

Restricted

b. In or about June 1945, the unlawful mistreatment and torture by Shigeru Numajiri of Wallace Hall, an American Prisoner of War, by beating him and by ordering and causing members of his (accused's) command and persons under his supervision and control to suspend him with his back to the ground by ropes tied to his feet and handcuffed wrists for long periods of time; to beat him, to place him in confinement for a long period of time, to force him to stand at attention for a long period of time, and to otherwise abuse him.

G, excepting No
the words in the fifth line,
"with his back to the ground";
and "feet and"; and excepting
the words in the sixth line,
"to place him in confinement
for a long period of time",
and "at attention". Of the
excepted words, Not Guilty.

c. In or about August 1945, the unlawful mistreatment and torture by Shigeru Numajiri of John Hogue and Jose L. Quintana, American Prisoners of War, by ordering and causing members of his (accused's) command and persons under his supervision and control to beat them and to suspend the said Jose L. Quintana by his hands and feet for a long period of time, and by otherwise abusing them.

G No

d. Between 7 April 1944 and 1 September 1945, the unlawful mistreatment by Shigeru Numajiri of Allied Prisoners of War by permitting filthy and insanitary conditions to exist in and about the camp; and by forcing and permitting sick Prisoners to perform arduous labor when physically unfit to do so.

G No

e. Between 7 April 1944 and 1 September 1945, the unlawful mistreatment by persons under his (accused's) supervision and control of American and Allied Prisoners of War by withholding and misappropriating Red Cross blankets intended for the use and benefit of said Prisoners.

G No

f. Between 7 April 1944 and 1 September 1945, the unlawful mistreatment by persons under his supervision and control of Basil W. Weal, Paul F. Murphy, Lou Poss, Jimmy Durr, Granby O. Tugle, John A. O'Connor, Leo Magerole, and Charles W. Liob, American Prisoners of War, and other Allied Prisoners of War, by beating them; by forcing them to stand at attention for long periods of time; by suspending them by their wrists and feet for long periods of time; by placing them in the guardhouse without adequate food or blankets for long periods of time during cold weather; by forcing them to work when they were physically unfit to do so, and by otherwise abusing them.

G, excepting No
the words "Leo Magerole",
and "by suspending them
by their wrists and feet
for long periods of time".
Of the excepted words, Not
Guilty.

Restricted

Restricted

Sp 18: Between about 7 April 1944 and about 1 September 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 Shingawa Hospital Prisoner of War Camp by permitting them to commit the following atrocities and other offenses against Allied Prisoners of War:

NG

NG

a. Between 15 March 1945 and 10 July 1945, the unlawful mistreatment by Hisakichi Tokuda of William Holland, a British Prisoner of War, by performing medical experiments on him without his consent in that the said Hisakichi Tokuda did inject a soybean solution into the said Prisoner of War notwithstanding that oral dosage was the then orthodox method of administering the same, thereby causing the death of said Prisoner of War on 10 July 1945.

NG

NG

b. Between 15 March 1945 and 6 August 1945, the unlawful mistreatment by Hisakichi Tokuda of Thomas Hampson, a British Prisoner of War, by performing medical experiments on him without his consent in that he did inject a soybean solution into said Prisoner of War notwithstanding that oral dosage was the then orthodox method of administering the same, thereby causing his death on 6 August 1945.

NG

NG

c. Between 15 March 1945 and 1 July 1945, the unlawful mistreatment by Hisakichi Tokuda of Ernesto Saxida, an Italian Prisoner of War, by performing medical experiments on him without his consent in that he did inject a soybean solution into said Prisoner of War notwithstanding that oral dosage was the then orthodox method of administering the same, thereby causing his death on 1 July 1945.

NG

NG

d. Between 10 February 1945 and 25 March 1945, the unlawful mistreatment by Hisakichi Tokuda of Clifford W. Fusselman, an American Prisoner of War, by performing on him an artificial pneumothorax in an incompetent and unskillful manner when he was not competent to perform the same, thereby causing the death of said Prisoner of War on 28 March 1945.

NG

NG

e. Between 5 April 1945 and 24 June 1945, the unlawful mistreatment by Hisakichi Tokuda of Herbert W. McCants, an American Prisoner of War, by refusing to

NG

NG

Restricted

furnish him available medicine, by refusing the aid and assistance of competent, available American and Allied Prisoner of War doctors, and by engaging in improper medical practices, thereby contributing to the death of said Prisoner of War on 24 June 1945.

f. Between 14 November 1944 and 28 November 1944, the unlawful mistreatment by Hisakichi Tokuda of Ferdinand Kessing, a sick Dutch Prisoner of War, by failing to provide him with proper heating facilities, thereby contributing to his death on 28 November 1944.

NG

NG

g. Between 7 April 1944 and 1 September 1945, the unlawful mistreatment by Hisakichi Tokuda of American and Allied Prisoners of War by performing medical experiments and otherwise abusing them, thereby contributing to the deaths of numerous of them.

NG

h. Between 7 April 1944 and 1 September 1945, the unlawful mistreatment by Hisakichi Tokuda of American and Allied Prisoners of War by ordering, causing and permitting Japanese personnel to mistreat, abuse and torture them; by permitting filthy and insanitary conditions to exist in and about the camp; by failing and neglecting to provide adequate quarters, heating and bathing facilities; by failing to provide proper medical treatment, available drugs and medical supplies; by forcing sick Prisoners of War to work; by ordering American and Allied Prisoner of War officers to perform hard labor without proper nourishment; by forcing sick Prisoners of War to stand at attention in inclement weather; by beating sick Prisoners of War, and by otherwise abusing them.

NG

i. At divers times between 7 April 1944 and 1 September 1945, the unlawful mistreatment and torture by Japanese personnel other than Hisakichi Tokuda mentioned in "h", supra, of American and Allied Prisoners of War, by beating them; by forcing sick Prisoners of War to work; by forcing them to make fertilizing bricks out of feces; by cremating a dead Prisoner of War on a spit in the Hospital grounds; by beating and forcing them to stand at attention for long periods of time, and by otherwise abusing them.

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Restricted

Restricted

j. On 10 August 1945, the unlawful mis- NG
treatment by Hisakichi Tokuda of Walter
Dawson, British Prisoner of War, by per-
forming medical experiments on him without
his consent in that the said Hisakichi
Tokuda did inject a soybean solution in
the said Prisoner of War notwithstanding
that oral dosage was the then orthodox
method of administering same, thereby
causing his death on 11 August 1945.

Sp 19: (as amended) Between April 1944 NG
and September 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 Omori Prisoner of
War Camp, Sunidagawa, Camp No. 9-B and
Shinagawa Prisoner of War Camps, by per-
mitting them to commit upon Allied Pris-
oners of War numerous atrocities and of-
fenses other than those set forth in
Specifications 1, 2, 3, 4, 5, 6, 7, 8, 9,
10, 11, 12, 13, 14, 15, 16, 17 and 18,
in many instances resulting in the deaths
of numerous Allied Prisoners of War.

G, excepting No
the words in the amendment
thereto, "in many instances
resulting in the deaths of
numerous Allied Prisoners
of War". Of the excepted
words, Not Guilty.

Sp 20: Between April 1944 and September NG
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 Prisoner of War Branch Camp No.
5-B, Niigata; Prisoner of War Camp No.
16-D Kanose; Prisoner of War Branch Camp
No. 1 and Branch Camp No. 2, Kawasaki;
Prisoner of War Camp B-9, Ashio; Prisoner
of War Camp 5-D, Kawasaki; Prisoner of War
Camp 24-D, Kawasaki; Prisoner of War Camp
3-D, Kawasaki; Prisoner of War Camp No.
3-D, Yokohama; Prisoner of War Camp 10-D,
Yokohama, and 11-D, Yokohama; Prisoner
of War Camp B-8, Hitachi; Prisoner of War
Camp 9D-B, Ashio; and at divers other
Prisoner of War Camps in the Tokyo Area,
by permitting them to commit upon Allied
Prisoners of War numerous atrocities and
other offenses, in many instances result-
ing in the deaths of numerous Allied Pris-
oners of War.

G, excepting No
the words in line 8, "Pris-
oner of War Camp B-9, Ashio";
and the words in line 12,
"Prisoner of War Camp 9D-B,
Ashio"; and in the amendment
thereto the word "many", sub-
stituting therefor the word
"two", and excepting the
word "numerous". Of the ex-
cepted words, Not Guilty. Of
the substituted word, Guilty.

Kunji SUZUKI

Ch: Accused, at the times and places set NG
forth in the specifications hereto at-
tached, 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 Yes

Restricted

Restricted

Sp 1: Between September 1942 and April 1944, at or near Shinagawa, later known as Omori, 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 shelters therefrom.

NG

NG

Sp 2: Between September 1942 and April 1944, 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 George Edward Arner, Victor Carl Benson, Harlan Charles Bickford, James W. Bramen, Ralph Dennis Brindley, William Amcido De Rosa, Ben P. Epperson, Charles Grewcoox, Howard E. Huffine, Raymond F. Mix, Dearing Pritchard, William D. Thomas, James A. Thomasson, Ralph Weinberg, Waldo T. Wynne, American Prisoners of War, Colin Anderson, Wilfred Bennett, Geoffrey Clark, Ralph Hall, Gerald Harris, Patric Gerald McMenimin, Joe Mondie, David Merchant, Eric F. Picton, William Pinnock, Frederick William Reid, Sidney Smith, William Stannard, John Stonehouse Taylor, Horace Thorpe, British Prisoners of War, J. E. Gormann, Frank Harris, Edo van Spall, Rubo vander Wouden, Dutch Prisoners of War and Martoun Hermanson, a Norwegian Prisoner of War, and thereby injuring the health and delaying the recovery of numerous American and Allied Prisoners of War.

NG

G, excepting Yes
the words "by failing and neglecting to provide adequate quarters and heat; by failing and neglecting to provide sufficient food and clothing;" "refusing"; "George Edward Arner, Victor Carl Benson, Harlan Charles Bickford, James W. Bramen"; "William Amcido DeRosa, Ben P. Epperson, Charles Grewcoox"; "Raymond F. Mix, Dearing Pritchard, William D. Thomas, James A. Thomasson"; "Waldo T. Wynne"; "Colin Anderson, Wilfred Bennett, Geoffrey Clark, Ralph Hall, Gerald Harris, Patric Gerald McMenimin, Joe Mondie, David Merchant, Eric F. Picton, William Pinnock, Frederick William Reid, Sidney Smith, William Stannard, John Stonehouse Taylor, Horace Thorpe, British Prisoners of War, J. E. Gormann"; and "Martoun Hermanson, a Norwegian Prisoner of War".
Of the excepted words, Not Guilty.

Sp 3: Between September 1942 and April 1944, accused did on numerous occasions willfully and unlawfully withhold and 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 and did unlawfully disregard and fail to discharge his duty to restrain and control.

NG

G, excepting Yes
the words, in line 4 "and other", and in line 6, "and personal property belonging to said prisoners". Of the excepted words, Not Guilty.

Restricted

Restricted

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.

Sp 4: In or about the latter part of 1943, NG accused did willfully and unlawfully cause and permit one Mansfield, an American Prisoner of War, to be beaten and otherwise abused.

G, excepting Yes
the words in line 4, "cause
and". Of the excepted words,
Not Guilty.

Sp 5: Between September 1942 and April 1944, 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 commit the following atrocities and other offenses against American and Allied Prisoners of War:

G Yes

a. In or about the autumn of 1943, the NG unlawful mistreatment and abuse by one interpreter, Kawamura, of one Gunnor Quillian, a British Prisoner of War, by beating and otherwise abusing him.

