, being allowed to take proper exercise, and given proper medical attention by army doctors, there is nothing to be considered unsatisfactory. Food is rationed alike to all, no distinction being made. However, in consideration of their mode of living, Europeans and Americans are permitted to eat such articles of food as they may receive from outside or they may chose to purchase at their own expense. As to wearing apparels they are allowed to use those of their own, beside those supplied by the institution, including blankets.

As is indicated above, the American inmates of the House, were accorded an unusually good treatment through the special considerations by the authorities. There existed no impropriety nor negligence in the manner or method of their detention. Nor did there occur any case of diseases due to detention, such as are mentioned in the American note.

II. Army Prison, Peking.

The six persons, Floyd F. Spielman, R.E. McCann, C.J. Eskeline, J.B. Sherwood, E.X. Mills and P.H. Benedict, mentioned in the American note, were arrested under the warrant issued on March 7, 1942, by the Procurator of the Military Court of the Japanese Army in North China on account of their violation of military regulations. They were taken into the North China Army Prison in Peking on March 11, at 6:30 o'clock p.m. On the following day at 4:30 o'clock p.m. they were ordered to detention in accordance with the warrant issued on the same day by the Military Procurator.

The agreement for the exchange of diplomatic officials and residents between Japan and the United States was concluded while their cases were being investigated. Accordingly, the proceedings were dropped, and by order of the Military Procurator they were released on June 8, 1942, at 8 o'clock, a.m.

(1.) Conditions of health during detention.

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

(2.) Food

All those in detention -- Japanese and foreigners -- are alike given the soldier's rations. But in view of their mode of daily life and their ages, and as a special caution against any adverse effect a sudden change of diet might have upon their health, mental as well as physical, these men were served Western meals with bread for breakfast and dinner, and the soldier's food only for lunch, during the first

month. It was then discovered that they became gradually accustomed to, and began to prefer the soldier's food. In fact, one of the six men, Sherwood indicated his preference for the soldier's food from the outset, while after the lapse of about two months all the men were asking for it.

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

(3.) Bathing

A hot bath was regularly provided for all twice a week, on Sundays and Wednesdays, while a shower bath was substituted on occasion during the summer months. Eskeline on account of his malady was ordered to refrain from bathing for twenty-three days from the day of his incarceration until April 2. To the rest of the men bathing was neither prohibited nor suspended at any time throughout the entire period.

(4.) Physical Exercise.

The men were ordered to take outdoor exercises for half an hour to one hour, and to do free exercises indoors in bad weather. Save that for some twenty days Eskeline was ordered to stop exercising upon the doctor's advice, the others were never prohibited for any reason from taking physical exercises for any extended period as is alleged in the American note.

(5.) Detention Cells

Each detention cell has a floor space 15.75 square metres, being 3.34 metres high. It is provided with one window and equipped with ventilation, electric lights, and toilet facilities. The walls being plastered, and the floor and ceiling covered with wooden boards, the cell is of permanent construction. All cells are always kept clean. While two to five persons are usually put in one cell, the Americans in question were allotted one cell for two persons, so that they might have more room. Moreover, their cells were selected from among the best situated and most quiet in the entire prison.

(6.) Clothing and beddings.

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

As to beddings, the articles in general use were supplied. Although the rule prescribes one cotton quilt, one woollen blanket and one pillow for each person and two mats for three persons, the Americans were provided each with 2 quilts, 2 blankets, a pillow and a mat. And all these articles were regularly laundered and always kept clean.

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.

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

III. Tsingtao

The seven persons mentioned in the American note, namely, Frank G. Keefe, Cady Cooper, Frank B. Halling, Charles Liebgold C.J. Meyer, N.H. Mills, and H.J. Zimmerman -- were all suspected of espionage and taken to the Military Police headquarters on December 8, 1941 and placed in detention in the Assembly Hall of the Tsingtao Municipal Police Bureau for the purpose of examination until the 27th of the same month, on which date Meyer and Mills were released while the others were transferred on the following day to the residence of the Manager of the E Wo Company. Here the five men were held while on the basis of the preliminary investigations the authorities were proceeding

with the examination of the evidences on hand. In the meantime with the operation of the Exchange Agreement they were set free. The conditions under which they lived during the period of their detention are as follows: The conditions of the detention quarters.

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

The Manager's residence of the EWO Company to which the five men were transferred is one of the best houses to be found in the City of Tsingtao with complete equipments and facilities. They were allowed to use their own beds, beddings, clothes, and to have their meals sent from their homes, and to use freely the piano and the ping-pong on the premises. Besides, they were permitted to meet friends and the members of their families in the presence of an official.

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

IV. Fort Santiago, Manila.

Of the two men, Roy Bennett and Robert Abbott, who are mentioned in the American note as having been imprisoned in Fort Santiago, Manila, Roy Bennett was placed in the Internment Camp at Santo Thomas on April 20, 1943, where he has been since and is well. As for Robert Abbott, although he had participated in the battles of Bataan and was later captured, he concealed the fact on being admitted in the Philippine National Hospital toward the end of May, 1942; and by pretending to be an engineer so as to evade the treatment as a prisoner of war he entered the Santo Thomas Internment Camp following his discharge from hospital on November 23 of the same year and continued to remain there until January 12, 1943. On the discovery of his fraudulent act, he was sentenced to minor imprisonment for three months, and upon the expiration of that term he was put in the Prisoners of War Camp, where he has since been and is well. In the light of these facts the protest of the American Government is irrelevant, and its insistence upon Abbott's release from Prison is wide of mark.

V. Camp Stanley, Hongkong.

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

VI. Santo Thomas, Manila.

The Japanese army entered the city of Manila on January 2, 1942, and opened the Internment Camp at Santo Thomas on the 4th of the same month, and let the internees to take charge of management of the camp. The internees were notified in advance to bring with them their personal effects and daily necessities, so as to render their life in the camp as comfortable as possible. In spite of this advance notice given, there were some who failed to bring mosquito nets, clothes, and beddings. In the face of the disruption of communication immediately following the Japanese occupation of the city and the immense number of the internees to be dealt with, which reached 3,000 at the end of January, the military authorities speedily granted them permission and facilities to send for their personal belongings. That the Japanese army, while pursuing the retreating enemy on the one hand, went about earnestly on the other hand to take American civilians under protection and placed at their disposal the transportation facilities and men they could ill-afford to spare, was source of general gratitude on the part of all Americans on the spot. It should be noted that the actual situation was totally different from what is alleged to have been in the American note.

The protest regarding food is also in contradiction with facts. At the beginning, in compliance with the wishes of the internees and with a view to avoiding a sudden change of diet and respecting personal preferences, each internee was allowed to obtain his meals at his own expense. But as time passed, it was feared this arrangement might prove unfair to those who did not have much money. Therefore beginning with the last day of February, 1942, in accordance with the general desire of the internees, a ration system was adopted, the Philippine Red Cross Society, which was then in the process of organization, being authorized to pay the cost, while those who so wished, were permitted to purchase supplementary food at their own expense. This system proved satisfactory and convenient to the internees. The Red Cross responsible only for the distribution of the daily rations at the camp as a whole, did not, of course, undertake to loan money to individuals separately. The purchase and preparation of the food was left entirely to the self-governing body of the camp, and the army helped to obtain such commodities as were difficult to find on the market. Never on any occasion, the cost of the ration was limited to 25 centavos. The Philippine Red Cross which was formally established in April, 1942, continued to distribute rations until June. Since then the Japanese Military authorities have borne all the cost of

the rations and all other expenditures for the maintenance of the camp, while the management of the camp is left as before in the hands of the self-governing body organized by the internees themselves. The food served at the camp has been ever since its opening quite satisfactory both in quality and quantity -- so much so, in fact, that it is even criticized as being too good as compared with the food available to the people of the city in general. Within the camp, order is maintained and various activities are carried on by the abovementioned self-governing body in accordance with the Code of Regulations formulated by itself and through the respective officials appointed by itself. For this magnanimous treatment the internees are all grateful.

VII. Davao and other internment camps in the Philippines.

The "first six weeks" mentioned in the American note refer to the period during which American residents in the city were housed for protection in the American Club without being required to do absolutely no work. Later some persons for the sake of their health requested to be allowed to do some light outdoor work, and they were assigned the work of removing objects which were lying on the streets and obstructing traffic. On the other hand, the Santa Anna area where the warehouses of Davao for provisions were situated had been set on fire and reduced to ashes by the fleeing American soldiers, and the provisions in the shops within the city had been carried away and secreted also by American soldiers, so that the people of the city were faced with an extreme scarcity of food. They had practically nothing to eat but corn and millet, and even these were difficult to obtain. That at such a time those Americans at the club were provided with meals containing with certain amounts of corn was due entirely to the generous efforts of the Japanese army, who moreover supplied them with cleaned rice, fish, and canned foods out of their own none ample stock. Indeed, those Americans were being fed far better than the average Japanese residents and the Philippines at that time.

By April 1942 the situation at Davao had gradually improved, and supplementary articles of food such as vegetables began to appear on the market. Accordingly, in compliance with the wishes of the internees, they were permitted to purchase their food on their own account, while rice, sugar, salt, condiments, etc., that were not easily obtainable were distributed by the military authorities.

At first all Americans were interned for protection in view of the situation which rendered it impossible for them to secure food if they had lived by themselves, and the military authorities used

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

Americans at other camps in the Philippines have been given a treatment similar to that accorded the American internees at Davao as described above.

B. Maltreatment and Torture.

I. Torture and physical violence.

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

Beginning with February 8, 1942 Edward Hughes Mills, an American, was being examined at the Ryuzan Police Station, Keijo as a suspect for espionage. In the course of the said examination it was established from his statements and as the result of the search of his house that Reiner was involved in the crime. He was therefore taken to the Ryuzan Police Station and an examination of his case was commenced. It was found that Reiner beside being charged with the aforesaid crime, was also guilty of an infringement upon the Foreign Exchange Control Ordinance. During the examination, though he appeared to be in good health, he was segregated from other criminals and allowed to occupy a solitary cell in view of his rather advanced age. Moreover, he was asked several times to state his wishes, which were taken into consideration in order to afford him the best possible treatment. Whereas his crime was clearly established, the case was dropped with the coming into force of the Exchange Agreement, and he was set free on May 25, 1942. On the occasion of his release, Reiner while thanking the police authorities on behalf of the Americans who had been similarly held at the police station, stated to the effect that as he was being examined as an enemy national suspected of acts of benefitting the enemy, he had anticipated a most severe and rigorous examination, but he had been dealt by police authorities always in the kindest manner; that he deeply admired the Japanese spirit thus manifested.

In the American note of protest it is stated that Reiner was tortured six times between May 1 and May 6, and that he was kicked by a gendarmerie employee named Syo in such a manner that his rib was broken, and that a vicious blow was struck over his broken rib by another gendarmerie employee named Kim. As a matter of fact no gendarmes, to say nothing of their employees, were ever permitted to frequent the premises of the Ryuzan Police Station, while the station itself has no employee named either Syo or Kim. It must be concluded the story is a fabrication. Furthermore, the records of the

medical examination made on Reiner at the time of his release established the fact that he was sound and healthy and nothing unusual was to be noted on his person. That a man, 59 years of age, who had his rib broken and received "half-inch deep cuts" on his arms and legs should have so quickly and so completely recovered within several days as to retain no trace thereof, is unbelievable. It only proves the careless and groundless character of the American protest.

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

(2.) Beating at Ichang

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

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

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

II. Solitary Confinement.

(1.) H.W. Iayers.

Suspected of violating the National Defense and Security Ordinance, H.W. Iayers was arrested on December 8, 1941 according to the criminal procedure as prescribed by the said Ordinance. He was taken to the Kobe Detention House where as the result of examination he was acquitted. On the other hand, it was established that he was guilty of violating the Army Criminal Code and the Foreign Exchange Control Ordinance. Accordingly, while released on March 5, 1942, as a suspected violator of the National Defense and Security Ordinance, he was indicted afresh on the same day before the Kobe District court on the charge of violations of the Army Criminal Code and the Foreign Exchange Control Ordinance, and remanded to the Kobe Detention House under the warrant issued by the judge of that court. On April 5 he was sentenced to imprisonment for 7 months counting the 20 days pending the trial. While he was serving his sentence, he was removed to the Osaka Prison on May 1st, and was granted a ticket of leave on June 7. During that period he was for a time, January 4 - February 5, 1942, transferred to the temporary jail belonging to the Kikusui-bashi Police Station of Kobe.

