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HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Staff Judge Advocate

Yokohama, Japan
1 December 1948

UNITED STATES OF AMERICA VS TSUNEO ISHIKAWA

Review of the Staff Judge Advocate

1. The attached record of trial of Tsuneo Ishikawa at Yokohama, Japan, tried from 23 March 1948 to 24 March 1948, by a Military Commission appointed by paragraph 10, Special Orders Number 66, Headquarters Eighth Army, United States Army, dated 22 March 1948, having been referred to the Staff Judge Advocate, this review thereof is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Tsuneo Ishikawa	DATE OF CONFINEMENT: 16 November 1945
AGE: 46	DATE OF ARRAIGNMENT: 23 March 1948
RESIDENCE: 1684 Shikishima Machi, Nakakoma Gun, Yamanashi Ken	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 23 to 24 March 1948
RELATIVES: Mother, wife, son	DATE OF SENTENCE: 24 March 1948
EDUCATION: Graduate of Agricultural and Forestry College	SENTENCE: CHL for four (4) years
VOCATION: Government Agricultural Engineer	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: 149th Regiment (Kofu) August, 1937; Shanghai ten days (seriously wounded), sent back to Kofu and was discharged in March 1940; 62nd Unit 11 August 1944, stayed twenty days; Omori POW Camp, 1 September 1944; Naoetsu (Tokyo 4-B) 23 January 1945.	

2. Synopsis of Charges, Pleas, Findings and Legal Sufficiency:

<u>Charge and Specifications</u>	<u>Pleas</u>	<u>Findings</u>	<u>Legally Sustained</u>
Charge: (As amended, R 2) Accused at the times and places set forth in the specifications hereto attached, and during a time of war between the United States of America, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War.	G	G	Yes
Sp 1: (As amended, R 2) Between about 23 January 1945 and 1 Sept 1945, at or near Naoetsu Prisoner of War Camp, known as 4-B, Tokyo Area, Niigata, Honshu, Japan, accused did wrongfully disregard and fail to discharge his duty as Camp Commander to control and	G	G	Yes

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restrain members of his command and persons under his control and supervision by permitting and allowing them to commit the following atrocities and other offenses against Allied Prisoners of War:

Sp 1-a: On about 13 July 1945, the mistreatment by one Kono of J. Ward, a sick American Prisoner of War, by beating him into insensibility and otherwise abusing him.	G	G	Yes
Sp 1-b: Between about 23 January 1945 and 1 September 1945, the mistreatment by one Kono of William G. Swanston, an Australian Prisoner of War, by beating him.	G	G	Yes
Sp 1-c: In about June 1945, the mistreatment by one Kono of Lieutenant Alfred Toulon, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-d: Between about 1 May 1945 and 1 September 1945, the mistreatment by one Kono of "Slim" Weldon, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-e: (As amended, R 3) Between about 1 June 1945 and 1 September 1945, the mistreatment by one Kono of Ewald O. Harringer, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-f: Between about 1 June and 1 August 1945, the mistreatment by one Kono of Kenneth L. Marvin, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-g: On numerous occasions between about 15 April 1945 and 1 September 1945, the mistreatment by one Kono of Stewart G. Barbour, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-h: In about August 1945, the mistreatment by one Kono of Corporal Edgar M. Langley, an American Prisoner of War, by beating him.	G	G	Yes

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Sp 1-i: Between about 1 April 1945 and 1 September 1945, the mistreatment by one Kono of Commander Wade H. Morgan, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-j: Between about 15 May 1945 and 1 September 1945, the mistreatment by one Kono of E. A. Croteau, an American Prisoner of War, by beating him.	G	G	Yes
Sp 1-k: Between about 15 May 1945 and 1 September 1945, the mistreatment by one Kono of Raymond Nagele, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-l: On numerous occasions between about 1 June 1945 and 1 August 1945, the mistreatment by one Kono of Lieutenant Louis S. Zamperini, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-m: In about August 1945, the mistreatment by one Kono of H. C. Sotherland, an American Prisoner of War, by beating him.	G	G	Yes
Sp 1-n: In about July 1945, the mistreatment by one Kono of Commander Jack R. George, an American Prisoner of War, by beating him.	G	G	Yes
Sp 1-o: In about June 1945, the mistreatment by one Kono of Harold D. Vallier, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-p: In about July 1945, the mistreatment by one Kono of Corporal S. L. Baker, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-q: In about July 1945, the mistreatment by one Kono of Pete Haufshulte, an American Prisoner of War, by beating him.	G	G	Yes
Sp 1-r: In about June 1945, the mistreatment by one Kono of Sergeant Harold A. Beed, an Australian Prisoner of War, by beating him into insensibility and otherwise abusing him.	G	G	Yes

Sp 1-s: On numerous occasions between about 1 June 1945 and 1 September 1945, the mistreatment by one Kono of John A. Fitzgerald, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-t: In about July 1945, the mistreatment by one Kono of Major David M. Kirk, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-u: In about August 1945, the mistreatment by one Kono of Stanley A. Mongrain, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-v: In about April 1945, the mistreatment by one Watanabe of Commander Jack R. George, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-w: In about June 1945, the mistreatment by one Watanabe of Lieutenant Louis S. Zamperini, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-x: Between about 1 April 1945 and 1 August 1945, the mistreatment by Watanabe of Lieutenants Louis S. Zamperini, Frank A. Tinker, Abraham L. Hankin, Major David M. Kirk, Commanders Wade H. Morgan, Jack R. George, Pharmacists Mate Ralph E. Patton, American Prisoners of War, and Lieutenant Henling T. A. Wade, a British Prisoner of War, by ordering them to be beaten and by otherwise abusing them.	G	G	Yes
Sp 1-y: Between about 15 May 1945 and 1 September 1945, the mistreatment by one Watanabe of Max S. Gaff, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-z: In about July 1945, the mistreatment by Watanabe and others of Marine Private Cornet, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-aa: Between about 1 March 1945 and 1 September 1945, the mistreatment by Kono and Watanabe of Lieutenant J. G. Nyrady, an American Prisoner of War, and an unknown New Zealand Prisoner of War, by beating and otherwise abusing them.	G	G	Yes

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Sp 1-bb: In about February 1945, the mistreatment by Kono and Watanabe of Private J. T. Loughton, an Australian Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-cc: Between about 1 April 1945 and 1 September 1945, the mistreatment by Kono and Watanabe of Warrant Officer Martin B. Chapman, Privates Keith Burling, A. Collins, Corporal Kenneth W. Firth, Australian Prisoners of War, and Sergeant Walcker, a Dutch Prisoner of War, by beating and otherwise abusing them.	G	G	Yes, in part.
Sp 1-dd: On numerous occasions between about 1 May 1945 and 1 September 1945, the mistreatment by Kono and Watanabe of Jonathan B. Bethel, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-ee: Between about 1 February 1945 and 1 April 1945, the mistreatment by Kono and Watanabe of Private Bruce R. Porter, an Australian Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-ff: Between about 1 May 1945 and 1 September 1945, the mistreatment by Kono and Aoki of Naad R. Gustafson, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-gg: On about 8 August 1945, the mistreatment by Kono, Aoki and others of Private William Larson, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-hh: On numerous occasions between about 1 March 1945 and 1 September 1945, the mistreatment of Private Freemont F. Sheets, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-ii: In about June 1945, the mistreatment by one Aoki of Corporal Edgar N. Langley, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes
Sp 1-jj: In about July 1945, the mistreatment by Watanabe, Kato and others of Edgar A. Peres, an American Prisoner of War, by beating and otherwise abusing him.	G	G	Yes

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Sp 1-kk: On numerous occasions between about 23 January 1945 and 1 September 1945, the mistreatment of many Allied Prisoners of War by Kono, Watanabe, Aoki and others by beating and otherwise abusing them.

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Yes

3. Summary of the Evidence:

Between about 23 January 1945 and 1 September 1945, the accused was camp commander of the Naoetsu Prisoner of War Camp No. 4-B, Tokyo Area, Niigata, Honshu, Japan. He was tried only for command responsibility for the alleged acts of his subordinates.

a. For the Prosecution:

As to Specification 1-a: One Kono was the Japanese interpreter at the camp. On one occasion he entered the barracks sick room where prisoner Ward and about ten Australian prisoners were resting at about 1400 hours. He ordered this group outside, forced them to stand at attention and started beating them with a stick. He then asked prisoner Ward who he was. Upon being informed that Ward was an American, Kono then told Ward that Americans were a defeated race and, therefore, were a lower class than the Japanese and then proceeded to belt Ward over the head, neck and face with a "waa" stick until Ward eventually fell down. He then continued this beating in the same manner and ordered Ward to arise. Ward, by this time, was barely capable of rising and, when he attempted to do so, he was again knocked down by Kono. This happened three times and Ward was left lying on the ground in an unconscious state. Kono left the guards there during this time to watch Ward and while he was lying there, they kicked him on the body with their boots (Ex 1).

As to Specification 1-b: During an air raid practice, Kono accused prisoner Swanston of not working. At that time, this prisoner had been allocating the other prisoners to their various positions. Kono was carrying a bell similar to those used on railway platforms and which was used by the Japanese to call prisoners from the building during air raids and fire alarms. With this bell, he hit Swanston three times on the forehead (Ex 2).

As to Specification 1-c: In June 1945, Kono beat Lieutenant Toulon, USN, severely and to such an extent that his face became badly lacerated (Ex 3).

As to Specification 1-d: Prisoner Weldon had been working unloading barges and stole some rice and was discovered. Afterwards, whenever there was an air raid, he was compelled to fall out and stand in front of the guardhouse. One evening, he failed to go out quickly enough to please Kono, and he gave Weldon a beating. Other prisoners heard Kono yelling, "I'll kill you" and they heard him beating Weldon. This lasted for quite some time, Weldon became unconscious and Kono called for water to throw on him to revive him (Ex 4).

As to Specification 1-e: On one occasion, prisoner Harringer's clothing was badly worn, and torn to such an extent that it fell off his legs. Kono called him aside and told him he was a disgrace to the Japanese army and hit him about the face several times until he became unconscious. Afterwards, he threw water on him to revive him, and then forced him to carry the water pail back to the office (Ex 5).

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As to Specification 1-f: Some time in June or July 1945, while returning to the camp from work, prisoner Marvin made a remark that one of the guards looked like a monkey. The guard overheard him and, although he could not understand English, he knew that the prisoners were laughing at him and evidently asked Kono about it. A day or two later, Kono stopped Marvin and asked him if he had called the guard a monkey and Marvin replied that he could not remember. Kono kept repeating the question and Marvin maintained his original answer. Finally, Kono became angry and beat him about the head with his fists. He knocked him down once and finally knocked him through a window into the mess hall. He followed him into the mess hall and threw water on him although he was not unconscious. After he regained his feet, he beat him with his fists several times (Ex 6).

As to Specification 1-g: In about April 1945, the prisoners were moved to this camp. Kono came through the barracks shortly after their arrival. There were about eighty men in the squadron and the passageway was congested so that no one saw him approach to call attention. He grabbed six men nearest him, of which prisoner Barbour was one, and beat them about the head with his slipper, giving each four or five blows "as hard as he could swing it" (Ex 7).