NG ---

b. In or about December 1943, the unlawful mistreatment and abuse by Mitsuhiro Watanabe of an unidentified sailor, an Allied Prisoner of War and one Lieutenant Clark, an American Prisoner of War, by beating and otherwise abusing them.

NG ---

c. On numerous occasions between December 1943 and April 1944, the unlawful mistreatment and abuse by Mitsuhiro Watanabe of Lewis M. Bush, a British Prisoner of War, by beating and otherwise abusing him.

NG ---

d. In or about January 1944, the unlawful mistreatment by Mitsuhiro Watanabe of Carlton H. Clark and an unidentified Navy Commander, American Prisoners of War, by beating and otherwise abusing them.

G, excepting Yes
the words "and an unidentified navy commander", and in the last line, the word "them", substituting therefor the word "him". Of the excepted words, Not Guilty. Of the substituted word, Guilty.

e. In or about December 1943, the unlawful mistreatment by Mitsuhiro Watanabe of Edward V. Dockweiler, an American Prisoner of War, by beating and otherwise abusing him.

G Yes

f. In or about April 1944, the unlawful mistreatment by Mitsuhiro Watanabe of Raymond L. Lucia, an American Prisoner of War by beating and otherwise abusing him.

NG ---

Restricted

g. In or about February 1944, the unlawful mistreatment by Mitsuhiro Watanabe of Marion Daniel Unruh, an American Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
h. In or about April 1944, the unlawful mistreatment by Mitsuhiro Watanabe of Commander Dave Hurt, an American Prisoner of War, by beating and otherwise abusing him.	NG	NG	---
i. In or about January 1944, the unlawful mistreatment by Watanabe of Frank O. Wynne, an American Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
j. On divers occasions between December 1943 and April 1944, the unlawful mistreatment by Watanabe of Arthur Cooling, a British Prisoner of War, by beating and otherwise abusing him.	NG	NG	---
k. On an occasion between December 1943 and April 1944, the unlawful mistreatment by Watanabe of James Nevillo, a British Prisoner of War, by beating and otherwise abusing him.	NG	NG	---
l. In or about March 1944, the unlawful mistreatment by Watanabe of Frederick Henry Richardson, Jr., an American Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
m. On an occasion between September 1943 and April 1944, the unlawful mistreatment by Michio Kuriyama of one Marshall, a British Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
n. In or about the winter 1943, the unlawful mistreatment by Kuriyama of one Sergeant Huntley, an Allied Prisoner of War, by beating and otherwise abusing him.	NG	G	Yes
o. In or about spring of 1944, the unlawful mistreatment by Kuriyama of one Captain Frank R. McDonald, a British Prisoner of War, one Lieutenant Lucia, an American Prisoner of War, one Lieutenant McGrath and one Captain Hinson, Allied Prisoners of War, by beating and otherwise abusing them.	NG	G	Yes
p. In or about June 1943, the unlawful mistreatment by Kuriyama of Lieutenant Leo H. Best an Allied Prisoner of War by beating and otherwise abusing him.	NG	No finding.	

Restricted

q. In or about the early part of 1944, NG
the unlawful mistreatment by Kuriyama of
A. G. Lewis, a British Prisoner of War, by
forcing him to beat himself and otherwise
abusing him.

G

Yes

r. On divers occasions between November NG
1942 and July 1943, the unlawful mistreat-
ment by Kuriyama of Theodore A. Crossner,
an American Prisoner of War, by beating
and otherwise abusing him.

G

Yes

w. Between December 1943 and April NG
1944, the unlawful mistreatment on numer-
ous occasions by Watanabe of numerous
American and Allied Prisoners of War by
beating them, practicing jiu jitsu on
them, requiring them to stand at atten-
tion for long periods of time, placing
them in solitary confinement, cutting
down their rations, forcing sick Prisoners
of War to work and by otherwise abusing
them.

G, excepting
the words in line 6, "plac-
ing them in solitary con-
finement, cutting down
their rations". Of the ex-
cepted words, Not Guilty.

Yes

Sp 6: Between about 18 November 1942 and NG
about 7 April 1944, 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, by permitting them to commit
the following atrocities and other offenses
against Allied Prisoners of War;

G

No

a. From about 18 November 1942 to 22 NG
June 1943, the unlawful mistreatment by
Nichizawa of numerous American and Allied
Prisoners of War by permitting filthy and
insanitary conditions to exist in or about
said camp; by failing and neglecting to
provide adequate quarters, heat and bath-
ing facilities; by failing and neglecting
to provide sufficient food and clothing;
and by refusing, failing and neglecting
to provide proper, adequate and humane
medical care and attention and adequate
medical supplies and drugs; thereby con-
tributing to the sickness and deaths of
said Prisoners of War.

G

No

b. In or about December 1942, the un- NG
lawful mistreatment by Nichizawa of Elmer
Arthur Middleton, an American Prisoner of
War, and thirty-three other American and
Allied Prisoners of War, by causing camp
guards to brutally beat said Prisoners of War.

G

No

c. On or about 28 January 1943, the un- NG
lawful mistreatment by Nichizawa of Bernard
P. Fournier, an American Prisoner of War,
who was then sick, by causing and permitting
Kawamura to brutally beat said Prisoner of
War, thereby causing his death on or about
30 January 1943.

G, excepting
the words "thereby causing
his death on or about 30
January 1943". Of the ex-
cepted words, Not Guilty.

No

- Nichizawa*
- | | | | |
|---|----|--|-----|
| d. Between 18 November 1942 and 22 June 1943, the unlawful mistreatment by Nichizawa of Lieutenant Michael Wright, a British Prisoner of War, by ordering and causing a Japanese non-commissioned officer to slap him. | NG | G | No |
| e. In or about the month of May 1943, the unlawful mistreatment by Nichizawa of Theodore Larsen, an American Prisoner of War, who was then seriously ill, by denying him necessary hospitalization, thereby causing the death of said Prisoner of War on or about 11 June 1943. | NG | Stricken (R 8) | --- |
| f. In or about the month of February 1943, the unlawful mistreatment by Nichizawa, together with Ikeda, of Michael McQuoeny and Private Mannix, American Prisoners of War, and five other American and Allied Prisoners of War, by compelling them to stand at attention, barefooted, outdoors in extremely cold weather for a long period of time. | NG | G | No |
| g. In or about the month of February 1943, the unlawful mistreatment by Nichizawa of fourteen American and Allied Prisoners of War, who were then sick with malaria, by beating and otherwise abusing them. | NG | G | No |
| h. In or about the month of November 1942, the unlawful mistreatment by Nichizawa together with Kawamura of Joel N. Cooke and one DePancon, American Prisoners of War, by beating them and thereafter causing camp guards to beat them. | NG | G | No |
| i. In the month of February 1943, the unlawful mistreatment by Nichizawa of Henry Boehnke, an American Prisoner of War, by beating him into insensibility and thereafter ordering him to work in the Mitsubishi Shipyard without providing necessary medical care for him, thereby contributing to his death. | NG | G, except the words "and thereafter ordering him to work in the Mitsubishi Shipyard without providing necessary medical care for him, thereby contributing to his death". Of the excepted words, Not Guilty. | No |
| j. In or about the month of December 1942, the unlawful mistreatment by Nichizawa of Benjamin Lyons, an American Prisoner of War, who was then sick, by brutally beating him and ordering and causing four Japanese soldiers to beat him, thereby causing his death. | NG | G, except the words "thereby causing his death". Of the excepted words, Not Guilty. | No |
| k. Between 18 November 1942 and 22 June 1943, the unlawful mistreatment by Nichizawa of Howard William Koviak, William Charles Falconer, Alexander Morodith, A. C. Kirk, one Peterson, American Prisoners of War, and numerous other American and Allied Prisoners of War, by beating them. | NG | G | No |

Restricted

l. On divers occasions between 18 Nov- ember 1942 and 22 June 1943, the unlawful mistreatment by Nichizawa of numerous Ameri- can and Allied Prisoners of War by col- lectively punishing them by forcing them to stand in a position of attention out of doors for long periods of time.	NG	G	No
m. On divers occasions between 18 Nov- ember 1942 and 22 June 1943, the unlawful mistreatment by Nichizawa of numerous American and Allied Prisoners of War by compelling them to work and perform ardu- ous labor while ill, diseased, and physi- cally unfit to perform such labor.	NG	G	No
n. From about 18 November 1942 to about 22 June 1943, the unlawful mistreatment by Nichizawa of numerous American and Allied Prisoners of War by causing persons under his command to strike, torture and beat them.	NG	G	No
o. In or about the month of February 1943, the unlawful mistreatment by Shishido and Ikeda and other Japanese personnel of a group of seventy American and Allied Prisoners of War by brutally beating them and thereafter compelling them to stand at attention for a long period of time.	NG	G	No
p. In or about the month of February 1943, the unlawful mistreatment by Kambo of William Tolman, an American Prisoner of War, by brutally beating him and there- after compelling him to stand in a posi- tion of attention out of doors in extremely cold weather, holding a bucket of water in each hand for a long period of time.	NG	G	No
q. In or about the month of February 1943, the unlawful mistreatment by Kambo of Robert Raymond, an American Prisoner of War, by compelling him to perform calisthenics in the snow in extremely cold weather, without adequate clothing, until he was exhausted, thereafter compelling him to stand at attention for a long period of time.	NG	G	No
r. On or about 6 March 1943, the unlaw- ful mistreatment by Kambo and other Japan- ese of a group of approximately two hundred and twenty American and Allied Prisoners of War by forcing them to stand at atten- tion for a long period of time, and during said time beating many of them.	NG	G	No
s. On or about 1 March 1943, the unlaw- ful mistreatment by Kawamura of Herbert C. Kent, an American Prisoner of War, by beating him.	NG	G	No

Restricted

t. In or about the month of November or December 1942, the unlawful mistreatment by Kawamura of Joel M. Cooke and one Do Pancon, American Prisoners of War, by beating them.	NG	G	No
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u. Between 3 December 1942 and 22 June 1943, the unlawful mistreatment by Kawamura of Michael Wright, George Berton Tribukait, James P. Barthol, Chief Electricians' Mate Atkinson and Martin Francis Fargon, Allied Prisoners of War, by beating and otherwise abusing them.	NG	G, excepting the words "Michael Wright, George Berton Tribukait, James P. Barthol"; and the words "and otherwise abusing". Of the excepted words, Not Guilty.	No
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v. Between 18 November 1942 and 22 June 1943, the unlawful mistreatment by Kambo, Ikoda, Shishido, Kawamura, and other Japanese of numerous American and Allied Prisoners of War, by beating and forcing them to stand at attention for long periods of time.	NG	G	No
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w. Between 18 November 1942 and 22 June 1943, the unlawful mistreatment by Kambo and other Japanese of numerous American and Allied Prisoners of War by compelling them to work and perform arduous labor while sick, ill, diseased and physically unable to perform such labor.	NG	G	No
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x. On or about 1 April 1944, the unlawful mistreatment by Chisuwa of J. J. Dressler, an American Prisoner of War, who had been severely injured by denying him medical attention and urgent hospitalization, thereby causing the death of said J. J. Dressler on or about 4 April 1944.	NG	Stricken (R 8)	---
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y. In or about the months of February and March 1944, the unlawful mistreatment by Chisuwa, with Yamada, Kambo, Ikoda, Shishido and others, of O.B. Harris, an American Prisoner of War, by beating him, by threatening to decapitate him, and by thereafter torturing him by compelling him to stand at attention out of doors throughout the night in the extreme cold holding a bucket of water in each hand; by forcing him to work the following day without sleep, and by similarly beating and torturing him for ten consecutive nights; and thereafter placing him in solitary confinement in the guard house in a small cell for thirty days on reduced rations and without heat or blankets during cold weather.	NG	G	No
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z. On or about November 1943, the unlawful mistreatment by Chisuwa of Harry E. Clark, Ike Williams and Jack Dempsey Thompson, American Prisoners of War, by compelling them to kneel with their hands behind their backs, then brutally beating each of them, and by thereafter confining them in the guard house for seven days on	NG	G	No
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Restricted

