

Peeters

Jan 10

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Of
WITNESSES

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I N D E X
Of
EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
2407A	2027		Certificate of E. Tomlin Bailey, of the Department of State, United States of America		14891

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Of

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(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2702A	2028		Official Record of Army Headquarters Melbourne "Australian Prisoners of War (RAN, AMF, RAAF) in the Far East"		14901
2297A	2029		Report on Prisoners of War, Dominion of Canada		14901
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2942	2033		Report on United States Prisoners of War Received from Provost Marshal General's Office, American Prisoner of War Information Bureau		14907
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1 Friday, 10 January 1947

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with
14 the exception of: HONORABLE JUSTICE JU-AO MEI,
15 Member from the Republic of China.

16 HONORABLE JUSTICE HENRI BERNARD, Member
17 from the Republic of France, now sitting.

18 For the Prosecution Section, same as
19 before.

20 For the Defense Section, same as before.

21 - - -

22 (English to Japanese and Japanese
23 to English interpretation was made by the
24 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except OKAWA, MUTO, HOSHINO and ARAKI, who are rep-
5 resented by their counsel. We have certificates from
6 the prison surgeon of Sugamo prison, certifying that
7 MUTO, HOSHINO and ARAKI are too ill to attend the
8 trial today. The certificates will be recorded and
9 filed.

10 THE PRESIDENT: Dr. KIYOSE.

11 - - -

12 S H I G E R U Y A M A Z A K I, called as a
13 witness on behalf of the prosecution, resumed
14 the stand and testified as follows:

15 CROSS-EXAMINATION

16 BY DR. KIYOSE (Continued):

17 Q Where are you residing at present? Where do
18 you lodge at present, Mr. Witness?

19 A I reside at Number 3, Nino Kamae, Iwadeyama,
20 the town of Iwadeyama, Tamazukuri county, Miyagi
21 prefecture.

22 Q Mr. Witness, have you ever gone to Sugamo
23 prison?

24 A No.

25 Q Have you ever been investigated by the

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1 International Prosecution Section in connection with
2 prisoners of war?

3 A Yes, I have.

4 C Can you state on what points you were
5 questioned?

6 MR. JUSTICE MANSFIELD: I object, if the
7 Court please. I submit that this is irrelevant.

8 THE PRESIDENT: Objection upheld.

9 DR. KIYOSE: Then I'll ask the question this
10 way:

11 C What you were asked was what your position
12 was with respect to the question.

13 I will withdraw that question.

14 The points on which you were investigated
15 about, Mr. Witness, pertain to whether or not the
16 Prisoners of War Information Bureau received orders
17 from the War Ministry, or other organizations --
18 Prisoners of War Information Bureau, in which you
19 worked.

20 MR. JUSTICE MANSFIELD: I object to this
21 question also, if the Tribunal please, as I submit
22 it is the same question in another form.

23 THE PRESIDENT: If you are suggesting, Dr.
24 KIYOSE, that he made a statement inconsistent with
25 his present testimony, you are entitled to bring

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1 that out.

2 DR. KIYOSE: That is my intention, sir.

3 THE PRESIDENT: You may examine him, if so.

4 A I don't think there are any inconsistencies
5 between what I have stated already to the Internation-
6 al Prosecution Section and what I said here.

7 Q At that time did you reply
8 that the Prisoners of War Information Bureau receiv-
9 ed directions from the Military Affairs Bureau of
10 the War Ministry?

11 A What I meant -- what I answered was not
12 that the Prisoners of War Information Bureau receiv-
13 ed directions from the Military Affairs Bureau of
14 the War Ministry, but that the former couldn't do
15 anything without receiving directions from the
16 latter.

17 THE MONITOR: That the Prisoners of War
18 Information Bureau could not do anything unless all
19 matters were routed through the Military Affairs
20 Bureau.

21 Q But you did not testify that it received --
22 that is, the Prisoners of War Information Bureau re-
23 ceived instructions or orders from that bureau?

24 A Yes, instructions were received from the War
25 Minister.

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1 Q Then not from the Military Affairs Bureau?

2 A No orders were ever received directly from
3 the Military Affairs Bureau.

4 DR. KIYOSE: That is all, sir.

5 MR. KUSANO: Counsel KUSANO.

6 THE PRESIDENT: Counsel.

7

- - -

8 CROSS-EXAMINATION (Continued)

9 BY MR. KUSANO:

10 Q At what period did you graduate from the
11 Military Academy?

12 A Twenty-fifth period.

13 Q That means that you were in the same class
14 as Lieutenant General MUTO.

15 A Yes.

16 Q Do you know what period SATO belongs to?
17 At any rate--

18 THE INTERPRETER: The witness' reply was,
19 "I think around the twenty-ninth period."

20 To this the counselor replied, "You were
21 a senior of SATO's? Is that right?"

22 To which the witness replied, "Yes."
23

24 Q What branch of the army did you belong to,
25 the infantry, artillery or what?

A Before the revision of the organizations of

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1 the army was effected I belonged to the infantry
2 branch. Before the revision of the branches of
3 service was effected I belonged to the infantry
4 branch.

5 Q What about after the reorganization or the
6 revision?

7 A I belonged to the -- after the revision I
8 belonged to the main -- was an officer in the main
9 branch, by which I mean the branch including the
10 artillery, infantry, gendarmerie and so forth, as
11 distinguished from the army surgeon's office and
12 intendance office.

13 Q Mr. Witness, have you graduated the War
14 College?

15 A No, I have not.

16 Q Have you ever served as a staff officer?

17 A I have never served as a staff officer.

18 Q Then can you briefly state your career
19 prior to your entry into the Prisoners of War Infor-
20 mation Bureau? Will you, please?

21 THE PRESIDENT: Why do you want that?

22 MR. KUSANO: I want to know what qualifi-
23 cations he has with respect to the position he
24 occupied in the Prisoners of War Information Bureau.

25 MR. JUSTICE MANSFIELD: I object, if the

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1 Court please, as I submit that is irrelevant. We
2 only asked him the facts while he was there.

3 THE PRESIDENT: No special qualifications
4 were necessary for him to depose to what he did
5 depose to.

6 Q Then I ask you, Mr. Witness, in this
7 fashion: You know, Mr. Witness, that the business
8 in the War Ministry is conducted in accordance with
9 the regulations governing the organization of the
10 War Ministry, as well as the regulations governing
11 the handling of business in the War Ministry?

12 A Yes, of course.

13 Q Then, Mr. Witness, are you familiar with the
14 regulations governing organization of the Prisoners
15 of War Information Bureau, the regulations govern-
16 ing POW camps, and the regulations governing the
17 treatment of prisoners of war?

18 A At the time I was in service I knew them,
19 but most of them I believe I have forgotten now.
20 Most of those rules I have forgotten now, I think
21 I have forgotten now.

22 Q Mr. Witness, you testified yesterday that
23 the chief of the Prisoners of War Control Bureau
24 was given power of decision on non-important matters.
25 Did you not?

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1 A Yes, as you say.

2 Q What you referred to as power of decision
3 on the part of the Prisoners of War Control Bureau
4 is the delegated powers as mentioned in the adju-
5 tant's notification to the Prisoners of War Control
6 Bureau?

7 A Yes, as you say.

8 Q Then I shall read points 1, 2, 3 and 4 of
9 the adjutant's notification, so will you please
10 listen?

11 Number 1 is general items pertaining to
12 the internment, regulation and control, exchange,
13 release, utilization, punishment and treatment of
14 prisoners of war and other internees in the combat
15 zone under army control.

16 Do you recall this point?

17 A I should like to ask you a question.

18 THE INTERPRETER: To which the counsel said,
19 "I am asking the question. Will you please answer?"

20 A It is necessary for me to ask you a question
21 before answering.

22 Q Then I will listen to your question after
23 I have finished reading these pages.

24 A It is a very simple matter. Then please
25 ask.

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1 THE INTERPRETER: The witness asked, "Are
2 you referring to the regulations governing the
3 organization of the POW Information Bureau, or the
4 Control Bureau?"

5 To which the counsel said, "No, I am speak-
6 ing of the adjutant's notification."

7 Q Mr. Witness, are you familiar with the
8 regulations governing the treatment of prisoners of
9 war, army secret 10345, issued in March 1942?

10 THE INTERPRETER: Correction. 1034.

11 MR. JUSTICE MANSFIELD: I object, if the
12 Tribunal please, on the ground that this does not
13 arise out of examination in chief, and it is ir-
14 relevant.

15 THE PRESIDENT: Well, this witness came here
16 to fix the responsibility on the War Minister for
17 the operations of these boards concerning prisoners.
18 Whether these regulations throw any light on that,
19 I don't know.

20 Counsel, what is your purpose in putting
21 these regulations to the witness?

22 MR. KUSANO: That is because I want to
23 ascertain whether the business handled by this wit-
24 ness in the Prisoners of War Information Bureau and
25 his testimony are in accord with these regulations.

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1 THE PRESIDENT: No, that doesn't justify
2 the question. The objection is allowed.

3 MR. KUSANO: Then I shall turn to another
4 question.

5 Q Do you know, Mr. Witness, how the duties
6 of the Prisoners of War Control Bureau are stipulat-
7 ed in the regulations governing the treatment of
8 prisoners of war?

9 A Although I don't recall exactly the details
10 of the stipulations, I believe that rules concern-
11 ing control of the prisoners of war in general, in-
12 cluding accommodations, transportation, or supplies
13 -- wages of the prisoners of war, and rations of the
14 prisoners of war, were included among those stipula-
15 tions.

16 Q Then, in other words, some of the things
17 have been clarified by your testimony -- but, in
18 other words, items of a non-important nature with
19 respect to the treatment, internment and control of
20 prisoners of war, were stipulated in the regulations,
21 was it not?

22 MR. JUSTICE MANSFIELD: I submit, if the
23 Court please, that the regulations speak for them-
24 selves, and I therefore object to this line of
25 questioning on the ground that it is irrelevant.

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1 THE PRESIDENT: There are provisions in the
2 Convention dealing with the obligation to see that
3 they are carried out. You may cross-examine along
4 those lines. I thought you might be doing so, but
5 you are not.

6 The objection is allowed.

7 Q Then, Mr. Witness, you testified yesterday
8 that items of a not important character were --
9 correction -- Mr. Witness, you testified yesterday
10 that the chief of the business of War Control
11 Bureau was given power of decision on items of a not
12 important nature. Did you not? With regard to
13 treatment of prisoners of war?

14 A Yes, the reason for it is as the counsel
15 stated a while ago, within the limits of items
16 delegated by the adjutant's notifications.

17 Q And in your testimony yesterday you stated,
18 did you not, that directions on important matters
19 were received from the Military Affairs Bureau?

20 A I used -- although I used the word
21 "directions," I should like to explain it more
22 fully -- the meaning of it more fully. I meant by
23 it that the opinion of either the War Minister or
24 Vice-Minister were conveyed through the Military
25 Affairs Bureau.

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1 Q Then, Mr. Witness, the chief of the Prison-
2 ers of War Control Bureau carries out the duties
3 assigned to him by order of the War Minister. Is
4 that not so?

5 A Will you repeat that question again, please?

6 Q The chief of the Prisoners of War Control
7 Bureau carries out the duties of that particular
8 bureau by order of the War Minister, does it not?

9 A Yes, as stipulated in the regulations
10 governing the organization.

11 Q Yesterday, in your testimony, Mr. Witness,
12 did you not state that the chief of the Military
13 Affairs Bureau of the War Ministry, as one of the
14 staff officers of the War Minister, transmitted the
15 directions of the Minister and also supervised the
16 Control Bureau? Did you not?