As to Specification 1-h: While prisoner Langley was working at a carbide factory in Naotsu, the civilian boss in charge excused a number of prisoners, of which Langley was a member, for the purpose of getting a drink of water. While doing this, Kono entered and ordered them to go back to work. They explained to him that they were properly excused. Kono became violently angry, seized a large board and struck Langley with it several times. Langley and his fellow prisoners attempted to keep out of striking distance of his blows and this further angered him. He then compelled Langley and the other prisoners to stand at attention while he beat them with the board (Ex 8).

As to Specification 1-i: On one occasion, an air raid was sounded and all officers were ordered out of the barracks to assemble for the purpose of operating the fire hose. Commonly, they were forced to stand at attention the remainder of the night and work the following day. On this occasion, while standing at attention, Kono brutally struck numerous officers including Commander Morgan. The weapon he used was the flat side of a shovel. There was no provocation for these beatings (Ex 9).

As to Specification 1-j: Prisoner A. E. Croteau, USMC, was reported by the Japanese hanchō that he was not working hard enough on his job. Kono beat him severely and "then had him put in the brig" (Ex 10).

As to Specification 1-k: Prisoner Nagelo was on light camp duty because of beri-beri and Kono called to him. Because he did not realize that he wanted him, he paid no attention to him. Kono then ran up to the prisoner and ordered him out in front of the guardhouse. He forced him to stand at attention and, using a club, hit him first on the right jaw and then on the left jaw which rendered him unconscious. Upon regaining consciousness, he forced him to stand at attention for two and one-half hours. Kono hit this prisoner on the head so many different times in the three months that he spent at the camp that he complained that his head was still sore when he arrived in the United States (Ex 11).

As to Specification 1-l: About the middle of June 1945, prisoner Zamperini was placed in charge of a cleaning detail. When he reported to Kono and to Watanabe that the job was finished, Kono grabbed a hard wooden club about the size of a baseball bat and started beating him on the face, head and body. One of these blows cracked his cheek bone; others left small bruises on his head. There was a cut about an inch long on his head and one of his ankles was injured. This beating lasted for about five minutes.

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In July 1945, Watanabe directed Kono to line up this prisoner with five other officers so that they faced each other and ordered them to strike each other with their fists. Watanabe instructed Kono to hit them with his rifle if they did not hit each other hard enough. This lasted for about ten or fifteen minutes and during that time, all of them were hit on the head or back with the rifle several times (Ex 12).

As to Specification l-m: About the first of August 1945, Kono clubbed an American civilian by the name of Sotherland. Sotherland was sixty years old and very feeble. Kono used a club about two inches thick and four feet long and beat his victim on the head until he fell to the ground. His head was greatly swollen and soaked with blood as a result of this beating (Ex 13).

As to Specification l-n: In July 1945 Kono became enraged because a group of prisoners including Lieutenant Commander George failed to call attention as he passed. He picked up a wooden rifle and beat them over the head with it. He hit Commander George so hard that he was dazed, was subsequently sick and had a temperature for two days (Ex 14 and 15).

As to Specification l-o: In June 1945, prisoner Vallier was working at the carbide company plant near the camp. Kono beat him with his fists and a wooden club on his face and back and kicked him in the stomach for about ten minutes until he became unconscious. This punishment was meted out because Vallier failed to salute. Vallier, at the time Kono approached, had his back toward Kono and did not see him enter (Ex 16).

As to Specification l-p: About July 1945 an air raid alarm sounded and previously all prisoners had been drilled as to what to do in such an event. After the "all clear" was sounded, prisoner Baker heard Kono shouting for some one to report the bucket detail to him. Prisoner Baker was a member of this detail though not the leader and he stepped outside the barracks to report to Kono. He did this because he realized that if no one reported, Kono would punish the whole barrack. At this point, Kono asked him to identify himself which he did and told him he was a member of the detail but not its leader. He further told Kono that the order had been carried out. He called Baker a fool and struck him across the head with the metal part of a regulation military shovel. The first blow knocked him to his knees and dazed him and then he struck a second blow across the head which rendered him unconscious (Ex 17).

As to Specification l-q: Prisoner Haufschulte was accused of stealing a piece of leather to repair his shoes. Kono beat him with a piece of wood two inches in diameter and seven or eight feet long. The affiant believes that Haufschulte received a concussion, but no fracture, as a result of this beating (Ex 18).

As to Specification l-r: In June 1945, prisoner Beed was walking across the parade ground at the camp. Kono called to him but he did not hear him, whereupon Kono rushed to him and knocked him down with his fists. While on the ground, Kono kicked Beed several times across the body leaving scars which he still carried at the time he made his affidavit 14 October 1946. When Beed arose to his feet, Kono forced him to stand at attention until he returned to his quarters to obtain a wooden dummy rifle. With this, he beat him over the head and cut his scalp to such an extent that he rendered him unconscious. For two months, his face was bruised and swollen and for some weeks, he had difficulty in seeing (Ex 19).

As to Specification l-s: Prisoner Fitzgerald was beaten by Kono on many occasions. He was kicked in the groin, stomach and about the body for various reasons, usually because one of the prisoners had done something that had displeased the Japanese. Fitzgerald was senior officer in the camp and was blamed for everything that happened. Sometimes he was beaten by Kono merely because he took a sadistic delight in giving such beatings. Many times, he was forced to stand at attention in front of the guard-house because one of the prisoners had been guilty of a minor infraction of their very harsh rules (Ex 3).

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As to Specification l-t: About July 1945 during one of the air raid alerts, the prisoners were assigned stations. One group was assigned the duty of setting up an operation emergency pump. Lieutenant Kirk was in charge of one group. Kono shouted orders which Kirk acknowledged by answering "hai". Prisoner Fitzgerald states in his affidavit that he thinks Kirk answered in a sufficiently loud enough tone to be heard by Kono and he told Kono this. Kono stated that Kirk did not answer and proceeded to strike him on the head with the flat side of the shovel several times. Prisoner Fitzgerald states that he not only saw this, but heard the ring of the shovel as it struck Kirk's head.

As to Specification l-u: During the first week of August 1945, Kono beat prisoner Mongrain. He used his fists and hobnailed boots and the beating lasted about ten to fifteen minutes. He beat this prisoner because he failed to salute him. As a result, Mongrain was hospitalized, suffering from a stomach injury, having been kicked in the pit of his stomach. The entire surface of his stomach was black and blue from this beating (Ex 18).

As to Specification l-v: About April 1945, Watanabe beat Lieutenant Commander George many times. On one occasion, he entered the barracks where officers were quartered and singled out this prisoner, and for no reason, gave him a severe beating with his fists. Before the end of his imprisonment at the camp, George's physical condition, as a result of prison life, of malnutrition and severe beatings, was such as to necessitate his admission to the sick list. He was in a very nervous condition, suffering from other symptoms of mistreatment (Ex 9, 14 and 20).

As to Specification l-w: During the month of June 1945, Watanabe forced prisoner Zamperini to hold a plank which was about two inches thick and seven inches wide and about eight feet long over his head. After he held the board for about an hour and was almost unconscious, Watanabe struck him in the stomach with his fist. This blow forced Zamperini to drop the plank which fell on his head and knocked him unconscious (Ex 12, 21 and 23).

As to Specification l-x: In April 1945, the day of the arrival of prisoner Patton at the camp, Sergeant Watanabe took objection to the type of bow made by some of the newly arrived prisoners including Patton and Lieutenant Commander J. R. George, Medical Corp, USN. He called a group of ten on the parade ground and beat them with his fists and a wooden rifle for forty-five minutes (Ex 15).

Prisoner Baker states in his affidavit that one morning when he awoke, he saw three Naval Medical Corpsmen, one Naval officer and one Naval doctor standing at attention in front of the guardhouse in the compound. It could be seen that they had not slept in their beds that night. Among these men were prisoners Wade and Patton (Ex 17).

Two enlisted men had stolen some dried fish. When the group returned to the camp that night, the entire detail was lined up at attention. The two who had committed the theft were called out to the front. Watanabe picked at random five officers of the group, including prisoner Zamperini and told them they were responsible for the acts of the enlisted men. The seven of them were forced to stand in front of the remainder of the detail and the detail was ordered by the Japanese guards to walk by and hit the seven of them with their fists as hard as they could. The Japanese guards stood by with heavy clubs and hit any member of the detail who did not strike as hard as they thought he should. By the time the ninety-one members of the detail had hit them, they were in bad condition. After that, the group was dismissed and the men helped carry the seven victims back to their bunks. Mentioned as members of this seven who were punished are Lieutenant Tinker, Lieutenant Hankin, Lieutenant Kirk and an English officer by the name of Wade (Ex 21).

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Lieutenant Wade states in his affidavit that while returning from work on one occasion, the Japanese foreman of the working party reported to Watanabe that some of the prisoners had stolen some food on board a ship. Watanabe asked the guilty men to come forward and about five prisoners came forth. Watanabe then ordered Lieutenant Wade and Lieutenant Tinker to join the five men although they had not been concerned in the theft. He ordered every remaining man in the working party to file past the seven and strike them. After giving this order, Watanabe went away leaving Kono to see that it was carried out. Any man who did not hit hard enough was forced to do so again, and four or five who failed to strike hard enough joined the seven men being punished and received the same treatment (Ex 23).

Major Kirk states in his affidavit that an English soldier was caught stealing some fish from the galley. All the prisoners were forced to stand at attention while Watanabe and Kono called out the guilty party and five of his fellow friends and made them stand at attention in front of the group. The rest of the group were lined up and each one was forced to go up and "slug" the six men on the cheek. If the Japanese guards did not think the blows were hard enough, the party striking the light blow was forced to stand in line and let the rest of them hit him. By the time this ended, there were about twenty men in line. Also, the entire detail was beaten over the head with a "kendo" stick wielded by Private Kono. Those lined up to be beaten by the prisoners included prisoners Tinker, Wade and Hankin (Ex 24).

As to Specification 1-y: Prisoner Cornet escaped. Because he slept next to prisoner Gaff, Watanabe called Gaff to the parade ground and questioned him through the interpreter as to whether or not he had knowledge of Cornet's escape. He replied he had no such knowledge. While talking to the interpreter, Watanabe struck him in the mouth with his fists, which knocked out two of his teeth and broke another. He fell to the ground and when he arose, Watanabe struck him several blows on the nose. He then forced him to stand at attention for two and one-half hours (Ex 25).

As to Specification 1-z: After Prisoner Cornet had been brought back, Watanabe was in charge of the group of soldiers who beat him. He was struck by the soldiers with their fists and a club, until he lost consciousness. They then beat him in the face with the butts of their guns. The beating was prolonged over a period of five days and five nights. During the daytime he was given no food except a teacupful of rice gruel. Whenever Cornet fell to the ground, the soldier, called Watanabe, would then beat him until he managed to get to his feet or became unconscious. Following this beating, he was placed in solitary confinement for thirty days (Ex 8, 25).