1/3 rations without heat during cold weather.

aa. Between 23 June 1943 and 7 April 1944, the unlawful mistreatment by Chisuwa of numerous American and Allied Prisoners of War by beating and otherwise abusing them. NG

G

No

bb. On various occasions between 23 June 1943 and 7 April 1944, the unlawful mistreatment by Chisuwa of numerous American and Allied Prisoners of War by collectively punishing them by compelling them to stand in a position of attention out of doors for long periods of time. NG

Stricken (R 8)

cc. On various occasions between 23 June 1943 and 7 April 1944, the unlawful mistreatment by Chisuwa of American and Allied Prisoners of War by compelling them to perform arduous labor when ill, diseased and physically unfit to perform such labor. NG

Stricken (R 8)

dd. From about 23 June 1943 to 7 April 1944, the unlawful mistreatment by Chisuwa of numerous Allied Prisoners of War by permitting filthy and insanitary conditions to exist in or about the camp; by failing and neglecting to provide adequate quarters, heat and bathing facilities; by failing and neglecting to provide sufficient food and clothing; and by refusing, failing and neglecting to provide proper, adequate and humane medical care and attention and adequate available medical supplies and drugs; thereby contributing to the sickness and deaths of numerous Allied Prisoners of War. NG

G, except the words "thereby contributing to the sickness and deaths of numerous Allied Prisoners of War". Of the excepted words, Not Guilty. No

ee. In or about the month of January 1944, the unlawful mistreatment by Japanese camp personnel of C. F. McKee, an American Prisoner of War, and sixteen other Allied Prisoners of War by beating and torturing them and compelling them to stand at attention out of doors for long periods of time. NG

G

No

ff. In or about the month of July 1943, the unlawful mistreatment by a Japanese medical orderly of Jake Ford, an American Prisoner of War, by torturing him by placing and burning a number of incense cones on his bare flesh. NG

Stricken (R 9)

gg. On or about 23 December 1943 and on other occasions between 23 June 1943 and 7 April 1944, the unlawful mistreatment by Kambo of American and Allied Prisoners of War by misappropriating and converting to his own use the contents of personal parcels belonging to said Prisoners of War. NG

G

No

Restricted

Restricted

hh. Between 23 June 1943 and 7 April 1944, the unlawful mistreatment by Kambe of American and Allied Prisoners of War by misappropriating and converting to his own use, stores, rations, supplies and clothing and Red Cross supplies intended for the use and benefit of said Prisoners of War. NG G No

ii. In or about the month of October 1943, the unlawful mistreatment by Kambe of Charles Edward Hanning, an American Prisoner of War, by beating him. NG G No

jj. In or about the month of November 1943, the unlawful mistreatment by Shishido and Ikeda of Harry E. Clark, Ike Williams, and Jack Dempsey Thompson, American Prisoners of War, by beating them. NG G No

kk. In or about the month of March 1944, the unlawful mistreatment by Shishido, Ikeda, and others of one Private Hernandez, an American Prisoner of War, by beating him. NG G No

ll. Between 23 June 1943 and 7 April 1944, the unlawful mistreatment by Kambe, Ikeda, Shishido, Yamada and other Japanese, of numerous American and Allied Prisoners of War by beating and otherwise abusing them. NG G No

mm. Between 23 June 1943 and 7 April 1944, the unlawful mistreatment by Kambe, Sukenobu Ikeda, Shonsuke Shishido, Yamada and other Japanese, of numerous American and Allied Prisoners of War by beating them and compelling them to perform arduous labor while sick, ill, diseased and physically unable to perform such labor. NG G, except the words "Sukenobu Ikeda, Shonsuke Shishido". Of the excepted words, Not Guilty. No

Sp 7: Between about 26 November 1942 and about 7 April 1944, 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 the Mitsu-shima Prisoner of War Camp, by permitting them to commit the following atrocities and other offenses against Allied Prisoners of War: NG G No

a. Between 26 November 1942 and 7 April 1944, the unlawful mistreatment by Sukoo Nakajima together with Tatsuo Tsuchiya, also known as "Little Glass Eye", Sadaharu Hiramatsu, also known as "Big Glass Eye", Kunio Yosizawa, also known as "Mushmouth", Tamotsu Kimura, also known as "Punk", Harumi Kawate, also known as "Rivet Tooth", Takeo Kirishita, also known as Takeo NG G, excepting the words "by inflicting on them for alleged offenses by a few", and excepting the words "Raymond Chavez, Roger G. Derr, Elmer E. Engle", and excepting the words "Garth Ginther, Winfred O. Hayes, No

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Fujimoto and "Buick", and Rikio Shioiri, of numerous American and Allied Prisoners of War by inflicting cruel and inhuman collective punishments on them for alleged offenses by a few; by compelling sick Prisoners to perform arduous labor when ill, diseased and physically unfit to perform such labor; and by failing to provide them with adequate food, clothing and shelter; thereby causing the deaths of Albert J. Burko, Raymond Chavez, Roger G. Derr, Elmer E. Engle, Sherwood B. Francis, Garth Ginther, Winfred O. Hayes, Clarence H. Hondrickson, Kenneth G. Hunter, Asa J. Jackson, Gusta R. Krause, William B. Richardson, Albert H. Roberts, Gerald M. Simpson, Alfred G. Smith, J. Smith and James A. Vitelli, Jr., American Prisoners of War, and James Rowmey, Henry Balfour Groves, Ernest William Mack, Sydney Charles Marven, Arthur Leonard Tucker, Wilfred Harry Charman, Ng Hoon Seak, K. W. Holmes, Kwek Tuck See, R. Mitchell, H. H. Lawley, Tan Teek Wah, H. J. Coker, A. Portsmouth, G. H. Aindow, A. J. Coe, H. Chandler, E. N. Singleton, A. E. Casey, T. C. Street, G. R. Skelton, E. Cross, A. A. Almeroth, R. P. Stannard, S. C. Wako, J. C. Bruce, A. Mackie, and S. J. D. Aelind, British Prisoners of War.

Clarence H. Hondrickson, Kenneth G. Hunter, Asa A. Jackson, Gusta R. Krause, William B. Richardson, Albert H. Roberts, Gerald M. Simpson, Alfred G. Smith, J. Smith and James A. Vitelli, Jr.", and excepting the words "James Rowmey, Henry Balfour Groves, Ernest William Mack, Sydney Charles Marven, Arthur Leonard Tucker, Wilfred Harry Charman, Ng Hoon Seak", and excepting the words "Kwek Tuck See, R. Mitchell, H. H. Lawley, Tan Teek Wah, H. J. Coker, A. Portsmouth, G. H. Aindow, A. J. Coe", and excepting the words "E. N. Singleton, A. E. Casey, T. C. Street, G. R. Skelton, E. Cross, A. A. Almeroth, R. P. Stannard, S. C. Wako, J. C. Bruce, A. Mackie". Of the excepted words, Not Guilty.

b. On numerous occasions between 26 November 1942 and 7 April 1944, the unlawful mistreatment by Nakajima of American and Allied Prisoners of War by misappropriating and converting to his own use Red Cross supplies intended for the use and benefit of said Prisoners of War.

NG

G

No

c. Between 26 November 1942 and 7 April 1944, the unlawful mistreatment by members of his (accused's) command and persons under his supervision and control, other than as mentioned in "b" supra, of American and Allied Prisoners of War by misappropriating and converting to their own use Red Cross supplies intended for the use and benefit of said Prisoners of War.

NG

G

No

d. On or about 20 December 1943, the unlawful mistreatment by Nakajima of Vernon B. Marble, an American Prisoner of War, by forcing each of the two hundred and fourteen Allied Prisoners of War then in the Camp to beat him and by otherwise abusing him.

NG

G

No

e. Between 26 November 1942 and 7 April 1944, the unlawful mistreatment by Nakajima of numerous American and Allied Prisoners of War by causing camp guards to beat and otherwise abuse them.

NG

G, except the word "numerous", substituting therefor the word "several". Of the excepted word, Not Guilty. Of the substituted word, Guilty.

No

Restricted

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f. During the winter of 1942-1943, the NG Stricken (R 9)
unlawful mistreatment by members of his
command and persons under his supervision
and control of two hundred American and
Allied Prisoners of War by requiring them
to stand at attention for a long period
of time out of doors in inclement weather
and thereafter beating and otherwise abus-
ing them.

g. Between 26 November 1942 and 7 April NG Stricken
1944, the unlawful mistreatment by members
of his command and persons under his super-
vision and control of numerous American
and Allied Prisoners of War by compelling
them to beat each other and by otherwise
abusing them.

Sp 8: Between about 10 December 1942 and NG G No
about 7 April 1944, the accused did unlaw-
fully 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 Naoetsu
Prisoner of War Camp 4-B, by permitting
them to commit the following atrocities
and other offenses against Allied Pris-
oners of War:

a. Between 20 January 1943 and 7 April NG
1944, the unlawful misappropriation by
Oota of Red Cross food intended for the
use of Allied Prisoners of War. G, except the No
words "unlawful misappropriation", substituting
therefor "misuse". Of the
excepted words, Not Guilty.
Of the substituted word,
Guilty.

b. Between 1 September 1943 and 27 NG G No
January 1944 the unlawful mistreatment,
torture and abuse by one Sergeant Shibano
of Robert G. Farley, an Australian Prisoner
of War, by repeatedly beating him thereby
contributing to his death.

c. Between 1 January 1944 and 21 Janu- NG G No
ary 1944, the unlawful mistreatment and
torture by one Sergeant Shibano and one
Sergeant Aoki of Signalman D. Fraser, an
Australian Prisoner of War, by beating
him approximately five hours and otherwise
abusing him, thereby contributing to his
death.

d. Between 1 August 1943 and 13 Novem- NG G No
ber 1943, the unlawful mistreatment and
abuse by one Sergeant Aoki and two Japanese
known as "Gummy" and "Fish Face" of Corporal
G. L. Judd, an Australian Prisoner of War,
by compelling him to work and beating him
while sick and physically unfit to perform
such work, thereby contributing to his death.

Restricted

o. Between 1 January 1943 and 15 December 1943, the unlawful mistreatment and abuse by one "Gummy", one "Fishface", one Private Kawano and one Sergeant Aoki of Private A. V. Burns, an Australian Prisoner of War, by beating him, compelling him to perform arduous labor while physically unfit to perform labor.

G, except the words "perform arduous labor while physically unfit to perform labor", substituting therefor "work while sick". Of the excepted words, Not Guilty. Of the substituted words, Guilty.

f. Between 1 March 1943 and 26 October 1943, the unlawful mistreatment, torture and abuse by one Sergeant Aoki, one "Gummy", one "Sailor", and one Private Taguchi of Private T. M. Comerford, an Australian Prisoner of War, by repeatedly beating him and compelling him to perform arduous labor while seriously ill and physically unfit to perform labor, thereby contributing to his death.

G No

g. Between 1 March 1943 and 13 September 1943, the unlawful mistreatment, torture and abuse by one Sergeant Aoki of Signaller J. H. Baker, an Australian Prisoner of War, by repeatedly beating him and compelling him to work while sick and physically unfit to perform labor.

