

DECLASSIFIED

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By: NARA NARA Date: 1976

KIKUJI ITO et al.

(19 Jun 1946)

(151334)

0747

Case of

Lieutenant Colonel Hikaji Ito, IJA
Captain Seiji Higashigi, IJA
Captain Shigeo Ikawa, IJA
Leading Private Hideo Shimura, IJA.

RECEIVED
14 AUG 1946
OFFICE OF THE
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S. O. P. SECTION

RECORD OF PROCEEDINGS

of a

MILITARY COMMISSION

convened at

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands,

by order of

Commander Marianas Area.

Copy furnished

0748

Lieutenant Colonel Kikuji Ito, Imperial Japanese Army

and

Captain Seiji Higashigi, Imperial Japanese Army

and

Captain Shigeo Ikawa, Imperial Japanese Army

and

Leading Private Hisao Shimura, Imperial Japanese Army

Trial by Military Commission

in the

Marianas Islands

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TESTIMONY

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EXHIBITS

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1.	Commander Marianas Dispatch 100725Z of June 1946 to Chief of Naval Operations.	69
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0750

A17-25/FF12/
12/JDM-bl

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 4943

5 April 1946

From: The Commander Marianas Area.
To: Rear Admiral Arthur G. ROBINSON, U. S. Navy.
Subject: Precept for a Military Commission.

1. Pursuant to the authority vested in me by the Commander-in-Chief, U. S. Pacific Fleet (CinCPac conf. serial O558, of March 8, 1946), and Pacific Ocean Areas, and Military Governor of the Pacific Ocean Areas, a Military Commission is hereby ordered to convene at the Headquarters, Commander Marianas on Guam, Marianas Islands, at 10 o'clock a.m. on Monday, April 8, 1946, or as soon thereafter as practicable, at the call of the president, for the trial of such persons as may be legally brought before it.

2. The Military Commission is composed of the following members, any five of whom are empowered to act, viz:

Rear Admiral Arthur G. Robinson, U. S. Navy
Colonel James V. Ware, Infantry, Army of the United States
Colonel Pierre B. Denson, Coast Artillery Corps, Army of
the United States.
Commander John C. Poshepny, Supply Corps, U. S. Navy
Lieutenant Colonel Adolph Zuber, U. S. Marine Corps
Commander Joseph O. Christian, U. S. Navy
Lieutenant Colonel William A. Rygg, U. S. Marine Corps, and of

Lieutenant William P. MAHONEY, U. S. Naval Reserve and
Lieutenant Edward L. FIELD, U. S. Naval Reserve, as judge advocates, either
of whom is authorized to act as such,

Lieutenant Commander Donald H. BICKEY, U. S. Naval Reserve,
Lieutenant Commander Koso HIRATA, IJN, and Lieutenant Hisao NAKASATO, IJN,
are available and are hereby authorized to act as defense counsel. This
authorization does not preclude as defense counsel others who are available
and are desired by the accused.

3. The Military Commission shall be competent to try all
offenses within the jurisdiction of exceptional military courts. It shall
have jurisdiction over all persons in the custody of the convening authority
at the time of the trial charged with war crimes committed against United
States nationals and any white person whose nationality has not prior to
ordering of the trial been established to the satisfaction of the convening
authority. Nothing herein limits the jurisdiction of the Military Commission
as to persons and offenses which may be otherwise properly established.

4. The military commission upon conviction of an accused is
empowered to impose upon such accused any lawful punishment including the
death sentence, imprisonment for life or for any less term, fine or such
other punishment as the commission shall determine to be proper.

5. The proceedings of the Military Commission will be governed
by the provisions of Naval Courts and Boards, except that the commission
is permitted to relax the rules for naval courts to meet the necessities
of any particular trial, and may use such rules of evidence and procedure,
issued and promulgated by the Supreme Commander for the Allied Powers,
(Letter General Headquarters, Supreme Command for the Allied Powers, APO 500,
5 December 1945, A.G. 000.5 (5 Dec. 45)LS, Subject: "Regulations Governing
the Trials of Accused War Criminals.") as are necessary to obtain justice.
The commission may adopt such other rules and forms, not inconsistent here-
with, as it considers appropriate.