At the Kobe Detention House, in consideration of his advance age and with a view to avoiding any adverse effect that confinement in common jail might have upon his health and especially to enabling him to sleep well, the best and newly furnished cell in the institution was assigned to Iayers for his exclusive occupancy. During his

detention pending the trial he was permitted to use the private beddings and clothes of his own choice. He was provided with a chair, which is not a part of the regular furniture for ordinary cells. As regards meals, he was permitted in compliance with his wishes to obtain them from outside. During his penal servitude after conviction he was furnished with the regular prison bed, clothing and meals, but at the same time he was given special permission to wear shoes, and special care was taken in the preparation of his meals. As for books, he was allowed to read those sent to him after they had been duly censored.

During his incarceration in the Osaka Prison, he was shown similar consideration, and given a single cell for solitary confinement. He was permitted to receive the Bible, the Japanese National Reader, etc. from outside. His wife, Grace visited him in the middle of May, under the prison regulations which permit the visit of a relative once a month. He was grateful especially as he was not put in common jail but given a single cell, it is strange that the American Government should make that very fact an object of protest.

(2.) William Mackesy

William Mackesy was given special permission to remain in his own house until he was interned in the civilian camp in Kobe. He appreciated fully the good will of the authorities concerned, and by avoiding contact with outsiders as much as possible, he endeavoured not to give any cause for misunderstanding on the part of the authorities to whom he frequently expressed his sense of gratitude. He lived in a room he had rent in a building attached to his church. With the privilege of remaining in his own residence, he was free to regulate his daily life as he liked and enjoyed special comforts and conveniences.

(3.) Alice C. Grube

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

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

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

(4.) J.B.N. Talmadge.

A search of the house of J.B.N. Talmadge, conducted according to criminal procedure, brought forth articles of evidence for violations of the Military Secrets Preservation Ordinance, the Wireless Telegraphy Ordinance and the Regulations for the Control of fire arms. Accordingly he was taken into custody in the Detention cell of the Koshu Police Station. As the result of investigations he was set for prosecution, which however, was stayed as the consequence of the conclusion of the Exchange Agreement. He was released on April 3, 1942.

During his detention, in view of his age and position Talmadge was given a single cell for solitary confinement. He was permitted to have, clothing, bedding, and books sent from outside, and to take indoor exercises for health. Grateful for the kind treatment accorded, he dispatched at the time of his departure a letter of thanks to the provincial governor of Zenra Nando (see Annex B.).

(5.) Edward Adams

As a suspect for violation of the National Defense and Security Ordinance Edward Adams was arrested on December 8, 1941, and taken to the Taikyū Police Station where he was detained and examined. He was released on the 20th of the same month. The police authorities with due respect to his person did not lock him up in common jail, but confined him in a single cell. He was allowed to bring in his own beddings, and accorded special facilities regarding meals, physical exercise, and other matters. On his departure Adams left behind him a note thanking for the special favors shown to him.

III. Deaths due to mistreatment and neglect.

The American Government protests against the deaths of several Americans, by ascribing them to mistreatment and neglect on the part of Japanese authorities. For instance, it is alleged in the American note that Leo Belequin was refused to enter a hospital in Keijo and forced to return to Kansai. As a matter of fact, it was in compliance with Belequin's express wish that he was sent back from Chosen. Again, it is alleged that Charles Liebgold imprisoned in an unheated jail at Tsingtao, contracted a cold, which developed into pneumonia. As is told elsewhere under the head of Tsingtao, Liebgold together with other

American suspects were detained for a period, December 8 - 17, 1941 in the Assembly Hall of the Tsingtao Municipal Police Bureau. The said Assembly Hall, equipped with two large-size stoves, was always kept warm with a temperature at 15 - 20 degrees Centigrade. There he and his fellow detainees were accorded a specially good treatment. In view of such facts, the American protest is utterly unwarrantable.

Investigations into other instances, have disclosed that the various allegations in the American note are equally unfounded. It appears that the protest of the United States Government is motivated by a desire to attribute to the responsibility of Japanese authorities the deaths of American Nationals regardless of their actual causes. Such a protest which, ignoring the generous treatment of Americans by Japanese authorities, dwells upon baseless allegations, cannot be tolerated by the Japanese Government.

IV. Violation of the Exchange Agreement.

(1.) Transportation.

As regards the transportation fee of the American citizens evacuating from Tsingtao and Chefoo, requested by the Consul General of Switzerland in Shanghai the Japanese Government are prepared to pay such fee at any time, provided, however, that the Government of the United States shall agree to bear the expenses, incurred by the Japanese Consular members in Brazil in their assembling to the City of Rio de Janeiro, which was already requested by the Japanese Government in their communication dated under March 4, 1943 and which will be communicated in detail.

The train fare between Nagasaki and Yokohama (Yen 17.90) has been paid to each one of the three non-official Americans, Francis Henry Carls, Alfred William Harding, and William Frederick Campbell, on board the exchange vessel, "Meams Iaru". Later it was found that Campbell was already provided with a train ticket at the time of his departure from Nagasaki.

Besides these aforementioned items, it is desired to be informed whether there is any other item still left unpaid. The Japanese Government desire to be notified as to the names of all those persons who have paid their own expenses, as well as to their items and amount thereof in detail, in addition to those already demanded by the Government of the United States under the date of March 25, 1943.

(2.) Baggage limitation and search.

The baggage of American Government officials was permitted to be shipped without limitation and without inspection. As regards non-official Americans, facilities were afforded those in Japan Proper, such as special permission to return to their houses in order to

attend to their baggage and baggage inspection by custom officers at their own residences. Moreover, they were allowed to take out their baggage without restriction on the amounts as long as it did not contain objectionable articles. Japanese authorities in Chosen, Manchukyo, Hongkong and Thailand were instructed to handle the matter of baggage in a similar manner. Consequently, Americans were allowed to take not only what they could carry themselves but other pieces of their baggage.

In contrast to this treatment, American authorities, as stated in the protest lodged with the American Government by the ~~Japanese~~ Government in its communication of October 27, 1942, addressed to the Spanish Ambassador in Washington, searched the persons of non-official Japanese evacuees in a most outrageous manner, by stripping stark naked practically all persons, subjecting them to intolerable indignities and inhumane treatment. The baggage inspection was extremely harsh and rigorous, and the evacuees had part of their belongings confiscated, so that not a few were obliged to board the ship, leaving everything behind them, save one or two suitcases. To the above-mentioned protest of the Japanese Government, the American Government in its intermediate reply dated December 24, 1942, promised that it would make a report on the completion of investigations. No report has yet been received, and the Japanese Government requests that the said report be transmitted without further delays.

As regards porters, it is true that a certain number of them were assigned to duties at each place, but in order to avoid disorder and confusion the evacuees were prohibited to employ them on their own account. A similar situation was observed also in the United States.

Regarding the baggage of non-officials the U.S. Government protests against the reinspection of their baggage at the port of embarkation after it had been inspected at the place of departure. But in the United States, the baggage of non-official Japanese nationals was inspected at the place of departure and subjected without exception to a second and most rigid inspection at the port of embarkation.

Japanese customs authorities were instructed not to inspect the baggage of American officials. A case is cited by the American note in which, the effects of American officials in Chosen were said to have been searched, but investigations made into the case, failed to produce nothing to substantiate that allegation.

On the contrary, when Japanese Vice Consul, Mr. Masaru Sano, stationed in Houston, Texas, and his wife were leaving that city on January 10, 1942, the American officials in charge at the time had taken away five cases of Mr. Sano's personal belongings on the ground that those cases were wooden boxes. Upon arrival at the Homestead Hotel in Virginia, Mr. and Mrs. Sano finally succeeded in obtaining those boxes after negotiations made through the Spanish

Embassy in Washington, D.C., and they were requested to pay the amount of \$50.00 for the transportation. The boxes arrived but every one of them was opened and inspected, and moreover, several articles contained in the boxes were missing.

This action on the part the American officials clearly constitutes a violation of the agreement, and accordingly, the Japanese Government renew the protest against the Government of the United States.

B. PRISONERS OF WAR

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

1. The Philippines

The American Government is reminded of the situation in the Philippines during those days immediately following the Japanese occupation of the Bataan Peninsula. Order had not yet been restored; traffic facilities had been destroyed; the American soldiers prior to their retreat and surrender had burned food and medical supplies in accordance with their "Scorched-earth" tactics; the Japanese armies themselves were finding it difficult to replenish their stock of provisions and medical supplies; and furthermore, the number of American prisoners of war were far greater than anticipated. It was inevitable that under these circumstances the American war prisoners should have suffered temporarily from scarcity of food and inadequate medical attention. Nevertheless, the Japanese military authorities, in the face of insuperable difficulties, did their best to feed the Americans and to care for the sick and wounded. The Americans captured in Bataan were obliged to go on foot when they were being taken to Camp O'Donnel, because owing to the destruction of the means of conveyances it was impossible to send them in automobiles.

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

2. Shanghai

Relating to the punishment of W.S. Cunningham and D. Smith, the views of the Japanese Government are clearly set forth in its communication of March 3, 1943, to the Swiss legation in Tokyo, and they need not be repeated here. It should be added that the report of alleged mistreatment of American marines, also cited in the American note, is unfounded.

Annex A.

Thoughts on Leaving Chosen - May, 1942. E. W. Koons.

On August, 1939, my wife and I came for the fifth time to Chosen, leaving our six children and four grandchildren. We expected to spend the rest of our working lives serving the inhabitants of this peninsula of whatever race and nation.

On less than three years we are returning to our native land. We leave in our house at No. 1 Renschicho our household goods, most of our clothing, and many precious personal possessions, hoping to return and resume our life here with its various missionary activities. But at a time like this one is bound to think deeply as to try to reach definite conclusions.

Among the many kindnesses received by the group of foreigners detained in the Theological Seminary since Dec. 8, 1941, has been my being allowed to receive my copy of the Japan Times and Advertiser. Through it we have been able to follow the course of events.

It is with great satisfaction that I read again and again in the J.T. & A. reports of the good treatment of American and other war prisoners. Certainly the group to which I belong has received every kindness possible under present conditions and will always be grateful for many favors.

When I reach the U.S.A. I shall seek an opportunity of serving Japanese internees in a friendly way if the Government and the Board of Foreign Missions will permit this. As always, I shall earnestly pray for good relation between the nationals of these two great countries, and the countries themselves. I am sure there is a bright future for both nations, and I hope that my wife and I can have a part in bringing it about.

E. W. Koons

May 27, 1942.

Annex B.

Koshu, Chosen.

May 30, 1942.

To the Governor of South Zonro Province,
Koshu, Chosen.

Honored Sir:

After many pleasant years during which the Southern Presbyterian Mission has labored in Korea under the protection of the Japanese Government, we regret the changed international situation which necessitates the complete evacuation of the Mission.

Having received many kindnesses from various officials of the Japanese Government since the outbreak of war between Japan and our country, and much help in enabling us to leave Koshu, I wish to convey herewith my appreciation, and trust that you will express our thanks to the officials concerned, as I can not meet them all.

We trust that when peace is restored we shall be able to return and meet again.

Yours very respectfully,

(Signed) Eliza E. Talmage

THE GAIMUSHO
TOKYO

Translation

No. 97/C.R.

28 April 1944

M. le Ministre,

In acknowledging receipt of Your Excellency's letter of 5 February last, relative to the treatment of dependent Americans in the power of Japan, I have the honor to ask that the following response of the Imperial Government be communicated to the Government of the United States of America. As to the protest of the Government of the United States against the treatment of dependent Americans by Japanese authorities, communicated 23 December 1942, and to which the said letter made reference, the response has been made by my letter of 24 April 1944 addressed to Your Excellency on the basis of the result of the inquiries.

"The Japanese Government have carefully studied the communication of the United States Government transmitted under date of the 5th February by the Swiss Minister in Tokyo in charge of American interests in Japan regarding the treatment of United States citizens in areas under Japanese administration.

It is considered that the United States communication under review is, as also are their previous communications, based upon a serious misunderstanding as to the position of Japan in respect of the application of the 1929 Convention relating to the Treatment of Prisoners of War. This point will be dealt with in the section headed I below.

The Japanese Government have taken note of the eighteen complaints enumerated in the United States communication, and have caused detailed investigations to be made into the instances given of alleged maltreatment of United States citizens. The results of these investigations are given in the section headed II below.

It is stated in the United States Government's communication that in the treatment of all Japanese subjects within areas under United States administration, the United States has consistently and fully applied the provisions of the 1929 Convention relating to the Treatment of Prisoners of War. But according to information received from perfectly

reliable sources, the United States Government are not always applying the provisions of the said Convention as fully as they have expressed themselves bound to do. This is stated in detail in the section headed III below. The Japanese Government enter the most emphatic protest on this point, and demand of the United States Government an immediate investigation into each instance given, the rectification of the maltreatment, and the punishment of the persons responsible or the adoption of measures for the improvement of discipline over them.