G, except the words "and compelling him to work while sick and physically unfit to perform labor". Of the excepted words, Not Guilty.

h. Between 1 March 1943 and 30 December 1943, the unlawful mistreatment and abuse by one Sergeant Aoki of Private J. G. Harper, an Australian Prisoner of War, by compelling him to perform arduous labor when sick and physically unfit to perform labor, thereby contributing to his death.

G, except the words "perform arduous labor", substituting therefor the word "work". Of the excepted words, Not Guilty. Of the substituted word, Guilty.

i. Between 1 June 1943 and 23 August 1943, the unlawful mistreatment, torture and abuse by one Private Suzuki and one Sergeant Aoki of Private J. E. Perkins, an Australian Prisoner of War, by beating him and compelling him to perform arduous labor while sick and physically unfit to perform labor.

G, except the word "arduous". Of the excepted word, Not Guilty.

j. Between 1 January 1944 and 20 January 1944, the unlawful mistreatment by one Sergeant Shibano of Private F. O. Bayliss, an Australian Prisoner of War, by beating and otherwise abusing him.

NG ---

k. Between 1 January 1943 and 21 January 1944, the unlawful mistreatment and torture by one Private Kuriyama of Private W. C. Lewis, an Australian Prisoner of War, by beating him and exposing him to winter weather nightly over a long period of time and otherwise abusing him.

G, except the words "1 January 1943", substituting therefor "1 February 1943", and except the word "nightly", and except the words "and otherwise abusing him". Of the excepted words, Not Guilty. Of the substituted words, Guilty.

Restricted

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l. Between 1 September 1943 and 22 December 1943, the unlawful mistreatment and torture by one Private Taguchi of Private J. Hurley, an Australian Prisoner of War, by beating him to the point of unconsciousness, reviving him with water and continuing such treatment for five nights in succession and during said period compelling him to perform daily labor, and otherwise abusing him. NG

G, except the words "and torture", and except the words "and during said period compelling him to perform daily labor, and otherwise abusing him." Of the excepted words, Not Guilty. No

m. Between 1 October 1943 and 4 January 1944, the unlawful mistreatment, torture, and abuse by one Sergeant Aoki and one Private Taguchi of Lance Corporal C. T. Tracey, an Australian Prisoner of War, by compelling him to perform arduous labor while sick and physically unfit to perform labor, and by a Japanese civilian known as "Brer Rabbit" by beating him into insensibility. NG

G, except the words "arduous". Of the excepted word, Not Guilty. No

n. During January 1944, the unlawful mistreatment by one Sergeant Shibano of Private J. W. Downie, an Australian Prisoner of War, by beating him, compelling him on numerous occasions to stand in deep snow, confining him in the guardhouse nightly in winter weather with inadequate food and clothing and without blankets, and compelling him to perform arduous labor, and otherwise abusing him while physically unfit to perform labor. NG

G, except the words "arduous" and "and otherwise abusing him". Of the excepted words, Not Guilty. No

o. On or about 27 January 1943, the unlawful mistreatment and abuse by one Private Kuriyama of Captain J. Hopburn, an Australian Prisoner of War, by beating him for approximately one hour. NG

NG

p. On or about 26 January 1943, the unlawful mistreatment and abuse by one Private Kuriyama of Captain Yates, an Australian Prisoner of War, by beating him. NG

NG

q. Between 1 February 1943 and 26 February 1943, the unlawful mistreatment and abuse by one Corporal Katayama and one Private Kuriyama of Signalman H. J. Sweet, an Australian Prisoner of War, by compelling numerous Allied Prisoners of War to beat him. NG

G

No

r. On or about 5 July 1943, the unlawful mistreatment, torture, and abuse by one Corporal Katayama, one Private Taguchi and others of Private G. A. Sutton, an Australian Prisoner of War, by beating him and compelling him to perform strenuous physical exercises for several hours until he reached the point of collapse. NG

G

No

Restricted

Restricted

s. In or about April 1943, the unlawful mistreatment and abuse by one Private Kuriyama of Sergeant T. Fardy, an Australian Prisoner of War, by beating him.	NG	G	No
t. Between about 10 December 1942 and 7 April 1944, the unlawful misappropriation by persons under his (accused's) supervision and control of Red Cross food intended for the use and benefit of Allied Prisoners of War.	NG	NG	---
u. During July 1943, the unlawful mistreatment by Sergeant Aoki of J. V. Madie, an Allied Prisoner of War, by beating him.	NG	NG	---
v. Between 10 December 1942 and 31 April 1943, the unlawful mistreatment by one Kuriyama of J. V. Madie, an Allied Prisoner of War, by beating him.	NG	NG	---
w. In or about February 1943, the unlawful mistreatment by one Kuriyama of J. V. Madie, an Allied Prisoner of War, by beating him.	NG	NG	---
x. During the year 1943, the unlawful mistreatment by one Katayama of W. G. Parry, an Allied Prisoner of War, by beating him.	NG	NG	---
Sp 9: Between about 10 August 1943 and about 5 February 1944, the 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 Prisoner of War Branch Camp No. 5-B, by permitting them to commit the following atrocities and other offenses against Allied Prisoners of War:	NG	G	Yes
a. From about 10 August 1943 to 5 February 1944, the unlawful mistreatment by Masato Yoshida of Allied Prisoners of War by permitting filthy and insanitary conditions to exist in or about the camp; by failing and neglecting to provide sufficient clothing; by failing and neglecting to provide adequate shelter, heat and bathing facilities; by withholding and failing to provide Allied Prisoners of War with adequate medical attention and available medical supplies; by withholding and failing to provide Allied Prisoners of War with proper and adequate food; by compelling and permitting Allied Prisoners of War to perform arduous labor when ill, diseased and physically unfit to perform such labor; by compelling and permitting Allied Prisoners of War	NG	NG	---

Restricted

Restricted

to work under improper working conditions; thereby contributing to the deaths of numerous Allied Prisoners of War; causing permanent injury to F. C. Cameron, J. Sellars, and J. L. Campbell, Canadian Prisoners of War, and the sickness, injury or permanent disability of numerous other Allied Prisoners of War.

b. Between about 3 September 1943 and 5 February 1944, the unlawful mistreatment by Yoshida of Allied Prisoners of War by withholding and diverting to his own use and by permitting the withholding and the diverting to their own use by members of his staff, Red Cross supplies intended solely for the use and benefit of said Prisoners of War.

NG

G

Yes

c. In or about the month of November 1943, the unlawful mistreatment by Yoshida of Harold A. Smith and James Mortimer, Canadian Prisoners of War, by having them placed on short rations, tied up and left outside in cold weather insufficiently clad and by permitting them to be beaten by camp guards, which exposure and beating caused them to be hospitalized.

NG

G

Yes

d. In or about the months of January and February 1944, the unlawful mistreatment by Yoshida of James Mortimer, a Canadian Prisoner of War, by having him tied up exposed to the elements insufficiently clad in freezing weather and by placing him on short rations, and personally beating him, thereby causing his death on 7 March 1944.

NG

G

Yes

e. In or about the months of January and February 1944, the unlawful mistreatment and torture by Yoshida of Gerald K. Titman, an American Prisoner of War, by having him tied up exposed to freezing weather, by beating and permitting members of his staff to beat him, thereby contributing to his death.

NG

G

Yes

f. On or about 4 December 1943, the unlawful mistreatment by Yoshida of Canadian Prisoners of War by quartering them in a hut unfit for human habitation, which hut as a result of its unsafe nature subsequently collapsed on or about 1 January 1944, thereby causing the deaths of L. Sausen, D. L. Sword, A. J. Jacquard, F. J. Colvin, J. Furey, H. B. Jones, B. P. Olafsen, and E. Mazerolle, Canadian Prisoners of War, and injury to a number of other Canadian Prisoners of War.

NG

Strickon (R 55)

Restricted

g. In or about October 1943, the unlawful mistreatment by Yoshida of Canadian Prisoners of War by causing them to be deprived by Japanese camp staff personnel of their effects and objects of personal use and value and by permanently retaining same.

NG

NG

h. During the months of September, October, November and December 1943, the unlawful mistreatment by members of his command and persons under his supervision and control of James Martin and Harold Gibbons, Canadian Prisoners of War, by compelling them to walk to and from camp to the Rinko Docks in their bare feet, thereby contributing to their deaths.

NG

NG

i. Between September 1943 and 6 January 1944, the unlawful mistreatment by one Sato of Leo J. Bottie, a Canadian Prisoner of War by beating him and forcing him to go to work when physically unfit to perform labor, thereby contributing to his death.

NG

Stricken (R 989)

j. Between about September 1943 and 6 January 1944, the unlawful mistreatment by one Hashimoto of G. R. McLaughlin, a Canadian Prisoner of War, by beating him, thereby contributing to his death.

NG

NG

k. On or about 1 February 1944, the unlawful mistreatment by one Hashimoto of Gerald Snedden, a Canadian Prisoner of War, by beating him, thereby contributing to his death.

NG

G, except the words "thereby contributing to his death". Of the excepted words, Not Guilty.

No

l. Between 1 January 1944 and 5 February 1944, the unlawful mistreatment by one Okuda of James Court, a Canadian Prisoner of War, by beating him.

NG

NG

m. At divers times in October 1943, the unlawful mistreatment by one "Blue Turd" of Roland D'Amours, a Canadian Prisoner of War, by beating him.

NG

NG

n. At divers times during the months of October and November 1943, the unlawful mistreatment by one Okuda of Roland D'Amours, a Canadian Prisoner of War, by beating him.

NG

G, except the words "At divers times during the months of", substituting therefor "in or about". Of the excepted words, Not Guilty. Of the substituted words, Guilty.

Yes

o. In or about December 1943, the unlawful mistreatment by one Okuda of Reginald Haley, a Canadian Prisoner of War, by beating him, thereby contributing to his death.

NG

Stricken (R 989)

Restricted

p. In about December 1943 or January 1944, the unlawful mistreatment by one Okuda of B. C. Moore, a Canadian Prisoner of War, by beating him, thereby contributing to his death.	NG	Strickon (R 989)	---
q. In about January 1944, the unlawful mistreatment by one Okuda of J. Caruso, a Canadian Prisoner of War, by beating him.	NG	NG	---
r. Between about 3 September 1943 and 31 December 1943, the unlawful mistreatment by an unidentified Japanese guard of Lawrence Firlotte, a Canadian Prisoner of War, by beating him.	NG	NG	---
s. In about January or February 1944, the unlawful mistreatment by one Sato of William Harvey Gagne, a Canadian Prisoner of War, by beating him.	NG	NG	---
t. In or about the month of September 1943, the unlawful mistreatment by one Sato of Arthur Hilton Hunter, a Canadian Prisoner of War, by beating him.	NG	G	Yes
u. During the month of January 1944, the unlawful mistreatment by one Hashimoto of William Rankine Maltman, a Canadian Prisoner of War, by beating him.	NG	G	No
v. In or about December 1943, the unlawful mistreatment by one Takahashi of Earnest Houft, a Canadian Prisoner of War, by forcing him to sleep in a latrine exposed to the elements, thereby contributing to his death.	NG	Strickon (R 989)	---
w. In September 1943, the unlawful mistreatment by one Kiato of John Sellars, a Canadian Prisoner of War, by beating him.	NG	NG	---
x. In or about October 1943, the unlawful mistreatment by one Okuda of Gordon Douglas McLellan, a Canadian Prisoner of War, by beating him.	NG	G	Yes
y. Between about 3 September 1943 and 5 February 1944, the unlawful mistreatment by an unidentified Japanese guard of T. Jarvie, a Canadian prisoner of War, by beating him.	NG	NG	---
z. In or about November 1943, the unlawful mistreatment by one Sato of Victor Joseph Myatt, a Canadian Prisoner of War, by beating him.	NG	G	Yes