"A (1)"

C. L. Field *USNA*
CERTIFIED TO BE A TRUE COPY

0751

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Subject: Precept for a Military Commission.

6. Detachment of an officer from his ship or station does not of itself relieve him from duty as a member or judge advocate of the commission. Specific orders for such relief are necessary.

7. Power of adjournment is granted the commission, and adjourned sessions may be held at such times and at such places as the commission may determine.

/s/ C. A. Pownall
C. A. POWNALL
Rear Admiral, U. S. Navy
The Commander Marianas Area.

Copies to:
Members of Commission
Judge Advocates

Certified to be a true copy.

WILLIAM P. MAHONEY,
Lieutenant, U. S. Naval Reserve,
Judge Advocate.

"A (2)"

C. L. Field 12752A
CERTIFIED TO BE A TRUE COPY

0752

Al7-25/FF12
13-JDM-ca

25 April 1946

Serial: 5671

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. ROBINSON, U. S. Navy,
President, Military Commission.

Subject: Change in membership of commission.

1. Captain Eric B. Hoag, DC. U. S. Navy, is hereby appointed a member of the military commission of which you are president, convened by my precept of 5 April 1946, vice Lieutenant Colonel William A. RYGG, U. S. Marine Corps, hereby relieved.

C. A. POWNALL

Copy to:
Captain Hoag.
Lieut. Col. Rygg.

Al7-25/FF12
13-JDM-ca

27 April 1946.

Serial: 5744

From: The Commander Marianas Area.
To : Lieutenant William P. MAHONEY, U. S. Naval Reserve,
Judge Advocate, Military Commission.

Subject: Relief as Judge Advocate from Military Commission.

1. You are hereby relieved as Judge Advocate of the Military Commission of which Rear Admiral Arthur G. Robinson is president, convened by my precept of 5 April 1946.

C. A. POWNALL

Copy to:
President, Military Commission.

Al7-25/FF12
13-JDM-fag

1 June 1946.

Serial: 7060

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. ROBINSON, U. S. Navy,
President, Military Commission.

Subject: Change in membership of military commission.

1. Commander Martin E. Carlson, U. S. Naval Reserve, is hereby appointed a member of the military commission of which you are president, convened by my precept of 5 April 1946, vice Lieutenant Colonel Adolph Zuber, U. S. Marine Corps, hereby relieved, upon completion of trials already begun, and except in event of revision of cases already tried.

C. A. POWNALL

Copy to:
Commander Martin E. Carlson.
Lieutenant Colonel Adolph Zuber. "B"

C. A. Pownall
CERTIFIED TO BE A TRUE COPY

0753

AL7-25/FF12
13-JDM-fag

1 June 1946.

Serial:

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. ROBINSON, U. S. Navy,
President, Military Commission.

Subject: Change in Membership of Military Commission.

1. Major Donald B. COOLEY, Jr., U. S. Marine Corps, is hereby appointed a member of the military commission of which you are president, convened by my precept of 5 April 1946, vice Commander Joseph C. CHRISTIAN, U. S. Navy, hereby relieved, upon the completion of trials already begun, and except in event of revision of cases already tried.

Copy to: C. A. POWNALL
Major Donald B. Cooley, Jr., USMC.
Commander Joseph O. Christian, USN.

AL7-25/FF12
13-MLF-sf

1 June 1946.

Serial: 7032

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. ROBINSON.

Subject: Appointment of a Judge Advocate to Commission.

1. Lieutenant Daniel FLYNN, United States Naval Reserve, is hereby appointed a Judge Advocate of the Military Commission of which you are president, convened by my precept of 5 April 1946.

C. A. POWNALL

Copy to:
Lt. Flynn.

AL7-25/FF12
13-JDM-gar

10 June 1946.

Serial: 7368

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. ROBINSON, U. S. Navy, President,
Military Commission, Guam.