As to Specification 1-aa: The camp was extremely filthy. Most of the men had diarrhea and dysentery. Human filth was scattered all over the stairs and halls and, particularly, on the floors of the latrine. It was so bad that it was necessary for the prisoners, as they left the latrine, to wipe their shoes on burlap sacks. One day the prisoners were required to stand inspection by Watanabe and Kono. An unknown New Zealand officer and Lieutenant Nyrahy had gone to the latrine a few minutes before the inspection started. They apparently were not able to get the bottoms of their shoes as clean as the rest of the prisoners. When Watanabe and Kono inspected, all the prisoners had their shoes shined, including the two abovementioned, and no fault was found with the appearance of the prisoners. Watanabe then ordered the prisoners to hold up their feet so the bottoms of the shoes could be inspected. When Watanabe and Kono came to the New Zealander and Nyrahy, they noticed the filth on the soles of their shoes. They forced both of them to lick the soles of their shoes before all the rest of the fellow officers. The New Zealander refused at first, claiming his health would not permit it but, after

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they beat him a few times, he eventually complied. After this happened, they forced them to stand at attention for almost an hour while they lectured to the prisoners and told them it was the prisoners' fault that this had happened. Neither Nyrade nor the New Zealander were permitted to spit until the Japanese had gone (Ex 21).

As to Specification 1-bb: In February 1945, prisoner Laughton was given a severe beating by Kono and Watanabe. It had been reported that he had not been working satisfactorily at the factory. Kono and Watanabe forced him to stand outside his hut in the snow. They first forced him to remove his coat which left him dressed only in his shirt and trousers. It was snowing continuously and he was forced to stand in this manner from 1730 hours until 1830 hours. At that time, he was called to the doorway of the Japanese quarters by Watanabe who beat him over the head with a Japanese bamboo training sword. After about thirty blows, Watanabe handed the sword to Kono who continued to beat him with it until eventually it broke. Kono then ordered him back where he had been standing in the snow and left him standing there for about thirty minutes. After this time had elapsed, Watanabe called him into his office and once again charged him with not working properly. He promised Laughton that, unless he admitted the charge, he would force him to stand in the snow all night, which would probably kill him. He stated that no questions would be asked if Laughton died because his death could be "written off" as caused by pneumonia. He further threatened to place him in the guardhouse for four days without food, clothing or water. Laughton explained that he did not understand why the charge was brought against him and he was ordered again to stand in the snow. Kono, at this point, beat him over the head with a wooden training rifle about fifteen times. As Laughton slipped to the ground, Kono continued to beat him over the body with the weapon. He was ordered to stand and the charge was once again read to him and he was then dismissed. The beating was so severe that he felt the effects of it for approximately two weeks. He was forced to go to work the day following this beating (Ex 27).

As to Specification 1-cc: Prisoner Lee states in his affidavit that prisoner Burling displayed an indifferent attitude toward the Japanese at the factory and was punished by Watanabe and Kono, together with other prisoners, including prisoners Chapman, Collins and Walcker. They were beaten severely about the head and body with clubs and fists for about an hour. Prisoner Burling sustained a broken jaw and black eyes. The other men sustained slightly lighter injuries. This occurred about June 1945 (Ex 28).

Prisoner Firth states that he was subjected to a severe beating by Watanabe and Kono in early 1945. He was attacked with fists and boots and used as a dummy for bayonet training. The four others who received the same punishment at that time were prisoners Burling, Collins, Chapman and Walcker (Ex 29).

Prisoner Burling states that in June 1945 he was, with four others, called out in the evening parade and beaten by Sergeant Watanabe. One of the blows fractured his jaw. Watanabe inspected them after he concluded his attack and then ordered Kono to give Burling a further beating with a short wooden stick about one and one-half inches in diameter. The first blows that Kono inflicted caused a cut over his eyes. When blood ran from this wound, it evidently frightened him because he ceased to beat Burling shortly thereafter. An American doctor in the camp set Burling's jaw (Ex 30).

Prisoner Chapman states that Watanabe and Kono severely punished him and prisoners Burling, Collins, Firth and Walcker for conduct to the prejudice of the Japanese military discipline. They were accused of laughing at the Japanese foreman, Kakino. After Kakino had reported them, they were ordered to go to Japanese quarters where they were all knocked down and severely beaten with clubs by the two Japanese above mentioned. After the beating, they were forced to stand at attention for five hours and then immediately put on fourteen hours work shift without any rest. Burling sustained a broken jaw and was admitted to the camp hospital for several days (Ex 31).

As to Specification 1-dd: Prisoner Jonathan Bethel states that Watanabe beat him on his head several times with a wooden shoe. On one occasion, he lined up every one for inspection and when he discovered that one finger of Bethel's hand was not straight, he beat him with a wooden shoe until he became unconscious. Kono frequently beat Bethel about the head and face with a wooden shoe. Also, he used a long bamboo stick. At one time, eighteen, including Bethel, were assigned to wash the clothing of all the prisoners in camp. When some of it was left undone, Kono lined them up and beat all of them on the head until they became unconscious (Ex 32).

As to Specification 1-ee: In about April 1945, prisoner Porter broke a china drinking vessel. With a number of other prisoners, he was lined up on the parade ground in the snow by Watanabe. He then hit each man with a wooden rifle. He struck Porter seven times in the face before he knocked him down. As a result, Porter's jaw was "splintered." After the beating, they were forced to stand in the snow for quite some time (Ex 33).

As to Specification 1-ff: Prisoner Gustafson states that he was beaten with fists and club by Kono. However, Watanabe and the medical sergeant were likewise responsible. The club was about four feet long and three inches in diameter. Almost all of the beatings were about the head and face (Ex 34).

As to Specification 1-gg: Prisoner Larson was apprehended for having in his possession some soybeans which he had obtained while unloading a barge. He was placed in the guardhouse where he was beaten nightly by Aoki and Kono who used fists and "kendo" sticks (Ex 35). Prisoner Giddons' affidavit states that Larson was required to stand at attention in the open before the guardhouse at least all of one night and spent his nights in the guardhouse thereafter. Two or three evenings later, Larson was viciously beaten by Kono for approximately three minutes. The beating was delivered across the small of Larson's back with a bayonet and a scabbard. With each beating, Larson's screams were heard by camp prisoners. He was incarcerated about 8 August 1945 and released about 15 August 1945 (Ex 36).

Prisoner Fitzgerald states that Larson was beaten by Kono, Aoki, the Japanese medical sergeant and the guards on duty (Ex 3; also supported by Exs 5 and 27).

As to Specification 1-hh: Prisoner Fitzgerald states that he saw prisoner Sheetz, who had been returned to the camp during the summer of 1945 because he was sick, given a most severe beating with fists by Aoki. When Sheetz lay prostrate on the ground, he was severely kicked about the body. Aoki states Sheetz was malingering in order to avoid work (Ex 35).

Prisoner Polousky states that Kono administered a severe beating to prisoner Sheetz. The weapon he used was a club and the beating lasted about half an hour. Every time Sheetz fell to the ground, Kono threw water on him, so that he could arise to receive more punishment (Ex 10).

Prisoner Mongrain states that Kono, on one occasion, beat prisoner Sheetz because he was accused of stealing food. Sheetz was confined to the hospital. Mongrain did not know the exact injuries Sheetz had received but believed they consisted of broken bones. Sheetz was beaten with a piece of wood two inches in diameter and seven or eight feet long for at least twenty minutes. He was beaten all over his body, and after he had revived him with water, he again beat him into unconsciousness. This happened several times (Ex 18).

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Prisoner Andrews states that on or about 15 June 1945, prisoner "Sheatch" was beaten for about half an hour by Kono. He was beaten continuously until he lost consciousness, and he was then revived and beaten again. He was then confined to the guardhouse (Ex 26).

Kono, a guard nicknamed by the prisoners as "Babe" and a civilian guard beat prisoner Sheetz one afternoon in July until his eyes were swollen shut and he was bleeding from the mouth and rendered unconscious. Sheetz was supposed to have stolen some bread. This is the statement made by prisoner Castor (Ex 37).

As to Specification l-ii: In June 1945, an inspection of prisoners was held. Among the inspecting party was Aoki. The entire inspecting group had been drinking sake and were intoxicated. Aoki slapped prisoner Langley's face. Langley thought he was about to slap him again and dodged in order to avoid the blows. This apparently angered him, and he removed his wooden clog and beat him on the mouth with it. This caused damage to his front teeth (Ex 8).

As to Specification l-ii: In July 1945, Private Cornet escaped from the camp. Prisoner Peres told the Japanese that he had seen Cornet in camp around 0530. When he was captured, Cornet told them he had left the camp about 0330. Peres was called in and accused of lying. He was taken in front of the camp headquarters and was beaten at the order of Watanabe. Kato beat him with a pair of marine combat shoes. He hit him across the mouth nineteen times and knocked out or broke off seven teeth. He hit him thirty-four times on each ear. One of the prisoners who was watching counted the blows and informed him of the number of blows. When he was knocked to his knees by Kato, he was kicked in the testicles and in the stomach.

As to Specification l-kk: The evidence is replete with testimony indicating that the prisoners of war were constantly beaten and brutally mistreated by Kono, Watanabe and Aoki. They were beaten with fists, clubs, kendo sticks, wooden training rifles and with anything that was at hand. When they were knocked to the ground, they were kicked and, when they were rendered unconscious, they were revived by means of having water poured on them, only to be forced to arise and receive more mistreatment (Ex 1, 4-10, 12, 13, 15, 16, 18, 19, 21-23, 25, 28, 31, 32, 36, 37, 39-45).

b. For the Defense:

Katsuda Asaburo stated in his affidavit that he arrived at the camp 1 July 1945. He stayed there for about two months. Accused was the commandant during this period. When he arrived the prisoners were working in two twelve-hour shifts, but accused changed it to three shifts on an eight-hour basis to reduce the prisoner's working hours. Accused often requested the companies to supply extra food to the camp and the affiant heard that they supplied some food (Ex A).

Yasuo Ueno stated in his affidavit that, because of small storage and large consumption, vegetables were extremely short. Accused called the affiant and representatives from about seven villages and had a conference concerning a better supply of vegetables for the prisoners. A plan was adopted whereby the prisoners secured more vegetables than they had previously (Ex B).

Asataro Kusakabe states that accused made his best efforts for the welfare of the prisoners of war. He was a man of kindness and sympathy. In February 1945, during an influenza epidemic, he forced all the prisoners of war to rest. When the food situation in Japan was critical he made efforts to secure food for

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the prisoners. He sent men to the neighboring prefectures, such as Nagano and Tachugi, to obtain food. He was kept busy in going out to secure food. He made the County Agricultural Association supply vegetables for the prisoners. Sometime in May, he requested the company to furnish an oven for baking bread for the prisoners. A new one was made, following the specifications given by the prisoners. He obtained working clothes for the prisoners from the company. He went to the Fiber Bureau and obtained rations of clothing. He reduced the working shifts from two to three. He improved the camp by adding a repair shop, dispensary, living quarters, kitchen and latrine. All the expense therefor was shared by the company using the prisoners of war. He obtained medicines and vitamins from the companies for the prisoners. He warned his subordinates not to mistreat prisoners of war (Ex C).

Hanjuro Kato stated in his affidavit that he worked at the camp from 19 December 1942 to 6 September 1945 as a civilian guard. To cope with the critical food situation in Japan, he rented about one acre of land and planted sweet potatoes. He reduced the working hours of the prisoners from two shifts to three shifts. He forced the prisoners to rest during an influenza epidemic. He supplemented short rations by requesting the companies to supply extra foods for the prisoners. To ease the crowded situation, he added new barracks, dispensary, examination room, repair shop, kitchen, latrine and other buildings. However, before this program could be completed the hostilities ceased. He raised ducks and hens and kept goats in the camp to aid with the food situation (Ex I).