Those facts which are mentioned in the section headed IV below are based upon information from the most reliable sources. While the instances cited in this section are not specifically contemplated by the 1929 Convention relating to the Treatment of Prisoners of War, they are not only contrary to the spirit of the Convention but also are contrary to the principle of international law and to humane feeling. A protest concerning these matters has already been lodged, but no satisfactory reply has yet been received. The Japanese Government therefore take this opportunity once again to enter an emphatic protest, and they demand that the United States Government take adequate measures to improve the state of affairs.

I The position of Japan in respect of the Convention of 1929 relating to the Treatment of Prisoners of War.

As regards the treatment of prisoners of war, Japan has ratified the 1907 Convention relating to the Law and Custom of Land Warfare, and the 1929 Convention for the Amelioration of the Condition of the Wounded and Sick of Armies in the Field, but the Japanese Government have not ratified the Convention of 1929 relating to the Treatment of Prisoners of War. Consequently Japan is under no obligation to be bound by that Convention. However, the Japanese Government have notified the United States Government of their intention on purely humanitarian grounds to apply mutatis mutandis in the present war the provisions of the 1929 Convention relating to the Treatment of Prisoners of War to American prisoners of war within areas under Japanese administration.

As regards the treatment of civilian internees, no international agreement exists, except that an expression of desire is contained in the final protocol to the 1929 Convention relating to the Treatment of Prisoners of War. In the present war, the Japanese Government have notified the United States Government of their intention to apply as far as possible under the condition of reciprocity the provisions of the 1929 Convention relating to the Treatment of Prisoners of War (provided that no labour is imposed upon the internees against their will by the country detaining them).

By the above-mentioned intention of the Japanese Government to apply *mutatis mutandis* the provisions of the 1929 Convention relating to the Treatment of Prisoners of War to American prisoners of war, it is meant that the provisions of the Convention will be applied with the modifications necessary in order to conform with the provisions of the existing laws and regulations of the country and with the requirements of the actual situation as it develops. In the same manner the provisions of that Convention are also applied to American civilian internees.

In the present war in Greater East Asia the field of operations extends over an expansive area including many remote, undeveloped and pest-ridden regions with innumerable islands scattered over the ocean, involving considerable difficulties in the way of communication and transport. The change introduced by the system of aerial fighting has also made it difficult to distinguish zones of combat from other areas. The Japanese Forces, which have taken under their control an unexpectedly large number of enemy nationals in these areas far distant from Japan, are making the utmost efforts to accord them fair and just treatment. Such a situation was certainly not contemplated at the time when the 1929 Convention relating to the Treatment of Prisoners of War was concluded. That Convention has not been ratified by Japan because there are provisions in it which are not acceptable to this country. The Japanese Government are, however, dealing, from a humanitarian point of view, with matters relating to prisoners of war and civilian internees, on the basis of the 1907 Convention relating to the Law and Custom of Land Warfare and the 1929 Convention for the Amelioration of the Conditions of the Wounded and Sick of Armies in the Field, taking moreover into consideration the provisions of the 1929 Convention relating to the Treatment of Prisoners of War. These intentions of the Japanese Government have already been made known to the United States Government.

In these circumstances, the Japanese Government are unable to understand how the United States Government have seen fit to enumerate certain articles of the Convention and to demand their absolute application as if the Japanese Government by the above-mentioned expression of intention had admitted an obligation to observe the provisions of the Convention as a party thereto.

II. Reply of the Japanese Government to the protest
of the United States Government dated
the 5th February, 1944.

(1) With reference to 1 and 2 of the American protest the United States Government state, whereas the Japanese Government are permitting the representatives in charge of American interests and representatives of the International Committee of the Red Cross to visit Prisoner of War Camps, Civilian Internee Camps and Civilian Centres in Japan proper, Taiwan, Chosen, China, Manchoukuo and Hong Kong; the United States Government protest to the effect that the representatives of the Swiss Government in charge of American interests in Japan and in Japanese occupied territories have not been permitted to go to every place without exception where prisoners of war and civilians were interned; they have not been permitted to interview without witnesses the persons held, and have not had access to all places occupied by the prisoners.

The United States Government state that the representatives of the Swiss government in Japan are entrusted with the protection of American interests in Japanese occupied territories, whereas, as already communicated to the United States Government through the intermediary of the Swiss Government, the policy of the Japanese Government is not to recognize representation of enemy interests in Japanese occupied territories and, therefore, is not permitting visits to the War Prisoner Camps and Civilian Internee Camps in those territories. Furthermore in view of the needs of military operations, visits of the representatives of relief societies and others also are not permitted for the time being.

For interviewing prisoners of war, the presence of witnesses is required by Japanese regulations enacted in accordance with the Regulations concerning the law and custom of land warfare, annexed to the Convention of 1907 ratified by Japan.

The United States Government protest to the effect that Swiss representatives at Shanghai, during their visits to the camps, were closely escorted by representatives of the Japanese Consulate General and were not able to see all parts of camps. According to the investigation, however, the Consul General of Switzerland walked at the head of the visiting party and inspected the camps freely, and though staff members of the Consulate General did accompany him they did so as a matter of courtesy.

(2) With reference to 3 and 4 of the American protest the United States Government alleged that American nationals were not permitted to forward complaints to the competent Japanese authorities or to representatives of the protecting power, or that the Japanese authorities had punished or had threatened to punish those who made complaints. But, in the prisoner of war camps and civil internment camps in areas under Japanese administration, communications addressed by the prisoners of war and internees to the detaining authorities of the camps are not rejected. Communications addressed to the representatives of the protecting power are being forwarded in exactly the same way as in the case of the mail sent by the prisoners of war, although there might have been some difficulties at the time of opening the camps. Thus, the forwarding of complaints has not been prevented and in no case was a punishment inflicted merely on account of complaints. The protest of the United States Government to the effect that dental appointments at the Columbia Country Club at Shanghai were cancelled in the summer of 1943 for punishment must be due to some misunderstanding. According to investigations carried out by the authorities of the Japanese Government there was no such incident. Neither was there a case of punishment inflicted on the internees at the Civilian Centre at Yangchow.

(3) With reference to 5 of the American protest the United States Government state to the effect that the Japanese Government failed to furnish needed clothing to American nationals and cite the suffering of the internees at Hong Kong, Kobe and in the Philippines, whereas the Japanese Government are giving specially thorough consideration to the matter and proper measures are being taken, with the view to furnishing clothing at the expense of the Japanese Government to the extent that is necessary.

As regards the difficulty of furnishing shoes to the internees at Hong Kong, owing to the fact that there was no stock of boots or shoes in the city at the time they were interned, the authorities could not avoid supplying "sandals" as substitutes and this measure was not taken expressly to cause difficulty or inconvenience in their daily life. As for the internees transferred from the Island of Guam to Kobe, since they possessed no winter clothes, the authorities concerned of the Japanese Government immediately set about procuring the material and preparing the necessary clothing for them. In the meantime, as the Swiss Consulate at Kobe was ready to offer to the internees the heavy clothing, the Japanese authorities helped in securing the materials.

The question of providing winter clothing was then satisfactorily disposed of, thanks to the efforts of the Swiss Consulate. As regards the statement to the effect that the prisoners of war in the Philippines were forced to labour without shoes and clad only in loin cloths, exactly the same as in the case of Hong Kong, when no boots or shoes are provided, their substitutes are given and clothing for use while at work is also provided. It is possible, however, that the prisoners in question, while at work in the tropical climate, chose to remove their clothes on account of heat.

(4) With reference to 6 of the American protest the United States Government protest to the effect that the Japanese authorities confiscated personal effects from American civilian internees and prisoners of war. According to the regulations concerning the treatment of prisoners of war in Japan, when the persons liable to treatment as prisoners of war are captured, their personal effects are examined at once; arms, munitions and any other article liable to military use are confiscated; other articles are either held in custody; (in which case a receipt for the articles issued to the owner), or handed back to the owner, allowing him to carry them. The troop concerned then must prepare an inventory of the articles confiscated or held in custody; the inventory in question must be handed over to the camp authorities along with the articles which had been held in custody when the prisoners of war are transferred to the prisoner of war camp. The articles thus handed over must be held in custody by the government authorities and returned to the owners when the latter are freed. These regulations are strictly observed in Japan.

The United States Government state that at the prisoner of war camps in the Philippine Islands, prisoner of war enclosures at Mariveles Bay, civilian internment camps at Baguio, Canton, Chefoo, Peking, Manila, Tsingtao, Weihsien and Yangchow, and at Civilian Centres of the Ash camp, Chapei camp, Lunghwa camp and Pootung camp in or near Shanghai, the articles most needed by the prisoners and internees have been taken. Since the statement is mere enumeration of various camps, and centres, it was difficult to investigate the matter. According to enquiries, however, made by the Japanese authorities, no such incident, as is complained of, occurred anywhere. At Tsingtao, neither a prisoner of war camp, nor a civil internment camp, nor a civilian centre has ever been set up. As regards the statement that the personal effects of an American prisoner of war were taken, when he was captured in the Philippine Islands in April

1942, so far no such occurrence is found by the investigation carried out by the Japanese Government.

(5) With reference to 7 of the American protest the United States Government state that whereas the Japanese Government are enforcing strict regulations with a view to according fair treatment under all circumstances, American prisoners of war and civilian internees have been subjected to insults and public curiosity. The allegation is at variance with the treatment actually accorded to prisoners of war and civilian internees.

The United States Government protest by citing the case of a march through Manila city by American prisoners of war, but as a matter of fact, the latter took the road which was necessary in going to the camp. It entailed neither insult nor public curiosity. As for the statement to the effect that at Baguio, Hong Kong and Tsingtao, the public was allowed to visit the internment camps and encouraged to satisfy curiosity regarding the persons held; at Tsingtao, to begin with, neither a prisoner of war camp nor a civil internment camp has been set up, as already pointed out. At all camps and centres in areas under Japanese administration, the entrance of the public (including visits and interviews) to the camps and centres is strictly under official control and no one is allowed to enter without the permission of the commander of the garrison or of the supervising authorities. At Hong Kong, permission of the Governor General is required. A foreigner wishing to enter a prisoner of war camp or internment camp must obtain the permission of the War Minister, or of the supervising authorities in case of civilian internment camp. Even a soldier is not allowed to enter without due cause. Such being the case at the prisoner of war camps and civil internment camps under the supervision of the Japanese authorities, no such incidents as are complained about by the United States Government have ever occurred.

(6) With reference to 8 of the American protest the United States Government state to the effect that the Japanese Government refused to provide health sustaining food to the prisoners of war held by them or did not permit the United States to make regular shipments in a continuing basis under appropriate arrangements of supplemental food and medical supplies and, because of this, the prisoners of war are suffering from diseases resulting from malnutrition and deficiency. On the contrary, the Japanese Government are providing the prisoners of war with food, which is exactly the same as the food for their own reserve army troops in respect of both quantity and quality. Moreover, the authorities

are giving specially considerate treatment to the prisoners of war, by supplying them for example with European meals and thus taking the national or racial customs of prisoners into special consideration. The conditions of health of the prisoners and the labour performed by them are watched with special care and measures which are considered best are being taken in supplying food to them.

The United States Government regard the deficiency diseases as common throughout Japanese internment camps, and comparing the health conditions of internees at Shanghai and in the Philippines, state that these diseases are relatively less common among the internees at Shanghai on account of presents sent in for them from the outside whereas deficiency diseases prevail among the majority of American prisoners of war in the Philippines. As regards the protest of the United States Government relating to the conditions in the Philippine Islands, as mentioned at length in the reply of the Japanese Government dated April 24th 1944 sent in response to the protest of the United States Government which was forwarded by the Swiss Minister in Tokyo on December 23rd, 1942, the best efforts were made to procure and furnish food at the internment Camps at Santo Tomas in the Philippines, Davao and elsewhere, despite the difficulties encountered by the Japanese Army.

That the food supply of the American army was inferior and general sanitary and health conditions had already reached a precarious state at the time the Japanese army occupied the Philippine Islands is evident by the reports of enemy army-surgeons which have come into the possession of the Japanese army. The following is a resume of the said record relating to health conditions that prevailed:

Condition of illness of American soldiers in Bataan Front due to malnutrition after the ration was reduced to two meals a day toward the end of January, 1942.

(a) Field Artillery Corps

Due to vitamin deficiency diseases a certain number of the soldiers has shown the symptoms of paralysis and dropsy of the legs. Their eyes and eyelids were swollen up. The soldiers began to eat covetously various wild plants; some have eaten by mistake noxious plants. Their daily ration was estimated at less than 1500 calories and the soldiers who performed heavy labour lost gradually their vitality.

(b) The Second Field-Artillery Regiment

Many men's faces turned pale and haggard, suffering beri-beri. Their legs were swollen up due to under-nourishment.