Subject: Appointment of a Judge Advocate to Commission.

1. Lieutenant Fredric T. SUSS, United States Naval Reserve, is hereby appointed a Judge Advocate of the Military Commission of which you are president, convened by my precept of 5 April 1946, and is authorized to act as such in addition to Judge Advocates previously appointed by me.

C. A. POWNALL

Copy to:
Lt. Suss.

S. H. Field Lt. Suss.
CERTIFIED TO BE A TRUE COPY

ncu

1

0754

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

19 June 1946.

From: President, Military Commission, Headquarters, Commander
Marianas.
To : The Commander Marianas Area.
Subject: Plea in bar, insanity, case of ITO, Kikuji, lieutenant
colonel, Imperial Japanese Army.
Reference: (a) section 415, Naval Courts and Boards.

1. This commission convened this date, for the trial of the
above-named accused.
2. The accused, ITO, at the time of the arraignment, pleaded
insanity as a bar to further proceedings.
3. In accordance with the provisions of reference (a), the
Convening Authority is hereby requested to postpone the trial, and that
the accused be placed under observation of medical officers to determine
his sanity.

ARTHUR G. ROBINSON,
Rear Admiral, U.S.N.

"D"

C. H. Field *CVSAR.*
CERTIFIED TO BE A TRUE COPY

0755

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

19 June 1946.

Serial: 7728

From: The Commander Marianas Area.
To : President, Military Commission, Headquarters, Commander
Marianas.

Subject: Plea in bar, insanity, case of ITO, Kikuji, lieutenant
colonel, Imperial Japanese Army.

Reference: (a) President, Military Commission ltr. dated 19 June 1946.

1. The authority requested in paragraph 3 of reference (a) is
hereby granted.

2. By separate correspondence it has been directed that the
subject named officer be placed under observation of medical officers.

C. A. POWNALL
Rear Admiral, U. S. Navy,
Commander Marianas Area.

"E"

C. A. Field 220522.
CERTIFIED TO BE A TRUE COPY

0756

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 7727 19 June 1946.
From: Commander Marianas.
To: Commanding Officer Naval Hospital Guam.
Subject: Examination of Lieutenant Colonel ITO, Kikuji, Imperial
Japanese Army.
Ref. (a) Naval Courts and Boards, Section 415.

1. In accordance with reference (a) the President of the war crime military commission convened by my precept of 5 April 1946 has this date informed me that the subject officer has entered a plea of insanity as a bar to further proceedings against him.
2. You are directed to place subject officer under observation and following adequate examination submit a report to this command at the earliest possible date relative to his mental status.
3. The necessary interpreters will be supplied by this command.

C. A. FOWNALL,
Rear Admiral, U. S. Navy.

Copy:

Judge Advocate.
President Military Commission.
Provost Martial Guam.

C. A. Fownall
CERTIFIED TO BE A TRUE COPY

告訴

殺害

罪状項目

第二旅團司令部ニ配屬シテアリシ
 大日本帝國陸軍中佐當時伊藤 喜久二
 同 陸軍大尉當時東木 節治ニ
 同 陸軍兵長當時志村 久雄及ヒ
 第二旅團ノ第三〇七獨立歩兵大隊ニ配屬シテアリシ
 大日本帝國陸軍中尉當時井川 繁雄
 ト、四人及ビ其ノ他不詳者ハ小笠原列島、
 父島所在ノ大日本帝國陸軍部隊ニ配屬勤
 務中夫々共同シテアメリカ合衆國ト大日本帝
 國トガ戦争状態ニ在リタル昭和十九年八月
 七日頃意思ニ違法的ニ企圖ト惡意ヲ以テ
 正當ノ理由モナク適當ナ会期其ノ他然ルベキ年
 續モセズ前記大日本帝國陸軍部隊ノ手ニ
 抑留シテアリシ米俘虜三名(一名ハローエド・リヤルト
 マルハフトエフ者、一名ハ不詳者)ヲ着ケテ銃劍デ
 突キ刺シ日本乃ヲ以テ斬首セリ 仍テ右行為ハ
 戦争法規並ニ慣習及ビ文明社會ノ道義ニ
 違反シタルモノナシ。

証書

C. F. Find OUSA. CERTIFIED TO BE A TRUE COPY

0761

FIRST DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Wednesday, June 19, 1946.