Tokuji Honma stated he served as a civilian guard at the camp from December 1942 to September 1945. He stated that during accused's successor's period at the camp there were 60 deaths, but only one prisoner died during accused's tour of duty. He made a great effort to improve the conditions in the camp. Through his efforts the County Agricultural Association supplied vegetables for the prisoners. Fish was rationed by the prefectural government. Through the efforts of accused the camp obtained an even distribution of fish throughout the year. He raised fowl and goats in the camp in order to have milk for the sick prisoners of war. He opened a canteen in the camp and the prisoners were permitted to purchase goods therefrom. He urged the companies to supply extra food for the prisoners. The companies had no obligation to do so, but they cooperated. Under the Japanese regulation, the officers' staple ration was 390 grams, but accused issued 705 grams to all prisoners including officers and enlisted men. He obtained extra medicines for them. He forced them to rest during the influenza epidemic. He added new buildings to the camp. The affiant states that he witnessed several beatings of the prisoners by Sergeant Watanabe and Private Kono, but the beatings were administered while the accused was not present. Accused often warned them not to beat prisoners. He was very diligent about his duties and did not take his Sundays off. He came to the camp every day (Ex E).

Kato Soichiro states in his affidavit that he worked at the camp from 15 August 1944 to 6 September 1945 as a civilian guard. The canteen existed while Lieutenant Ota was the commander but it was not functioning as a canteen. When accused came he began the operation of the canteen. It was open equally to prisoners of war who were officers and enlisted men. Accused put forth his best efforts for improving the living conditions in the camp. He obtained extra food from the County Agricultural Association. To obtain more food accused organized an association of merchants and this effected a distribution of fish to the units proportionately to the strength of the units. He also planned a self-supply of vegetables near the camp for the benefit of the prisoners (Ex F).

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Accused in his affidavit states that he was commanding officer at the camp from 23 January 1945. He states that he had no knowledge whatsoever of any of the allegations of the charge and the specifications against him. He neither witnessed any of the events nor was he ever informed of them. His attorneys had informed him that, in spite of his ignorance of the offenses, he was technically guilty of them because of his position as camp commander. His responsibility in such position was the basis for his intention to enter a plea of guilty to the charge and specifications. Prior to his arrival at the camp, conditions were deplorable. The death rate was appalling. He attempted, to the best of his ability, to make life in this camp livable for the prisoners. The senior prisoner of war officer, Commander Fitzgerald, at all times was permitted to bring any protests or complaints to him, but neither he, nor any prisoners, ever presented anything of this nature to his attention. Immediately after assuming command, accused stated that he instructed his subordinates not to mistreat the prisoners in any manner whatsoever. He conscientiously believed that his orders were being carried out. During the time he was commander of the camp there was but one death among the prisoner population, and he was informed by the prisoner of war medical officer that this death was due to natural causes. In his absence from the camp the duty NCO had complete charge. Accused inspected the prisoners at the site of their work at least once a week and talked to them. He usually used company interpreters and received no complaints. He talked to them about their food and working conditions and they all seemed generally satisfied. He inspected the infirmary once every three or four days and medical orderlies made a daily report to him. This report was signed by the prisoner of war medical officer. He was never informed that any patients had been admitted because of mistreatment and there was nothing in the reports to so indicate that. During the times of emergencies, such as influenza epidemic, accused checked the infirmary several times a day. To further supplement the food ration he consulted with Mr. Ueno of the County Agricultural Association and made an arrangement to obtain fresh vegetables from ten villages under the Association. He further organized an association of merchants to supply meat and fish to the units in the prisoner of war camps. After the association was formed he succeeded in having the merchants supply fish and meat proportionately to the strength of each unit, which automatically meant that the prisoners would be furnished more meat and fish. Through his efforts he obtained more food, such as vegetables and meats from the companies where the prisoners were employed. The companies had no obligation to supply such food. The medical supplies were never adequate as furnished by the Army and accused took it upon himself to purchase additional medical supplies from the pharmacies in the cities of Takata and Naoetsu and also from the Joetsu and Funato Hospital. This involved a monthly disbursement of from three to five thousand yen which the accused secured from the companies employing prisoners. He kept five goats in the camp to furnish milk for the sick and convalescent prisoners of war. Additional milk was purchased continually from a dairy in Naoetsu for sick prisoners of war. Under the Army regulations staple food rations for officers amounted to 390 grams but accused was able to give them 705. This was partially due to the fact that the officers volunteered to work in the garden. For the convenience of the prisoners he opened a canteen where they could buy extra food. He made arrangements whereby the prisoners had an opportunity to engage in basketball, volleyball and quoits. In the summer they were permitted to go swimming. On several occasions he had musical concerts for the prisoners. He was instrumental in having additional buildings erected in the camp and installed a new water system. In July 1945 he was able to effect a change in the working hours for the prisoners. Accused stated that it was with deepest regret that he heard of the mistreatment of prisoners by his subordinates and he apologized to the Allied authorities. He, likewise, humbly requested to call to

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the attention of the Court that the acts of which he was charged were acts of omission rather than commission (Ex G).

On the witness stand, the accused stated that conditions at the camp were bad before he came there. He did not hear about the reputation of Watanabe, Kono and Aoki when he came to the camp. During his entire stay at the camp he did not learn about their reputations (R 23). During the time he was at the camp he warned his subordinates two or three times concerning their treatment of prisoners of war (R 24). When he assumed command of the camp he was told that from 1943 to 1944 the sick rate was high among the prisoners, that there had been 60 deaths and that medical and sanitation conditions were poor. He was sent to the camp in order to try to improve conditions and was told to be very careful about sanitation and food. At that time he received no information about mistreatment of prisoners at the camp. He did not receive any complaints from the senior Allied prisoner of war (R 25). When he arrived at the camp he was under the impression that there had been no mistreatment of prisoners (R 26).

Evidence introduced by the prosecution that has to do with mitigation concerning the defense is found in Prosecution Exhibit 14:

"Q. Please name and describe the second-in-command.

"A. I recall neither his name nor his nickname, but I hold him more responsible for the beatings than the camp commander himself. I say this because I think the second-in-command had the camp commander 'buffaloed'. He encouraged the camp commander to take a passive or indifferent attitude while he (the second-in-command) controlled things and permitted the beatings. I realize, of course, that the camp commander was responsible, for it was his business to know what was going on."

4. Opinion:

The record is legally sufficient to support the findings of the Commission. Each allegation, except as will be hereinafter commented on, of the charge and specifications of which the accused was found guilty, was substantiated by ample and competent evidence. The Commission was constituted by proper authority and had jurisdiction of the accused and of the offenses alleged.

The prosecution introduced evidence by affidavits of former prisoners who had been interned in the camp and knew the facts of the matters in issue. From such, the guilt of the accused was firmly established, except as is discussed in the next paragraph.

Under Specification 1-cc, it is alleged that Kono and Watanabe beat and otherwise abused Warrant Officer Chapman. It appears from the evidence submitted that only Watanabe was the person who abused the victim.

The complete record shows that the accused had a fair trial and that he was represented by competent counsel. He took the stand and introduced affidavits in his own behalf. A careful scrutiny of the entire record fails to reveal any error which injuriously affected the substantial rights of the accused or any failure to accord him a fair trial in every respect. There is no evidence that the accused was not sane at the time of the commission of the alleged acts and at the time of the trial.

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5. Recommendations:

There are no letters of clemency from any member of the Commission or from others.

The Commission sentenced accused to confinement at hard labor for four years. The sentence is legal.

It is considered that a sentence of four years for 37 sub-specifications of command responsibility would be grossly inadequate under ordinary circumstances. However, the evidence divulges that the accused did not know, nor did he suspect that the many offenses were being committed by his subordinates. It is obvious that the Commission considered the many good deeds that the accused performed on behalf of the prisoners under his charge in arriving at such a lenient sentence.

It is recommended that the findings as concerns Kono's acts, under Specification 1-cc, be disapproved as there appears to be no evidence to support them. In all other regards, it is recommended that the findings and the sentence be approved.

The accused was confined 16 November 1945, went to trial 23 March 1948, and was sentenced 24 March 1948. It is further recommended that twenty-five (25) months of the sentence so imposed be remitted. Sugamo Prison, Tokyo, Honshu, Japan, is the appropriate place of confinement.

6. A form of action designed to carry this recommendation into effect is attached hereto.

Sp 1-cc
PAUL E. SPURLOCK
Reviewer
Judge Advocate Section

I concur in general. In this case there was a guilty plea. The proof of the allegations under Sp 1-cc is considered to be of sufficient strength to support the finding.

ALLAN R. BROWNE
Lt Colonel JAGI
Army Judge Advocate

AB

HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Staff Judge Advocate

Yokohama, Japan
9 June 1949

UNITED STATES OF AMERICA VS KANAME SAKABA
UNITED STATES OF AMERICA VS KUNJI SUZUKI

Review of the Staff Judge Advocate

1. The attached record of trial of the case of Kaname Sakaba and Kunji Suzuki tried at Yokohama, Japan, from 3 June 1948 to 19 November 1948, by a Military Commission appointed by paragraph 12, Special Orders No. 120, Headquarters Eighth Army, United States Army, dated 26 May 1948, as amended by paragraph 1, Special Orders No. 174, Headquarters Eighth Army, United States Army, dated 2 August 1948, and as further amended by paragraph 3, Special Orders No. 214, Headquarters Eighth Army, United States Army, dated 21 September 1948, and further amended by paragraph 1, Special Orders No. 218, Headquarters Eighth Army, United States Army, dated 27 September 1948 and further amended by Special Orders No. 222, Headquarters Eighth Army, United States Army, dated 1 October 1948, having been referred to the Staff Judge Advocate, this review thereof is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Kaname Sakaba	DATE OF CONFINEMENT: 14 December 1945
AGE: 64	DATE OF ARRAIGNMENT: 3 June 1948
RESIDENCE: Tokyo-To, Shinjuku-Ku, Nishi-Ochiai, 1-Chome 282	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 3 June 1948 to 19 November 1948
RELATIVES: Wife, sister	DATE OF SENTENCE: 19 November 1948
EDUCATION: Military Academy, Infantry School, Toyama and Tokyo Foreign Language Schools.	SENTENCE: CHL for life.
VOCATION: Professional soldier	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: Graduated Military Academy 1906 - commissioned 2nd Lt. Served in Imperial Japanese Army until 1931. Recalled 1937 and served until surrender. Highest rank attained: Colonel	

NAME: Kunji Suzuki	DATE OF CONFINEMENT: 14 September 1945
AGE: 54	DATE OF ARRAIGNMENT: 3 June 1948
RESIDENCE: Chiba-Ken, Kashima-Machi, Toyoshiki 832	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 3 June 1948 to 19 November 1948
RELATIVES: Wife, 2 brothers, 3 sisters	DATE OF SENTENCE: 19 November 1948
EDUCATION: Military Academy	SENTENCE: CHL for life.
VOCATION: Professional soldier	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: Imperial Japanese Army, 1912 until surrender. Highest rank attained: Colonel.	

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2. Synopsis of Charges, Pleas, Findings and Legal Sufficiency.