17 A Yes.
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Q Then, are there any regulations providing for supervision of the prisoners of war control bureau by the chief of the Military Affairs Bureau as a staff officer of the War Minister?

A I should like to explain more fully the meaning of the word "supervision." It simply means that orders of the War Minister or the Vice War Minister are to be conveyed. I should like to enlarge on the meaning--interpretation of the meaning of "supervision," if I may; that is, that this bureau receives the orders from the Vice War Minister or the Vice Minister and transmits that order to the bureau concerned. I should like to have you interpret this in that strong meaning.

Q Could you give a few concrete examples with respect to that?

THE MONITOR: In explaining that.

A I don't recall just now any concrete examples.

Q The chief of the Control Bureau -- Prisoner of War Control Bureau at that time was Lieutenant General UEMURA, was it not?

A Yes.

Q Then, Lieutenant General UEMURA did not

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1 receive directions or was placed under the super-
2 vision of SATO, Chief of the Military Affairs
3 Bureau, is that not so?

4 A My interpretation is that he did not re-
5 ceive the supervision or direction in the legal
6 sense or in the sense of the regulations governing
7 the organization of the Bureau.

8 Q Then, with respect to the personnel ques-
9 tions pertaining to the Control Bureau, this was
10 under the charge of the Personnel Bureau of the
11 War Ministry, was it not?

12 THE PRESIDENT: If Lieutenant General
13 UEMURA -- Is that his name? --

14 THE INTERPRETER: Yes.

15 THE PRESIDENT (continuing): did not
16 receive directions, what did he receive? There
17 were some communications to him, were there?

18 Answer, please, Witness.

19 THE WITNESS: I was not listening to it
20 carefully.

21 THE INTERPRETER: I will repeat.

22 THE PRESIDENT: You said that Lieutenant
23 General UEMURA did not receive directions in the
24 legal sense or in the sense of the regulations.
25

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1 Did he receive any requests or any communications
2 of that kind?

3 THE WITNESS: There may have been requests
4 or recommendations from the Chief of the Military
5 Affairs Bureau, but I don't -- I have no direct
6 knowledge of it.

7 THE PRESIDENT: What was their form of co-
8 operation, if they did cooperate?

9 THE WITNESS: I remember that important
10 matters were communicated -- discussed or communi-
11 cated among the different -- various bureaus con-
12 cerned at the time of the conference -- weekly con-
13 ference of chiefs of bureaus, departments or sec-
14 tions, which was held once per week.

15 THE MONITOR: As I recall, I think these
16 matters were generally handled at a weekly confer-
17 ence of chiefs of bureau, whereat important matters
18 were discussed and information exchanged. I make
19 a correction. I should have said questions of
20 bureau chiefs instead of conference of department
21 chiefs.

22 THE INTERPRETER: The English remains the
23 same; there is a difference in the Japanese termin-
24 ology.
25

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1 THE PRESIDENT: Well, the bureaus dealing
2 with prisoners of war did not act independently
3 but cooperated with the War Ministry?
4

5 THE WITNESS: Yes.

6 BY MR. KUSANO (Continued):

7 Q Then, the person who supervised the bureau
8 chiefs is the Vice Minister, is it not?

9 A I believe so.

10 Q You are aware, Mr. Witness, of the existence
11 of general regulations covering various government
12 departments?

13 A As a matter of common sense I know of the
14 existence of such a regulation, but I never studied --
15 investigated it personally.

16 Q Then, are you familiar with the fact that
17 these general regulations governing the various
18 government departments are also stipulated in the
19 regulations governing the handling of business in
20 the War Ministry?

21 A That may be so.

22 Q Is this not so, Mr. Witness? That Lieuten-
23 ant General UEMURA, Chief of the Prisoner of War
24 Control Bureau, at the regular conference of bureau
25 chiefs or at other meetings asked directly for the

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1 orders of the War Minister or the Vice Minister
2 and made reports thereon?

3 A As you say.

4 Q Then, the Prisoner of War Information
5 Bureau handled the information regarding prisoners
6 in accordance with the duties of that bureau as
7 stipulated in the regulations governing the organi-
8 zation, is that not so?

9 A Yes.

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1 Q Then protests from enemy countries and
2 communications from the Red Cross with respect to
3 the treatment of prisoners of war were sent by
4 Mr. SUZUKI of the Foreign Office to Lieutenant
5 General UEMURA, were they not? Mr. SUZUKI is of
6 ministerial rank.

7 A Now, as I recall, those important matters
8 as protests were directly sent to the Minister --
9 War Minister or to the Vice-Minister and copy
10 thereof being sent to the Chief of the Prisoners of
11 War Information Bureau through Foreign Office. As
12 I recall, if I remember correctly, I think items of
13 a non-important nature, or a less important nature,
14 were sent directly to Lieutenant General UEMURA.

15 THE PRESIDENT: On receipt of those com-
16 munications, the two bureaus, or the bureau concerned
17 and the War Ministry would consult, I take it?

18 THE WITNESS: In the case of documents arising
19 from the Foreign Office, those documents were -- first
20 were sent to the Military Affairs Section of the
21 Military Affairs Bureau of the War Ministry through
22 the Secretariat of the War Ministry, and then the
23 matter was taken up and the matter was discussed.
24

25 THE PRESIDENT: Discussed between the War
 Ministry and the bureau concerned?

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1 THE WITNESS: Discussion with bureaus
2 concerned, the conference of all bureaus concerned.

3 THE PRESIDENT: Would the War Ministry be
4 represented at the conferences?

5 THE WITNESS: What I mean is various bureaus
6 and sections within the War Ministry and the section
7 of the general staff concerned.

8 THE PRESIDENT: That means that there would
9 be discussion with the Army?

10 THE WITNESS: Within the Army.

11 THE PRESIDENT: Would the Military Affairs
12 Board be present at the discussions?

13 THE WITNESS: That depends on the nature of
14 the question.

15 THE PRESIDENT: If it related to prisoners
16 of war and was a communication from another government?

17 THE WITNESS: Yes.

18 THE PRESIDENT: Would the bureaus act
19 contrary to the decision of the Military Bureau --
20 Military Affairs Board?

21 THE WITNESS: I do not understand.

22 THE MONITOR: I don't know.

23 THE PRESIDENT: Would the bureaus dare to
24 make a decision not approved by the Military Affairs
25 Board?

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1 THE WITNESS: I cannot judge either.

2 BY MR. KUSANO (Continued):

3 Q Then, at any rate, there are no communi-
4 cations addressed directly by the Foreign Office
5 to the Chief of the Military Affairs Bureau?

6 A Matters or documents emanating from the
7 Foreign Minister himself or the Vice-Minister and
8 letters sent by officials under -- of lower level
9 of the Foreign Office were generally sent -- or in
10 some cases were sent to the Bureau of Military Affairs.

11 THE PRESIDENT: Well, to shorten it, can
12 you tell us who would necessarily be responsible
13 for any action taken on a letter from a foreign
14 government about prisoners of war?

15 THE WITNESS: The addressee of the letter
16 should take the responsibility. That is my view.

17 MR. KUSANO: Mr. President, in order to
18 clarify this point, may I have your permission,
19 Mr. President, to show to this witness Court exhibits
20 2021 and 2020?

21 THE PRESIDENT: You may.

22 (Whereupon, some documents were handed
23 to the Witness.)

24 THE MONITOR: Mr. President, we have a slight
25 correction to make.

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1 Mr. Goldberg, will you read the President's
2 statement?

3 (Whereupon, the official court reporter
4 read as follows:)

5 "THE PRESIDENT: Well, to shorten it, can
6 you tell us who would necessarily be responsible
7 for any action taken on a letter from a foreign
8 government about prisoners of war?"

9 BY MR. KUSANO (Continued):

10 Q Mr. Witness, I ask you about the form.
11 It is addressed to the Chief of the Prisoners of War
12 Information Bureau and the sender is Minister SUZUKI
13 of the Foreign Office, is it not?

14 A Yes.

15 Q All letters exchanged followed that form,
16 did it not, and the addressee was Chief of the Prisoners
17 of War Information Bureau, was it not?

18 A Yes. Is this an official communication?

19 Q Yes.

20 THE INTERPRETER: Rather, is it an original
21 or a transcript of it?

22 A No, it is a copy.

23 THE INTERPRETER: The last statement by counsel.

24 A On its face it is a letter from -- sent by
25 Minister SUZUKI of the Gaimusho to the Chief of the

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1 Prisoners of War Information Bureau. I am not sure
2 whether this letter contains word for word the
3 content of the protest from the United States con-
4 cerning the treatment of prisoners of war. Which
5 is it?
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1 Q Are there any communications addressed
2 directly by a foreign country to the Prisoner of
3 War Information Bureau?

4 A Protests from foreign countries are sent
5 in general to the ministers concerned.

6 Q Then, communications addressed to the Chief
7 of the Prisoner of War Information Bureau is channeled
8 through the adjutant's office of the secretariat of
9 the War Ministry, is it not?

10 A Yes, pertaining to those addressed to the
11 Chief of the Prisoner of War Information Bureau.

12 Q How about communications addressed to the
13 Minister and the Vice-Minister?

14 A Letters addressed to the Minister or Vice War
15 Minister, Vice-Minister, are generally channeled
16 through the Military Affairs Bureau and if it con-
17 cerns the Prisoner of War Information Bureau then
18 a copy is sent to this bureau.

19 Q It is rather by way of the adjutant's office
20 for the secretariat rather than the Military Affairs
21 Bureau, is it not?
22

23 A If I said adjutant's office I made a mistake
24 so I should like to say that those letters were
25 channeled through the secretariat of the War Ministry
and the letters addressed to the Minister or

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1 Vice-Minister were channeled through the Military
2 Affairs Bureau.

3 Q That is, are routed by way of the secretariat
4 and not necessarily through the Military Affairs
5 Bureau, is it not?

6 A That matter concerns bureaus with which I
7 was not connected. Therefore, I do not know exactly.
8 However, I believe that in view of the situation
9 prevailing at that time those documents, letters,
10 passed through the Military Affairs Bureau. I recall
11 that they were channeled through the Military Affairs
12 Bureau generally.

13 Q When protests were received with respect
14 to the treatment of prisoners of war in various
15 localities, was it not a fact that the Prisoner of
16 War Information Bureau passed the information on to
17 the various commands or camps related to this ques-
18 tion?

19 A In order to ascertain whether the substance
20 of the protest is consistent with the actual facts,
21 the Prisoner of War Information Bureau would, as
22 business routine, communicate with the various commands
23 concerned with the prisoners of war and obtain the
24 facts.
25

Q Then the Prisoner of War Information Bureau

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1 has the authority to demand or ask reports of various
2 army field commanders, is that so -- has the authority
3 to request various armies to provide information?

4 A In asking for investigation concerning
5 prisoner of war matters -- correction: concerning
6 matters concerned under the jurisdiction of various
7 departments, the Chief of the Prisoner of War Infor-
8 mation Bureau had no right to ask directly for
9 investigation of the army commanders and others.
10 In that case drafts were made in the first place and
11 then they were made into notes, notifications,
12 issued by the Vice-War Minister, and then conveyed --
13 transmitted -- to the commanders of armies in the
14 field through chiefs of bureaus concerned.

15 Q Then with respect to medicines and sanita-
16 tion, hygiene, the matters would be sent by way of
17 the Chief of the Medical Affairs Bureau, those with
18 respect to questions relating to the gendarmerie
19 would be routed through the Chief of the Military
20 Service Bureau, and those relating to matters per-
21 taining to clothing and food would be routed by way
22 of the Chief of the Intendance Bureau, is that not
23 so?

24 A Yes, that was customary.

25 Q Then, where is the reply prepared following

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1 a conference on these matters?