Restricted

Restricted

aa. In or about the month of November 1943, the unlawful mistreatment by one Hashimoto of Victor Joseph Hyatt, a Canadian Prisoner of War, by beating him.	NG	G	Yes
bb. Between about 3 September 1943 and 5 February 1944, the unlawful mistreatment by one Sato of T. A. McBride, a Canadian Prisoner of War, by beating him.	NG	NG	---
cc. In or about the month of January 1944, the unlawful mistreatment by one Sato of D. Syvret, a Canadian Prisoner of War, by beating him.	NG	NG	---
dd. In or about September 1943, the unlawful mistreatment by one Sato of Earnest Robert James Neal, a Canadian Prisoner of War, by beating him.	NG	G	Yes
ee. Between about 3 September 1943 and 31 December 1943 the unlawful mistreatment by one Sato of Clifford Edwin Settee, a Canadian Prisoner of War, by beating him.	NG	G	Yes
ff. Between about 3 September 1943 and 5 February 1944 the unlawful mistreatment by members of his command and persons under his supervision and control, of Allied Prisoners of War, by burning them with powder, thereby resulting in the death of one and the permanent disfigurement of numerous other Allied Prisoners of War.	NG	Strickon (R 55)	---
Sp 10: (amended) Between September 1942 and April 1944, 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, by permitting them to commit upon Allied Prisoners of War numerous atrocities and offenses other than those set forth in specifications 1,2,3,4,5,6, 7,8 and 9, in many instances resulting in the deaths of numerous Allied Prisoners of War.	NG	G	No
Sp 11: Between September 1942 and April 1944, 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 divers Prisoner of War Camps, by permitting them to commit upon Allied Prisoners of War numerous atrocities and other offenses, in many instances resulting in the deaths of numerous Allied Prisoners of War.	NG	G, excepting words of the amendment to the specification "many", substituting therefor the word "several"; and excepting the words "resulting in", substituting therefor the words "contributing to"; and excepting the word "numerous". Of the excepted words, Not Guilty. Of the substituted words, Guilty.	No

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Kunji Suzuki

3. Summary of the Evidence.

a. For the Prosecution

Kunji SUZUKI:

In General. The accused, Kunji Suzuki, hereinafter called Suzuki, was the area commander of the Tokyo Area P.W. Camps and camp commander of Shinagawa, later known as Omori P.W. Camp, Tokyo Area, Honshu, Japan, from September 1942 to April 1944. Shinagawa was the main camp until 20 July 1943 when it was moved to Omori P.W. Camp, hereinafter called Omori. Shinagawa remained as a hospital under the command of Suzuki until April 1944 when the accused Sakaba succeeded Suzuki as area and camp commander.

At Shinagawa, which was a very compact unit, Suzuki had his office right in the camp, near the entrance (R 498). Beatings by guards, interpreters and the staff were a frequent occurrence and complaints to Suzuki had no effect. The senior P.W. officer was seldom allowed to complain or even attempt to correct conditions (Ex 68, 76). Suzuki moved his office to Omori at the time the main camp was transferred. Omori was a comparatively small camp, in the approximate form of a square with sides approximately 400 feet long and contained only twelve buildings (Ex 244). Suzuki had his office in the area headquarters building, which was in the camp, directly opposite the guard house and the main gate (R 537; Ex 13, 26, 182, 184, 209). From his window, which was about forty feet from the main gate, he could see personnel entering or leaving the guardhouse and the main gate.

At Omori, beatings were commonplace and Suzuki ignored P.W. officers when they protested the mistreatment of P.W.'s. Suzuki was present at Omori a great deal of the time (R 537) and could not help being cognizant of all the brutalities that occurred (Ex 150, 224; see also prosecution evidence as to Specification 4 as to this accused). His policy was to foster and encourage such brutalities (Ex 99). A Japanese corporal, later promoted to sergeant, named Mitsuhiro Watanabe, was one of the prime movers in mistreating prisoners (See evidence under Specification 5w, Suzuki, infra) and every Japanese in camp, including Suzuki, was fully aware of what he was doing (R 578; Ex 40). Watanabe's reputation is shown by the fact that in November 1943, a P.W. in another camp who had refused to help in Japan's propaganda efforts was told his attitude needed correcting and that he was being sent to Watanabe who would be able to correct his attitude (Ex 46). In September 1943, an official from the Prisoner of War Information Bureau visited Omori and interviewed about eight officers who reported they were being beaten for trivial offenses. This official told Suzuki about this complaint (p 9 of Ex P) and, in December 1943, General Hamada, Chief of the Prisoner of War Information Bureau, ordered main camp commanders to eradicate corporal punishment. Suzuki, on a visit to Niigata P.W. Camp, told the prisoners of war they were prisoners of the Imperial Japanese Army and as such must work until they died and although conditions were bad, they could expect nothing better as the war was of their making (Ex 100 in Case Docket #67, U.S. vs Yoshida, incorporated by reference R 943). On being relieved as commander in April 1944, Suzuki apologized to an Allied P.W. officer for the treatment given to P.W.'s, saying he had done all he could to help the prisoners of war but the obstinate opposition of his staff officers negated his efforts.

As to Specification 1: Not guilty.

As to Specification 2: On arrival in camp, some P.W.'s were confined in crowded cells containing an open latrine that poisoned the atmosphere and were given filthy blankets and were not provided washing facilities (Ex 24). The whole camp and barracks were infested with rats, fleas, lice and vermin (Ex 105, 251). Drainage was non-existent and the P.W.'s were bothered by flies in the summer as the latrines constantly overflowed. There were little or no attempts to remedy the situation (Ex 41, 46, 91). Adequate medical care was lacking (Ex 64) and P.W. medical officers could not use available medicines (Ex 232). Men received scanty attention

Restricted

when they suffered injuries at work and PW's were often refused such medicines as vitamin extracts and glucose which were available in camp (Ex 36). Medical treatment was constantly refused and after the surrender in 1945, cases of Red Cross medical supplies were discovered at Omori that had been there for years (Ex 74). Suzuki formed a policy of capriciously withholding available medical supplies (Ex 99). At Shinagawa, Lt. Tokuda, a Japanese medical officer, refused to give officers available vitamin shots and cod liver oil on the grounds that officers who did not work were not entitled to medical care (Ex 90). In the fall of 1943, after many requests were made for medicine to treat dry beri-beri, Suzuki came into the dispensary and had the moxa treatment (moxibustion) demonstrated on him by a Japanese civilian. It was then demonstrated on a few PW's and Suzuki ordered that it thereafter be used as a treatment. This treatment consisted of depositing Oka (incense-like substance) on the face, stomach, back or legs and igniting it. This treatment was painful and resulted in burns that became infected due to the general unsanitary conditions. The same civilian introduced the needle treatment, which consisted of piercing the skin with a fine needle over a nerve point until the nerve was stimulated by twisting the needle. PW doctors objected to this treatment and even the Japanese medical officer did not think it beneficial. This treatment, in general, retarded the recovery of the PW's from their illnesses (R 569-573; Ex 6, 41, 66, 166, 209, 232, 251). Fujii, a Japanese medical officer, directed the use of intra-spinal injection of vitamin B-1 for beri-beri, despite the objection by an American medical officer that he had never heard of such treatment. This treatment had no apparent benefit and resulted in headaches and giddiness and, due to the inferior Japanese ampules, PW's had severe meningeal irritation and one man died (Ex 24, 224, 251).

PW's had to be extremely sick before they were excused from work (Ex 49). An Allied medical officer stated that the camps in the Tokyo area were on a competitive basis in keeping as many PW's as possible working. It was the policy for all men on sick call, whom the PW medical officer had excused from work, to be paraded before a Japanese line officer or non-com, who would arbitrarily rule on the decisions of the medical officers and often send sick men out to work (R 238, 514, 516, 517, 518; Ex 102, 193, 203). Many sick PW's were sent out to work as a result of the Japanese medical officer's policy of overruling the PW medical officers' recommendations that men be given treatment (Ex 232, 251). On one occasion, when the PW doctor excused several prisoners from work, Fujii beat them and despite Pvt Ralph Weinberg's statement that he was sick, he did not receive medical treatment and died a day and a half later from pneumonia on 19 March 1944 (Ex 150, 267). Dr. Goad, PW medical officer, testified the death of Rubo vander Wouden on 21 September 1943 at Shinagawa (Ex 291) was due to improper food and insufficient medical care. Rubo vander Wouden had been suffering from wet beri-beri and constantly sought to be excused from work. He was excused a few times and on improvement would be sent back to work again (R 550-551). Dr Goad also testified the death of Endo van Spall, on 22 March 1944 at Omori (Ex 289), was due to pneumonia, resulting from undue exposure to cold, climate, malnutrition and lack of medical care. He had been to the dispensary many times. During his pneumonia, his only treatment was to be given aspirin and a little quinine as that was all that was available (R 562, 563). Dr. Goad further testified that Ralph Dennis Brindley, an American PW, who died at Omori on 2 April 1944 (Ex 258), was suffering from chronic malnutrition and dry beri-beri and had a shell fragment in his chest. Brindley often came to the dispensary for treatment and to get excused from work. He only succeeded in being excused from work a few times and on each occasion was sent back to work again. Brindley died suddenly. He had become so discouraged and depressed because of the lack of treatment that he did not have the stamina or will power to carry on (R 563). Dr. Goad also testified Frank Harris, a Dutch PW, who died at Shinagawa on 6 March 1944 (Ex 287), died of pneumonia, resulting from lack of medicine. Harris suffered from chronic recurrent diarrhea for several months and on slight improvement after being excused from work, he would be sent back to work again (R 552). Dr. Goad testified that sending men suffering from beri-beri to work affects their hearts (R 508) and retards recovery of those affected by diarrhea (R 513). The only proof as to the death of Howard

Restricted

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E. Huffine is Exhibits 262 and 262A, which comprise a death certificate showing Huffine to have died on 7 January 1943 from dysentery at Army Hospital #2, Tokyo, which was not under the command of the accused. The official custodian of the P.I. records testified the transfer of management of P.I. Huffine to the Tokyo P.I. Camp occurred on 13 November 1942 and that Huffine had diarrhea on his trip from Manila. These records show an official medical examination on 12 October 1942 and that Huffine was admitted to the hospital on 3 December 1942 and died 7 January 1943 (R 905, 906).

Dr. Goad testified during the time covered by these deaths, there was unissued Red Cross food at Omori and, despite all pleas, the officials refused to issue it for use by those who were sick (R 566).

As to Specification 3: In December 1942, South African Red Cross parcels arrived at the main camp and it was estimated that Japanese personnel stole 100 packages. In March 1943, Red Cross food, including cocoa, sugar and corned beef, arrived at Omori and much of it was taken by the Japanese personnel (Ex 68). In December 1943, sufficient Red Cross packages to allot each P.I. one package arrived but the P.I.'s were only given a half package apiece and the Japanese officers and non-commissioned officers were given the rest (Ex 168). In March 1944, when Red Cross packages were received at the main camp, Watanabe kept forty-eight packages for his own use (Ex 46, 55, 172, 184) and Suzuki did nothing on receiving protests about Watanabe's actions (Ex 168). The accused formulated a policy of withholding Red Cross food supplies (Ex 99) and Japanese personnel were constantly seen using Red Cross supplies and taking such supplies out of camp (Ex 99, 149, 168, 184, 222). Personal property of the prisoners was also confiscated by Japanese personnel (Ex 222). Suzuki had in his possession Red Cross cocoa and sugar he had appropriated for his own use (Ex 209) and he informed branch camps cocoa and sugar could be used for entertainment purposes (R 1351). Exhibit 388 shows Red Cross articles arrived about the times claimed in the statements introduced by the prosecution.