Charges and Specifications

Pleas

Findings

Legally Sustained

Kaname SAKABA

Accused, at the times and places set forth NG in the specifications hereto attached, and during a time of war between the United States of America, its Allies and Dependencios, and Japan, did violate the Laws and Customs of War.

G.

Yes

Sp 1: Between April 1944 and August 1945, NG at or near Omori PW Camp, accused did unlawfully disregard and fail to discharge his duty by causing and permitting numerous American and Allied Prisoners of War to perform work and labor in direct support of War operations, and by causing and permitting them to work and live on and in the immediate vicinity of Military Installations and plants and factories engaged in work directly supporting war operations, exposed to the perils of war without providing them with adequate protection therefrom.

NG

Sp 2: Between April 1944 and August 1945, NG accused did unlawfully disregard and fail to discharge his duty by permitting filthy and insanitary conditions to exist in and about said camp; by failing and neglecting to provide adequate quarters and heat; by failing and neglecting to provide sufficient food and clothing; by refusing, failing and neglecting to provide adequate and humane medical care and attention and adequate, available, medical supplies; by causing and permitting American and Allied Prisoners of War to work and perform hard manual labor while ill, diseased and physically unfit to perform such labor, thereby contributing to the deaths of Herbert W. McCants, an American Prisoner of War; Roy Constable, a British Prisoner of War; Arie Hoynis and Petel Albert Louis van Polanen, Dutch Prisoners of War and Ernesto Saxiba, an Italian Prisoner of War.

G, except the Yes words "by failing and neglecting to provide adequate quarters and heat; by failing and neglecting to provide sufficient food and clothing"; "refusing"; "thereby contributing to the deaths of Herbert W. McCants, an American Prisoner of War, Roy Constable, a British Prisoner of War, Arie Hoynis and Petel Albert Louis Van Polanen, Dutch Prisoners of War, and Ernesto Saxiba, an Italian prisoner of war." Of the excepted words, Not Guilty.

Sp 3: Between April 1944 and August 1945, NG accused did unlawfully disregard and fail to discharge his duty to restrain and control members of his command and persons under his supervision and control by permitting them to misappropriate Red Cross and other supplies intended for the use and benefit of American and Allied Prisoners of War and personal property belonging to said Prisoners.

NG

Sp 4: Between April 1944 and August 1945, NG
accused did unlawfully disregard and
fail to discharge his duty to restrain
and control members of his command and
persons under his supervision and control
by permitting them to withhold from
American and Allied Prisoners of War their
incoming mail, and by permitting them to
withhold and destroy both the incoming
and outgoing mail of American and Allied
Prisoners of War.

G

Yes

Sp 5: Between April 1944 and August 1945, NG
accused did unlawfully disregard and fail
to discharge his duty by permitting Ameri-
can and Allied Prisoners of War to be
stood at attention for long periods of
time.

Stricken (R 60)

Sp 6: Between April 1944 and August 1945, NG
accused did unlawfully disregard and fail
to discharge his duty to restrain and
control members of his command and per-
sons under his supervision and control
by permitting them to collectively punish
American and Allied Prisoners of War for
individual acts.

Stricken (R 60)

Sp 7: Between April 1944 and August 1945, NG
accused did unlawfully disregard and fail
to discharge his duty by causing and
permitting American Prisoners of War who
were members of B-29 and submarine crews,
known as "Special Prisoners", to be dis-
criminated against in treatment and to be
mistreated and abused in the following
particulars, thereby causing the death
in or about the month of July 1945 of
Author Gill, an American Prisoner of War,
to-wit:

G, except the
word "causing" in the next
to the last line, substitu-
ting therefor the words
"contributing to". Of the
excepted word, Not Guilty.
Of the substituted words,
Guilty.

Yes

a. By ordering that "Special Pris- NG
oners" be given no medical care;

G

Yes

b. By ordering that "Special Prison- NG
ers" be placed on half rations of food;

NG

c. By ordering that "Special Prison- NG
ers" be confined to barracks and not be
allowed to associate with other Prisoners
of War;

NG

d. By ordering that "Special Prisoners" NG
be confined in an area subjected to bomb-
ing raids, and by prohibiting them the
use of air raid shelters;

G

Yes

e. By denying "Special Prisoners" NG
all contact with relatives;

NG

f. By denying "Special Prisoners" all NG
religious privileges;

NG

g. By confining "Special Prisoners" NG
in insanitary quarters, and by denying
them adequate facilities with which to
keep their persons and clothing clean;

G

Yes

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h. By failing to provide "Special Prisoners" with adequate clothing;	NG	NG	---
i. By causing "Special Prisoners" to be beaten by the Japanese soldiers, and by forcing "Special Prisoners" to beat each other for punishment;	NG	NG	---
j. By requiring "Special Prisoners" during the winter-time to stand in snow without shoes at roll-call;	NG	NG	---
k. By denying "Special Prisoners" all library privileges;	NG	NG	---
l. By requiring "Special Prisoners" to work on labor details having direct relations with war operations;	NG	NG	---
m. By causing to be withheld from "Special Prisoners" Red Cross medicines, medical equipment and clothing;	NG	G	Yes
n. By permitting collective punishment of "Special Prisoners" if illness prevented many of them from reporting for work;	NG	NG	---
o. By requiring "Special Prisoners" to be questioned by Japanese soldiers, and by allowing them to be beaten for not giving satisfactory answers.	NG	NG	---
Sp 8: Between April 1944 and August 1945, accused did unlawfully disregard and fail to discharge his duty by causing and permitting American and Allied Prisoners of War who held the rank of officers to be employed as workers without their consent.	NG	G	Yes
Sp 9: Between April 1944 and August 1945, accused did unlawfully disregard and fail to discharge his duty to restrain and control members of his command and persons under his supervision and control by permitting them to subject American and Allied Prisoners of War to the ridicule of the Japanese civilians.	NG	NG	---
Sp 10: Between April 1944 and August 1945, accused did unlawfully disregard and fail to discharge his duty by causing and requiring American and Allied Prisoners of War to salute and bow to all Japanese soldiers, Japanese coolies, Japanese civilians and to trees and by causing and permitting American and Allied Prisoners of War to be beaten and otherwise abused for failing to do so.	NG	G	Yes

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Sp 11: Between April 1944 and August 1945, NG NG
accused did unlawfully disregard and fail
to discharge his duty by causing and per-
mitting American and Allied Prisoners of
War in charge of prisoner of war details
to be beaten and otherwise abused for
failing to call their details to atten-
tion when accused passed by. ---

Sp 12: On an occasion between September NG G Yes
1944 and March 1945, accused did wrong-
fully and unlawfully mistreat one Harold
H. van Wormer, an American Prisoner of
War, by beating and otherwise abusing him.

Sp 13: During July 1945, accused did NG Stricken (R 69) ---
wrongfully and unlawfully mistreat one
J. Bertram, a British Prisoner of War, by
confining him in the guard room for ten
days.

Sp 14: Between April 1944 and August 1945, NG G Yes
accused did unlawfully disregard and fail
to discharge his duty to restrain and
control members of his command and persons
under his supervision and control by per-
mitting them to commit the following
atrocities and other offenses against
American and Allied Prisoners of War:

a: In or about the spring of 1945, the NG G, excepting Yes
unlawful mistreatment by an unidentified
Japanese of William Boyes, one Dawson,
and other British Prisoners of War by
beating and otherwise abusing them, thereby
causing the collapse and later death of
Dawson on 11 August 1945. the words, in the last line,
"and later death" and "on 11
August 1945". Of the excepted
words, Not Guilty.

b: In or about the summer of 1945, the NG G Yes
unlawful mistreatment by a Japanese known
as the "Madman" and several unidentified
Japanese guards of Norman Albertson, an
American Prisoner of War, by beating and
otherwise abusing him.

c: In or about July 1944, the unlawful NG G Yes
mistreatment by an unidentified Japanese
of Norman Albertson, an American Prisoner
of War, by beating and otherwise abusing
him.

d: In or about July 1945, the unlawful NG G Yes
mistreatment by a Japanese guard known as
the "Madman" of one Steffes, an Allied Pris-
oner of War by beating and otherwise abus-
ing him.

e: On an occasion between April 1945 NG NG ---
and August 1945, the unlawful mistreatment
by an unidentified Japanese guard of one
Sevatkin, an American Prisoner of War, by
beating and otherwise abusing him.

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f. In or about August 1945, the unlawful mistreatment by an unidentified Japanese of Harry Hedges, an American Prisoner of War, by beating and otherwise abusing him.

NG

g. Between September 1944 and August 1945, the unlawful mistreatment of one West, an Allied Prisoner of War, by placing him for ten months in solitary confinement inadequately clothed, shod and protected against the elements which confinement resulted in his loss of both great toes from freezing.

NG

h. On an occasion between September 1944 and December 1944, the unlawful mistreatment by an unidentified Japanese of Lee G. Floyd, an American Prisoner of War, by beating and otherwise abusing him.

NG

i. In or between April 1945 and August 1945, the unlawful mistreatment by an unidentified Japanese of Melvin L. Greene, an American Prisoner of War, by placing him in solitary confinement for the period of five months and otherwise abusing him.

NG

j. In or about September 1944, the unlawful mistreatment by a Japanese known as Minaheru of one Ashton Hill, a British Prisoner of War, who was then ill and running a high temperature, by beating and otherwise abusing him, thereby causing his death on 27 September 1944.

NG

k. (as amended) In or about the latter part of the year 1944, the unlawful mistreatment and abuse by one Anzia, a Japanese civilian foreman, one Fujigawa, a Japanese guard, and other unidentified Japanese guards of one Rae, a British Prisoner of War, by beating him.

G,
as amended

Yes

l. In or about the early part of 1945, the unlawful mistreatment by one Anzia, a Japanese civilian foreman, and another Japanese known as the "Fat Man", of one Galligher, a British Prisoner of War, by beating and otherwise abusing him.

G

Yes

m. On an occasion between September 1944 and December 1944 the unlawful mistreatment by Keitare Fukijima, a Japanese soldier, of Robert H. Roehm, an Allied Prisoner of War, by beating and otherwise abusing him.

G

Yes

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n. In or about February 1945, the unlawful mistreatment by Keitaro Fukijima, a Japanese soldier, of John M. Puerifoy, Jr., an Allied Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
o. In or about September 1944, the unlawful mistreatment by Keitaro Fukijima and Mitsuhiro Watanabe, Japanese soldiers, of Adanto A. S. D'Amore, an American Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
p. On an occasion between April 1944 and May 1945, the unlawful mistreatment by Keitaro Fukijima, a Japanese soldier, of one Kitsock, an American Prisoner of War, one Lewis, an American Prisoner of War, one Neville, a British Prisoner of War, and one Pain, a British Prisoner of War, by beating and otherwise abusing them.	NG	G	Yes
q. In or about July 1945, the unlawful mistreatment by the "Madman", a Japanese soldier, of an unidentified Chief Petty Officer, an American Prisoner of War, by beating and otherwise abusing him.	NG	NG	---
r. In or about July 1944, the unlawful mistreatment by one Sugahara, a Japanese soldier, of Milford L. Bennet, an American Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
s. In or about January 1945, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of R. W. H. Acton, a Canadian Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
t. In or about January 1945, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of one Coleman, one Barton and about forty other Canadian Prisoners of War, by beating and otherwise abusing them.	NG	G	Yes
u. In or about June 1944, the unlawful mistreatment by one Sumida, a Japanese civilian guard, of Jerry W. Ahorn, an American Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
v. In or about May 1944, the unlawful mistreatment by Tetsutaro Kato and Mitsuhiro Watanabe, Japanese soldiers, of Captain B. J. Martin, an American Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes

Restricted

Revised

w. On an occasion between October 1944 NG
and December 1944, the unlawful mistreat-
ment by Mutsuhiro Watanabe, a Japanese
soldier of an unidentified American
Prisoner of War, by beating and otherwise
abusing him.