2 A Concerning medical matters, by the Medical
3 Bureau; and concerning matters pertaining to the
4 Intendance Department, by the Intendance Bureau;
5 and concerning other matters, bureaus concerned with
6 those matters were responsible for drafting reports
7 on those matters and, after having obtained -- after
8 having affixed signatures of all bureaus concerned
9 with the question on hand, the replies were sent.

10 THE PRESIDENT: Did you attend any meetings
11 of the bureau chiefs at which protests were con-
12 sidered?

13 THE WITNESS: No.

14 Q Then these replies are sent out after
15 receiving the approval of the War Minister, is that
16 not so?

17 A Approval was given either by the War Minister
18 or Vice War Minister according to the importance of
19 the problem and then sent out. That is what I
20 believed.

21 Q Then is the name of the particular bureau
22 concerned or its seal affixed on the draft of the
23 reply?
24

25 A As I recall, yes.

Q Then I will ask with an example. Then

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1 protests addressed to the Chief of the Prisoner of
2 War Information Bureau are sent to the Prisoner of
3 War Information Bureau by way of the secretariat of
4 the War Ministry, is that not so -- addressed to the
5 Prisoner of War Information Bureau by the Foreign
6 Office?

7 THE MONITOR: By way of.

8 THE INTERPRETER: The secretariat of the
9 War Ministry.

10 A If there was any protest addressed directly
11 to the director of the Prisoner of War Information
12 Bureau that would be the case.

13 THE INTERPRETER: From the foreign govern-
14 ment.

15 Q There seems to have been some misunderstand-
16 ing, Mr. Witness. Might I ask again, were not letters,
17 protests, documents sent by the Foreign Office to
18 the Chief of the Prisoner of War Information Bureau,
19 were these documents not routed through the secretariat
20 of the War Ministry?

21 A Yes, that is the normal procedure.

22 Q Then, as a second step, the Prisoner of
23 War Information Bureau would request necessary
24 investigation of the question on hand to the army
25 in the field concerned or to the camp concerned?

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1 A As a whole, yes.

2 Q Then, as a third step, the Prisoner of War
3 Information Bureau would assemble the reports or
4 replies received from the various field armies as
5 well as camps and then prepare the reply upon con-
6 sultation with other bureaus concerned, is that not
7 so?

8 A Depending on the content or nature of the
9 problem.

10 Q And then, as a fourth step, depending on
11 the importance of the subject on hand, the reply
12 would be sent to the Foreign Office after receiv-
13 ing the approval of the War Minister or Vice-Minister
14 of War or the Chief of the Prisoner of War Informa-
15 tion Bureau, is that not so?

16 A As I stated before, depending on the
17 importance of the matter replies are sent after
18 having consulted with chiefs of bureaus inside and
19 outside of the ministry or with the -- after having
20 obtained approval of the Minister or the Vice-Minister.

21 THE PRESIDENT: We will recess for fifteen
22 minutes.

23 (Whereupon, at 1045, a recess was
24 taken until 1100, after which the proceed-
25 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 CROSS-EXAMINATION

4 BY MR. KUSANO: (Continued)

5 Q Mr. Witness, I shall ask you questions on
6 some other point.

7 Mr. Witness, do you recall that a conference
8 of Camp Commandants was held under the auspices
9 of the Prisoner of War Control Bureau in June or
10 July 1942?

11 MR. JUSTICE MANSFIELD: If the Tribunal please,
12 I object on the ground that this does not arise out
13 of the examination in chief.

14 THE PRESIDENT: Do you want to be heard on
15 that? The objection is upheld.

16 THE INTERPRETER: The witness replied, "I
17 know."

18 MR. KUSANO: Mr. President, may I continue
19 questions on this point? Is it alright for me to
20 continue questions on this matter?

21 THE PRESIDENT: Put your questions and then
22 I will be able to answer you, if objection is taken.

23 Q What was the purpose for which this conference
24 was called? I ask you because you say you recall the
25 conference.

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1 MR. JUSTICE MANSFIELD: I object, if the
2 Tribunal please, on the ground that this does not
3 arise out of the examination in chief.

4 THE PRESIDENT: Objection upheld.

5 MR. KUSANO: This concludes my cross-examination,
6 your Honor.

7 MR. SOMIYA: Counsel SOMIYA, Shinji.

8 THE PRESIDENT: Counsel SOMIYA.

9 CROSS-EXAMINATION (Continued)

10 BY MR. SOMIYA:

11 Q Were there Prisoners of War Information
12 Bureau and the Prisoner of War Control Bureau in the
13 Navy?

14 A There were no Prisoners of War Information
15 Bureau nor Prisoner of War Control Bureau in the
16 Navy. Prisoners of war which entered jurisdiction
17 of the Navy were transferred to the jurisdiction
18 under the Prisoner of War Information Bureau or the
19 Army as well as the Control Bureau. However, concerning --
20 as to the treatment of the prisoners of war before they
21 were transferred to the jurisdiction -- into the
22 jurisdiction of the Prisoner of War Information Bureau
23 and the Prisoner of War Control Bureau, commanders --
24 Navy commanders -- in the fields were responsible.

25 Q Then, the treatment of prisoners of war by

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1 the Navy, that is, the Navy's control or administration
2 of prisoners of war is provisional pending the time
3 they enter -- they are transferred -- under the command
4 of the Army?

5 MR. JUSTICE MANSFIELD: I object, if the
6 Tribunal please, on the ground that this does not
7 arise out of the examination in chief.

8 MR. SOMIYA: I am directing this question
9 to the witness, Mr. President, because it arises from
10 the fact that in -- It arises from the examination in
11 chief relating to the administration or control of
12 prisoners of war.

13 THE PRESIDENT: Objection overruled.

14 Q Will you reply, Mr. Witness?

15 A There are no such bureaus as Navy's Prisoner
16 of War Information Bureau. There is no such thing as
17 the Army's Prisoner of War Information Bureau or the
18 Navy Prisoner of War Information Bureau. As a bureau
19 outside the Cabinet -- As an outside Bureau of the
20 Cabinet, prisoners of war which were held both by
21 the Army and the Navy were treated equally, under
22 supervision and directions of the Prime Minister, I
23 think, and, I think, that the Minister of War became
24 the Director of the Information and Control Bureaus
25 by that authority delegated to him by the Cabinet.

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1 Q Then, is the control or administration of
2 prisoners of war captured by the Navy treated provi-
3 sionally by the Navy pending their transfer to other
4 authorities -- Army authorities?

5 A As I said before there is no such thing as
6 Army's Prisoner of War Information Bureau.

7 Q What I am inquiring, Mr. Witness, is about
8 the control and administration of prisoners of war
9 and not about the Prisoners of War Information Bureau.

10 A Before the prisoners of war are transferred
11 under the command of the Prisoners of War Information
12 Bureau, Prisoner of War Control Bureau, or to various
13 prisoner of war camps under the command -- under the
14 jurisdiction of the War Minister, Navy is temporarily
15 responsible for the treatment.

16 Q Then, I will ask you again, Mr. Witness,
17 generally speaking the control and administration of
18 prisoners of war is done by the Army, and the Navy
19 handles matters with respect to prisoners of war
20 temporarily or provisionally, pending the time they
21 are prisoners of war in the Navy's hand are transferred
22 to the Army authorities.

23 A I think you can interpret it in that way.

24 Q Is this the same whether in Japan -- the
25 Japanese mainland -- that is, Japan proper or in

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1 occupied areas?

2 A Yes.

3 Q What kind of work were you, Mr. Witness,
4 engaged in after March 1943? That is my next question.

5 A In March 1943 I was transferred from the post
6 of a member of the Prisoner of War Information Bureau
7 to -- and transferred from that position and transferred
8 to the Headquarters of the North China Expeditionary
9 Forces.

10 MR. SOMIYA: Thank you, that is all.

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1 MR. LOGAN: No further cross-examination,
2 your Honor.

3 MR. WOOLWORTH: If the Tribunal please, I
4 request the witness be excused.

5 THE PRESIDENT: He is excused on the usual
6 terms.

7 MR. WOOLWORTH: There will be one more.

8 THE PRESIDENT: I thought he said there
9 would be no further cross-examination.

10 Remain there, Witness, please.

11 MR. SHIOHARA: Counsel SHIOHARA.

12 THE PRESIDENT: Counsel SHIOHARA.

13 Mr. SHIOHARA: I should like to ask a few
14 simple questions of the witness.

15 CROSS-EXAMINATION (Continued)

16 BY MR. SHIOHARA:

17 Q Mr. Witness, you said that the Prisoners of
18 War Information Bureau was established in accordance
19 with international treaty and was under the supervision
20 of the Prime Minister as an outside bureau of the
21 Cabinet; is that so?

22 A As I recall, yes.

23 Q Then, documents relating to protest with
24 regard to the treatment of prisoners of war were, as
25 a matter of course, transmitted by the Foreign Office

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1 to the other organs concerned, that is, the War
2 Minister, but is it not a violation of the regula-
3 tions for these documents to go to the War Minister
4 and important bureaus within the War Ministry rather
5 than directly to the chief of the Prisoners of War
6 Information Bureau; should it not be proper that
7 these documents be addressed directly to the chief
8 of the Bureau of Prisoners of War Information?

9 A As I recall the Prisoners of War Information
10 Bureau was a bureau outside the Cabinet and matters
11 pertaining to the prisoners of war were relegated by
12 the Prime Minister to the Minister of War; and, as
13 TOJO was concurrently Prime Minister holding the port-
14 folios of Prime Minister and the War Minister, the
15 Prisoners of War Information Bureau was closely
16 directed -- was under the close supervision and direc-
17 tion of the Prime Minister. That is my interpretation.

18 Q Then, may I take it this way: because
19 General TOJO was concurrently Prime Minister and War
20 Minister he directed and supervised the Prisoners of
21 War Information Bureau as one of the members of the
22 Cabinet?

23 A I do not know much about the content of
24 the regulations governing the organization of the
25 ministry.

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1 Q At any rate, although the same man was Prime
2 Minister and War Minister concurrently, I take it
3 from your remark the Prisoners of War Information
4 Bureau was not an organ belonging to the War Ministry?

5 THE MONITOR: Japanese court reporter --

6 (Whereupon, the last question was
7 read by the Japanese court reporter.)

8 Q (Reinterpreted) At any rate, Mr. Witness,
9 the Prime Minister and War Minister was held concur-
10 rently and the Prisoners of War Information Bureau
11 was under his control, but from your statement the
12 Prisoners of War Information Bureau did not belong
13 to the War Ministry; may I take it that way then?

14 A From a strict legal point of view it may be
15 so; however, actually the Prisoners of War Information
16 Bureau and the Prisoners of War Control Bureau con-
17 sisted chiefly of members of the army and of only one
18 member from the navy. Therefore, chiefly members of
19 the army with the exception of only one who was a
20 member of the navy so I believe it may be said, as a
21 whole, that it was chiefly run by men who hailed from
22 the army, but that is a very delicate point of that
23 matter.

24 Q I am asking you about the regulations govern-
25 ing the organization of the organ and I am not speaking

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1 about where the personnel was drawn from. I now
2 ask you another question.

3 A while ago you testified, Mr. Witness,
4 that the addressee of protests with respect to treat-
5 ment of prisoners of war was responsible. There is
6 no mistake about that statement.

7 THE PRESIDENT: It could not always be true.

8 A Yes, he would have the responsibility in so
9 far as the communication or letter itself is concerned,
10 but with respect to the substance of the protest or
11 with respect to those who committed any infringement
12 of regulations the responsibility for these would
13 rest elsewhere.