(c) The Flying Corps

Among the soldiers some had the legs swollen up and the haemorrhage of the gums. Generally the body-weight decreased. Two-third of the soldiers became ill because of malnutrition. Toward the end of March some had eaten coupang-nut and bataan-nut. Those who have eaten the first were subject to attacks of vertigo while those who have taken the latter suffered from diarrhoea. Even though they realised the dangerous consequences they have not ceased to eat them as the result of lack of provisions.

(d) Field-Hospital

Soldiers who were admitted to the hospital were suffering from malaria or looked pale and haggard while many of them had their lower thighs swollen up due to the lack of proper nutritions.

Furthermore according to the investigation by the Japanese authorities it was found that in the Field Hospital of American Army near Cap Carben there were about 6000 patients of American and Filipino soldiers on the day of their surrender. The American Army authorities forcibly ejected from the hospital the Filipino soldiers who were dangerously wounded and seriously ill with Malaria by reason of food shortage. Many Filipino soldiers suffered death soon after.

From these facts, it is clear that prior to their capitulation, the health conditions of the American army had already reached a precarious state owing to malnutrition and general decline of health, prevalence of beri-beri, malaria, etc. The situation was made worse still by the tactics adopted by the American army of burning, destroying and reducing to ashes all the food and medical supplies that had been stored. Under the war-conditions at that time, the Japanese army itself was short of reserve food; the number of American prisoners of war exceeded by far the original expectation; civilian people in general were also short of food supply so that food could not be obtained from them. In these circumstances, it was inevitable that food supply for the prisoners of war captured by the Japanese Army would be insufficient and medical treatment for them could hardly

be as satisfactory as would be desired. In spite of all these difficulties, the authorities of the Japanese Government did their utmost to provide for the prisoners of war. The remarkable improvement made in health conditions of the prisoners of war in the Philippine Islands thereafter is clearly traceable by the reduction of death cases among the prisoners of war during 1943. Of approximately 10,000 American prisoners of war in all of the Philippine Islands in 1943, the number of deaths was 168. In November of that year, there was only one case of death.

The United States Government compare the situation in the Philippine Islands with the health conditions of the internees at Shanghai. At Shanghai even enemy-aliens are living peacefully under the protection of the Japanese authorities, but on the other hand, in the Philippine Islands they were subject to the atrocious tactics adopted by the American Army of reducing all to ashes. The Japanese Government cannot but express utter astonishment when the United States Government close their eyes to these facts and venture to censure the Japanese Government, ignoring all the efforts made by the authorities of the Japanese Government and holding Japan responsible for all.

As regards the relief supplies mentioned in the protest of the United States Government, the Japanese Government gave permission to the international Committee of the Red Cross for the reception of the relief articles of approximately 10,000 tons forwarded by the American Red Cross Society on two occasions by the Japan-America exchange vessels. Permission was also given for delivery of these articles to every prisoner of war camp and civil internment camp.

The difficulty of granting further permission for transportation of relief supplies by vessels of neutral powers through the maritime areas of war operation under present conditions of war has already been communicated to the United States Government. At the same time the Japanese Government are at present seriously studying to solve the question, and the Japanese Government have not at all refused the shipment of relief supplies, as has been alleged by the American authorities.

(7) With reference to 9 of the American protest the United States Government state to the effect that the Japanese authorities turned to improper and prohibited uses the profits from the sale of goods in camp canteens instead of devoting them to the welfare of the persons held in the camps. On the contrary the following is the actual handling of profits from the sale of goods in camp canteens according to the investigations carried out:

(a) The profits from the sale of goods in camp canteens at each prisoner of war camp are being used for the welfare of the interned prisoners of war by their representatives at each camp.

(b) At civil internment camps in Japan Proper, no camp canteen has been set up, because, the number of internees being small, it is more convenient to allow them to purchase from the outside whatever they desire than to store materials in the canteens; hence no question of profits arises.

(c) The protest of the United States Government is irrelevant to the prisoner of war camp at Hong Kong because there the articles sold to the war prisoners are sold at cost price and no profits accrue. According to the report of Mr. Egle representative of the International Committee of the Red Cross at Shanghai who visited the prisoner of war camp at Hong Kong in July 1942, 'Conditions of living quarters, of food and clothing, camp canteen, sanitary corps, dental treatment, amusements, provisions, library, observance of religious rites, etc., have been found to be quite satisfactory. The interned prisoners expressed gratitude to the authorities for their kind treatment'. The Japanese Government regret that the United States Government have raised a protest distorting the measures taken by the Japanese authorities in favour of the prisoners interned and ignoring such facts as are mentioned above.

(8) With reference to 10 and 11 of the American protest the United States Government protest to the effect that contrary to the specific undertaking of the Japanese Government, the detaining authorities compelled civilians to perform labour other than that connected with the administration, maintenance and management of internment camps; and officers in prisoner of war camps were forced to labour, and non-commissioned officers to do other than supervisory labour. There is also a statement to the effect that prisoners of war were required to perform labour that had a direct relation with war operations. As already communicated to the Swiss Legation in Tokyo by the verbal notes of January 28 and February 4, 1943, regarding intentions with respect to the performance of labour by prisoners of war, the Japanese Government are having prisoners of war perform labour which involves no danger in industry, civil engineering, mining and transportation, they are also performing labour which has no direct relation with war operations. Civilian internees are not required to perform labour other than that connected with the administration, maintenance and management of internment camps.

As regards the incident alluded to, by the United States Government, of civilian internees forced to repair machinery without remuneration in the Philippines, no such incident occurred according to the investigation carried out by the Japanese authorities. The information must be due to some misunderstanding. At prisoner of war camps, needless to say, no officer prisoner is forced to perform neither labour nor menial labour, since there are always soldiers on duty who perform the personal errands of the officers to whom they are detailed.

Though it is claimed that ten American engineers were required to assist in rebuilding the military installations in Corregidor Island in 1942, an investigation has clearly brought out the facts that the work of cleaning away and putting in order in the locality such as Corregidor, did require the assistance of expert engineers who are familiar with the locality. It was not, however, in the least in the sense to assist in rebuilding any military installations. Their service was required in directing the work of cleaning away or putting in order damaged or destroyed buildings and roads, only to such an extent that it could be regarded as ordinary labour and this cannot be claimed to have a direct relation with war operations. It is also protested that American prisoners of war were made to work in a machine tool shop in the arsenal at Mukden, but this is due to some misinformation. The plant where prisoners of war worked was an ordinary factory with no relation whatever to the arsenal.

(9) With reference to 12 of American protest the United States Government charge that medical care has in many instances been denied to prisoners of war and civilian internees, and when given has been generally so poor as to cause unnecessary sufferings and deaths, adding that conditions of health of prisoners of war in the Philippines Islands is deplorable. As has been explained above under the section (6) relating to rations for prisoners of war, the inadequacy of food and medical supplies for the prisoners of war captured by the Japanese forces in the Philippines was absolutely unavoidable owing largely to the action of the American forces who in pursuance of their "scorched-earth" tactics had burned vital commodities, to the war situation which rendered difficult for procuring food and medical supplies even for the use of Japanese armies, and also to the unexpectedly large numbers of American soldiers surrendered which caused further drain on the provisions on hand. In any case, the general state of health of these prisoners of war at the time of their capture, had been already extremely poor as shown by the reports left by American army surgeons.

The Japanese authorities are paying proper attention to the health of all prisoners of war and taking appropriate measures including monthly health medical examinations and vaccinations and preventive injections, and recesses for those engaged in labor. As regards food, the daily rations provided war prisoners by the authorities concerned are being critized as being far too good both in quality and quantity as compared with the food generally available. In the Philippines, Epidemic Squads were organized in 1942, to which was assigned the task of preventing contagious diseases, resulting in a notable improvement in the general conditions of health among the prisoners and in the reductions of deaths as is pointed out under the above mentioned paragraph (6). All these are entirely due to the devoted services of the medical corps of the Japanese armies. The American Government charge that certain internees in the civilian camps at Shanghai and in Japan Proper were made to pay for their own medical care and hospital expenses. At all the internment camps the authorities have taken measures for proper medical care, and for hospitalization free of charge. However, in case any internee requests for a physician and hospital of his own choice, the request is granted on the condition he pays the costs on his own account. Accordingly, it is quite proper that those at Shanghai and in Japan proper, who chose their own hospitals and doctors, should have paid the costs on their own accounts.

(10) With reference to 13 of the American protest the United States Government state that the Japanese Government have reported names of only a part of the American prisoners of war and civilian internees and of the American Combatants found dead by Japanese forces. Immediately upon the outbreak of the War of Greater East Asia the Japanese Government established the War Prisoners Information Bureau, to which has been assigned the task of exchanging information regarding prisoners of war, conducting investigations, compiling individual cards, and transmitting names. The Japanese Government are attaching great importance to the reporting of the names of the war prisoners and internees in their hands, and have been exerting special efforts in that direction. As fast as individual cards are filed, the names entered thereon are being cabled regardless of nationality to the Central Agency of the War Prisoners' Informations at Geneva. By the end of March, 1944, the number of the names so reported exceeded 145,000, including more than 25,660 of American nationality. Further reports will continue to be made hereafter.

(11) With reference to 14 of the American protest the United States Government charge that the Japanese Government have not permitted internees and prisoners of war freely to exercise their religion. Religious freedom is recognized by the Japanese Government at all the War Prisoner Camps and internment camps.

While it may be true that at some camps during the first few weeks the incompleteness of the necessary facilities, the absence of ministers or priests and other circumstance rendered it difficult to hold religious exercises, the Japanese authorities nowhere ever prevented intentionally the free exercise of religion by prisoners of war and internees. In fact, they are being afforded special facilities in this respect, as for instance, in the Tokyo War prisoner camp and internment camp where wine and bread for holy communion are allowed to be sent in and priests from outside are admitted in compliance with the request of the Vatican delegate, for administering the last rites to those of the Roman Catholic faith. In the Philippines, the Japanese Camp authorities are according the inmates such treatment as is suitable to their habits and manners beside respecting their persons and recognizing their complete religious freedom. Those instances alleged by the American Government to having taken place at Camp John Hay and in French Indo-China appear to be based upon erroneous reports.

(12) With reference to 15 of the American protest the United States Government protest against the non-posting of an English text of the Geneva Convention at the camps. The Japanese Government, as they are not applying the 1929 convention exactly as it stands, have not posted the text of the said convention. But they will be prepared to post the rules and regulations concerning the treatment of war prisoners which they have promulgated in accordance with the 1907 Convention relating to law and custom of land warfare at all the camps for war prisoners and for civilian internees.

(13) With reference to 16 of the American protest the United States Government allege that Japanese Government have failed to provide adequate equipment and accommodations in prisoner of war and internment camps and transports, and forced them to subsist in inhuman conditions. The allegation is utterly unfounded.

It is the policy of the Japanese Government to provide prisoners of war with such shelter as will ensure health and sanitation as far as possible. American prisoners of war

are being housed in buildings free from damp, properly lighted and heated, with sleeping quarters which are in respect of space, ventilation and other accommodations, entirely the same as those for Japanese army. The report by the representative of the International Committee of the Red Cross who have inspected these places, points out that these American prisoners of war are being placed in proper buildings fully adequate for the purposes of health preservation.

The American note cites instances in the Philippines Islands. The conditions in the Philippines during the early days of Japanese occupation have already been described under (6) and (9). According to the investigations conducted by the Japanese Government into the matter of transportation of prisoners of war, all the American War prisoners, about 200 in number, who were captured in the vicinity of Limay during the days, May 10-20, 1942, were, after being given food, transported in automobiles and under the supervision of Japanese Officers to the temporary prisoners of war camp. Again some two hundred Americans, who surrendered during May 12-20, in the same year, were all sent to the temporary camp at Jalanga in motor trucks for munitions after they had been duly provided with food. American civilian internees in internment camps at Baguio and elsewhere in the islands are all grateful to the treatment accorded by the Japanese authorities.

As regards the alleged confiscation by Japanese guards at Weiheisen Internment Camp of the refrigerators belonging to American internees, the fact of the case as have been brought to light as the result of official investigation is merely that the household refrigerators some internees brought with them were used for the benefit of the entire camp.

(14) With reference to 17 of the American protest the United States Government protest against the non-application by the Japanese Government of the provisions of the 1929 Geneva Convention with regards to trial and punishment of prisoners of war. The views of the Japanese Government relating to the punishment of war prisoners have been communicated and fully explained in their notes of February 17, and of March 3, 1943, addressed to the Swiss Minister in Tokyo.

(15) With reference to 18 of the American protest the American Note Charges the Japanese authorities with inflicting corporal punishment and torture upon American nationals, citing a number of instances alleged to have occurred in the Philippines. As has been repeatedly stated, it is the policy of the Japanese Government to accord a fair and equitable treatment to all prisoners of war, and in pursuance of that

policy the Japanese authorities concerned are devoting their best efforts to the handling of the war prisoners, and paying the most careful attention to every detail so as to ensure the disposition of all matters under strict military discipline.