As to Specification 4: In either November or December 1943, a British gunner named Mansfield was caught stealing Red Cross parcels that were kept in the Japanese guard house (Ex 35, 83). He was beaten (Ex 209) and tied to a tree, clad only in underwear or pajamas, for a period of two or three days and nights (Ex 184, 209). It was snowing and the temperature at that time would fall to approximately twenty degrees fahrenheit (Ex 83, 209). While tied, P.I. Mansfield was hit in the face and kicked about the legs by Watanabe (Ex 83). Afterwards, Mansfield was brought in front of the assembled camp and either the accused or Captain Imoto made a speech to the assembled P.I.'s about it. This tree to which Mansfield was tied was directly in front of the Japanese headquarters building where the accused had his office and the accused saw him during this period (Ex 184, 209).

As to Specifications 5a and 5b: Not guilty -- motion by defense.

As to Specification 5c: Not guilty -- finding.

As to Specification 5d: The affidavit of the alleged victim, Carlton H. Clark, an American P.I., discloses that in January 1944, while Watanabe was beating a P.I. in the barracks, he, as P.I. in charge of the barracks, asked Watanabe what the man had done. Watanabe took Clark to his barracks and beat him across the face with a leather belt and his fists, knocking him down about thirty times. A protest concerning this beating by the senior P.I. officer resulted in Watanabe also beating this officer (Ex 50, 68).

As to Specification 5e: The affidavit of the alleged victim, Edward V. Dockweiler, an American P.I., discloses that about 15 December 1943, when Watanabe beat Lt. Clark, Lt. Comdr. Dockweiler, as senior P.I. officer, complained to Lt. Moragisha, the duty officer. While registering this complaint, Watanabe came by

Restricted

and taking Dockweiler away from Lt. Moragisha beat him and threatened to torture and kill him (Ex 50, 68).

As to Specification 5f: Not guilty -- motion by defense.

As to Specification 5g: The affidavit of the alleged victim, Marion Daniel Unruh, an American P.W., discloses that on 25 February 1944, Watanabe entered the cell where he was confined and made derogatory remarks about the United States and when Unruh defended his country, Watanabe became angry and beat him on the head with flying boots and knocked him down and kicked him (Ex 179).

As to Specification 5h: Not guilty -- motion by defense.

As to Specification 5i: The affidavit of the alleged victim, Frank O. Wynne, an American P.W., discloses that in January 1944, Watanabe beat him with his fists in and about the face for not speaking to Watanabe and failing to stand at attention (Ex 188).

As to Specifications 5j and 5k: Not guilty -- motion by defense.

As to Specification 5l: The affidavit of the alleged victim, Frederick Henry Richardson, Jr., an American P.W., discloses that on 30 March 1944, a group of prisoners, including Richardson, upon arrival at Omori, were lined up in a formation by Watanabe. Richardson had a temperature of 102 degrees because of a slight case of pneumonia and he felt faint after standing $1\frac{1}{2}$ hours and started to stagger. Watanabe, seeing this, slapped and punched him, knocking him to the ground (Ex 159).

As to Specification 5m: In the summer of 1943 or the spring of 1944, Marshall, a British P.W., was severely beaten by Michio Kuriyama. Marshall, acting as a bath house orderly and following the orders of a Japanese private, led a certain group of P.W.'s in to bathe despite Kuriyama's prior orders. When Kuriyama arrived and saw this, he began to beat Marshall in the anteroom of the bath house (Ex 24) and then took him to the cook house and beat him with a wooden club (Ex 44, 222) and knocked him down and kicked and jumped on him (Ex 126). He also made Marshall crawl around the cook house on his hands and knees while he kicked and struck him (Ex 38, 44, 76, 149, 222). As a result of this beating, Marshall's face was swollen and he did not completely recover either mentally or physically (Ex 24).

As to Specification 5n: Sergeant Huntley, an Allied P.W., was severely beaten with an implement by Kuriyama in the autumn or winter of 1943 (Ex 44).

As to Specification 5o: In the spring of 1944 (Ex 44), Kuriyama accused the mess officers of not reducing the rations for officers (Ex 204) or the sick P.W.'s (Ex 44) as ordered and beat and kicked Lt. McGrath and Captain Hinson, Allied P.W.'s, Captain McDonald, British P.W., Lt. Lucia, American P.W. Kuriyama made these P.W.'s bend down and touch their toes and turn circles and when they fell he kicked them (Ex 44; for partial substantiation, see Exhibits 18 and 131). Kuriyama states he merely made them exercise (Ex 204).

As to Specification 5p: No finding by the commission.

As to Specification 5q: In the early part of 1944, Kuriyama had A. G. Lewis, British Petty Officer, who was the camp carpenter, make a box for him. When Kuriyama discovered the dimensions were a fraction of an inch off, he forced Lewis, at the point of a bayonet, to stand in the snow of the parade grounds and beat himself on the head with a hammer (Ex 204; R 580).

Restricted

Restricted

As to Specification 5 r: The affidavit of the alleged victim, Theodore A. Cressner, an American P., discloses that between 12 November 1942 and 20 July 1943, Kuriyama gave him six severe beatings, hitting him across the face with a rubber shoe, resulting in his eyes being blackened and closed for two or three weeks (Ex 56).

As to Specification 5w: Between December 1943 and April 1944, Mit-suhiro Watanabe took delight in constantly slapping and knocking PW's around (Ex 84, 105, 227). Watanabe beat PW's with fists, boots, fencing stick, the side of his sword and its scabbard (Ex 95, 149, 166, 226, 238), and sent sick men out to work (Ex 161). Watanabe beat sick PW's (Ex 239). He required PW's to stand at attention for long periods of time (Ex 84) and practiced ju-jitsu on them (Ex 166, 238).

As to Specification 6: The sole proof, except the testimony of Masao Nichizawa and Exhibit R-13 (infra), produced in support of the sub-specifications in this specification are copies of military commission orders resulting from Case Docket #46, U. S. vs Nichizawa, showing the conviction of the persons named in these sub-specifications of the incidents alleged therein. This evidence will be cited by showing the specification number appearing in the military commission order and the exhibit number whereby copies of these military commission orders were introduced into the record. In addition, this reviewer has checked the record of said Case Docket #46 to see if there is evidence to sustain the specifications as to Suzuki as some of the specifications of which these men were found guilty covered a period of time before April 1944 and after April 1944 when Suzuki was relieved of his command. After each reference as stated above, there will be noted the exhibit number or record citation in said Case Docket #46, which will be indicated with the letter "N".

These military commission orders are entered in this record as follows: Military Commission Order #8, HQ FEC, dated 13 June 1943, Ex 252; MCO 128, HQ 8th Army, dated 4 December 1947, Ex 326; MCO 130, HQ 8th Army, dated 4 December 1947, Ex 327; MCO 131, HQ 8th Army, dated 4 December 1947, Ex 328; MCO 132, HQ 8th Army, dated 4 December 1947, Ex 329; MCO 133, HQ 8th Army, dated 4 December 1947, Ex 330; MCO 129, HQ 8th Army, dated 4 December 1947, Ex 348.

Masao Nichizawa, who was the commander of the camp concerned in this specification, was called by the commission as its own witness (R 862) and testified as follows: On arrival, the PW's were in extremely bad health and when Suzuki was informed of this, he allowed another week's rest and sent a medical officer from the main camp who investigated the health conditions (R 866). Suzuki made unannounced visits to the camp about once a month between November 1942 and June 1943. His visits lasted about four hours (R 863), during which he inspected the camp and work sites and on one or two occasions, he talked to PW's through an interpreter (R 871). Red Cross food packages were turned over to the senior PW officer and Red Cross medicines were turned over to the PW dispensary. Nichizawa admitted that he had PW's slapped with open hands on two or three occasions, including one mass slapping when members of one barracks were each slapped once (R 868, 876). Because the PW's were so sick, Suzuki obtained additional medicines and gave the camp priority on hospitalization (R 870). Nichizawa attempted to serve additional food from the company employing the PW's and the prefectural authorities (R 881-882).

As to Specification 6a: Specification 1 of Exhibit 252 - N Exhibit 25.

As to Specification 6b: Specification 2 of Exhibit 252 - N Exhibits 57 and 125.

As to Specification 6c: Specification 3 of Exhibit 252 - N Exhibits 8, 9, 10, 11 and 12.

Restricted

Restricted

As to Specification 6d: Specification 4 of Exhibit 252 - N Record 447, 451; N Exhibit 6.

As to Specification 6e: Stricken.

As to Specification 6f: Specification 6 of Exhibit 252 - N Exhibits 41 and 42.

As to Specification 6g: Specification 7 of Exhibit 252 - N Exhibit 3, N Record 446.

As to Specification 6h: Specification 8 of Exhibit 252 - N Exhibit 47.

As to Specification 6i: Specification 9 of Exhibit 252 - N Exhibit 59.

As to Specification 6j: Specification 10 of Exhibit 252 - N Exhibit 19.

As to Specification 6k: Specification 11 of Exhibit 252 - N Exhibits 4, 5a, 49, 64 and 79.

As to Specification 6 l: Specification 12 of Exhibit 252 - N Record 415; N Exhibits 50 and 53.

As to Specification 6m: Specification 13 of Exhibit 252 - N Exhibits 8, 49 and 52.

As to Specification 6n: Specification 15 of Exhibit 252 - N Exhibits 9, 121, 123, and 125.

As to Specification 6 o: Specification 16e of Exhibit 252, Specification 7 of Exhibit 329, Specification 5 of Exhibit 330 - N Exhibit 28.

As to Specification 6p: Specification 16f of Exhibit 252, Specification 2 of Exhibit 327 - N Exhibit 20.

As to Specification 6q: Specification 16g of Exhibit 252, Specification 3 of Exhibit 327 - N Exhibit A.

As to Specification 6r: Specification 16h of Exhibit 252, Specification 5 of Exhibit 327 - N Exhibit 3.

As to Specification 6s: Specification 16 i of Exhibit 252, Specification 2 of Charge 1 of Exhibit 348 - N Exhibits 45 and 46.

As to Specification 6t: Specification 16j of Exhibit 252, Specification 3 of Charge 1 of Exhibit 348 - N Exhibit 47.

As to Specification 6u: Specification 16k of Exhibit 252, Specification 4 of Charge 1 of Exhibit 348 - N Exhibit 81.

As to Specification 6v: Specification 16 l of Exhibit 252, Specification 13 of Exhibit 329, Specification 10 of Exhibit 330, Specification 7 of Exhibit 327; - N Record 451; N Exhibits 5a, 6, 10, 11, 23, 36, 49, 50 and 125.

As to Specification 6w: Specification 16m of Exhibit 252, Specification 15 of Exhibit 327 - N Exhibit 59.

As to Specification 6x: Stricken.

Restricted

Restricted

As to Specification 6y: Specification 3 of Charge 1 of Exhibit 326, Specification 1 of Exhibit 327, Specification 1 of Exhibit 328, Specification 6 of Exhibit 329, Specification 4 of Exhibit 330 - N Exhibit 15.

As to Specification 6z: Specification 4 of Charge 1 of Exhibit 326 - N Exhibit 21.

As to Specification 6aa: Specification 5 of Charge 1 of Exhibit 326 - N Exhibits 5a and 125.

As to Specification 6bb and 6cc: Stricken.