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1 Q Mr. SUZUKI, Tadakazu -- his first name is
2 sometimes read "Kyuman" -- of the Foreign Office has
3 testified or has stated that he determined the
4 addressees of various diplomatic notes on his own.
5 That would mean that SUZUKI would determine, himself,
6 what party would be the responsible authority, and
7 that would be a little funny -- that is strange.

8 A It is a matter belonging to the Foreign
9 Office and of which I will not be able to answer.

10 Q You stated, Mr. Witness, that the Prisoner
11 of War Information Bureau, in handling the actual
12 protests themselves, could not handle it on its own
13 but had to act through the various bureaus concerned
14 of the War Ministry. But Article 5 of the regulations
15 governing the Prisoner of War Information Bureau
16 states that the Chief of the Bureau may ask for re-
17 ports and information from various military forces
18 concerned -- that is, various forces, both of the
19 Army and Navy, concerned. Do you mean to say that
20 this regulation was not carried out, or this stipu-
21 lation?

22 A It is merely a matter of interpreting letters
23 of the regulations governing the organization of the
24 Ministry; but, actually, it was difficult not to
25 pass those orders through the chain of command of the

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1 Army.

2 Q What is the relation of the various bureaus
3 of the War Ministry with the military chain of com-
4 mand?

5 A Concerning the treatment of prisoners of
6 war, commanders of armies in the field were directly
7 supervising and directing the matter of prisoners --
8 handling of prisoners of war; and, therefore, mat-
9 ters must be referred to the Army General Staff.
10 These matters must be passed through the Army
11 General Staff.

12 Q That means, then, my question was wrong, and
13 you are referring to the General Staff, is that it?

14 A Whether it was in Japan or outside Japan,
15 all matters pertaining to prisoners of war in the
16 field were directed and supervised by commanders of
17 the armies or commanders of divisions -- independent
18 divisions. Therefore, if those matters were not
19 passed through them, we were reprimanded.

20 Q Then I understand that these matters have
21 to be passed through the Army chain of command --
22 of the High Command. The Chief of the Prisoner of
23 War Information Bureau had certain powers delegated
24 to him. Were there other organs to which powers
25 were delegated?

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1 A Concerning questions pertaining to hygiene --
2 the Medical Bureau, and matters pertaining to the
3 Intendance Bureau -- I recall that certain powers were
4 delegated in connection with prisoners of war matters
5 to the Medical Bureau of the War Ministry and to the
6 Intendance Bureau of the War Ministry in so far as these
7 questions of intendance and medical affairs were con-
8 cerned.

9 Q You are not mistaken, are you? We have not
10 been able to discover anything like that in spite of
11 some study.

12 A I don't know whether those matters were
13 written in the regulations provided in the regula-
14 tions -- by the regulations governing the organization
15 of the Ministry; but, actually -- of the Bureau. But,
16 actually, it was done.

17 Q What I am asking you, Mr. Witness, is whether
18 these things are written down. I am not speaking of
19 the regulations.

20 A I do not remember.

21 Q Do you recall whether the Vice-Minister had
22 certain powers delegated to him with respect to
23 prisoner of war matters?
24

25 A Yes. I think he had, because there are
matters which had to be authorized by him.

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1 THE PRESIDENT: What were they?

2 (No response)

3 Q Then let me say something first: As a
4 matter of fact, in my own investigation, the Vice-
5 Minister of War had no powers delegated to him with
6 respect to matters pertaining to prisoners of war.
7 That is clear on paper, and I am asking you whether
8 you know of that or not.

9 A I do not remember that.

10 Q Then you do ~~not~~ recall?

11 A No.

12 MR. SOMIYA: That is all, sir.

13 THE PRESIDENT: He is again excused on the
14 usual terms.

15 (Whereupon, the witness was
16 excused.)

17 Somebody ought to be able to tell us, and
18 I think we ought to know, just what happened to a
19 letter when it came from Britain or America to Japan
20 protesting the treatment of prisoners. I am unable
21 to say that this witness has made the position clear.
22

23 MR. WOOLWORTH: There will be a witness
24 produced --

25 THE PRESIDENT: We should know what steps
were taken on the letter and by whom so that we might

1 fix the responsibility so far as it rests on that
2 procedure. It may not.

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1 MR. WOOLWORTH: If the Tribunal please,
 2 the prosecution desires to introduce in evidence
 3 document, 2407A, which is a certificate of E. Tomlin
 4 Bailey, of the Department of State of the United
 5 States.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution document
 8 No. 2407A will receive exhibit No. 2027.

9 (Whereupon, the document above
 10 referred to was marked prosecution's ex-
 11 hibit No. 2027 and received in evidence.)

12 MR. WOOLWORTH: This document is duly
 13 certified by the Acting Secretary of State.

14 (Reading): "INTERNATIONAL MILITARY TRIBUNAL
 15 FOR THE FAR EAST.

16 "THE UNITED STATES OF AMERICA" -- I will omit
 17 the title, if I may.

18 "City of Washington,)
 19 "District of Columbia,) ss.
 20 "United States of America.)

21 "I, E. Tomlin Bailey, being duly sworn, on
 22 oath depose and say:

23 "I am Assistant Chief of the Special Projects
 24 Division of the Department of State of the United States,
 25 in charge of Prisoners of War Branch of that Division,

1 in which I have served since November, 1942. Since
2 its organization in 1942 and up to the present time,
3 The Prisoners of War Branch has been charged with the
4 duty of initiating and coordinating State Department
5 policy and action in all matters pertaining to
6 civilian internees and prisoners of war and inter-
7 national conventions relating to their status.

8 "The statements hereinafter made are based
9 upon official records of the Department of State,
10 and in particular of the aforesaid Prisoners of War
11 Branch, and relate to matters coming under my
12 cognizance or to my attention in connection with
13 the carrying out of the functions of the Prisoners
14 of War Branch.

15 "Immediately after the Japanese attack on
16 Pearl Harbor, the Department of State took up with
17 Japan the matter of according proper treatment for
18 American nationals in Japanese hands. Although
19 Japan was not a party to the Geneva Prisoners of War
20 Convention, the Department of State obtained from
21 the Japanese Government a commitment to apply the
22 provisions of that convention to American prisoners
23 of war, and, so far as adaptable, to civilian in-
24 ternees held by Japan.

25 "This commitment was made in a communication

1 by the Japanese Government to the Swiss Minister at
2 Tokyo in Charge of American Interests in Japan. The
3 message was received through the American Legation
4 at Bern in a telegram dated February 4, 1942, and
5 stated that the Japanese Government informed the
6 Swiss Minister that, 'although not bound by the
7 Convention relative to prisoners of war, Japan will
8 apply mutatis mutandis provisions of that Convention
9 to American prisoners of war in its power.' In a
10 telegram dated February 24, 1942, it was reported
11 that the Ministry of Foreign Affairs declared to
12 the Swiss Minister in Tokyo that Japan would 'apply
13 on condition of reciprocity Geneva Convention for
14 treatment of prisoners of war and civilian internees
15 in so far as convention shall be applicable.'

16 "Thereafter, the State Department by
17 repeated protests and representations, through the
18 Swiss Government, again and again called to the
19 Japanese Government's attention failures on the
20 part of Japanese authorities to live up to their
21 Government's undertakings, and warned the Japanese
22 Government in unequivocal terms that the American
23 Government would hold personally and officially
24 responsible for their acts of depravity and barbarity
25 all officers of the Japanese Government who had

1 participated in their commitment and, with the con-
2 clusion of the war, would visit upon such Japanese
3 officers the punishment they deserved for their un-
4 civilized and inhumane acts against American
5 prisoners of war.

6 "These protests, representations and warn-
7 ings originated in the Prisoners of War Branch, and
8 I personally prepared many of them. They were based
9 upon information obtained from representatives of the
10 Swiss Government in charge of American interests in
11 Japan and in Japanese controlled territory, from the
12 International Red Cross Committee, from repatriates
13 and from recovered military personnel.

14 "On January 27, 1944, the State Department
15 dispatched to the Japanese Government, via the Swiss
16 Government, two telegrams which were personally
17 drafted by me, summarizing the protests and repre-
18 sentations which had theretofore been submitted to
19 the Japanese Government and demanding amelioration
20 of the treatment being accorded American nationals
21 in Japanese custody. The first of these telegrams
22 listed the principal categories of deprivations of
23 rights, cruelties, wanton neglect and mistreatment
24 and referred to the specific Article of the Geneva
25 Prisoners of War Convention, or other undertaking,

1 violated; the second recited specific instances com-
2 ing under each category."

3 Exhibit 1479 is quoted in toto in this
4 document; so I will not again read it to the Tribunal.

5 Turning to page 15 of this affidavit --

6 THE MONITOR: Mr. Prosecutor, from what line
7 on page 15? We would like to check with the Japanese
8 copy.

9 MR. WOOLWORTH: Beginning with the phrase,
10 "From January 27, 1944."

11 "From January 27, 1944 until the end of
12 hostilities the State Department made to the Japanese
13 Government numerous additional protests and repre-
14 sentations concerning instances similar to these
15 hereinabove set forth. A few of these instances were:

16 "On June 14, 1944 further representations
17 were made regarding visits to prisoners of war camps.

18 "On July 7, 1944 a protest was made against
19 the inadequate housing facilities and medical care
20 given to the aged, ill and helpless American civilian
21 internees at Shanghai.

22 "On August 25, 1944 a further protest was
23 made regarding the inadequacy of food, clothing and
24 medical supplies accorded American civilian internees
25 in China.

1 "On August 31, 1944 a protest was made
2 against the torture and decapitation of an American
3 airman by the Japanese in New Guinea.

4 "On September 11, 1944 a protest was made
5 against the removal of certain civilians from the
6 internment camp at Los Banos, Philippine Islands,
7 to Fort McKinley near Manila, where the Japanese
8 maintained an ammunition dump.

9 "On September 15, 1944 a protest was made
10 against the Japanese order issued to their armed
11 forces in Siam that enemy air personnel were not
12 to be treated as prisoners of war.

13 "On September 26, 1944 a protest was made
14 concerning the torture and execution of an American
15 soldier near Arayat, Pampanga, Philippines, on
16 September 21, 1943.

17 "On November 1, 1944 a protest was made
18 against the failure of the Japanese Government to
19 report promptly information necessary to enable
20 the United States Government to keep up to date
21 individual records for each prisoner of war. This
22 protest cited the case of an American who was shot
23 the Japanese and the incident reported one and a
24 half years later.

25 "On January 23, 1945 a protest was made

1 against the treatment and conditions of internment
2 of American prisoners of war at Camp Kawasaki No. 2.

3 "On February 20, 1945 messages were dis-
4 patched to the effect that the United States Govern-
5 ment did not consider that the reply made by the
6 Japanese Government to early protests were satisfac-
7 tory and that the American Government would continue
8 to hold the Japanese Government responsible.

9 "On March 9, 1945 another protest was made
10 against the continued action of the Japanese Govern-
11 ment in locating prisoner of war camps in close
12 proximity to military objectives.

13 "On March 10, 1945 a protest was made
14 regarding the conditions of captivity of American
15 prisoners of war being held at the Lasang Air Field,
16 Philippine Islands, and the inhumane treatment
17 characterizing the administration of prisoner of
18 war camps in the Philippines. On the same day,
19 another protest was made, this time relating to
20 the cruel treatment of American prisoners of war who
21 were aboard a Japanese freighter sunk off Mindanao,
22 Philippine Islands, on September 7, 1944, and the
23 savage behavior of the Japanese after the vessel
24 was torpedoed.

25 "On April 6, 1945 a protest was made

1 concerning the murder of Messrs. Calkins, Grinnell,
2 Duggleby, and Johnson, who had been held at the
3 Santo Tomas Internment Camp.