NG

x. In or about the summer of 1944, NG
the unlawful mistreatment by Mutsuhiro
Watanabe, a Japanese soldier, of Frank
Sterling Arceneaux, an American Prisoner
of War, by beating and otherwise abusing
him.

G

Yes

y. In or about the summer of 1944, NG
the unlawful mistreatment by Mutsuhiro
Watanabe, a Japanese soldier, of one
Mayer, an American Prisoner of War, by
beating and otherwise abusing him.

G

Yes

z. On an occasion between April 1944 NG
and December 1944, the unlawful mistreat-
ment by Mutsuhiro Watanabe, a Japanese
soldier, of Frank Sterling Arceneaux and
six other American Prisoners of War, by
beating and otherwise abusing them.

NG

a-1. In or about November 1944, the NG
unlawful mistreatment by Mutsuhiro
Watanabe, a Japanese soldier, of John C.
Arnold, an American Prisoner of War, by
beating and otherwise abusing him.

NG

a-2. On two occasions in or about Nov- NG
ember 1944, the unlawful mistreatment by
Mutsuhiro Watanabe, a Japanese soldier,
of Eugene R. Barnhart, an American Pris-
oner of War, by beating and otherwise
abusing him.

G

Yes

a-3. On divers occasions between June NG
1944 and August 1944, the unlawful mis-
treatment by Mutsuhiro Watanabe, a Japan-
ese soldier, of Milford L. Bennett, an
American Prisoner of War, by beating and
otherwise abusing him.

G

Yes

a-4. In or about December 1944, the NG
unlawful mistreatment by Mutsuhiro Watanabe,
a Japanese soldier, of Harold G. Beierstedt,
an American Prisoner of War, by beating
and otherwise abusing him.

G

Yes

a-5. In or about November 1944, the NG
unlawful mistreatment by Mutsuhiro
Watanabe, a Japanese soldier, of Captain
Adanto D'Amoro, an American Prisoner of
War, by beating and otherwise abusing him.

NG

a-6. On an occasion between April 1944 NG
and December 1944, the unlawful mistreat-
ment by Mutsuhiro Watanabe and Hiroshi
Fujii, Japanese soldiers, of Arthur H.
Buchanan, an American Prisoner of War, by
beating and otherwise abusing him.

G, excepting the Yes
words "Mutsuhiro Watanabe and".
Of the excepted words, Not
Guilty.

Revised

a-7. On an occasion between April 1944 NG
and December 1944, the unlawful mistreat-
ment by Mitsuhiro Watanabe, a Japanese
soldier, of Arthur H. Buchanan, an Ameri-
can Prisoner of War, by beating and other-
wise abusing him.

G

Yes

a-8. On an occasion between April NG
1944 and December 1944, the unlawful mis-
treatment by Mitsuhiro Watanabe, a Japan-
ese soldier, of one Wagner, an American
Prisoner of War, by beating and otherwise
abusing him.

NG

a-9. In or about November 1944, the NG
unlawful mistreatment by Mitsuhiro Watanabe,
a Japanese soldier, of Nelson A. Busch,
an American Prisoner of War, by beating
and otherwise abusing him.

G

Yes

a-10. In or about November 1944, the NG
unlawful mistreatment by Mitsuhiro Watanabe,
a Japanese soldier, of one Arnold and
another unidentified Allied Prisoner of
War, by beating and otherwise abusing them.

G

Yes

a-11. In or about December 1944, the NG
unlawful mistreatment by Mitsuhiro Watanabe,
a Japanese soldier, of one Coleman, and
other unidentified Canadian Prisoners of
War, by beating and otherwise abusing them.

NG

a-12. On divers occasions between NG
April 1944 and August 1944, the unlawful
mistreatment by Mitsuhiro Watanabe, a
Japanese soldier, of Lewis William Bush,
a British Prisoner of War, by beating
and otherwise abusing him.

G

Yes

a-13. In or about June 1944, the un- NG
lawful mistreatment by Mitsuhiro Watanabe,
a Japanese soldier, of two unidentified,
sick, Allied Prisoners of War, by prac-
ticing Jiu Jitsu on them and otherwise
abusing them.

NG

a-14. In or about October 1944, the NG
unlawful mistreatment by Mitsuhiro
Watanabe, a Japanese soldier, of one Major
James, an Allied Prisoner of War, by beat-
ing and otherwise abusing him.

G

Yes

a-15. On divers occasions between NG
April 1944 and December 1944, the unlaw-
ful mistreatment by Mitsuhiro Watanabe,
a Japanese soldier, of Fort Hammond
Callahan, an American Prisoner of War,
by beating and otherwise abusing him.

G

Yes

a-16. On divers occasions between NG
April 1944 and December 1944, the unlaw-
ful mistreatment by Mitsuhiro Watanabe,
a Japanese soldier, of Arthur Cooling, a
British Prisoner of War, by beating and
otherwise abusing him.

NG

Revised

Restricted

a-17. In or about February 1945, the NG
unlawful mistreatment by Mitsuhiro Watanabe,
a Japanese soldier, of one Gallagher, an
Allied Prisoner of War, by causing him
to be stood at attention from 9 o'clock
p.m. to midnight daily for 20 days.

G

Yes

a-18. On an occasion between October NG
1944 and December 1944, the unlawful mis-
treatment by Mitsuhiro Watanabe, a Japan-
ese soldier, of one Captain Sampson and
several other unidentified American Pris-
oners of War, by beating and otherwise
abusing them.

NG

a-19. On two occasions between Septem- NG
ber 1944 and December 1944, the unlawful
mistreatment by Mitsuhiro Watanabe, a
Japanese soldier, of Bernard L. LeBeau,
an Allied Prisoner of War, by beating and
otherwise abusing him,

G

Yes

a-20. In or about October 1944, the NG
unlawful mistreatment by Mitsuhiro
Watanabe, a Japanese soldier, of one Com-
mander Mayer and about 125 other Allied
Prisoners of War, by beating and otherwise
abusing them.

G

Yes

a-21. In or about December 1944, the NG
unlawful mistreatment by Mitsuhiro
Watanabe, a Japanese soldier, of Lieuten-
ant Colonel H. Piko, an American Prisoner
of War, by beating and otherwise abusing
him.

G

Yes

a-22. On an occasion between September NG
1944 and October 1944, the unlawful mis-
treatment by Mitsuhiro Watanabe, a Japan-
ese soldier, of Don Galenternek, an Ameri-
can Prisoner of War, by beating and other-
wise abusing him.

NG

a-23. In or about September 1944, the NG
unlawful mistreatment by Mitsuhiro
Watanabe, a Japanese soldier, of one D.
Colenterner, an Allied Prisoner of War,
by beating and otherwise abusing him.

NG

a-24. In or about September 1944, the NG
unlawful mistreatment by Mitsuhiro
Watanabe, a Japanese soldier, of 12 un-
identified Allied Prisoners of War, by
beating and otherwise abusing them.

NG

a-25. On an occasion between Septem- NG
ber 1944 and December 1944, the unlawful
mistreatment by Mitsuhiro Watanabe, a
Japanese soldier, of one Captain Sampson,
an American Prisoner of War, by beating
and otherwise abusing him.

G

Yes

Restricted

Restricted

a-26. On divers occasions between April 1944 and December 1944, the unlawful mistreatment by Mutsuhiro Watanabe, a Japanese soldier, of one Corporal Hill, an Allied Prisoner of War, by beating and otherwise abusing him.	NG	NG	---
a-27. In or about May 1944, the unlawful mistreatment by Mutsuhiro Watanabe, a Japanese soldier, of David Albert Hurt, an American Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
a-28. In or about November 1944, the unlawful mistreatment by Kiyoshi Konno and Mutsuhiro Watanabe, Japanese soldiers, of Henry F. Inman and five other unidentified Allied Prisoners of War, by beating and otherwise abusing them.	NG	G	Yes
a-29. In or about December 1944, the unlawful mistreatment by Mutsuhiro Watanabe, a Japanese soldier, of one Tremecr, a Canadian Prisoner of War, by knocking him down and otherwise abusing him.	NG	NG	---
a-30. On an occasion between April 1944 and May 1944, the unlawful mistreatment by Mutsuhiro Watanabe, a Japanese soldier, of Leonard P. Kaczorowski, an Allied Prisoner of War, by beating and otherwise abusing him.	NG	NG	---
a-31. On divers occasions between September 1944 and November 1944, the unlawful mistreatment by Mutsuhiro Watanabe, a Japanese soldier, of Nelson H. Kauffman, an American Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
a-32. In or about September 1944, the unlawful mistreatment by Mutsuhiro Watanabe, a Japanese soldier, of one Captain Dumont, an American Prisoner of War, by beating and otherwise abusing him.	NG	NG	---
a-33. In or about July 1944, the unlawful mistreatment by Mutsuhiro Watanabe, a Japanese soldier, of Oscar Powell, an Allied Prisoner of War, by beating and otherwise abusing him.	NG	NG	---
a-34. In or about November 1944, the unlawful mistreatment by Mutsuhiro Watanabe of one Nelms, an Allied Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
a-35. On an occasion between August 1944 and December 1944, the unlawful mistreatment by Mutsuhiro Watanabe, a Japanese soldier, of one Nordquist and five other unidentified American Prisoners of War, by beating and otherwise abusing them.	NG	NG	---

Restricted

Restricted

a-36. On divers occasions between August 1944 and December 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of Francis Macey, an Allied Prisoner of War, by beating and otherwise abusing him. NG G Yes

a-37. On divers occasions between September 1944 and December 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of one Captain Shorry, an Allied Prisoner of War, by beating and otherwise abusing him. NG G Yes

a-38. On an occasion between November 1944 and December 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of one A. J. Toulon, Jr., an Allied Prisoner of War, by beating and otherwise abusing him. NG G Yes

a-39. On an occasion between September 1944 and December 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of Arthur Grenville McIntire, Stefan Nyrada and other Allied Prisoners of War, by beating and otherwise abusing them. NG G Yes

a-40. In or about October 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of Harold van Wormer, an Allied Prisoner of War, by beating and otherwise abusing him. NG NG ---

a-41. In or about November 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of George J. Muller and six other unidentified Allied Prisoners of War, by beating and otherwise abusing them. NG NG ---

a-42. On an occasion between April 1944 and December 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of James Novillo, a British Prisoner of War, by beating and otherwise abusing him. NG NG ---

a-43. On an occasion between August 1944 and December 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of Ernest O. Norquist, an Allied Prisoner of War, by beating and otherwise abusing him. NG NG ---

a-44. In or about October 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of Ernest Frank Paul and several other unidentified Allied Prisoners of War, by beating and otherwise abusing them. NG G Yes

Restricted

Restricted

a-45. In or about November 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of Ernest Frank Paul, an Allied Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
a-46. In or about December 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of Ernest Frank Paul, an Allied Prisoner of War, and of an unidentified British Prisoner of War, by beating and otherwise abusing them.	NG	NG	---
a-47. On an occasion between April 1944 and December 1944, the unlawful mis- treatment by Mitsuhiro Watanabe, a Japan- ese soldier, of one D. S. M. Page and Rowen Jones, British Prisoners of War, by beating and otherwise abusing them.	NG	NG	---
a-48. In or about November 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of Joe Gutierrez, an Allied Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
a-49. On an occasion between April 1944 and December 1944, the unlawful mis- treatment by Mitsuhiro Watanabe, a Japan- ese soldier, of one Captain Goad and Frederick Henry Richardson, Jr., American Prisoners of War, by beating and otherwise abusing them.	NG	G	Yes
a-50. In or about August 1944, the un- lawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of one Paul, an Allied Prisoner of War, by beating and otherwise abusing him.	NG	NG	---
a-51. In or about December 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of one Datti, an American Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
a-52. On an occasion between June 1944 and December 1944, the unlawful mistreat- ment by Mitsuhiro Watanabe, a Japanese soldier, of Walter F. Toms, a British Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
a-53. In or about June 1944, the un- lawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of Henling T. A. Wado, an Allied Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes

Restricted

Restricted

a-54. On divers occasions in or about NG
July 1944, the unlawful mistreatment by
Mitsuhiro Watanabe, a Japanese soldier,
of one Captain Nelson and one Captain
Weinstein, American Prisoners of War, on
an occasion not herein otherwise speci-
fied, by beating and otherwise abusing
them.