The instances cited in the American note all go back to the early days of Japanese occupation of the Philippines. The investigations which have been conducted under difficult circumstances owing to the lapse of time since the alleged events occurred, have not so far brought out any result which substantiate those allegations.

III. Protest of the Japanese Government against cases of ill-treatment by the American authorities of Japanese held by the authorities of the United States Government.

(1) The United States Government stated that when the representatives of the protecting powers for Japanese interests in the United States visited the internment camps and Relocation Centers where Japanese nationals were held, the representatives have spoken at length without witnesses with the Japanese internees and evacuees and fully inspected the places; but such was not the case. At a large number of Internment Camps and Relocation Centers the interview of the representatives of protecting powers for Japanese interests took place in presence of camp authorities and officials of the State Department, etc. and the representatives were able to inspect only such places as would raise no question and could not visit all parts of the camp. When visiting the Internment Camp at Sand Island in Hawaii, for instance, the representatives were generally not allowed to converse with the internees at all, but could only interview their representatives. Moreover, the said interview took place in the presence of the authorities of the internment camp, the army authorities, etc., and the questions raised by the internees were severely restricted.

(2) The authorities of the United States have not improved the treatment despite the fact that complaints have been made by Japanese internees and have not permitted to forward their complaints when they wished to appeal to the representatives of the protecting powers. There are numerous instances of punishment, or threats thereof, inflicted on those who have complaints.

At the temporary camp at Ellis Island, the person who made complaints concerning food on behalf of all inmates was punished, being designated as "detainee for the

duration of war" and he was sent subsequently to Fort Missoula. In July, 1942, when the Japanese internees at the Lordsburg Internment Camp had their delegates complain about labour, other than that connected with the internment camp, which they had been forced to perform, the delegates were either placed under confinement or forbidden thereafter to leave the building of the internment camp. And not only that, they were forbidden to buy things at the camp canteen. The authorities of the Livingston Internment Camp decreased the amount of food of those who raised complaints about labour. At the Fort Missoula Internment Camp also the authorities placed under confinement those who made complaints.

(3) As regards the supply of clothing, the authorities of the United States did not supply enough winter clothing to the Japanese nationals transferred from Hawaii to the snow-covered McCoy Internment Camp, and thereby exposed the interned Japanese to the severe cold.

(4) The United States authorities confiscated from every internee Japanese books, printed matter, metals (including camera, fountain pens, cigarette lighter, watches, cuff-buttons, badges, travelling knife and fork, coins, etc.), rubber wares (including the eraser attached to pencils), diapers for infants, drugs, canned food (including vegetables in tin boxes intended for children and canned milk for feeding infants) etc.

In confiscating personal effects, strict inspection was enforced. For instance, at the temporary camp at Ellis Island, for a period of three days from June 7, 1942, the officials of Federal Bureau of Investigation and customs officers inspected the personal effects of the passengers of the exchange vessel without the least concern about the damage caused thereby, thus forcibly opening watches and damaging them; cutting the label of coats and undoing the seams; cutting or tearing belts, etc. Not only they completely undressed the repatriates but also carried on a thorough search even inside their hair. Adhesive plaster applied to cuts or wounds were ripped off. Women were also subjected to severe physical examination, and confiscation was carried out but not on a few occasions no receipt was issued for articles confiscated.

(5) The Japanese civilian internees and evacuees have been subjected to insults and public curiosity.

Immediately after the outbreak of the war, one of approximately two hundred Japanese interned at Sand Island having happened to carry a small knife made by himself, the authorities of the camp made a thorough search of all the internees. In carrying out the search, the Japanese were lined up and left stark naked for two whole hours.

The wife (of British extraction) of Mr. Taoka, Manager of San Francisco branch of the Nippon Yusen Kaisha and their daughter were forced to remove all their clothes and were examined at the temporary camp at Ellis Island in 1943.

A staff member of the Japanese Consulate at Los Angeles, while being transferred from Fort Missoula to White Sulphur Springs in April 1942, was forced to ride an ordinary coach despite the fact that he was suffering from illness and moreover, was handcuffed by the immigration officer who accompanied him, and chained to the bed even while sleeping and thus was treated like a criminal before the eyes of other passengers.

(6) Japanese nationals interned in the United States are not often receiving food either in quality or quantity necessary for the maintenance of health.

The food for the internees at the Fort Missoula Internment Camp was being provided at 30 cents per head per day. At the Kennedy Internment Camp, food was to be provided at 51 cents per head per day, but the authorities of the said camp, as the Director of the camp admitted, kept back 10 cents and food was actually provided at 41 cents. The Japanese residing in Virginia were imprisoned, when the war broke out, in a negro prison and were subjected to the same treatment as negro prisoners in respect of food and other matters. Not only was contact with the outside forbidden, but nothing was permitted to be sent in from the outside. At the Fort Missoula Internment Camp, the authorities refused to transmit to the internees the drugs sent in by their families, with the excuse of prevention of the use of poison, and the result was that those suffering from chronic illness had difficulty in recovery. Japanese nationals interned at the internment camps at Upton, Ellis Island, Livingston, and Sand Island suffered from weakening eyesight, their weight decreased, and the number of people requiring eye glasses increased on account of malnutrition.

(7) At the Livingston Internment Camp, a large portion of the profits made by sales at the canteen was spent for purchasing second hand car for the use of the officers guarding the camp and also for repainting it.

(8) The Japanese interned at the internment camps in the United States have been forced to perform labour other than that connected with the administration, management and maintenance of the camps.

At the Lordsburg Internment Camp, the United States authorities forced Japanese nationals to engage in the transport of gravel and road repairing outside the camp, transport of empty cans and scrap iron to the railway station, cleaning of toilets in the guards' barracks and in the recreation hall. One of the soldiers forced the Japanese to perform labour under the blazing sun at the point of the gun, threatening to kill if they dared to take a rest.

At the Livingston Internment Camp, the Japanese were forced to cut grass outside the camp and also to engage in the work of leveling the ground adjacent to the camp for the construction of an aviation field. At Fort Missoula, the authorities, claiming that the Japanese were duty-bound to work without compensation, obliged the Japanese to engage in laundry work for approximately one thousand persons interned in the camp including Italians. Furthermore, they obliged the Japanese to clear the stable of the camp authorities and to engage in the construction of a Japanese garden and swimming pool for Americans not connected with the camp, threatening the Japanese internees that disagreeable consequences would ensue if they should refuse to work.

The authorities of the Santa Fe Internment Camp forced the Japanese over their protest to engage in building work that had been delayed on account of a strike.

The Japanese internees at Sard Island were forced to engage without compensation in the work of putting up tents for the interned Germans and Italians, building fences, planting vegetables and performing laundry work for American officers and men.

The Japanese who were handed over to the United States army by the authorities at Panama at the outbreak of the war were subjected to cruel treatment, being obliged to perform the work of transporting square timber, sharpening and repairing saws, digging holes in the ground for water closets, mixing gravel with cement and so forth. The internment authorities let the Japanese dig a hole and then fill it again immediately, or let them load a truck with mud with their bare hands using no tools. Neither drinking water nor any rest was allowed. Japanese base who were exhausted and worn were beaten or kicked and all this lasted over a month.

(9) The United States authorities subjected the interned Japanese to engage in work directly connected with war operations.

The authorities of the Livingston Internment Camp subjected the Japanese to the work of removing stumps in the military aviation field, infested with poisonous snakes adjacent to the United States military barracks.

The authorities of the Lordsburg Internment Camps forced the Japanese to engage in the digging of trenches and transport of the cases containing rifles and cannon shells.

In May, 1942, the Director of the Manzanar Relocation Center put the Japanese to the work of manufacturing camouflage nets for military use and threatened them with decreased food allowances or worse of treatment in the event that production is not increased.

At the Sand Island Internment Camp, the Japanese were forced to engage in the dangerous work of digging out from the ground unexploded shells of anti-air craft guns beside digging trenches. In enforcing the performance of the dangerous work, the United States authorities took no proper measures to forestall possible injury or to minimize the risk.

(10) The United States authorities have provided no medical treatment to the interned Japanese. Not only are the medical provisions at internment camps and relocation centers generally imperfect, but the medical staff and pharmaceutical provisions are so defective and deficient that they have caused unnecessary suffering to the patients and have even resulted in deaths as a consequence.

The United States authorities permitted Sasaichi Kato in Los Angeles who has received an injury in his right eye no time for treatment. They interned him first at Tuhunga, transferring him next to the internment camp at Santa Fe but not allowing him to receive treatment in the meantime, with the result that the man eventually lost his eyesight completely.

One Ouchi was gravely ill when he was handed over to the American authorities in Panama, but the authorities gave him neither medical treatment, nor liquid nourishment which was all he could take. His wife requested that he be taken into the Panama Hospital but the request was not heeded, and he was sent on to Fort Sill in April 1942 together with other Japanese internees. As no nurse was

provided at the new camp, his fellow internees looked after him, but no medical treatment having been given, he finally died on May 1.

(11) The United States Government have sent neither a list of names nor any detailed official communication concerning the interned Japanese who have been shot to death or died of accidents; nor have they forwarded any precise and complete list regarding all of the interned Japanese. Whereas the total number of evacuees held at relocation centers in the United States amounts to approximately one hundred thousand, the names communicated only recently to Japan are no more than six thousand.

(12) As regards free exercise of religious rites, in July 1942, while Japanese nationals interned at the Lordsburg Internment Camp were observing ceremonial rites in the dining hall, several guards with bayonets in their hands broke into the hall before the ceremony was over and drove out all the participants.

(13) At the Internment Camps in the United States, neither the text, nor Japanese translation, of the International Convention of 1929 relative to the treatment of Prisoners of War is posted. In spite of repeated requests of the interned Japanese to the holding authorities for access to the text of the Convention, they were not able to receive the text for a period of from half a year to a whole year after their internment.

(14) At the Internment Camps, temporary camps, and Relocation Centers, and for transport facilities etc. in the United States, there is no adequate equipment or accommodation and the Japanese have been subjected to inhuman treatment. At the detention place of University Station in Los Angeles, thirteen Japanese were jammed into a room which could admit only two persons. Only prisoners' clothes could be had and they spent a whole day and night there without bedding and without food. The Japanese in that city were interned in the Lincoln Heights Jail and were left there under confinement in cells for a period of two weeks.

At the Internment Camp at Sand Island, meals were always served outdoors on the lawn regardless of weather, rain or shine, but the internees on being transferred thence to the American mainland were herded into the bottom of the boat which was severely guarded with iron nets on all sides and locked. No water was given even for washing one's face.

The Japanese who were transported from Panama to the United States were also jammed in the bottom of the boat filled with offensive smells. The women's toilets at the Manzanar Relocation Center were so imperfectly constructed, having no partitions between one toilet and another. The American Catholic nuns who visited the camp noticed this and protested.

(15) The authorities of the United States maltreated Japanese nationals and inflicted punishment on them without trial or contravention of the principles of humanity.

(a) At the Internment Camp at Fort George Mead, Japanese nationals were forced en masse to salute the American flag day after day, but in March 1943, one Adachi was placed in solitary confinement on the charge that he failed to attend the saluting ceremony and was given only water and bread for three days and nights. In May 1942, a guard at Fort Sill, seeing Kenzaburo Oshina who had become insane as a result of insomnia, approaching the barbed wire fence, was on the point of firing at the man, when a Japanese who saw this cried out: "Don't fire! He is insane." Despite this warning, the guard shot Oshina to death.

In April 1943 at the Topaz Relocation Center, one Wakasa was shot to death on pretext of not responding to the guard questioning him.

In July 1942, Shiro Obata (53 years), a patient of pulmonary tuberculosis and Hirota Isomura (56 years) suffering from spinal disease while being transferred from the Bismarck Internment Camp to Lordsburg Camp with other internees, parted company from the group on account of their illness and inability to walk and were later shot to death by the guards who had escorted them, on the pretext that they had attempted escape. An American soldier who had witnessed the incident and rejoined the company immediately afterwards remarked to the Japanese internees: "Had I been the guard escorting the two men, I would not have shot them to death."

A Japanese in Los Angeles who had received an operation for cancer in the stomach and was still in such a condition that excretion had to be effected by means of a rubber tube run into the abdomen was interned by the United States authorities who permitted him no opportunity for receiving treatment with the result that the man finally died.

Shigeichi Hazama had received an operation for cancer in the rectum and was in a grave condition but he was transported from his bed to Fort Missoula for internment. During the train trip of three days and nights, the man was treated indiscriminately like an ordinary healthy person and as a result finally died.