4 "On May 12, 1945 a protest was made against
5 the orders issued by the Japanese 14th Army Head-
6 quarters and Kaki Forces Headquarters attached to
7 the Ishibashi Unit, to the effect that persons
8 captured by or surrendering to Japanese armed
9 forces in the Philippines would be murdered in cold
10 blood.

11 "On May 19, 1945 a protest was made against
12 the brutal massacre on Decmeber 14, 1944 of 150
13 prisoners of war at Puerto Princesa, Palawan,
14 Philippine Islands.

15 "On May 29, 1945 the Swiss Government was
16 requested to make a strong protest to the Japanese
17 Government against the forced labor of prisoners of
18 war in the fortification of Shinagawa and on the
19 naval docks at Tokyo Bay, and the brutal treatment
20 of these prisoners.

21 "On June 23, 1945 a protest was made against
22 the location of prisoner of war camps in Siam in
23 close proximity to piers, railroad yards, and other
24 military objectives and the employment of prisoners
25 of war labor on projects having a direct relation

1 with war operations.

2 "Virtually all of the protests filed with
3 the American Government by the Japanese Government
4 during the period herein covered related to alleged
5 mistreatment of Japanese nationals who had been
6 evacuated from the West Coast areas of the United
7 States. In none of the instances covered by the
8 Japanese Government's representations was the
9 alleged mistreatment of Japanese nations comparable
10 even in a remote degree to the mistreatment of
11 American nationals which formed the basis for the
12 American Government's protests. In the State Depart-
13 ment's telegram of January 27, 1944 the Japanese
14 Government was advised as follows:

15 "The Government of the United States also
16 desires to state most emphatically that, as the
17 Japanese Government can assure itself from an
18 objective examination of the reports submitted to
19 it by the Spanish, Swedish, and International Red
20 Cross representatives who have repeatedly visited
21 all places where Japanese are held by the United
22 States, the United States has consistently and fully
23 applied the provisions of the Geneva Prisoners of
24 War Convention in the treatment of all Japanese
25 nationals held by it as prisoners of war or (so far

1 as they are adaptable) as civilian internees,
2 detainees or evacuees in relocation centers.
3 Japanese nations have enjoyed high standards of
4 housing, food, clothing, and medical care. The
5 American authorities have furthermore freely and
6 willingly accepted from the representatives of the
7 protecting Powers and the International Red Cross
8 Committee suggestions for the improvement of
9 conditions under which Japanese nationals live in
10 American camps and centers and have given effect
11 to many of these suggestions, most of which, in
12 view of the high standards normally maintained, are
13 directed toward the obtaining of extraordinary
14 benefits and privileges of a recreational educational
15 or spiritual nature.'

16 "/s/ E. Tomlin Bailey.

17 "Sworn to before me this 28th day of June,
18 A. D., 1946.

19 "David H. Scull, Notary Public."

20 The prosecution desires to introduce in
21 evidence document 2702A, official record of Army
22 Headquarters, Melbourne, "Australian Prisoners of
23 War (RAN, AMF, RAAF) In the Far East."

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution document

1 No. 2702A will receive exhibit No. 2028.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 2028 and received in evidence.)

5 MR. WOOLWORTH: If the Tribunal please, I
6 will read only the totals of these figures.

7 "AUSTRALIAN PRISONERS OF WAR (RAN, AMF,
8 RAAF) IN THE FAR EAST.

9 "Known Prisoners of War, 21,726;

10 "Returned to Military Control, 14,314;

11 "Died whilst Prisoners of War, 7,412."

12 This is certified as a true copy of the
13 official record by E. A. Griffin, Colonel, Director
14 of Prisoners of War and Internees, Army Headquarters,
15 Melbourne.

16 The prosecution desires to introduce in
17 evidence document 2297A, which is a report on
18 prisoners of war, Dominion of Canada.

19 THE PRESIDENT: Admitted on the usual terms.

20 * CLERK OF THE COURT: Prosecution document
21 No. 2297A will receive exhibit No. 2029.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 2029 and received in evidence.)

25 MR. WOOLWORTH: (Reading) "DEPARTMENT OF

1 NATIONAL DEFENCE, ARMY, OTTAWA, CANADA" --

2 THE PRESIDENT: Just read the totals.

3 MR. WOOLWORTH: "Known Prisoners of War,
4 1691; Returned to Military Control, 1418; Died While
5 Prisoners of War, 273."

6 THE PRESIDENT: We will adjourn until half-
7 past one.

8 (Whereupon, at 1200, a recess was
9 taken.)

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1 AFTERNOON SESSION

2
3 The Tribunal met, pursuant to
4 recess, at 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Colonel Woolworth.

8 MR. WOOLWORTH: Prosecution desires to
9 introduce in evidence document No. 2448, strength
10 and casualty reports of the United Kingdom, 1939 to
11 1945.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 2448 will receive exhibit No. 2030.

15 (Whereupon, the document above
16 referred to was marked prosecution's exhibit
17 No. 2030 and received in evidence.)

18 MR. WOOLWORTH: (Reading) "Presented by the
19 Prime Minister and the Minister of Defence to Par-
20 liament by Command of His Majesty, June 1946.

21 "Total Number of Prisoners of War of the
22 Armed Forces of the United Kingdom Captured by the
23 Enemy as Reported to 28th February 1946. Table 9.

24 "Captured by Germany and Italy: Total
25 reported captured, 142,319. Killed or died in

1 captivity, 7,310.

2 "Captured by Japan: Total reported captured,
3 50,016. Killed or died in captivity, 12,433."

4 Prosecution desires to introduce in evidence
5 document No. 1804-A.

6 MR. LOGAN: If the Tribunal please, the
7 defense moves to strike out the document which has
8 just been admitted, 2030, on the ground that it is
9 an unfair comparison.

10 THE PRESIDENT: The application is refused.

11 MR. WOOLWORTH: Prosecution desires to
12 introduce in evidence document No. 1804-A, United
13 Kingdom and Colonial prisoners of war in the Far East
14 reported to 31 December 1945.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 1804-A will receive exhibit No. 2031.

18 (Whereupon, the document above
19 referred to was marked prosecution's exhibit
20 No. 2031 and received in evidence.)

21 THE PRESIDENT: Do you know what these figures
22 include? Do they include Indians but not Australians?

23 MR. WOOLWORTH: As far as I know, they
24 include only Colonial Forces under Colonial Forces
25 and United Kingdom Forces under them. That is as far

1 as I am informed.

2 THE PRESIDENT: The description is not
3 appropriate for Indian figures.

4 MR. WOOLWORTH: As I understand it, there is
5 Colonial as opposed to--

6 THE PRESIDENT: Crown Colonies?

7 MR. WOOLWORTH: Members of the Forces of the
8 Dominions.

9 (Reading) "Total United Kingdom Forces reported
10 captured, 51,103. Reported killed or died in
11 captivity, 10,873.

12 "Colonial Forces, total reported captured,
13 3,224. Reported killed or died in captivity, 190.

14 "Total reported captured, 54,327. Total
15 reported killed or died in captivity, 11,063."

16 Prosecution desires to introduce in evidence
17 document No. 1502-A, schedule showing the numbers of
18 New Zealanders reported as prisoners of war in
19 Japanese hands.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 1502-A will receive exhibit No. 2032.

23 (Whereupon, the document above
24 referred to was marked prosecution's exhibit
25 No. 2032 and received in evidence.)

1 MR. WOOLWORTH: (Reading) "Total number of
2 prisoners of war, 121. Total number liberated, 87.
3 Died while POW, 31. Not accounted for, 3.

4 "Civilians, merchant seamen, and volunteer
5 forces personnel: Total prisoners of war, 238. Total
6 liberated, 215. Died while prisoners of war, 22. Not
7 accounted for, 1."

8 Prosecution desires to introduce in evidence
9 document No. 2942.

10 MR. LOGAN: If the Tribunal please, the
11 defense also objects to this document, on the ground
12 it is grossly unfair. There is no showing as to con-
13 ditions on which the various armies operated in so far
14 as these men were acting in their official capacities.

15 There is no showing that the climatic con-
16 ditions under which the various prisoners were interned
17 were the same in all instances. And, furthermore,
18 the document on its face shows that "the figures have
19 not been verified or checked and names have been
20 added since this last compilation of figures; however,
21 as of 1 June 1946 these are the figures reported to
22 this office by the enemy detaining powers."

23 There is no evidence as to the accuracy of
24 reports of the evidence submitted by the Balkans,
25 Germany and Italy.

1 THE PRESIDENT: The objection is overruled.

2 MR. WOOLWORTH: This is the report on United
3 States prisoners of war. Germany and Italy officially--
4 Prosecution offers in evidence--

5 THE PRESIDENT: I am asked to have some
6 point elucidated. To what country does 2033 refer?

7 MR. WOOLWORTH: If the Tribunal please, I
8 did not understand the question.

9 THE PRESIDENT: We do not know what country
10 suffered the losses referred to in the exhibit last
11 admitted.

12 MR. WOOLWORTH: New Zealand.

13 THE PRESIDENT: We know the enemy countries,
14 but we don't know the Allied countries concerned.

15 MR. WOOLWORTH: The document which I have
16 just offered in evidence refers to the United States
17 prisoners of war. It came from the Provost Marshal
18 General's Office, American Prisoner of War Information
19 Bureau.

20 THE PRESIDENT: Well, we see initials that
21 might suggest that, but we didn't know what the
22 interpretation was.

23 MR. WOOLWORTH: Prosecution has offered in
24 evidence document No. 2942. I haven't heard the
25 exhibit number as yet.

1 THE PRESIDENT: Admitted on the usual terms.
2 I overruled the objection.

3 CLERK OF THE COURT: Prosecution's document
4 No. 2942 will receive exhibit No. 2033.

5 (Whereupon, the document above
6 referred to was marked prosecution's exhibit
7 No. 2033 and received in evidence.)

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1 MR. WOOLWORTH: Provost Marshal General's
2 office, American Prisoner of War Information Bureau,
3 Restricted Master Index Report, Prisoners of War.

4 Detaining power: Germany and Italy, total
5 officially reported interned, 93,154.

6 Returned to military control, 90,139.

7 Died, 2,038.

8 Repatriated prior to VE-Day, 975.

9 Unrecovered prisoners of war, 2.

10 Japan: Total officially reported interned,
11 21,580.

12 Returned to military control, 14,473.

13 Died, 7,107.

14 Unrecovered POW, 1.

15 Balkans: Total officially reported interned,
16 1,270.

17 Returned to military control, 1,270.

18 May it please the Tribunal --

19 THE PRESIDENT: Have you any separate
20 figures for India?

21 MR. WOOLWORTH: The prosecution has no
22 separate figures for India.

23 THE PRESIDENT: Are they included in United
24 Kingdom and Colonial figures?

25 MR. WOOLWORTH: It was impossible to get

1 separate figures for India.

2 THE PRESIDENT: That is not what I asked.
3 I asked you whether they were included in the figures
4 already tendered as United Kingdom and Colonial
5 figures.

6 MR. WOOLWORTH: I am advised they are not
7 so included.

8 THE PRESIDENT: The Indian forces in the
9 Pacific were very large. That is a matter of which
10 we can take judicial notice. And I am reminded we
11 have no Dutch figures. Why not do the job thoroughly,
12 Colonel Woolworth. if you have the figures?

13 MR. WOOLWORTH: An effort has been made but
14 so far it has proven unsuccessful.

15 May it please the Tribunal: After the pre-
16 sentation of the evidence of sea atrocities by
17 Captain Robinson, and certain evidence as to Class
18 B offenses by the associate prosecutor for France
19 and the associate prosecutor for the USSR, further
20 evidence will be presented to show the responsibility
21 of certain defendants for Class B offenses. At that
22 time the witness SUZUKI, Tadakuzu will be recalled.