NG

a-55. On divers occasions in or about NG
November 1944, the unlawful mistreatment
by Mitsuhiro Watanabe, a Japanese soldier,
of one Nyarady, an Allied Prisoner of War,
by beating and otherwise abusing him.

NG

a-56. On divers occasions between April NG
1944 and December 1944, the unlawful mis-
treatment by Mitsuhiro Watanabe, a Japanese
soldier, of Charles Warren, an Allied
Prisoner of War, by beating and otherwise
abusing him.

NG

a-57. On divers occasions between April NG
1944 and December 1944, the unlawful mis-
treatment by Mitsuhiro Watanabe, a Japan-
ese soldier, of Alfred A. Weinstein, an
American Prisoner of War, by beating and
otherwise abusing him.

G

Yes

a-58. In or about November 1944, the NG
unlawful mistreatment by Mitsuhiro Watanabe,
a Japanese soldier, of one Acton, one
Barton and one Coleman, Canadian Prisoners
of War, by beating and otherwise abusing
them.

NG

a-59. In or about December 1944, the NG
unlawful mistreatment by Mitsuhiro Watanabe,
a Japanese soldier, of one L. G. Adams,
one Acton and another unidentified Allied
Prisoner of War, by beating and otherwise
abusing them.

NG

a-60. In or about November 1944, the NG
unlawful mistreatment by Mitsuhiro Watanabe,
a Japanese soldier, of one Fish, an Ameri-
can Prisoner of War, by beating and other-
wise abusing him.

NG

a-61. On an occasion between September NG
1944 and December 1944, the unlawful mis-
treatment by Mitsuhiro Watanabe, a Japan-
ese soldier, of Louis Silvio Zamperini and
nine other unidentified Allied Prisoners
of War, by beating and otherwise abusing
them.

NG

a-62. In or about May 1944, the unlaw- NG
ful mistreatment by Mitsuhiro Watanabe, a
Japanese soldier, of Robert A. Tuskón, an
American Prisoner of War, by beating and
otherwise abusing him.

G

Yes

Restricted

Restricted

a-63. On divers occasions between April 1944 and December 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of numerous Allied and American Prisoners of War, by slapping them, beating them, practicing Jiu Jitsu upon them, requiring them to stand at attention for long periods of time, placing them in solitary confinement, cutting down their food rations, forcing them to work while ill and by otherwise abusing them.	NG	G, excepting the words in the third from the last line, "placing them in solitary confinement, cutting down their food rations". Of the excepted words, Not Guilty.	Yes
a-64. In or about June 1945, the unlawful mistreatment by a Japanese guard known as "Pretty Boy" of Harry C. Liskowsky, an Allied Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
a-65. In or about June 1945, the unlawful mistreatment by a Japanese guard known as the "old Man" of Harold Dale Lane and three other unidentified Allied Prisoners of War, by beating and otherwise abusing them.	NG	G	Yes
a-66. In or about August 1945, the unlawful mistreatment by a Japanese officer known as "Shorty" of Floyd Caverly, one Captain Stoddard and Richard H. O'Kane, Allied Prisoners of War, by beating and otherwise abusing them.	NG	G, excepting the words "Floyd Caverly". Of the excepted words, Not Guilty.	Yes
a-67. In or about July 1945, the unlawful mistreatment by Japanese civilian guards known as "Boris", "Spooner", "Snotgrass", "Mummy" and "Spider" of Harold Herbert Gould, one McLean, one Cutter, one Dawson and one Cook, Allied Prisoners of War, by beating and otherwise abusing them.	NG	G	Yes
a-68. On an occasion during the year 1944, the unlawful mistreatment by Tetsutaro Kato, a Japanese soldier, of one Arwood and one Kreuger, American Prisoners of War, by beating and otherwise abusing them.	NG	G	Yes
a-69. In or about August 1945, the unlawful mistreatment by one Private Sūkuki, a Japanese soldier, of Kenneth Stull, an Allied Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
a-70. On an occasion between April 1944 and August 1945, the unlawful mistreatment by one Private Tri, a Japanese Medical Technician, of Arthur H. Buchanan, and one Ladd, Allied Prisoners of War, by beating and otherwise abusing them.	NG	G	Yes

Restricted

Restricted

a-71. On divers occasions between May 1944 and January 1945, the unlawful mistreatment by a Japanese soldier known as the "Quack" and the "Painter" of Glenn A. McConnell and other unidentified Allied Prisoners of War, by beating and otherwise abusing them.	NG	NG	---
a-72. In or about May 1945, the unlawful mistreatment by a Japanese soldier known as the "Angel" and the "Slugger" of Irving S. Newman, an American Prisoner of War, by beating and otherwise abusing him.	NG	NG	---
a-73. In or about January 1945, the unlawful mistreatment by a Japanese guard known as "Hophead" of Charles M. Howard and Charles Kazarian, Allied Prisoners of War, by beating and otherwise abusing them.	NG	G	Yes
a-74. In or about November 1944, the unlawful mistreatment by one Fukoda, a Japanese soldier, of one Johansen, an American Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
a-75. On divers occasions between April 1944 and December 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of Raymond L. Lucia, an American Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
a-76. In or about December 1944, the unlawful mistreatment by Mitsuhiro Watanabe and other unidentified Japanese soldiers of one Quilliam, a British Prisoner of War, by beating and otherwise abusing him.	NG	NG	---
a-77. In or about April 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of David Hurt, an American Prisoner of War, by beating and otherwise abusing him.	NG	NG	---
a-78. In or about the first part of the year 1945, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of Kenneth Stull, an Allied Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
a-79. On an occasion between July 1944 and December 1944, the unlawful mistreatment by Mitsuhiro Watanabe, a Japanese soldier, of one Stockfield, an Allied Prisoner of War, by beating and otherwise abusing him.	NG	NG	---

Restricted

Restricted

a-80. In or about the spring of 1944, NG NG
the unlawful mistreatment by Michio Kuriyama, a Japanese soldier, of one Captain McDonald, one Lieutenant Lucia, one Lieutenant McGrath and one Captain Hinson, Allied Prisoners of War, by beating and otherwise abusing them.

a-81. On divers occasions between NG NG
April 1944 and August 1944, the unlawful mistreatment by Michio Kuriyama, a Japanese soldier, of one L. W. Bush, a British Prisoner of War, and of other unidentified British Prisoners of War, by requiring them to stand at attention for periods as long as one hour at 5:30 o'clock a.m., then requiring them to go to work without their breakfasts.

a-82. In or about the winter of 1944, NG NG
the unlawful mistreatment and abuse by Michio Kuriyama, a Japanese soldier, of one Huntley, one McGrath, and one Kitsock, Allied Prisoners of War, by beating and otherwise abusing them.

a-83. In or about the fall of 1944, NG NG
the unlawful mistreatment by Michio Kuriyama, a Japanese soldier, of an unidentified British Prisoner of War, by beating and otherwise abusing him.

a-84. In or about the early part of NG NG
1944, the unlawful mistreatment and abuse by Michio Kuriyama, a Japanese soldier, of one A. G. Lewis, a British Prisoner of War, by forcing him at the point of a bayonet to stand in the center of the parade grounds and beat himself over the head with a hammer.

a-85. In or about the late winter of NG NG
1944, the unlawful mistreatment and torture by Michio Kuriyama, a Japanese soldier, of James Munro Burtram, and other unidentified Allied Prisoners of War, by forcing them to do "push ups" for long periods of time, by beating and otherwise abusing them.

a-86. In or about August 1945, the unlawful NG G
mistreatment and abuse by Tsugio Nishida, a Japanese soldier, of Harold T. Hodges, an American Prisoner of War, by beating him and by then causing Yasushi Kimura, a civilian guard, to kick him, to beat him with fists and a rifle, and to stamp upon him with hob-nailed boots, as a result of which he sustained external and internal injuries requiring hospitalization.

Yes

Restricted

Restricted

a-87. On an occasion between 5 April 1945 and 29 August 1945, the unlawful mistreatment and abuse by Tsugio Nishida, a Japanese soldier, of one Caverly, an American Prisoner of War, by beating him and knocking him down.	NG	G	Yes
a-88. On an occasion between 19 December 1944 and 29 August 1945, the unlawful mistreatment and abuse by Tsugio Nishida, a Japanese soldier, of Norman A. Albertson, an American Prisoner of War, by beating him.	NG	G	Yes
a-89. On an occasion between July 1944 and August 1945, the unlawful mistreatment and torture by one Kojima, a Japanese civilian guard, of one Betterton, one Milne and one Morrel, British Prisoners of War, by requiring them to stand at attention and hold in either hand a bucket of water for long periods of time, by beating and otherwise abusing them.	NG	NG	---
a-90. On an occasion between July 1944 and August 1945, the unlawful mistreatment and abuse by one Kojima, a Japanese civilian guard, of one Henderson, a British Prisoner of War, by requiring him to stand close to a straw fire for a long period of time thereby causing him to be scorched with the heat.	NG	G	Yes
a-91. On an occasion between July 1944 and August 1945, the unlawful mistreatment by one Takekawa, a Japanese soldier, of one Sergeant Boyes, a British Prisoner of War, by beating and otherwise abusing him.	NG	NG	---
a-92. On an occasion between July 1944 and August 1945, the unlawful mistreatment by one Takekawa, a Japanese soldier, of one Private Klinky, a British Prisoner of War, by beating and otherwise abusing him.	NG	NG	---
a-93. On an occasion between April 1945 and August 1945, the unlawful mistreatment by one Chiku, a Japanese soldier, of one Dawson, a British Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
a-94. On an occasion between April 1945 and August 1945, the unlawful mistreatment by one Chiku, a Japanese soldier, of one Cooke, a British Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
a-95. On an occasion between April 1945 and August 1945, the unlawful mistreatment by one Chiku, a Japanese soldier, of twelve unidentified Dutch and Javanese Prisoners of War, by beating and otherwise abusing them.	NG	G	Yes