One Nakamura was assaulted by policemen at a police station in Los Angeles and several of his front teeth were broken. He was subsequently interned in the Internment Camp at Fort Missoula. The authorities of the camp attempted for force the man to sign a document stating that the assault was the result of his own fault, but when he declined to write his signature, he was again assaulted and then placed under confinement.

At the Internment Camp at Fort Lincoln likewise, a Japanese was beaten and kicked by the inspecting officers and two of his front teeth were broken. Many similar incidents occurred at other internment camps in the United States.

(b) In the Philippine Islands, the United States authorities resorted to extreme violence and maltreated all Japanese Nationals as described below:

In Manila, at the outbreak of the war, the United States authorities carried out a wholesale arrest of Japanese nationals, broke into their private residences and shops and plundered money and various other articles. Arrests were made indiscriminately irrespective of whether the person was old, young or invalid. People were all bound with rope and taken to places for internment. Countless numbers of persons were beaten and kicked. Those who were arrested at other than their own homes were prevented from having sent from their homes daily necessities, much less changes of clothing. The internment quarters consisted of only three rooms of approximately each four hundred square metres and no less than three thousand five hundred persons were confined therein. The rooms were not only overcrowded, but there were neither chairs to sit on nor bedding to sleep in, the internees sleeping on the bare floor. Neither food nor even a drop of water was provided for them. Later they were transferred to houses provided by Japanese commercial establishments for their employees, but congestion was by no means eased. Finally provisions were brought from Japanese owned warehouses and consumed. Of these internees two hundred seventy people were interned in the Montanluba Prison. For two whole days, these people were subjected, at the point of machine guns to the meaningless labour of digging holes in the ground and then filling them up again and of carrying water up steep hills after having willfully stopped the city water supply. Any one daring to take a rest was struck on the head with oak clubs. The same people were forced also to clean the kitchen and toilet of the

guards' office and to repair the road outside the prison compounds. For nearly a fortnight, no vegetables were supplied, and though thereby cases of sickness occurred no medicine was to be had. Neither treatment by one of the interned Japanese doctors nor by hospital physicians was permitted and finally deaths ensued.

On the night of December 23, 1941, as the electric wire in front of the Japanese Consul General's official residence in Manila caught fire, the American forces watching the area commenced to fire at the house, claiming that it was the work of the staff members of the Consulate General. They were obliged to escape from the danger.

The Japanese residing at Davao, numbering eighteen thousand were placed under confinement en masse at the outbreak of the war and subjected to excessive labour by the American military forces, digging air-raid shelters and trenches day in and day out. The accommodation at the internment camp was totally inadequate. Particularly lacking in facilities was the Central Primary School where one thousand two hundred Japanese were interned in the outdoor playground. There they were left in mud and mire under a heavy downpour of rain for four long days. During these four days, no food was given during the first two days. From the third day, a handful of uncooked rice and a meager amount of salt were handed out as the day's ration but the recipients had to pay for all he received. The camp was surrounded with iron fences and machine guns. The latter were manipulated to intimidate the internees and in the course of their intimidating manipulation, no less than three Japanese were shot to death. Of the two thousand four hundred Japanese women interned in the Japanese Primary School, a large number suffered outrageous acts and violence perpetrated by the American soldiers. On December 20, American soldiers commanded by American officers bound up ten Japanese nationals who had been interned at the Davao Internment Camp, poured boiling water on the victims, cut their ears off, gouged out their eyeballs, sliced off the tips of their noses, amputated their arms, mutilated their legs and escaped after committing this orgy of inhuman savagery. The number of Japanese victims tortured and shot to death by the American soldiers during the period of internment rose to as many as fifty six.

IV. The unjust actions taken by the American Government toward Japanese subjects.

(1) Unjust actions toward Japanese nationals in internment camps and relocation centres.

(a) The American Government forced the hundred thousand Japanese subjects and American citizens of Japanese origin to move into the interior from the Pacific coast States upon an extremely short notice, causing them thereby to lose at one stroke livelihood, property and positions they had won through years of labor, and to suffer immense losses. More recently it is reported that the American military authorities have been empowered to remove Japanese nationals to the interior 300 miles from the Atlantic coast, and that already Japanese residents of Virginia have been ordered to move to Philadelphia, so that these Japanese are also faced with the same fate as those on the Pacific coast. The Japanese Government protest to the American Government against these unjust actions, and at the same time reserves all their rights to make such demands as they may see fit to make upon the American Government.

(b) Since February, 1943, the American authorities subjected Japanese nationals in the various relocation centers to inhuman questionings asking them whether or not they would renounce their allegiance to Japan, or they would take part in the American national defense in case the United States was attacked by an external enemy. Moreover, the American authorities intimidated the Japanese nationals, threatening that those professing allegiance to Japan or desiring to return to Japan would be considered as being disloyal to America and as such they would be segregated, as a measure of punishment, in the special relocation centre at Tule Lake where they would be given a treatment worse than at other centres. Moreover, armed soldiers intervened in connection with declarations of Japanese evacuees whether they would swear allegiance to the United States. Thus, the American authorities exerted undue pressure upon Japanese nationals in their expression of conscience, and likewise in their free choice of the decision as to their repatriation under the Exchange Agreement. At Tule Lake where these "disloyals to America" had been segregated, a disturbance broke out owing to negligence on the part of the American authorities, in regard to provisions for evacuees whereupon the American authorities used tanks and machine guns to intimidate the evacuees. According to later reports, it still appears to be the intention of the American Authorities to cause Japanese subjects to renounce their allegiance to their home country. The Japanese Government solemnly request the American Government to cease such inhuman actions and to make no discriminations in treatment on account of the attitude of the evacuees regarding the question of conscience.

(c) The internment camps and relocation centers in the United States are surrounded with barbed-wire fences, equipped with watch towers, and posted with armed soldiers, which is not the case with those maintained by the Japanese Government. The above-mentioned American guard system is a source of considerable apprehension and alarm to the Japanese internees and evacuees. In fact, as stated under III in the present note, there have been victims of illegal shooting by these soldier-guards namely, two at Lordsburg, two at Fort Sill and one at Topaz. Unfortunately, such incidents continue to occur despite the repeated protests by the Japanese Government. On December 1, 1943 one evacuee at Hila River relocation center, was shot and wounded, and at the same place and during the same month three more men were fired at. According to certain information, the Japanese Government understand that there is no basis in the American law for the posting, as it is actually done, of armed guards at relocation centers and the firing at internees or evacuees. Moreover, those Japanese inmates had not been warned of the risk of being fired at in going near the barbed-wire fence. And in all cases, there was no evidence to prove that any of the victims had intended to escape, and the firing by the soldier guards was clearly illegal. Nevertheless, they have been all unpunished. The Japanese Government demand that the American Government properly punish the culprits, and take such measures as will remove the apprehensions on the part of the Japanese nationals in internment camps and relocation centers and ensure the safety of their lives, and thereby forestall the reoccurrence of similar incidents. Furthermore, the Japanese Government reserve all their rights to make such demands as they may see fit to make regarding each of the above-mentioned cases.

(d) Unjust treatment of Japanese subjects in central and South Americas.

The American Government exerted pressure on the Government of Panama and caused to send to America all the Japanese nationals residing in the republic, and moreover these Japanese are being mistreated by American authorities, as has already been stated. The Peruvian Government also at the instigation of the American Government resorted to the inhuman act of removing to America some 1,000 Japanese nationals engaged in peaceful pursuits in Peru, and causing them to lose their property and to break up their families. As a matter of fact, the Peruvian authorities let it be known that the initiative for the measure

was taken by the American Government. Accordingly, the Japanese Government has protested against the inhuman action of the American Government. Nevertheless, in view of the fact that the deportation of Japanese nationals from Peru to the United States is still being continued, the Japanese Government are constrained to demand the immediate suspension of such action even from the humanitarian point of view."

Please accept M. le Ministre, the renewed assurance of my high esteem.

(L.S.) Minister of Foreign Affairs

"KYO" - "HI" /CONFIDENTIAL/No. 224.

To His Excellency,
CAMILLE GORGES,
ENVOY EXTRAORDINARY and MINISTER PLENIPOTENTIARY for SWITZERLAND.

Excellency:-

I hereby have the honour of addressing you in writing.

Following my letter No. 97/C.R. dated April 28th whereby, in reply to the protest of the UNITED STATES Government in regard to the treatment of U. S. POWs and Internees within the jurisdiction of the Empire (the Imperial Government duly replied to you in detail on the basis of the results of their investigations) we are now in receipt of the following additional data regarding conditions at the POW and Internment Camps at SHANGHAI, CANTON, HONGKONG, JAVA, and the PHILIPPINES, and beg to send same to you herewith with the request that same be kindly transmitted to the UNITED STATES Government.

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

Dated the 16th day of August 1944.

(Official)
(seal of)
(FOREIGN)
(MINISTER)

/s/ MAJORU SHIGEMITSU,
MINISTER FOR FOREIGN AFFAIRS

In regard to the treatment of the American prisoners of war and civilian internees within areas under Japanese administration, the Japanese Government replied in detail to the United States Government under date of the 28th April last. As further information has since been received from the Prisoners of War Camps and Internment Camps in Shanghai, Canton, Hongkong, Java, and the Philippines concerning the manner of treatment accorded, some particulars thereof which it is considered will supplement the above-mentioned reply of the Japanese Government are given below:

CHAPTER I. The Treatment of Prisoners of War at the
Camps in Shanghai.

(1) Petitions of Prisoners of War.

It is provided that prisoners of war may make petitions to the camp authorities in accordance with the regulation which is in force.

(2) Clothing for Prisoners of War.

Prisoners of war are provided with clothing of the same quality as that of Japanese soldiers, and are also permitted to use clothing owned by them. All the clothing received from outside as relief supplies is handed over to them.

(3) Permission to retain Personal Effects.

Prisoners of war are permitted to retain and use such personal effects of daily necessity as toilet articles, etc. Other articles which are unnecessary or require control are kept in custody by the Camp authorities, though some of such articles, too, are permitted to be used when necessary.

(4) Food and Nutrition.

The same rate of food supplies which are provided for Japanese soldiers, as to sufficiently maintaining health, is supplied for prisoners of war. Their rations are further supplemented by relief supplies from outside.

The Camp authorities are striving to ensure the supply of variety of provisions for prisoners of war by raising cattle and cultivating vegetables on the Camp premises. They raise swine, rabbits, sheep, plough-oxen, and plough-horses, etc.

Among the prisoners of war in Shanghai, there is at present no one taken with pellagra, scorbutus, or sprue. There are only a few slight cases of beriberi, whose percentage, however, is considerably lower than among Japanese soldiers.

The weights of the prisoners of war show an average increase of approximately four kilogrammes over those at the time of their commitment to the camp. Among them there is not a single patient suffering from a disease due to malnutrition or undernourishment.

(5) Camp Canteens.

At the prisoners of war camps in Shanghai, the management of Canteens is entrusted to prisoners of war, and the profits realized by sales are permitted to be spent for the comfort and welfare of the prisoners.

(6) Labour.

At the prisoners of war camps in Shanghai, no prisoner has ever been subjected to any labour directly related to war operations.

(7) Medical Facilities.

The prisoners of war camps in Shanghai are adequately provided with medical facilities.

(8) Observance of Religious Rites.

The prisoners of war are permitted to observe religious rites at the camp once a week, in accordance with their respective sects, and a minister of religion is invited from outside once a month. On special occasions like Easter, a Catholic father is permitted to visit the camp to conduct services in prayer and Holy Communion.

(9) Permission for Possession of the text of Treaties.

A certain number of officers are permitted to keep in their possession their own text of treaties.

(10) Letter written by a Prisoner of War.

A copy of a letter written by an American prisoner of war is attached hereto for the information of the United States Government (Annex (No.) 1).

CHAPTER II. The Treatment of Civilian Internees at the Camps in Shanghai.

(1) Visits of the Representative of the United States.
Interests to the Internment Camps.

The Swiss Consul-General at Shanghai, in charge of United States interests, visited and inspected all parts of the Internment Camps in Shanghai. He expressed his satisfaction with the accommodations of the camps.

The Delegate in Shanghai of the International Red Cross Committee has also visited the camps since they were set up.

Both the Swiss Consul-general and the Red Cross Delegate, during their visits of inspection, spoke to the leader of each compartment and to their acquaintances among the internees.

(2) Petitions of Internees.

The internees have through their representatives sometimes made petitions to the camp authorities, but none in the nature of complaint is known to have ever been made.

(3) Clothing.

As the internees brought with them plenty of clothing at the time of their commitment to the camp, it has not been found necessary to make any further supply by the camp authorities.

(4) Provisions.

In addition to the fixed rations supplied by the camp authorities, the International Red Cross Delegation is allowed to send in gifts, and authorized purveyors supply them with supplementary provisions, if desired. Moreover, the camp authorities permit the internees who volunteer for their health and recreation to cultivate vegetables and cereals on a part of the camp premises specially assigned for the purpose, and the yield so obtained is appropriated as food for the internees.