23 MR. JUSTICE MANSFIELD: If the Tribunal
24 please, Captain Robinson will now proceed with the
25 case for the prosecution.

1 THE PRESIDENT: Captain Robinson.

2 CAPTAIN ROBINSON: Mr. President and Members
3 of the Tribunal. It is now proposed to present evi-
4 dence to show offenses against prisoners of war and
5 civilians committed on Pacific islands and at sea,
6 as charged in the indictment, particularly in Counts
7 53, 54 and 55, and Appendix D, particulars of breaches
8 of the Laws of War, Sections 1, 2, 3, 4, 5, 7, 8,
9 10, 13 and 14.

10 First, offenses connected with Wake Island
11 will be presented.

12 May the witness Sergeant Jesse L. Stewart,
13 United States Marine Corps, be called to the witness
14 stand.

15
16 J E S S E L. S T E W A R T, called as a
17 witness on behalf of the prosecution, having
18 first been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY CAPTAIN ROBINSON:

21 Q State your name, rank and present station.

22 A Jesse L. Stewart, Master Technical Sergeant,
23 United States Marine Corps, 255182. Stationed at
24 Corpus Christi, Texas, Marine Aviation Detachment.
25 Now on tdy with Legal Section, GHQ, Senior Commander

STEWART

DIRECT

1 Allied Powers, Tokyo.

2 Q You intended to say Supreme Commander,
3 Sergeant?

4 A Yes, sir.

5 Q Allied Powers. The record will be so
6 corrected.

7 What is your age and your permanent home
8 address?

9 A I am thirty-one years old; my home address is
10 McKinnon, Wyoming.

11 Q How long have you been in the United States
12 Marine Corps?

13 A Continuous service since October 19, 1936.

14 Q Were you a prisoner of the Japanese?

15 A Yes, sir.

16 Q What dates?

17 A I was captured December 23, 1941, at Wake
18 Island.

19 Q And liberated when?

20 A Liberated September 11, 1945, at Tsuruga,
21 Honshu, Japan.

22 Q At what places and during what periods were
23 you held a prisoner?

24 A Wake Island, from December 23, 1941 until
25 May 12, 1942. Then Zentsuji, Shikoku Island, May

STEWART

DIRECT

1 18, 1942 until January 17, 1943. Tamagawa, Honshu,
2 Japan, from 17 January 1943 until 21 May 1943. Umeda
3 Camp, Osaka, from 21 May 1943 until 21 May 1945. At
4 Tsuruga, from 21 May 1945 until 11 September 1945.
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1 Q Were you wounded in the course of the
2 Japanese attack on Wake in December, 1941?

3 A Yes, sir.

4 Q What wounds did you receive, and what
5 medical attention did you receive from the Japanese
6 or from American prisoners?

7 A On 7 December 1941, I was wounded in the
8 head, shoulder and arm. On 9 December or 8 December
9 1941, my left leg was shattered by strafing from
10 aeroplanes. Medical attention to me from then until
11 23 December 1941 was taken care of by Dr. Shank, a
12 civilian doctor attached to Pan-American Airways.

13 Q Dr. Shank, then, also was -- he was a prisoner,
14 but a civilian prisoner?

15 A Yes.

16 Q Will you go ahead?

17 A After my capture I received no medical
18 attention for three days. On 26 December 1941, we
19 were moved into an old barracks building. There the
20 Japanese allowed Dr. Shank a slight amount of bandage
21 and some mercurochrome. About the middle of January
22 my leg began infecting. Dr. Shank asked the Japanese
23 doctor, Lieutenant KITAJIMA, for instruments and
24 medical supplies to perform an operation. Dr. KITAJIMA
25 came to the prisoner-of-war hospital and looked at my

STFWART

DIRECT

1 leg. He told Dr. Shank it would have to be ampu-
2 tated. Dr. Shank refused for this operation to be
3 accomplished. After Dr. KITAJIMA left the hospital,
4 the Japanese interpreter, KATSUMI by name, slapped
5 Dr. Shank for being -- for what he said was being
6 insolent to Dr. KITAJIMA. Dr. KITAJIMA would not
7 allow Dr. Shank to have instruments in the American
8 hospital. Dr. Shank attempted to obtain instruments
9 and anesthetics from the Japanese for about two weeks.
10 About the first of February, 1942 my leg became
11 discolored and swollen from above the knee. Dr.
12 Shank told me it would have to be operated on. He
13 had in his possession a pair of bandage scissors and
14 a pair of tweezers which he had retrieved from the
15 American hospital when it was bombed out. Two civilian
16 nurses, Samuel Kerr and Milton Dreyer, one sat on
17 my legs, another on my shoulders, and Dr. Shank per-
18 formed the operation on my leg with the scissors and
19 tweezers. This operation was successful, and the leg
20 began to heal after it was completed.

21 Q Did the Japanese doctor and hospital staff
22 have anesthetics and medical supplies which could
23 have been provided so far as you know?

24 A At the time of the surrender of Wake Island
25 there were two semi-underground magazines improvised as

STEWART

DIRECT

1 hospitals. The equipment and medical supplies from
2 these hospitals were moved to the Japanese hospital
3 after the surrender. About the middle of February,
4 1942, Dr. MIYAZAKI came to Wake Island. He supplied
5 Dr. Shank with a case of instruments and the necessary
6 medical supplies with which to perform operations.
7 After that date Dr. Shank performed at least four
8 appendectomies and many minor operations with these
9 supplies furnished him by Dr. MIYAZAKI.

10 Q Had there been other American prisoners like
11 yourself who had been in need of medicine which the
12 Japanese had refused to supply?

13 A Yes, sir. There were about forty American
14 prisoners, both service and civilians, who were wounded
15 and in bad condition on Wake Island.

16 Q And did you or did you not hear the American
17 prisoner doctor civilian asking for medical supplies
18 for use with these other prisoners?

19 A During the time between 23 December 1941 and
20 the middle of February, 1942, at which time Dr.
21 MIYAZAKI came to Wake, Dr. Shank requested medical
22 supplies and instruments from many Japanese. Among
23 them were KATSUMI, the interpreter, OGASAKI, a naval
24 Chief Petty Officer in charge of prisoners, a Japanese
25 lieutenant who was over OGASAKI, and a Japanese doctor.

STEWART

DIRECT

1 Q And what did these Japanese do or say in
2 response to the doctor's request?

3 A Dr. Shank was always refused the use of
4 any instruments whatsoever and was never supplied with
5 any medicine that he needed.

6 Q How long did he remain on Wake Island?

7 A Dr. Shank remained on Wake Island until he
8 was later executed.

9 Q On what date?

10 A 7 October 1943.

11 Q Did you talk to him at any time in regard
12 to his leaving Wake Island?

13 A On 12 January 1942, approximately 1235
14 American prisoners were taken from Wake. Dr. Shank
15 could have left at this time, but somehow contrived
16 to remain there. I asked him why he had stayed. He
17 answered that he could not leave with the prisoners
18 who left Wake and leave us remaining on Wake Island
19 without proper medical attention.

20 Q The prisoners taken on Wake on December 23,
21 1941 consisted of how many American service personnel
22 and how many American civilian personnel?

23 A About 1200 civilians and about 400 service
24 personnel.
25

STEWART

DIRECT

1 Q You as one of the 400 service personnel
2 were told what with respect to your status by the
3 Japanese?

4 A We didn't know what our status was until
5 about noon the 25th of December, 1941, at which
6 time KATSUMI read to us an Imperial Rescript, in
7 substance as follows:

8 "By the kindness of His Imperial Majesty,
9 the Emperor of Japan, you have been granted the
10 right to live. Until such time -- You will be
11 interned as prisoners of war until such time as you
12 have proven by your actions that you are ready to
13 become loyal subjects of the Greater East Asian
14 Empire."

15 On 12 May 1942, about noon, as we service
16 personnel were ready to leave the island, Captain
17 KAWASAKI, of the Japanese Navy, made a speech to
18 us in front of his office. In substance he said,
19 "You are now being transferred to Japan, where
20 you will be interned. Until now you have been
21 missing in action. Upon reaching your new camp
22 your government and your families will be notified
23 of your status and whereabouts."

24 Upon my arrival at Zentsuji the camp com-
25 mander of Zentsuji Prisoner of War Camp made another

STEWART

DIRECT

1 speech to us. In substance he said, "You are now
2 to be interned as prisoners of war. Your govern-
3 ment and your families will be notified that you
4 are here."

5 Q What was the date of that speech?

6 A The 18th of May 1942.

7 Q Do you know whether or not your families
8 and the government were notified of your pres-
9 ence at that time?

10 A The first notification my wife had of my
11 capture was about 15 December 1943. This was in
12 the form of a recording which I had made at Zentsuji
13 in October 1942. It wasn't until after this time
14 that the United States Government notified her that
15 I was a prisoner of war.

16 Q While you were on Wake as a prisoner there
17 did you inquire about notice to your family and to
18 the United States Government?

19 A During the time I was on Wake both the
20 civilians and the servicemen requested many times
21 that they be allowed to write letters to their
22 families at home. We were always told we would
23 have to wait until proper arrangements could be
24 made until our government had been notified of our
25

STEWART

DIRECT

1 capture.

2 Q Do you know whether there were lists of
3 names of the American prisoners of war on Wake in
4 the hands of the Japanese there?

5 A Yes, sir, they had two lists of all priso-
6 ners who were held on Wake, one list in which each
7 man was given a number. My number was 382. This
8 list was used as a muster list. One other list
9 was made up about the middle of January, 1942.
10 Mr. Cormier, a clerk for Mr. Teeter on Wake Island,
11 came around and got the name, address of the family,
12 and the next of kin, and when asked what this list
13 was for he said, "This list is requested by the
14 Island Commandant to be used as notification to
15 your government" -- or to our government by way of
16 Tokyo of our capture.

17 Q And that was at about what date?

18 A About 15 January 1942.

19 Q Do you know whether or not Tokyo, the Japa-
20 neze Government, was in radio touch with Wake?

21 A At that time each night we could hear a
22 motor running. When we looked out the window of
23 the hospital, we could see a light. We asked the
24 Japanese guard what the light was. He replied,
25 "That is the radio station. They are talking to

STEWART

DIRECT

1 Tokyo."

2 Q What is your specialty or technical field
3 in the Marine Corps, Sergeant?

4 A I am a radio radar technician.

5 Q Will you continue your answer to the ques-
6 tion?

7 A Also there was a 4-engine patrol plane that
8 landed at Wake about once each week. This plane
9 brought mail and official documents from Tokyo
10 to Wake Island.

11 On the 24th of February 1942 we were shelled
12 by a contingent of American cruisers. Mr. KATSUMI
13 came to our air-raid shelter and ordered twenty-five
14 or thirty American civilians to go out and work dur-
15 ing this raid. He told them they must repair the
16 airport, because they had radioed Tokyo for help
17 and some 2-engined bombers were coming to their aid.
18 These planes landed at Wake Island at about 2130
19 that evening.

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STEWART

DIRECT

1 Umeda I do not remember the name of the interpreter,
2 Tsuruga, Bunsho IMURA, at Tanagawa, TAKAGI.

3 Q You speak of threats while they were question-
4 ing you. On what subjects would the questioning be
5 concerned with?

6 A I was questioned about nine times on radio and
7 radio locators.

8 Q That is, on United States military secrets on
9 that subject, is that what you mean? Or what was the
10 subject?

11 MR. LOGAN: If the Tribunal please, I think
12 that counsel should be directed not to ask such leading
13 questions of this witness.