As to Specification 6dd: Specification 9 of Charge 1 of Exhibit 326 - N Exhibits 2 and 61.

As to Specification 6ee: Specification 11f of Charge 1 of Exhibit 326 - N Exhibits 50, 59 and 137.

As to Specification 6ff: Stricken.

As to Specification 6gg: Specification 11k of Charge 1 of Exhibit 326, Specification 13 of Exhibit 327 - N Exhibits 49, 125 and 138.

As to Specification 6hh: Specification 11 l of Charge 1 of Exhibit 326, Specification 14 of Exhibit 327 - N Exhibit 49, 125 and 138.

As to Specification 6ii: Specification 11m of Charge 1 of Exhibit 326, Specification 9 of Exhibit 327 - N Exhibit 25.

As to Specification 6jj: Specification 11n of Charge 1 of Exhibit 326, Specification 12 of Exhibit 329, Specification 8 of Exhibit 330 - N Exhibit 21.

As to Specification 6kk: Specification 11o of Charge 1 of Exhibit 326 - N Exhibit 21.

As to Specification 6 ll: Specification 11s of Charge 1 of Exhibit 326 - N Exhibits 23, 28, 50, 59, 77, 81, 122 and 137.

As to Specification 6mm: Specification 11t of Charge 1 of Exhibit 326, Specifications 6 and 7 of Exhibit 328 - N Exhibits 28, 39, 59, 81 and 121.

As to Specification 7: As in Specification 6, the sole proof of the sub-specifications in this specification are copies of military commission orders, in this instance arising out of Case Docket #128, U.S. vs Nakajima. The evidence will be cited in the same way as Specification 6, the applicable military commission orders being entered in this record as follows: MCO #15, GHQ FEC, dated 28 July 1948, Ex 294; MCO #16, GHQ FEC, dated 28 July 1948, Ex 295; MCO #17, GHQ FEC, dated 28 July 1948, Ex 296; MCO #18, GHQ FEC, dated 28 July 1948, Ex 297; MCO #19, GHQ FEC, dated 28 July 1948, Ex 298; MCO #20, GHQ FEC, dated 28 July 1948, Ex 299; MCO #153, HQ 8th Army, dated 29 February 1948, Ex 336; MCO #154, HQ 8th Army, dated 29 February 1948, Ex 337.

As to Specification 7a: Specification 2 of Exhibits 294, 295, 296, 297, 298, 336 and 337, Specification 1 of Exhibit 299 - N Record 129, 132, 282, 295, 413; N Exhibits 17, 107, 114.

As to Specification 7b: Specification 3 of Exhibit 294; Record 137, 138.

Restricted

Restricted

As to Specification 7c: Specification 6b of Exhibit 294, Specification 3 of Exhibits 296, 297 and 298, Specification 2 of Exhibit 299 - N Record 137, 285.

As to Specification 7d: Specification 4 of Exhibit 294 - N Exhibits 42 and 107.

As to Specification 7e: Specification 5 of Exhibit 294 - N Exhibits 42 and 107.

As to Specifications 7f and 7g: Stricken.

As to Specification 8: As in Specification 6, the sole proof offered in support of the sub-specifications in this specification are copies of military commission orders and copies of charges and specifications that were confirmed by military commission orders after this trial was completed, in this instance arising out of Case Docket #129, U.S. vs Oota et 6. The commission took judicial notice of this case (R 412) but said that the taking of judicial notice is not to be considered as accepting it as evidence (R 432). The evidence will be cited in the same way as Specification 6, the applicable military commission orders and charges and specifications being entered in this record as follows: MCO #220, HQ 8th Army, dated 19 July 1948, Ex 342; MCO #221, HQ 8th Army, dated 19 July 1948, Ex 343; MCO #223, HQ 8th Army, dated 19 July 1948, Ex 344; MCO #224, HQ 8th Army, dated 19 July 1948, Ex 345; Charges and Specifications vs Yuzu Aoki, Ex 373; Charges and Specifications vs Kengo Katayama, Ex 374; Charges and Specifications vs Tadao Shivano, Ex 375.

As to Specification 8a: Specification 1 of Exhibit 342; R 1351 - O Record 241.

As to Specification 8b: Specification 3a of Exhibit 342, Specification 1 of Exhibit 375, page 2 of Exhibit R-4 - O Exhibits 1 and 2.

As to Specification 8c: Specification 3b of Exhibit 342, Specification 2 of Exhibits 373 and 375 - O Exhibits 4 and 64.

As to Specification 8d: Specification 3c of Exhibit 342, Specification 3 of Exhibit 373 - O Record 231; O Exhibits 13, 14, 15 and 16.

As to Specification 8e: Specification 3d of Exhibit 342, Specification 4 of Exhibit 373 - O Exhibits 15 and 64.

As to Specification 8f: Specification 3e of Exhibit 342, Specification 5 of Exhibit 373 - O Exhibits 2, 16 and 64.

As to Specification 8g: Specification 3f of Exhibit 342, Specification 6 of Exhibit 373 - O Exhibit 17 (hearsay).

As to Specification 8h: Specification 3g of Exhibit 342, Specification 7 of Exhibit 373 -- O Exhibits 17 and 64.

As to Specification 8i: Specification 3h of Exhibit 342, Specification 7 of Exhibit 373 - O Exhibit 3, 16, 18, 19, 62 and 64.

As to Specification 8j: Not guilty -- prosecution motion.

As to Specification 8k: Specification 3k of Exhibit 342, Specification 1 of Exhibit 343 - O Record 190, 194, 443; O Exhibits 3 and 16.

Restricted

Restricted

As to Specification 8 l: Specification 3 l of Exhibit 342, Specification 3 of Exhibit 344 - 0 Exhibits 42 and 64.

As to Specification 8m: Specification 3m of Exhibit 342 - 0 Exhibits 41 and 43.

As to Specification 8n: Specification 3n of Exhibit 342, Specification 5 of Exhibit 375 - 0 Record 432-438.

As to Specifications 8 o and 8p: Not guilty - finding.

As to Specification 8q: Specification 3q of Exhibit 342 - 0 Exhibit 16.

As to Specification 8r: Specification 3s of Exhibit 342, Specification 4 of Exhibit 343, Specification 7 of Exhibit 344, Specification 10 of Exhibit 345 - 0 Exhibits 6, 16, 25 and 27.

As to Specification 8s: Specification 3t of Exhibit 342, Specification 3 of Exhibit 343 - 0 Exhibits 28 and 29.

As to Specifications 8t, 8u, 8v, 8w and 8x: Not guilty - findings.

As to Specification 9: All events alleged in the sub-specifications herein occurred at or near PW Branch Camp #5-B, Niigata, Japan, located about 160 miles from Tokyo. The commission took judicial notice of Case #69, U. S. vs Masato Yoshida and thereafter certain pages of the record (R 845, 846) and certain exhibits (R 929-944) were duly incorporated by reference into this record. In presenting the evidence offered by the prosecution, testimony and exhibits from said case #69 will be prefaced by the letter "Y" to distinguish them from similar references from the record and exhibits in this case.

In December 1943, Dr. Fujii was sent by Suzuki to investigate the numerous deaths and to reduce the number of sick PW's. Dr. Fujii made his examination of the PW's outdoors in cold weather, requiring them to strip for the examination. He slapped PW's who, on being asked to run, were unable to do so because they were suffering from beri-beri. Fujii classified many sick PW's as being well and they were, therefore, sent to work (Y R 54, 166, 382, 383; Y Ex 41, 102). Numerous affidavits from Case #69 reveal that beatings were commonplace at this camp (Y Ex 100, 103).

As to Specification 9a: Not guilty - motion of defense.

As to Specification 9b: In the fall of 1943, Red Cross supplies, including food packages, sugar, shoes, overcoats and sulfathiazole, were received at this camp. The sulfathiazole was not issued despite a protest to Yoshida that it was needed to treat PW pneumonia cases (Y Ex 41). The entire Japanese staff used these supplies for their own use (Y Ex 50) and numerous Japanese personnel were seen in possession of these Red Cross articles (Y Ex 53, 67, 77, 100). Yoshida was observed eating Red Cross food (Y R 266) and in January 1944 ordered a PW to carry these supplies out of camp and on to a Japanese cart to be hauled away from camp (Y Ex 50).

As to Specification 9c: In November or December 1943, Harold A. Smith and James Mortimer, Canadian PW's, were accused of stealing Red Cross supplies and Lt. Yoshida, camp commander, personally ordered them to be tied to posts at the entrance to camp. Their hands were tied behind their backs and they were forced to take a kneeling position and the ropes from their wrists were looped around their necks and tied to their ankles. They were left there for 48 hours, during which

Restricted

Restricted

the guards kicked them every hour. At this time, the weather was below freezing and there was snow on the ground. They were without shoes and clad only in socks, trousers and drill jackets. They were then placed in the guard house for 36 hours on reduced rations. As a result of this treatment, both of these PW's were hospitalized (Y Ex 10-11, 16, 20, 22, 23, 24, 26-30, 35, 37, 39, 41, 43, 45, 49, 77).

As to Specification 9d: About January or February 1944, James Mortimer, Canadian PW, was again accused of stealing and Yoshida sentenced him to ten days in the guard house with the proviso that he was to be tied up outside during the daylight hours. During the day time, for an estimated three to ten days, his hands were tied behind his back and a 15-foot rope, attached to a stake in the ground, was attached to his tied wrists. The weather was at the freezing point or below freezing and there was snow on the ground. Mortimer was without shoes and clad only in socks, shirt and pants. As the days progressed, the socks wore out and his hands and feet became blue and swollen. During this time he was on short rations and Yoshida personally beat him (Y Ex 70). As a result of this treatment, Mortimer was admitted into the hospital, suffering from gangrene of his feet and Mortimer died on 7 March 1944 (Y R 215, 216; Y Ex 14, 19, 24, 29, 33, 37, 40, 49, 50, 55, 61, 70, 71, 74, 79, 80, 87, 89, 96, 97, 99, 100).

As to Specification 9e: In or about the month of January and February 1944, Titman, American PW, stole rice from a civilian worker. Yoshida sentenced him to ten days in the guard house. In the daytime, his hands were tied behind his back and attached to a rope tied to a stake in front of the guard house. He was inadequately clothed and remained outside in freezing weather, exposed to sleet and snow. Japanese guards beat him with their fists and clubs and pushed lighted cigarettes into his face. On the third or fourth day, he escaped but was recaptured in an hour or so and was severely beaten in Yoshida's presence by guards and Yoshida personally kicked him (Y R 271). He was then placed in an unheated cell that did not have glass in the windows and was only allowed two blankets and a thin grass mat. He was released for two or three days when the camp location was changed. He was then confined in an unheated guard house with inadequate clothes or coverings and kept there for 15 days, dying on 9 February 1944. Shortly before his death, he was struck violently on the head by a Japanese guard. A PW medical doctor testified that this treatment contributed to Titman's death (Y R 205-207, 270-276; Y Ex 3, 33, 42, 50, 62, 74, 80, 82, 89).

As to Specification 9f: Stricken by defense motion.

As to Specification 9g: Not guilty - motion by defense.

As to Specification 9h: Not guilty - finding.

As to Specification 9i: Stricken.

As to Specification 9j: Not guilty - finding.

As to Specification 9k: See Specification 3 of Exhibit 332 (MCO #145, HQ 8th Army, dated 30 January 1948). The reviewer has checked Case Docket #139, U.S. vs Hashimoto, which resulted in this MCO and finds that the commission's finding in that case is supported by Exhibits 4, 5, 6, and 7, appearing in said Case #139.

As to Specification 9 l: Not guilty - finding.