(5) Camp Canteens.

The internment camps in Shanghai being placed under the self-management by the internees, the canteens are also left to their management, and accordingly the camp authorities do not interfere in the disposal of the profits realized by sales.

(6) Labour and Comforts.

At the internment camps in Shanghai, the internees have never been forced to be engaged in any sort of labour.

The internees can enjoy reading, indoor games, open-air exercises, etc., and naturally their health condition is excellent in spite of their average age of forty-seven. Stage equipments are provided in the hall of the camp, where concerts and dramatic performances are often given. Adequate and sufficient comforts are thus secured for the internees.

(7) Medical and Other Facilities.

At the internment camps in Shanghai there are well-equipped medical offices, and sufficient attention is given to the sanitation and

medical treatment of the internees under the supervision of a Japanese surgeon-captain and with the assistance of soldier nurses and interned physicians. Patients, when found necessary, are temporarily released from internment and sent to specially appointed hospitals outside for treatment.

The internment camps are perfectly equipped with sitting-rooms, bath-rooms, showers, kitchens, lavatories, and heating apparatus. The buildings are spacious, and gardens and play-grounds are attached thereto.

(8) The Observance of Religious Rites.

Perfect freedom is granted to the internees for their observance of religious rites.

In May, 1943, seven marriages among British, American and Greek nationals were permitted and their ceremonies were performed in accordance with their respective religions.

Among the internees there are several ministers of religion, who conduct services every Sunday.

(9) Conclusion.

At the internment camps in Shanghai, the camp authorities pay due regard to the personality of the internees and let them lead their daily life regularly. Consequently, everything is in good order, and no dispute has ever happened there. The internees act in concert with the wishes of the camp authorities, endeavoring always to cooperate in making the life of the internees happy.

A copy of a letter from Mr. Egle, the Delegate in Shanghai of the International Red Cross Committee, is attached hereto (Annex No. 2).

CHAPTER III. The Treatment of Civilian Internees at the Camp at Canton.

(1) The Internment of Enemy Nationals at Canton.

Upon the outbreak of the War of Greater East Asia, the enemy nationals resident in Canton were prohibited from going out of their respective premises, except for the purchase of necessities of life, bank business, medical treatment, religious service, and such other purposes as the authorities deemed necessary, and for open-air exercises necessary for the preservation of health. Apart from the above, no restriction whatever was imposed upon them.

On the 5th November, 1942, nine of them, four Americans and five British, were moved to an internment camp for the civilian internees, but that camp was closed on the 25th May, 1943, and they were transferred to a civil centre newly set up.

(2) The details of Treatment of the Internees.

At the internment camp, the internees were not only free from all restraint or restriction bearing on their daily life, but the cooking of their meals, the cleaning of their living rooms and the laundry of their clothes were all done for them by three Chinese women employed by the Japanese Army. Therefore the internees had so much of leisure hour, and some of them volunteered to gardening or ploughing on the camp premises, and there was absolutely no instance of labour being forced upon any internee.

If any internees became ill, they were permitted at once to consult a doctor and receive treatment. The camp authorities never refused them medical treatment, nor did any internee ever make complaint due to illness.

The internees were permitted to observe religious rites not only on every Sunday but also on other occasions demanded.

Since their transference to the civil centre, the internees have continued to receive a fair and just treatment, and the civil centre has been visited from time to time by the Swiss consul.

Due to the very generous treatment accorded to the inmates of the civil centre and also to their own cooperative efforts, none of them have ever been subjected to any punishment up to the present.

CHAPTER IV. The details of the Treatment of Prisoners of War at the Camp at Hongkong.

Goods had been sold at prime cost at the canteens attached to the prisoners of war camp at Hongkong, but since the 1st April, 1944, they are permitted to be sold at a uniform rate of 5 per cent profit, and the profits thus realized are spent under the supervision and permission of the Japanese authorities for the promotion of welfare of the internees. (Annex No. 3).

At the prisoner of war camp at Hongkong, since its establishment never have any school children, soldiers or civilians been permitted to visit there, except those whose visit was specially permitted by the government-general there. Nor has the curiosity of the public in regard to the prisoners of war at the camp ever been allowed to be satisfied.

CHAPTER V. The details of the Treatment of American Prisoners of War and Civilian Internees at the Camps in Java.

The American prisoners of war (one hundred and seventeen, out of whom nine are officers and one hundred and eight are non-commissioned officers or privates) and civilian internees (thirty-nine) in Java are all receiving a fair and just treatment, as stated below.

(1) Petitions of Prisoners of War.

The senior officer among the prisoners of war and the chairman of the self-government committee of the civilian internees enjoy the privilege of making petitions and stating complaints to the camp authorities, and no punishment has ever been inflicted or threatened to be inflicted upon complainants.

(2) Clothing.

The prisoners of war was supplied with necessary clothing, and the civilian internees are permitted to use clothing of their own. The question of clothing is comparatively simple in this tropical region where there is no seasonal change.

Those of the prisoners of war who are engaged in bodily labour are always supplied with straw hats and sporting shoes.

(3) Personal effects.

The prisoners of war and civilian internees are allowed to retain and use their personal effects for daily use as far as circumstances permit. They are permitted to possess personally certain amounts out of their own money, the remainder being deposited with banks on their respective accounts.

(4) Provisions.

As the American prisoners of war and civilian internees are unaccustomed to rice, they are supplied with bread. Fruits are plentifully rationed to ensure the sufficient vitamin, and the camp stalls are specially ordered to sell papayas, bananas, and oranges. Further, as a preventive measure against the decline of physical strength due to the tropical heat, the prisoners of war and civilian internees are supplied with yeast, prepared from Indian corn by physicians among the prisoners of war.

For the health preservation of those prisoners of war who are engaged in labour, special attention is given by utilizing the nutritious value of vitaminous food such as bovine blood, intestines, etc. To secure the abundance of rations, the prisoners of war are made to attend to cow-milking, the raising of swine, ducks and fish, and the cultivation of vegetables.

(5) Camp Canteens.

The profits accruing from sales at the stalls of the camps at Java, which correspond to canteens in other regions, are spent in purchasing sporting and amusement articles, newspapers and magazines, for the welfare of the prisoners of war.

(6) Labour.

The officer prisoners of war have attendants appointed to look after their personal demands. They are not engaged in any labour except gardening and the like which they do of their own accord.

The civilian internees employ themselves in labour connected with the operation, maintenance and management of the camps, and they have never been forced to do any bodily toil at all.

(7) Medical Treatment.

The prisoners of war camps are each provided with a medical office and sick-rooms, and physicians and nurses among the prisoners of war examine and treat patients.

The civilian internees too are looked after by physicians who are appointed from amongst them, and when necessary, patients are permitted to enter and receive medical treatment at the Government or public hospitals outside.

(8) The Observance of Religious Rites.

At the prisoners of war and internment camps, chapels are provided, where the observance of religious rites is permitted, and freedom of faith is granted.

(9) The Accommodations of the Prisoners of War and Internment Camps.

In Java, the prisoners of war are confined in the former Dutch Indian army barracks, and the civilian internees in ordinary dwelling-houses. Electric lighting and water supply is abundant and nothing is wanting to make the places comfortable to live in. Moreover, to prevent the infection of malaria, the prisoners of war and civilian internees are each furnished with a mosquito net.

CHAPTER VI. The details of the Treatment of Prisoners of War
at the Camps in the Philippines.

As regards the details of treatment accorded to the prisoners of war at the camps in the Philippines, the following are attached hereto for the information of the United States Government:

(1) A radio broadcast speech on the medical treatment in the prisoners of war hospitals made by Commander L.B. Sartin, Medical Corps, U.S. Navy (Annex No. 4).

(2) A radio broadcast speech concerning the observance of religious rites, etc., at the prisoner of war camps made by Chaplain Perry O. Wilcox, Lieutenant Colonel, U.S. Regular Army (Annex No. 5).

(3) A radio broadcast speech on the athletic games played by the prisoners of war at their camps made by Dr. James L. Wanger of the U.S. Navy (Annex No. 6).

CC.1.5.1. - FGe.
CC.2.1.2.

Tokio, 1 March 1945

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 exaggerating 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 by the Japanese Government. The statements contained in the Japanese Government's reply of 24th April 1944 are so far removed from the facts as known to the United States Government that it can only conclude that the Japanese Government has permitted itself to be misled by fabricated reports of local officials and has not made an independent investigation of the matters protested in the United States Government's note of 23rd December 1942. The United States Government therefore considers the reply unsatisfactory and will continue to hold the Japanese Government answerable. The Japanese Government has referred to section IV of the United States Government's protest of 23rd December 1942 making certain charges against the United States Government. The reply to this reference will be the subject of a separate communication from the United States Government."

Minister of Switzerland

To His Excellency
M. Mamoru SHIGEMITSU
Minister of Foreign Affairs
Tokio

~~Proclamation~~

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2025A

Synopsis of Document No. 2766-A (1) - (10)

- 15 Dec 1942 (A-1) Swiss Legation to Foreign Minister (TANI)
Inquiry in behalf of U. S. asking if Japan is applying Articles 27 to 34 of the Geneva Convention of 27 July 1929 re labor of prisoners of war.
- 28 Jan 1943 (A-2) Japanese Foreign Ministry (TANI) to Swiss Legation
answering letter of 15 Dec., and states:
1. Japanese Government employees prisoner of war labor in spirit of Geneva Convention.
2. Prisoners are employed in labor which is not dangerous.
3. Daily hours of labor of prisoners same as civil workers in Japan.
4. Paid same as non-commissioned officers and men of Japanese Army.
- 4 Feb 1943 (A-3) Swiss Legation to Foreign Ministry (TANI)
Swiss requests statement that Japan will not assign prisoners of war to labor in the manufacture or transportation of material to be used in warfare or having direct connection with operations of war.
- 20 Feb 1943 (A-4) Foreign Minister (TANI) to Swiss Legation states labor of prisoners of war has no direct connection with operation of war.
- 4 March 1944 (A-5) Swiss Legation to Ministry of Foreign Affairs.
Complains that prisoners of war in Yokohama area compelled to perform humiliating work in public (namely, sweeping streets), and were searched in public before re-entering their enclosure in violation of Article 2 of the Geneva Convention.
- 22 Apr 1944 (A-6) Japanese Foreign Ministry to Swiss Legation
Foreign Minister Shigemitsu answering letter of 4 March re treatment of prisoners of war states:
1. Japanese Government is not bound by the prisoner of war convention of 1929 but it is policy of Japanese government to protect prisoners of war against insults as provided in Article 2 of the Japanese rules for treatment of prisoners of war.
2. Denies prisoners of war forced to clean streets but cleaning done within camp and seen through fence.

27 Apr 1944 (A-7)Swiss Minister to Japanese Ministry of Foreign Affairs
Shigemitsu

Answering note of 22 April 1944 remarks statement that Japanese Government would not be bound by Geneva Convention does not coincide with previous declarations in which Japan agreed to apply provisions of the convention mutatis mutandis. Requested full particulars as to the articles thereof Japanese government considers inapplicable by reason of internal legislation.

9 June 1945 (A-8)Swiss Legation to the Imperial Ministry of Foreign
Affairs (TOGO)

Swiss Legation transmitted protest from U. S. against labor of American prisoners of war held in Japan as (1) working excessive hours having direct connection with the war operations within the fortifications of Shinagawa and at Navy docks at Tokyo Bay. (2) Being humiliated and beaten by guards and demands that conditions be rectified and stated that the Japanese government as well as the individuals concerned be held responsible to insure that the provisions of the Hague and the Geneva prisoners of war convention will at all times be applied to the treatment of prisoners of war.

5 July 1945 (A-9)Swiss Legation to the Ministry of Foreign Affairs (TOGO)

Forwarding protest by U. S. re Japanese authorities in Thailand quartering prisoners of war in warehouses at the port of Bangkok in an area close to docks, railroad yards and other military objectives and their employment on labor having direct relation with war operations. U. S. warned the Japanese Government they will hold government responsible for failure to protect lives and health of Americans in Japanese custody.

1 Aug 1945 (A-10)Japanese Foreign Ministry (TOGO) to Swiss Legation.

Answering protest of U. S. sent by Swiss 9 June 1945 denies fact of subjecting American prisoners of war to the labor pointed out by the U. S.

CC 1.5.2.cr.--

The Swiss Legation has the honor to inform the Imperial Minister for Foreign Affairs that the Government of the United States is desirous of obtaining full information concerning the conditions under which American prisoners of war are used as laborers. In particular, it desires to be informed precisely of the nature and duration of work, as well as prisoners' pay.