14 CAPTAIN ROBINSON: I would be glad to withdraw
15 the question, sir.

16 THE PRESIDENT: Leading on serious aspects
17 should not be indulged in, and this is a serious aspect.

18 Q I withdraw the question and frame it this way:
19 On what subjects connected with radar were you ques-
20 tioned?

21 THE PRESIDENT: It can be put in two simple
22 questions: Did the Japanese interrogate you? If so,
23 what about?

24 MR. LOGAN: I object to questions along this
25 line, your Honor, on the ground that counsel has

STEWART

DIRECT

1 suggested the answer to the witness.

2 THE PRESIDENT: That objection is overruled.

3 Q On what subjects did they interrogate you,
4 Sergeant?

5 A Twice on Wake Island I was interrogated on
6 aircraft radio and radio locator equipment which the
7 Japanese said Pan Air had on Wake Island. On the Asama
8 Maru in Yokahama Harbor on the 17th day of May 1942 I
9 was questioned on radio locators. This dealt strictly
10 with military installations in military airplanes. At
11 Zentsuji and Tanagawa I was questioned on any radio or
12 radio locator knowledge I might have had. During the
13 two years at Umeda I was questioned four different
14 times, three of these on radio and radio locator. The
15 last questioning at Umeda, about March of 1945, I was
16 questioned on radar. The Japanese lieutenant told me
17 he had definite information that I had been to school
18 on radar equipment.

19 Q And did they say: "Please answer these ques-
20 tions," or just what did they say with respect to
21 answering questions?

22 A In all questionings I was told that refusal
23 to answer questions or lying would be punishable by
24 death.

25 Q You mentioned the civilian personnel on Wake,

STEWART

DIRECT

1 Do you know what their status was as stated by the Jap-
2 anese in your presence or hearing?

3 A I don't know what the status of those civilians
4 were. They separated the servicemen and the civilians
5 on 24 December 1941. On 12 January 1942 when the main
6 detachment of prisoners left Wake Island KATSUMI called
7 out the names of 365 American civilians. He lined them
8 up alongside the hospital building. I heard him say:
9 "You are to remain here as a labor battalion. When
10 you have completed the airport and fortified the island
11 to our satisfaction you will be released by the Japanese
12 Government and returned to your homes." Some of these
13 men objected to staying on Wake Island. They were imme-
14 diately reprimanded by KATSUMI and told they must
15 remain there.

16 THE PRESIDENT: We will recess for fifteen
17 minutes.

18 (Whereupon, at 1445, a recess was taken
19 until 1500, after which the proceedings were
20 resumed as follows:)
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STEWART

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Captain Robinson.

4 CAPTAIN ROBINSON: Mr. President.

5 DIRECT EXAMINATION

6 BY CAPTAIN ROBINSON: (Continued)

7 Q Directing your attention, Mr. Witness,
8 to the date when you left Wake, how many civilians
9 were on Wake at that time, American civilians held
10 there?

11 A 362.

12 Q Do you know when these civilians, any more
13 of these civilians left Wake?

14 A About 262 left Wake in September of 1942.
15 About 100 did not leave Wake.

16 Q What became of the 100?

17 A Of this 100 civilians about 97 were executed
18 by light machineguns on the 7th day of October 1943.
19 One man was executed in July of 1943, and one man
20 executed on 13 October 1943.

21 Q You may tell us how you learned of these
22 executions?

23 A I learned of these executions when --

24 Q Pardon me, will you tell them in order
25 according to the date?

STEWART

DIRECT

1 A The first execution of a civilian on Wake
2 Island was on 10 May 1942. He was executed for having
3 attempted to break into a warehouse. I saw this
4 execution. The other execution took place after
5 I left Wake Island.

6 THE PRESIDENT: What form of execution did
7 you witness?

8 Q Give the details on the execution which you
9 witnessed.

10 A The morning of 10 May 1942 one, Julius
11 Hoffmiester, was sentenced to death.

12 Q By whom?

13 A By Captain KAWASAKI, Imperial Japanese Navy.

14 Q His position then was what?

15 A Island Commander.

16 Q Go ahead.

17 A About 9 o'clock in the morning I saw
18 Hoffmiester and KATSUMI with two Japanese guards
19 in the back of a pick-up. He was taken to an area
20 directly behind the hospital where I was at. The
21 Staff -- the Commanding Staff of the Island was in
22 this area, also all the Japanese soldiers who were
23 not actually on duty.

24 Q Any other American civilians present?

25 A There were 20 American civilians ordered

STEWART

DIRECT

1 by Captain KAWASAKI to witness this execution. I
2 could not see the actual execution, but I could see
3 these civilians standing in two ranks and I could
4 see the Japanese soldiers clustered around on top
5 of the lumber yard which was in that area. I heard
6 them cheering and saw them clapping their hands.
7 Shortly after this, Doctor Shank, who had been ordered
8 to witness this execution, came back to the hospital.
9 He told me the following: Hoffmiester had been taken
10 from the pick-up truck, had been made to kneel at
11 the end of a grave which had been dug for him. He
12 was blindfolded and then Captain KAWASAKI read the
13 order of execution. This was repeated in English
14 by KATSUMI. Then Doctor KITAJIMA performed the
15 execution, after which KATSUMI told the American
16 witnesses the following: "You will return to your
17 compound and there describe this incident to the rest
18 of the prisoners."

19 THE PRESIDENT: Well, we do not want all
20 these details.

21 Was the man Hoffmiester, whatever his name
22 was, shot, bayoneted, decapitated or otherwise
23 disposed of?

24 THE WITNESS: He was decapitated, your Honor.

25 THE PRESIDENT: Get on to the other executions.

STEWART

DIRECT

1 Q Go ahead.

2 A The fate of the other civilians on Wake
3 Island I learned from interrogating KATSUMI and from
4 the confessions of Admiral SAKAIBARA and other members
5 of his command on Wake Island.

6 Q When did you --

7 A In room 804 of the Meiji Building, Tokyo,
8 Japan about the middle of October I interrogated
9 KATSUMI.

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STEWART

DIRECT

1 Q Describe the executions as you learned them.

2 A KATSUMI told me that one man had been executed
3 in July 1943.

4 Q How -- by what means?

5 A He had been decapitated by a Japanese
6 lieutenant. Ninety-six of the other civilians had
7 been executed by rifle fire on 7 October 1943.

8 Q Did KATSUMI say that he had had any part in
9 that?

10 A KATSUMI told me he did not witness this
11 execution but that prior to the execution he had went
12 to the barracks where the civilians were being held
13 and told them to put on their best clothes as they
14 were going to the States. On 13 October 1943 one
15 American civilian who had evidently escaped the
16 execution of 7 October 1943 was executed by decapita-
17 tion at Admiral SAKAIBARA's hands.

18 Q And that was the last of the Americans on Wake?

19 THE PRESIDENT: What position did the Admiral
20 have?

21 CAPTAIN ROBINSON: I beg your pardon, sir?

22 THE PRESIDENT: I do not have to repeat myself
23 for your benefit if you do not wear your earphones. Ask
24 the court reporter if you do not hear me.

25 Q What position did Admiral SAKAIBARA hold on

STEWART

DIRECT

1 Wake?

2 A Admiral SAKAIBARA was island commander.

3 CAPTAIN ROBINSON: If the Court please,
4 prosecution wishes to introduce a document in con-
5 cluding the direct examination of the witness in
6 order that I may question him on statements made by
7 the defendant TOGO in a letter to the Swiss Minister.

8 I offer in evidence this letter, prosecution
9 document No. 8431.

10 THE PRESIDENT: Why were those persons
11 executed on the 7 and 13 October?

12 THE WITNESS: That is correct, sir.

13 BY CAPTAIN ROBINSON:

14 Q Why?

15 A The reason why, only from KATSUMI, was that
16 they expected the American forces to land on Wake
17 Island.

18 THE PRESIDENT: They were not tried?

19 THE WITNESS: No, sir.

20 Q Were they accused of any offense so far as
21 you know?

22 A No, sir.

23 THE PRESIDENT: Did KATSUMI tell you that?

24 THE WITNESS: KATSUMI did not tell me that
25 they were not accused of any offense.

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1 THE PRESIDENT: Did he tell you they were
2 shot because an American landing was expected?

3 THE WITNESS: Yes, sir.

4 THE PRESIDENT: This document you have
5 tendered is admitted on the usual terms.

6 CAPTAIN ROBINSON: May I ask one question
7 further, sir?

8 CLERK OF THE COURT: Prosecution's document
9 No. 8431 will receive exhibit No. 2034.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 2034 and received in evidence.)

13 BY MR. ROBINSON:

14 Q One further question on Wake. Do you know
15 of other American prisoners removed from Wake who lost
16 their lives at the hands of the Japanese?

17 A Yes, sir. Five American service personnel
18 were executed on board the Nita Maru, 23 January 1942.

19 Q How were they executed?

20 A By decapitation.

21 Q What reason was given for their execution?

22 A The reason for this execution was stated as
23 the attempted landing of the Japanese forces on Wake
24 Island of 12 December 1941 met with failure. "For this
25 crime against the Imperial Japanese Navy you men must

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lose your lives."

1

Q You were on Wake at that time?

2

A Yes, sir.

3

Q How did you learn of their execution?

4

A I learned that three of my buddies had not been reported from Wake Island by the Japanese Government. On my return to Japan I met Lieutenant Getty and together we held an investigation on the Nita Maru and discovered the execution of these five men.

5

6

7

8

9

10

Q Lieutenant Getty was an investigator connected with the Legal Section, SCAP, as you were?

11

12

A Yes, sir.

13

Q And how did you and he learn of the execution?

14

A We learned of this execution through sworn statements from Japanese eye witnesses of the execution.

15

16

Q How many eye witnesses?

17

A About sixteen.

18

Q Where did you talk to them?

19

A Some of them in the Meiji Building; others at Sugamo Prison.

20

21

CAPTAIN ROBINSON: If the Court please, some of these affidavits will be put in evidence later in regard to details that have been testified to here.

22

23

24

I wish to offer in evidence--

25

THE PRESIDENT: Are you going to read exhibit

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No. 2034?

1 CAPTAIN ROBINSON: No. 8431. I would like
2 to read the document which I just introduced.

3 THE PRESIDENT: That is exhibit No. 2034.

4 CAPTAIN ROBINSON: (Reading)

5 "April 20, 1942

6 "To the Minister Extraordinary and Pleni-
7 potentiary of Switzerland:

8 "I acknowledge receipt of your letter dated
9 March 11 in which you asked for information concerning
10 some Americans on Wake Island.

11 "As a result of investigation by the author-
12 ities concerned, of the American prisoners of war
13 still on this island, there are quite a number who
14 cannot be transferred at present because of wounds
15 and illnesses and also those who of their own wish
16 are engaged in peaceful labor. The sick and wounded
17 are receiving kind medical treatment at our hands and
18 as for the laborers, they are engaged in pleasant labor
19 under an agreement of work with the Japanese authorities.
20 The number and names of these people are now being in-
21 vestigated. I shall be grateful if you will communicate
22 this to the Government of the United States.
23

24 "I take this opportunity of expressing my
25 highest respects to you.

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1 "Minister for Foreign Affairs

2 "Shigenori TOGO."

3 Now I wish to ask this witness nine concluding
4 questions based on this document.

5 Q On 20 April 1942 were you held by the Japanese
6 on Wake Island?

7 A Yes, sir.

8 Q How many Americans then held by the Japanese
9 on Wake were wounded and ill so that they could not
10 be removed from the island?

11 MR. LOGAN: If the Tribunal please, it is
12 quite obvious what counsel is doing. He is cross-
13 examining this witness as to the truth or falsity of
14 another document which he has offered in evidence.
15 We object to this method of procedure and believe
16 that counsel should be restricted to asking this
17 particular witness as to conditions which existed
18 there and, as I understood it, his testimony has
19 already covered that.