As to Specification 9m: Not guilty - motion of defense.

Restricted

Restricted

As to Specification 9n: Roland D'Amours, a Canadian PW, stated that in October 1943, when he reported sick, one Okuda, in accord with the usual practice, beat him to see if he could still walk. In November 1943, Okuda beat him for two hours for talking to Japanese civilians about a sea battle. On this occasion, Okuda beat him with the heel of his hands and when he passed out, Okuda revived him with water and continued the beating (Y Ex 274, 41).

As to Specifications 9o and 9p: Stricken.

As to Specifications 9q, 9r and 9s: Not guilty, motions of defense.

As to Specification 9t: Arthur Hilton Hunter, a Canadian PW, stated after he collapsed at the work site and had been beaten by Hasamoto, Sato made a bayonet-like thrust at him with a three foot stick, a little thicker than a broom handle. The end of the stick hit him in the face and glanced off his right eye and he didn't remember anything after that (Y Ex 49).

As to Specification 9u: In like manner as in Specification 9k, this specification is supported by Specification 5, Exhibit 332 and Exhibits 8 and 10 in said Case Docket #139.

As to Specification 9v: Stricken.

As to Specification 9w: Not guilty - motion of defense.

As to Specification 9x: The alleged victim, Gordon Douglas McLellan, a Canadian PW, stated in October 1943, because of an attack of diarrhea, he had been allowed to lie down at the work site by the foreman. Okuda came along and before McLellan could get up and explain, Okuda hit him across the head and shoulders with a stick (Y Ex 65).

As to Specification 9y: Not guilty - motion of defense.

As to Specification 9z: The alleged victim, Victor Joseph Myatt, a Canadian PW, stated when Sato started to beat a PW of his group, he tried to intervene and accidentally pushed Sato down. Sato gave him a terrific beating, knocking him down with his fists and kicking him and repeated the process many times (Y Ex 100).

As to Specification 9aa: The alleged victim, Victor Joseph Myatt, a Canadian PW, stated a few days after his beating by Sato, he passed out while working and "Liver Lips" (Hasamoto) throw water on him to revive him and then beat Myatt, knocking him down with his fists, kicking him in the ribs, attempting to kick him in the groin and also smashed him across the face with a stick, knocking him unconscious (Y Ex 100; see also Specification 1 of Ex 332).

As to Specifications 9bb and 9cc: Not guilty - motion of defense.

As to Specification 9dd: Specifications 13 and 14 of Exhibits 408 and 411, this record. Y Record 224 sustains this specification but the commission did not incorporate these pages of the testimony into the record by reference (R 846).

As to Specification 9ee: The affidavit of the alleged victim (Y Ex 73) supporting this specification was rejected by the commission as irrelevant and immaterial (R 940). This is the sole evidence supporting the finding of guilty in Case Docket #69 and in this case.

Restricted

Restricted

As to Specifications 10 and 11: On motion by defense, prosecution submitted a Bill of Particulars covering these two specifications. This Bill of Particulars contains 213 items and the main proof offered in support thereof are military commission orders or copies of charges and specifications. Where the exhibits consisted of charges and specifications, this reviewer has made sure that each finding of guilty was confirmed by subsequent military commission orders. For administrative convenience, the evidence will be shown by citing the Bill of Particulars number and the Specification number of the exhibit whereby these military commission orders or charges and specifications are offered into evidence.

Bill of Particulars:

<u>Item</u>	<u>Spec.</u>	<u>Exhibit</u>	<u>Remarks</u>
(1)	4	318	
(2)	5b	318	
	1, Chg 1	369	
(3)	5c	318	
(4)	5d	318	
	2	369	
(5)	5 l	318	
(6)	5m	318	
(7)	5q	318	
(8)	5s	318	
(9)	5aa	318	
(10)	5oo	318	
(11)	5kk	318	
(12)	5oo	318	
(13)	5rr	318	
(14)	5tt	318	
(15)	5ww	318	
(16)	5ggg	318	
(17)	5jjj	318	
(18)	5kkk	318	
(19)	5ffff	318	
(20)	5gggg	318	
(21)	6	318	
(22)	8b	318	
(23)	9c	318	
(24)	1	399a	
(25)	4	399a	
(26)	1	400a	
(27)	3	400a	
(28)	3	401	
(29)	4	315	
(30)	5	401	
(31)	6	401	
(32)	7	401	
(33)	8	401	
(34)	9	401	
(35)	1	402	
(36)	2	402	
(37)	3	402	
(38)	4	402	
(39)	5	402	
(40)	7	402	
(41)	1	403	
(42)	2	403	
(43)	3	403	

<u>Item</u>	<u>Spec.</u>	<u>Exhibit</u>	<u>Remarks</u>
(44)	5	403	
(45)	7	403	
(46)	8	403	
(47)	9	403	
(48)	6	404	
(49)	7	404	
(50)	8	404	
(51)	9	404	
(52)	10	404	
(53)	1	405	
(54)	2c	405	
(55)	2f	405	
(56)	2g	405	
(57)	2h	405	
(58)	5	406	
(59)	7	406	
(60)	10h	406	
(61)	8	315	
(62)	9	315	
(63)	10	315	
(64)	11	315	
(65)	13	315	
(66)	19	305	
(67)	1c	305	
	2	306	
(68)	1d	305	
	3	307	
(69)	1e	305	(also Spec. 1 of Ex. 308)
(70)	1f	305	
(71)	1g	305	
	4	308	
(72)	1h	305	
(73)	1k	305	
(74)	3	305	
(75)	5	305	
(76)	6	305	
(77)	8	305	
(78)	5	306	
(79)	5	307	
(80)	6	307	
(81)	6	310	
(82)	5	311	
(83)	6	311	
(84)	7	311	
(85)	9	311	
(86)	10	311	
(87)	8	311	
(88)	1	301	
(89)	2	301	
(90)	3a	301	
	1	302	
(91)	2	302	
(92)	3, 4	302	
(93)	6	302	
(94)	3h	301	
(95)	8	302	
	6	303	
(96)	6	313	

<u>Item</u>	<u>Spec</u>	<u>Exhibit</u>	<u>Remarks</u>
(97)	5	314	
(98)	Add. Sp 3, Chg 3	369	
(99)	Add. Sp 4, Chg 3	369	
(100)	Add. Sp 6, Chg 3	369	
(101)	1	346	

Additional Bill of Particulars:

(102)	1	412	
(103)	2	412	
(104)	8	412,	415
(105)	17	412, 415	
(106)	22	412, 415	
(107)	25	412, 415	
(108)	26	412, 415	
(109)	1	300	
	1	295 to 298	
(110)	7	300	
(111)	1	340	

As amended on page 8 of record of U.S.
v Fujii, Docket No. 111.

Sustains B/P, except the words "Arthur Leonard Tucker, Wilfred Harry Charman, Ng Hoon Seak, K. W. Holmes, R. Mitchell," and "Tan Took Wah, H. J. Coker, G. H. Aindow, A. J. Coe, H. Chandler, W. C. Street, A. A. Almeroth, and S. J. D. Aclind," (R 988).

(112) 39 340

Sustains B/P, except the words, "to withhold necessary and available medicines and medical supplies from sick Prisoners of War;" (Withdrawn, R 988)

(113) 1 299

Sustains B/P, except the words, "by beating them; by inflicting cruel and inhuman collective punishments on them for alleged offenses by a few;" and except the words, "Ernest William Mack, Sydney Charles Marven, Arthur Leonard Tucker, Wilfred Harry Charman, Ng Hoon Seak, K. W. Holmes, Kwok Tuck See, R. Mitchell," and "Tan Teck Wah," and "A. Portsmouth, G. H. Aindow, A. J. Coe, H. Chandler, E. N. Singleton, A. E. Casey, W. C. Street, G. R. Skelton, E. Cross, A. A. Almeroth, R. P. Stannard, S. C. Wake, J. C. Bruce, A. Mackie" (R 988)

(114)

Withdrawn (R 989)

(115) 4a 299

Sustains B/P, except the words, "Elmer E. Engle," and "J. M. Smith," and "Ernest William Mack" and "Arthur Leonard Tucker, Harry Wilfred Charman, Keith Wheelercroft Holmes, Ng Hoon Seak, Kwok Tuck See, R. Mitchell," and "Tan Took Wah," and "A. Portsmouth, G. H. Aindow, A. J. Coe, H. Chandler, E. N. Singleton, A. E. Casey,

Restricted

<u>Item</u>	<u>Spec</u>	<u>Exhibit</u>	<u>Remarks</u>
			W. C. Street, G. R. Skelton, E. Cross, A. Almeroth, R. P. Stannard, S. C. Wako, J. C. Bruce, A. Mackie" (R 989)
(116)	1	341	Sustains B/P, except the words, "Alfred J. Burke," and "Arthur Leonard Tucker, Ng Hoon Seak, K. W. Holmes, R. Mitchell, H. H. Lawley, G. H. Aindow, A. J. Coe, E. N. Singleton, A. E. Casoy, W. G. Street, A. A. Almeroth, R. P. Stannard, S. C. Wako," (R 989)
(117)			Not guilty - prosecution motion.
(118)	4	392	
(119)			Not guilty - prosecution motion.
(120)			Not guilty - prosecution motion.
(121)	1	408	
(122)	2	408	
(123)	3	408	
(124)	4	408	
(125)	5	408	
(126)	6	408	
(127)	9	408	
(128)	10	408	
(129)	12	408	
(130)	13	408	
(131)	16	408	
(132)	18	408	
(133)	20	408	
(134)	22	408	
(135)	23	408	
(136)	26	408	
(137)	27	408	
(138)	29	408	
(139)	36	408	
(140)	37	408	
(141)	40	408	
(142)	41	408	
(143)	42	408	
(144)	44	408	
(145)	45	408	
(146)	46	408	
(147)	1	409	Sustains B/P, except the words, "by failing and refusing to hospitalize them when required; and"
(148)	2	409	
(149)	1	410	
(150)	2	410	
(151)	6	410	
(152)	8	240	
(153)	9	240	
(154)	11	240	
(155)	14	240	
(156)	15	240	
(157)	16	240	
(158)	17	410	
(159)	18	410	
(160)	20	410	

Restricted

Restricted

<u>Item</u>	<u>Spec</u>	<u>Exhibit</u>	<u>Remarks</u>
(161)	22	410	
<u>Third Additional Bill of Particulars:</u>			
(162)	1	349	
(163)	2	349	
(164)	3	349	
(165)	4	349	
(166)	5	349	
(167)	6	349	
(168)	7	349	
(169)	8	349	
(170)	9	349	
(171)	10	349	
(172)	14	349	
(173)	1	351	
(174)	2	351	
(175)	3	351	
(176)	1	351	
(177)	1	353	
(178)	2	353	
(179)	3	353	Sustains B/P, except the words, "thereby contributing to his death."
(180)	4	353	
(181)	6	353	
(182)	12	353	
(183)	13	353	
(184)	1	352	
(185)	2	352	
(186)	3	352	
(187)	4	352	
(188)	6	352	
(189)	1	355	
(190)	2	355	
(191)	3	355	
(192)	4	355	
(193)	5	355	
(194)	6	355	
(195)	7	355	
(196)	8	355	
(197)	9	355	
(198)	11	355	
(199)	16	355	
(200)	1	350	
(201)	2	350	
(202)	4	350	
(203)	6	350	
(204)	7	350	
(205)	9	350	
(206)	10	350	
(207)	11	350	
(208)	12	350	
(209)	13	350	
(210)	1	354	
(211)	2	354	
(212)	3	354	
(213)	6	354	

Restricted