In this regard, it considers it to be of great importance to know if the Imperial Government is applying Articles 27 to 34 of the Geneva Convention of 27 July 1929 relative to labor of prisoners of war.

The Swiss Legation thanks in advance the Imperial Ministry for the information which it is able to furnish on this subject and takes this occasion to renew the assurances of its high esteem.

Tokio, 15 December 1942

To the Imperial Ministry
of Foreign Affairs,
Tokio.

THE GAIMUSHO
TOKYO

Translation

No. 24/C. R.

NOTE VERBALE

The Imperial Ministry for Foreign Affairs has the honor to acknowledge receipt of the Swiss Legation's letter No. CC.1.5.2.-cr., of 15 December last in which the Legation expressed the desire to obtain information on the labor of prisoners of war in Japanese custody.

The Ministry informs the Legation as follows:-

- (1) The labor of prisoners of war is carried out in the spirit of the decision of the Imperial Government to apply mutatis mutandis the Convention relative to the treatment of prisoners of war of 27 July 1929.
- (2) Prisoners are employed in labor which is not dangerous, such as factories, bridges and roads, the mining industry, transport, etc.
- (3) The daily hours of labor of prisoners is regulated according to that of civil workers in Japan.
- (4) Prisoners receive pay calculated according to the pay of non-commissioned officers and men of the Japanese Army. Also they receive articles of daily use.

28 January 1943

CC.1.5.2.-dbu.

The Swiss Legation has the honour to acknowledge receipt of the letter from the Imperial Ministry of Foreign Affairs dated 28 January relative to labor performed by prisoners of war in Japan. This information will be forwarded to the British and American Governments.

The Legation would be most obliged to the Ministry if it would state precisely if it is understood that, conforming to the provisions of Article 31 of the Geneva Convention relative to treatment of prisoners of war, prisoners of war in Japan will not be assigned to labor having direct connection with operations of war, and that, in particular, they will not be employed in the manufacture or transport of material to be used in warfare.

In thanking the Imperial Ministry very much for its kind response, the Swiss Legation takes this occasion to renew assurances of its high esteem.

Tokio, 4 February 1943

To the Imperial Ministry
of Foreign Affairs,
Tokio

THE GAIMUSHO

TOKYO

TRANSLATION

No. 41/CR

N O T E V E R B A L E

In reply to the Swiss Legation's letter No. CC. 1. 5. 2 - dbu., of 4 February last, the Imperial Ministry for Foreign Affairs has the honour to state that the labor of prisoners of war in the power of Japan, by application mutatis mutandis of the Convention relative to the treatment of prisoners of war, has no direct connection with operations of war.

20 February 1943

CC.1.5.2.-EAd

The Swiss Legation has the honour to inform the Imperial Ministry for Foreign Affairs that according to reliable information supplied by the Diplomatic Corps, the prisoners of war in the Yokohama area were obliged to perform humiliating work in public (namely sweeping streets).

It has also come to the knowledge of the Legation that, after finishing the work, the prisoners, before entering their enclosures, are searched in public by Japanese soldiers to make sure that they have not found any arms in the course of their day's work. This spectacle took place, each day, under the eyes of passers-by and in particular of the children.

The Legation is convinced that it is the fault of the camp commandant at Yokohama. As is stipulated in Article 2 of the prisoners of war code of 27 July 1929, prisoners of war must be "protected against public curiosity". Their human dignity must not be injured.

The Legation would, in consequence, be very obliged to the Imperial Ministry for Foreign Affairs if it would bring these facts to the knowledge of the Japanese High Command at a proper time and ask him if orders have been given to put a stop to these practices which the Imperial Government will certainly recognise as being incompatible with the Geneva Convention.

The Legation thanks very much the Ministry for its kind intervention and takes this occasion to renew assurances of its high esteem.

Tokio, 4 March 1944

To the Imperial Ministry
of Foreign Affairs, Tokio.

THE GAIMUSHO

TOKYO

Translation

No. 96/C.R.

N O T E V E R B A L E

The Imperial Ministry for Foreign Affairs has the honour to acknowledge receipt of the Swiss Legation's letter No. CC.1.5.2.-EAd., of 4 March last relative to treatment of prisoners of war.

The Ministry desires to inform the Legation of the following results of inquiries made by competent authorities and at the same time of the opinion of the Imperial Government on this subject.

(1) The Imperial Government is not bound by the Convention of 1929 relative to the treatment of prisoners of war. But it is the policy of the Imperial Government, based on humanitarian considerations, to protect prisoners of war against insults, as it is clearly provided in Article 2 of the Japanese rules for treatment of prisoners of war which provides that prisoners of war must be treated humanely and that they must not be subjected to insults or bad treatment.

(2) There is no doubt that the facts taking place at Yokohama, were not such as to expose prisoners of war to insults; it is remarked in particular that they have never been obliged to clean the streets. All cleaning done by prisoners of war was within camp limits, and seen through the fence. The competent authority has taken care to send the information contained in the Legation's note to the prisoner of war camp.

22 April 1944

CC.1.5.9.2.-EGc.

CC.1.5.2.-

The Swiss Legation has the honour to acknowledge receipt of the Imperial Ministry's note No. 96/C. R., of 22 April, by which it was informed that the Imperial Government is not bound by the Geneva Convention of 27 July 1929, relative to treatment of prisoners of war. Nevertheless, Japan, for humanitarian reasons, intends to protect prisoners of war against insults, as is provided in Article 2 of the general rules on treatment of prisoners of war. In the particular case of cleaning streets at Yokohama by prisoners of war the Minister has stated that this work was done within camp limits. The Minister added that he had sent to the camp at Yokohama, the information contained in the letter No. CC. 1.5.2. of 4 March.

The Legation remarks that the communication, according to which the Imperial Government would not be bound by the Geneva Convention, does not appear to coincide with the previous declarations in which Japan promised to apply to prisoners of war in its power the provisions of that Convention *mutatis mutandis*, that is to say in a measure which will not conflict with the text of Japanese law. In order to overcome any misunderstanding on the application of the Geneva Convention, the Federal Government, in a letter from the Swiss Minister to H.E. Mamori Shigamitsu of 26 February, expressed a desire to obtain as soon as possible full particulars as to the articles of the Prisoners of War Code which the Japanese Government considers inapplicable by reason of internal legislation.

The Legation attaches the greatest importance to know the point of view of the Imperial Government on this important question and in thanking the Ministry for its kind response it takes this occasion to renew its assurances of its high esteem.

Tokio, 27 April 1944.

To The Imperial Ministry
of Foreign Affairs, Tokio

CC.1.5.1.-FGc.

CC.1.3.2.-

The Swiss Legation has the honour to inform the Imperial Ministry for Foreign Affairs that the Government of the United States of America requests that the following notification be sent to the Japanese Government:

"Reliable information has been received by the United States Government indicating that American prisoners of war who are held in Japan are obliged to labor for excessive hours on work that has direct connection with the operation of the war. They are forced to work on naval docks which are at Tokyo Bay opposite Shinagawa station and likewise inside the fortifications of Shinagawa. Both in Tokyo and in Osaka, they are made to undergo an extremely harsh and rigid regime which involves humiliation and physical suffering and they are exposed to the brutality of their guards who beat them. The United States Government strongly protests against the treatment which the Japanese Government accords to American prisoners of war in its hands. This treatment is widely at variance with the Geneva Prisoners of War Convention the provisions of which the Japanese Government voluntarily agreed to apply in its treatment of American prisoners of war in its custody and with the Hague Convention of 1907 which the Japanese Government ratified and which in its memorandum of 3rd May 1944 transmitted to the United States Government by the Spanish Embassy it has stated it is applying in dealing with civilian internees and prisoners of war. Under the Geneva Prisoners of War Convention, article 31, it is provided that labour which is furnished by prisoners of war shall have no direct relation with operation of war; and the Hague Convention under article 6 specifies that the tasks performed by prisoners of war shall not be excessive and shall have no connection with war operations. It is provided in both Geneva Prisoners of War Convention, article 2, and Hague Convention, article 4, that prisoners of war are in the power of the hostile Government but not in that of the individuals or of the corps by which they are captured and that they must receive humane treatment. The Government of the United States demands that the conditions which are described above be rectified at once and it warns the Japanese Government that the latter as well as the individuals concerned will be held responsible for failure to insure that the provisions of the Hague Convention and the Geneva Prisoners of War Convention are at all times applied in the treatment which is accorded to prisoners of war of American nationality."

The Legation takes this occasion to renew to the Imperial Ministry its assurances of high esteem.

To The Imperial Ministry
of Foreign Affairs,
Tokio

Karuizawa, 9 June 1945

(CC.1.2.-
CC.1.5.2)

The Swiss Legation has the honour to inform the Imperial Ministry for Foreign Affairs that the Government of the United States of America has requested the Swiss Government to send the following notification to the Japanese Government.

"The United States Government has been reliably informed that the Japanese Authorities in Thailand have quartered prisoners of war in warehouses located at the new port of Bangkok and have forced them to labour at the railway station and on docks of that city. The Japanese Government voluntarily undertook to apply humane provisions of Geneva Prisoners of War Convention in its treatment of prisoners of war and civilian internees. In spite of its solemn obligations, the Japanese Government has failed to apply the provisions of article 9 and 31 of that Convention in its treatment of prisoners of war in Thailand. The United States Government again strongly protests against the disposition by the Japanese Government of prisoners of war in an area in close proximity to docks, railroad yards and other military objectives and their employment on labour having a direct relation with war operations. The United States Government solemnly warns the Japanese Government that the United States Government will hold the Japanese Government responsible for any failure on its part to protect lives and health of American nationals in Japanese custody."

The Legation would be very much obliged to the Ministry if it would communicate the response of the Imperial Government to the present protest and takes this occasion to renew assurances of its high esteem.

To the Imperial Ministry
of Foreign Affairs
Tokio

Karuizawa, 5 July 1945

CC.1.5.1/1.5.2

THE GAIMUSHO
TOKYO

Translation

"KYO FUTSU" No. 189.

NOTE VERBALE

The Imperial Ministry of Foreign Affairs has the honour to request the Swiss Legation to transmit to the United States Government that it acknowledges receipt of a Note Verbaie of the Legation dated 9th June last transmitting a protest of the United States Government relative to the labour of the prisoners of war detained in the camps in Japan, and as a result of prompt investigations of the fact in the protest by the competent authorities, has received a reply to the effect that they do not admit the fact of subjecting the American prisoners of war to the labour as pointed out by the United States Government.

The Ministry communicates to the Swiss Legation that it is desirous of receiving a reply after due investigations as to the source of the above information which the United States Government is said to have obtained.

1 August 1945.

2025

C E R T I F I C A T E

I.I.S. No. 2766-A-1-10

Page No. 1

Statement of Source and Authenticity

I, Walter Bossi, hereby certify that I am officially connected with the Government of Switzerland in the following capacity: Swiss Diplomatic Representative, and as such official I have custody of the documents, consisting of ten letters and notes, as listed on Exhibit A attached hereto and described as follows: True copy of letters and notes in French from the Minister of Switzerland addressed to the Japanese Ministry of Foreign Affairs and the original replies thereto of the Japanese Ministry of Foreign Affairs addressed to the Minister of Switzerland.

I further certify that the attached letters and notes are official records of the Swiss Legation in Japan and that they are a part of the official archives and files thereof.

Signed at Tokyo on this
10th day of December, 1946.

/s/ W. Bossi
Signature of Official

Witness: /s/ Max R. Joss

Swiss Diplomatic Representative
Official Capacity

Statement of Official Procurement

I, 2nd Lt. Eric W. Fleisher, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Swiss Government in the conduct of my official business.

Signed at Tokyo on this
10th day of Dec., 1946.

/s/ Eric W. Fleisher, 2nd Lt. USMI
NAME

Witness: Henry Shinogima /s/

Investigator, IFS
Official Capacity

EXHIBIT A

<u>Document No.</u>	<u>Description</u>
2766-A-1	Letter dated 15 December 1942 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.5.2.cr.)
2766-A-2	Note Verbale dated 28 January 1943 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 24/C.R.)
2766-A-3	Letter dated 4 February 1943 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.5.2.-abu.)
2766-A-4	Note Verbale dated 20 February 1943 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 41/C.R.)
2766-A-5	Letter dated 4 March 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.5.2.-Ed.)
2766-A-6	Note Verbale dated 22 April 1944 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 96/C.R.)
2766-A-7	Letter dated 27 April 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.5.9.2.-EGc. CC.1.5.2.)
2766-A-8	Letter dated 9 June 1945 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.5.1.-EGc. CC.1.5.2.)
2766-A-9	Letter dated 5 July 1945 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.3.6.-EGc. CC.1.2.-CC.1.5.2.)
2766-A-10	Note Verbale dated 1 August 1945 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 189/C.R.)