20
21 THE PRESIDENT: If there are any particulars
22 referred to by accused TOGO that the witness has not
23 testified about you can get them in a proper way but
24 do not lead. There is no need to lead.

25 Q How many American civilians or service
personnel were remaining on Wake Island of their own

STEWART

DIRECT

1 wish on that date?

2 MR. LOGAN: Object to that, your Honor, on
3 the same grounds.

4 THE PRESIDENT: That is unobjectionable.

5 A None at that time.
6
7
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STEWART

DIRECT

A 1 Q Was any peaceful labor being conducted on
b 2 Wake, or was all labor connected with military
r 3 operations?
a 4

MUR. LOGAN: Same objection, your Honor.
S 5 It is highly improper for counsel to ask these ques-
p 6 tions.
r 7

t 8 THE PRESIDENT: How were the people still
on Wake employed?

9 THE WITNESS: I was still on Wake Island at
10 this time.

11 THE PRESIDENT: What were the people still
12 on Wake Island doing? Were they working?

13 THE WITNESS: Yes, sir.

14 THE PRESIDENT: What kind of work?

15 THE WITNESS: They were completing the air-
16 port, building entrenchments, entanglements around the
17 replacements, and belting and cleaning ammunition.
18 BY CAPTAIN ROBINSON (Continued):

19 Q May I ask, sir, whether they were working
20 under a voluntary agreement of work at that time or
21 otherwise?

22 A They were not working voluntarily.

23 CAPTAIN ROBINSON: I believe that is all I
24 have, sir.

25 THE PRESIDENT: Mr. Logan.

STEWART

CROSS

1 MR. LOGAN: If the Tribunal please:

2 CROSS-EXAMINATION

3 BY MR. LOGAN:

4 Q Sergeant, do you know what report was given
5 to Minister for Foreign Affairs TOGO by his investi-
6 gation committee?

7 A I do not.

8 Q Do you know the date that this investiga-
9 tion committee reported back to Minister TOGO?

10 A Which investigation committee to you mean?

11 Q This investigation that is referred to in
12 prosecution document 2037, which the prosecution
13 just read.

14 CAPTAIN ROBINSON: The prosecution objects,
15 sir, to that question on the ground that it is not
16 covered in the direct examination. It is new matter.

17 THE PRESIDENT: It certainly is an allowable
18 question. Was there an investigation held? But that
19 is not the way you put it, Mr. Logan.

20 MR. LOGAN: If the Tribunal please, this
21 document, 2034, was read by the prosecutor while
22 this witness was on the stand. He attempted to ask
23 some questions with respect to it, and my objections
24 were overruled, and the questions were directed to
25 it; and the questions he asked involved this document.

STEWART

CROSS

1 THE PRESIDENT: I did not prevent you from
2 asking questions on the last exhibit, 2034; but you
3 are assuming that the investigation TOGO refers to
4 was made.

5 MR. LOGAN: Well, the prosecution must have
6 assumed that, because they asked this witness as to
7 conditions that existed on April 20, and that is the
8 investigation that TOGO is referring to.

9 THE PRESIDENT: Are you aware of any investi-
10 gation made by the Japanese on the Island about
11 April, 1942, relating to the conditions of the
12 Americans then on the island?

13 THE WITNESS: No, sir.

14 BY MR. LOGAN (Continued):

15 Q So you don't know whether or not an investi-
16 gation was made; is that it?

17 THE PRESIDENT: He would hardly know; they
18 wouldn't consult him.

19 Q Assuming that there was an investigation
20 made and a report made to Minister TOGO, you wouldn't
21 know as of what date the report referred to, would you?

22 THE PRESIDENT: We do not need his help on
23 that.

24 Q How long were you in the hospital?

25 A I was in the hospital throughout the time I

STEWART

CROSS

1 was held on Wake Island.

2 Q How many were still in the hospital on
3 May 12 when you left?

4 A About four civilians and three servicemen.

5 Q So that there were some people in the
6 hospital down there on April 20 and prior thereto;
7 is that correct?

8 A That is correct.

9 Q Were you able to get out of the hospital
10 prior to May 12?

11 A Yes, sir, I began moving about on crutches
12 around the first of March.

13 Q And when did you first get out of the
14 hospital on crutches?

15 A I first left the hospital on crutches about
16 the first of March.

17 Q Is it possible, Sergeant, that there were
18 some people down there engaged in peaceful labor at
19 the time, April 20, 1942?

20 A About three men were engaged in the laundry.
21 Other than that all men were doing military work.

22 Q You were receiving medical treatment con-
23 tinuously up to May 12 while you were there?

24 A After about the first of March the only
25 medical attention I required was dressings.

STEWART

CROSS

1 Q Did you get the dressings?

2 A Yes. Dr. Shank had two bandages for my
3 leg. He would put one on while the other was being
4 washed out.

5 Q And were the other sick and wounded in the
6 hospital receiving medical attention up to April 20,
7 1942?

8 A They were.

9 Q You said after -- I believe it was March 15,
10 was it, that one of the doctors, Japanese doctors,
11 brought drugs, medicines, bandages, and so forth
12 to the hospital; is that correct?

13 A Fifteenth of February.

14 Q Prior to that time were there any supplies
15 available on Wake, medical supplies?

16 A All the medical supplies which were in the
17 two semi underground hospitals which we had there
18 before our capture were transferred to the Japanese
19 hospital.

20 Q Did you have many supplies in these under-
21 ground hospitals in December, 1941?

22 A Yes, we did.

23 Q How did it happen that this doctor, MIYAZAKI,
24 gave you all these supplies and instruments on February
25 15th? Was there any reason why he did not or could

STEWART

CROSS

not give them to you before that date?

1

A I was not on the island before that date.

2

Q Do you know if he brought these supplies with him?

3

4

A I don't think so. He came in an airplane.

5

Q He could have brought medical supplies in an airplane, couldn't he?

6

7

A He could have, except these were American medical supplies.

8

9

Q And the entire period of time you were in the hospital you really received good treatment, didn't you, Sergeant?

10

11

12

13

A I received as good treatment as it was possible for Dr. Shank to give me.

14

15

Q What was the operation he performed on your leg?

16

17

A Without anesthetic, he opened up the front of my leg about four inches and removed about seven bone splinters which were causing the infection.

18

19

20

Q And after February 15 did you have a plentiful supply of drugs in the hospital after this doctor brought them in?

21

22

23

A After 15 February Dr. Shank had enough medical supplies and instruments that he could perform apendectomies.

24

25

STEWART

CROSS

1 Q And other operations?

2 A Other minor operations, yes.

3 Q Did you get good food while you were in
4 the hospital on Wake Island?

5 A I received sufficient food while I was in
6 the hospital at Wake Island, yes.

7 Q This KATSUMI, he was commander of the
8 island, was he?

9 A KATSUMI was the interpreter.

10 Q He was the one that read this Imperial
11 Rescript, as you said, on December 25, 1941?

12 A That is correct.

13 Q Did he come in the hospital and read this
14 specially to you and the other people in the hospital?

15 A At this time we were still held on a coral
16 strip alongside the air strip. All of us were within
17 a small group.

18 Q Weren't you in the hospital on December 25?

19 A We were moved to the hospital late in the
20 evening of December 25.

21 Q Where were you between December 8 and
22 December 25?

23 A On December 8 until December 23 I was in a
24 semi underground magazine, which had been improvised
25 as a hospital.

STEWART

CROSS

1 Q Do you know on whose behalf KATSUMI was
2 reading this document?

3 A Will you repeat that question, please?

4 Q Do you know on whose behalf KATSUMI, the
5 interpreter, was reading this document?

6 A Only that he stated that it was an Imperial
7 Rescript.

8 Q Did you see the document?

9 A I could see it in his hand, yes.

10 Q Did he use the words, "Imperial Rescript,"
11 or did he say "command"?

12 A He used the words, "Imperial Rescript."

13 Q You are positive of that?

14 A I am.

15 Q Where is KATSUMI now?

16 A I do not know.

17 Q When did you see him last?

18 A About the first of November, in the Meiji
19 Building, at Major Schaefer's office.

20 Q 1946?

21 A That is correct.

22 Q Has he been indicted?

23 A His arrest has been ordered at this time.

24 Q Has he been apprehended?

25 A Not as yet.

STEWART

CROSS

1 Q Have you testified in any other trials
2 on atrocities?

3 A I have.

4 Q What was the result of the trial at which
5 you testified?

6 A The trial is not finished as yet.

7 Q Where is it pending?

8 A In the Superior Court at Yokohama.

9 Q Whose trial is it?

10 CAPTAIN ROBINSON: If the Court please, I
11 object to that on the ground of relevancy.

12 THE PRESIDENT: Objection upheld.

13 Q Do you know if Admiral SAKABARA has been
14 brought to trial?

15 A He has.

16 Q Where is he now?

17 A I do not know.

18 Q Do you know the result of the trial?

19 CAPTAIN ROBINSON: The same objection on the
20 ground of relevancy, if the Court please.

21 THE PRESIDENT: Objection upheld.

22 Q Did you testify at his trial?

23 CAPTAIN ROBINSON: If the Court please, the
24 same objection.

25 THE PRESIDENT: Objection upheld.

STEWART

CROSS

1 Q Do you know if any of the other Japanese
2 who were in control down at Wake Island have been
3 brought to trial for any offenses committed down
4 there?

5 CAPTAIN ROBINSON: The prosecution objects,
6 your Honor.

7 THE PRESIDENT: Objection upheld.

8 Q Now, of all these executions you have
9 testified about, Sergeant, actually you never saw
10 one of them; isn't that so?

11 THE PRESIDENT: We know what he said,
12 Mr. Logan, and we can appreciate it. He did not
13 actually witness any person being shot, decapitated,
14 or otherwise disposed of.

15 Q Are you employed as an investigator of
16 the Legal Section of G. H. Q.?

17 A I am.

18 Q How long have you been so employed?

19 A I have been employed as an investigator
20 and war crimes trial witness with Legal Section since
21 27th of September, 1946.

22 MR. LOGAN: That is all.

23 THE PRESIDENT: Mr. Levin.

24 MR. LEVIN: Mr. President.
25

STEWART

CROSS

1 CROSS-EXAMINATION (Continued)

2 BY MR. LEVIN:

3 Q When did you get to Wake Island?

4 CAPTAIN ROBINSON: I object on the
5 ground that the question has already been answered,
6 your Honor.7 THE PRESIDENT: I think that was answered,
8 Mr. Levin.

9 MR. LEVIN: I don't recall it.

10 THE PRESIDENT: When did you get there?

11 THE WITNESS: I landed at Wake Island on
12 1 December 1941.

13 BY MR. LEVIN (Continued):

14 Q And how many accompanied you when you
15 arrived?

16 A About forty-five.

17 Q And what work were you assigned after you
18 arrived?

19 A I was NCO in charge --

20 CAPTAIN ROBINSON: The prosecution objects,
21 if the Court please, on the ground of relevancy.

22 THE PRESIDENT: Objection upheld.

23 MR. LEVIN: It seems to me, your Honor,
24 that that ~~question~~ would be entirely relevant to
25 the issues involved.

STEWART

CROSS

1 THE PRESIDENT: What is the purpose of it?

2 MR. LEVIN: Sir?

3 CAPTAIN ROBINSON: Probably counsel wishes
4 to keep the witness here until Monday morning.

5 THE PRESIDENT: If that is his purpose, we
6 will assist him.

7 We will adjourn now until half-past nine
8 on Monday morning.

9 (Whereupon, at 1600, an adjourn-
10 ment was taken until Monday, 13 January,
11 1947, at 0930.)
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