Restricted

Restricted

a-96. In or about 29 July 1945, the	NG	NG	---
unlawful mistreatment and abuse by Yasushi Kimura, a Japanese soldier, of Staff Sergeant Harold T. Hedges and Corporal Charles M. Howard, American Prisoners of War, by striking and beating them and requiring them to strike each other.			
a-97. In or about 11 August 1945, the	NG	G	Yes
unlawful mistreatment and abuse by Yasushi Kimura, a Japanese soldier, of Lieutenant Donald A. Carlson, Lieutenant James Edwards, and Lieutenant Gilbert Smith, American Prisoners of War by striking and beating them.			
a-98. In or about 10 August 1945, the	NG	G	Yes
unlawful mistreatment and abuse by Yasushi Kimura, a Japanese soldier, of Ray F. Halloran, an American Prisoner of War, by striking and beating him.			
a-99. In or about August 1945, the	NG	G	Yes
unlawful mistreatment and abuse by Yasushi Kimura, a Japanese soldier, of Harry Sivadkin, an American Prisoner of War, by striking and beating him.			
a-100. On an occasion between 3 April 1945 and 29 August 1945, the	NG	G	Yes
unlawful mistreatment and abuse by Yasushi Kimura, a Japanese soldier, of Lieutenant Irving S. Newman, an American Prisoner of War.			
b-1. In or about 6 July 1945, the	NG	G	Yes
unlawful mistreatment and abuse by Yasushi Kimura, a Japanese soldier, of Sergeant Olinto F. Lodovici, an American Prisoner of War, by striking and beating him.			
b-2. In or about the month of July 1945, the	NG	G	Yes
unlawful mistreatment and abuse by Yasushi Kimura, a Japanese soldier, of one White, an American Prisoner of War, by striking and beating him, thereafter forcing him to stand for two hours holding an iron pot above his head.			
b-3. In or about the month of January 1945, the	NG	G	Yes
unlawful mistreatment and abuse of Yasushi Kimura, a Japanese soldier, of Beck P. Northrup, Nelson A. Bush, Bert McInnis, Carl Ronollo, George Arwood, Kenneth Stull and four other American Prisoners of War by unlawfully striking and beating them.			
Sp 15: That on an occasion in or about the early part of 1945, accused did wrongfully and unlawfully mistreat about one hundred unidentified American Prisoners of War, by beating and otherwise abusing them.	NG	NG	---

Restricted

Restricted

Sp 16: That between about 15 July 1944 and about 29 August 1945, accused did unlawfully disregard and fail to discharge his duty to restrain and control the members of his command and persons under his supervision and control at or near Sumidagawa Prisoner of War Camp, by permitting them to commit the following atrocities and other offenses against Allied Prisoners of War:	NG	G	No
a. In or about November 1944, the unlawful mistreatment by Saburo Mizukoshi of Leo C. Shaw, an American Prisoner of War, by beating him and forcing him to stand at attention for a long period of time.	NG	G	No
b. Between 15 July 1944 and 29 December 1944, the unlawful mistreatment by Saburo Mizukoshi of Allied Prisoners of War by failing to provide them with adequate food.	NG	G	No
c. Between 15 July 1944 and 29 December 1944, the unlawful mistreatment by Saburo Mizukoshi of Allied Prisoners of War by failing to provide them with adequate shelter from Allied aerial attacks.	NG	Stricken (R 10)	---
d. Between 15 July 1944 and 29 December 1944, the unlawful mistreatment by members of his (accused's) command and persons under his supervision and control of Allied Prisoners of War by withholding, stealing and misappropriating food and medical supplies and Red Cross packages intended for the benefit and use of said Prisoners.	NG	G	No
e. Between 15 July 1944 and 29 December 1944, the unlawful mistreatment by members of his (accused's) command and persons under his supervision and control of Raymond D. Gordon and William L. Jones, American Prisoners of War, by beating and otherwise abusing them.	NG	G	No
f. On or about 23 December 1944, the unlawful mistreatment by members of his command and persons under his supervision and control of Robert E. Jaros, Odis Black and one Hinkson, American Prisoners of War, by beating and otherwise abusing them.	NG	G	No
g. Between 15 July 1944 and 29 December 1944, the unlawful mistreatment by members of his command and persons under his supervision and control of numerous unidentified Allied Prisoners of War by beating and otherwise abusing them.	NG	Stricken (R 60)	---

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h. Between 20 June 1945 and 21 July 1945, the unlawful mistreatment by Chuta Sasazawa of Benjamin Neufeld, a Canadian Prisoner of War, by failing to provide him with adequate and proper medicines, medical care, attention and hospitalization, thereby contributing to his death.	NG	Stricken (R 10)	---
i. On or about 20 June 1945, the unlawful mistreatment by Chute Sasazawa of Jack Robert Compton, an American Prisoner of War, by striking him, threatening him with a spear, and forcing him to stand at attention for a long period of time.	NG	G	No
j. Between 27 February 1945 and 29 August 1945, the unlawful mistreatment by Chuta Sasazawa of Allied Prisoners of War by withholding, stealing and misappropriating Red Cross supplies, and food, medical and other supplies intended for the use and benefit of said Prisoners of War.	NG	G	No
k. Between 27 February 1945 and 29 August 1945, the unlawful mistreatment by Chuta Sasazawa of numerous Allied Prisoners of War by failing to provide them with adequate food.	NG	G	No
l. Between 27 February 1945 and 29 August 1945, the unlawful mistreatment by Chuta Sasazawa of numerous Allied Prisoners of War by failing to provide them with adequate shelter from Allied aerial attacks.	NG	Stricken (R 10)	---
m. Between 27 February 1945 and 29 August 1945, the unlawful mistreatment by members of his command and persons under his supervision and control, other than mentioned in "j", supra, of Allied Prisoners of War by withholding, stealing and misappropriating Red Cross supplies, and food, medical and other supplies intended for the use and benefit of said Prisoners.	NG	G	No
n. In or about June 1945, the unlawful mistreatment by members of his command and persons under his supervision and control of Paul Kudlac, an American Prisoner of War, by piercing him with a bayonet and otherwise abusing him.	NG	G	No
o. Between 27 February 1945 and 29 August 1945, the unlawful mistreatment by unidentified Japanese guards and others of one Murphy, an Allied Prisoner of War, by abusing him.	NG	G	No
p. On or about 2 August 1945, the unlawful mistreatment by Hasanori Takahashi, also known as "Grease", of George Belcourt, a Canadian Prisoner of War, by beating him with fists and a bamboo stick, and otherwise abusing him.	NG	G	No

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q. In or about May 1945, the unlawful mistreatment by Hasanori Takahashi, also known as "Grease", of George Bolcourt, a Canadian Prisoner of War, by beating him with fists and otherwise abusing him. NG

G

No

r. On or about 20 July 1945, the unlawful mistreatment by Hikari Suzuki of Donald Chambers and George Moagher, Canadian Prisoners of War, and three other unidentified Allied Prisoners of War, by beating and otherwise abusing them. NG

G

No

s. In or about June 1945, the unlawful mistreatment by Hikari Suzuki of E. J. Hartery, a Canadian Prisoner of War, by beating and otherwise abusing him. NG

G

No

t. Between 27 February 1945 and 29 August 1945, the unlawful mistreatment by Hikari Suzuki of Clarence E. Burgess, a Canadian Prisoner of War, by beating and otherwise abusing him. NG

G, excepting the words "27 February", substituting therefor "29 March". Of the excepted words, Not Guilty. Of the substituted words, Guilty.

No

u. Between 27 February 1945 and 29 August 1945, the unlawful mistreatment by Hikari Suzuki of Thomas Black, a British Prisoner of War, by beating and otherwise abusing him. NG

G, except the words "27 February", substituting therefor the words "29 March". Of the excepted words, Not Guilty. Of the substituted words, Guilty.

No

v. In or about June 1945, the unlawful mistreatment and torture by Hikari Suzuki of C. C. R. Grant, a Canadian Prisoner of War, by forcing him to hold a heavy sack of rice on his shoulders and by beating him. NG

G

No

w. Between 27 February 1945 and 29 August 1945, the unlawful mistreatment by Sadaharu Kobayashi of Steve Yormola, a Canadian Prisoner of War, by beating and otherwise abusing him. NG

G, excepting the words "27 February", substituting therefor the words "29 March". Of the excepted words, Not Guilty. Of the substituted words, Guilty.

NO

x. Between 27 February 1945 and 29 August 1945, the unlawful mistreatment by Sadaharu Kobayashi of Gerald Sunstrom, a Canadian Prisoner of War, by beating and otherwise abusing him. NG

G, excepting the words "27 February", substituting therefor the words "29 March". Of the excepted words, Not Guilty. Of the substituted words, Guilty.

No

y. Between 27 February 1945 and 29 August 1945, the unlawful mistreatment by Sadaharu Kobayashi of Earl Willies and Fred Engol, American Prisoners of War, by beating and otherwise abusing them. NG

G

No

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z. Between 27 February 1945 and 29 August 1945, the unlawful mistreatment by Sadaharu Kobayashi of one Craven, an American Prisoner of War, by beating and otherwise abusing him.

G, excepting the words "27 February", substituting therefor the words "29 March". Of the excepted words, Not Guilty. Of the substituted words, Guilty.

No

aa. In or about April 1945, the unlawful mistreatment by Sadaharu Kobayashi of Robert Gibbs, a British Prisoner of War, by beating and otherwise abusing him.

G

No

bb. In or about April 1945, the unlawful mistreatment by Sadaharu Kobayashi of C. Vincent, a Canadian Prisoner of War, by beating and otherwise abusing him.

G

No

cc. In or about May 1945, the unlawful mistreatment by Sadaharu Kobayashi of George Belcourt, a Canadian Prisoner of War, by beating him.

G

No

dd. In or about May 1945, the unlawful mistreatment by Shosaburo Fujita, also known as "Piston Fist", of one DeJong, a Dutch Prisoner of War, by beating and otherwise abusing him.

G

No

ee. Between 27 February 1945 and 29 August 1945, the unlawful mistreatment and abuse by members of his command and other persons under his supervision and control of numerous unidentified Allied Prisoners of War.

G

No

ff. Between 27 February 1945 and 29 August 1945, the unlawful mistreatment by Chuta Sasazawa of Cecil J. Mocabee, an American Prisoner of War, by beating and otherwise abusing him.

G

No

gg. On or about 2 August 1945, the unlawful mistreatment by Chuta Sasazawa of George Belcourt, a Canadian Prisoner of War, by striking and otherwise abusing him.

G

No

Sp. 17: Between about 7 April 1944 and about 1 September 1945, accused did unlawful disregard and fail to discharge his duty to restrain and control the members of his command and persons under his supervision and control at or near Prisoner of War Camp No. 9-B, located at Ashio, by permitting them to commit the following atrocities and other offenses against Allied Prisoners of War:

G

No

a. In or about January 1945, the unlawful mistreatment by Shigeru Numajiri of George F. Gallion, an American Prisoner of War, by beating and otherwise abusing him.

G, excepting the words "and otherwise abusing". Of the excepted words, Not Guilty.

No

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