The commission met at 9:40 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Eric B. Hoag, Dental Corps, U. S. Navy,
Colonel James V. Ware, Infantry, Army of the United States,
Colonel Pierre B. Denson, Coast Artillery Corps, Army of the United States,
Commander John C. Poshepny, Supply Corps, U. S. Navy,
Commander Martin E. Carlson, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps, members, and
Lieutenant Daniel Flynn, U. S. Naval Reserve,
Lieutenant Edward L. Field, U. S. Naval Reserve, and
Lieutenant Fredric T. Suss, U. S. Naval Reserve, judge advocates.

Alton C. Staples, sergeant, U. S. Marine Corps, entered with the accused and reported as provost marshal.

The judge advocate introduced Norman H. Tildes, first sergeant, U. S. Marine Corps, as reporter.

Each of the accused requested that Lieutenant Commander Donald H. Dickey, U. S. Naval Reserve, Mr. Shigeatsu Ijichi, and Mr. Shizuo Morikawa act as their counsel. Lieutenant Commander Dickey, Mr. Ijichi, and Mr. Morikawa took seats as counsel for the accused.

The judge advocate read the precept and modifications thereof, copies prefixed marked "A", "B", and "C".

The judge advocates did not object to any member.

Each of the accused stated that he did not object to any member.

The judge advocates, each member, and the reporter were duly sworn.

The judge advocate introduced Lieutenant (jg) Martin D. Arvey, U. S. Naval Reserve, Ensign Robert P. Durden, U. S. Naval Reserve, and Fumio Tamamura, as interpreters and they were duly sworn.

Each of the accused stated that they had received a copy of the charge and specification preferred against them, both in English and Japanese, on June 18, 1946. 567.

The judge advocate asked the accused if they had any objection to make to the charge and specification.

The accused objected to the charge and specification on the ground that it is ambiguous and indefinite in that it is impossible to tell from the specification who is charged with what action in this case since they are charged as acting "each and together" to "bayonet and behead" two prisoners of war, also to the inclusion of the term "the moral standards of civilized society" as being improper and non-legal. c/f

The judge advocate replied.

The commission was cleared.

The commission was opened and all parties to the trial entered. The commission announced that it found the charge and specification in due form and technically correct.

Each of the accused stated that he was ready for trial.

No witnesses not otherwise connected with the trial were present.

The accused made a special plea in bar as to Ito, Kikuji, Lieutenant Colonel, Imperial Japanese Army, on the ground of insanity.

In support of this plea the accused desired to call a witness.

A witness in behalf of the accused entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and rank.
A. Akihide Kito, Lieutenant Commander (medical corps), Imperial Japanese Navy.
2. Q. Where are you now living?
A. In the Rota prisoner of war stockade on Guam.
3. Q. Do you know the accused in this case?
A. I do.
4. Q. Will you name them please?
A. Army Lieutenant Colonel Ito, Kikuji.
5. Q. Do you know the others?
A. I do not.

Examined by the accused:

6. Q. Doctor Kito, are you at the present acting as a medical officer in the prisoner of war stockade?
A. Yes, I am.
7. Q. Are you a psychiatrist?
A. No, I am not.
8. Q. Did you at our request examine Colonel Ito?
A. Yes, I did.

9. Q. And did you prepare a report of that examination for us?

A. Yes, I did.

10. Q. When you examined Colonel Ito, did you find any evidences of failure of memory?

A. I thought the patient had failure of memory.

11. Q. What was the reaction of the patient in response to questions? Was it normal or slow? *Was C.F.*

A. It was slow.

12. Q. Was there any slurring of speech?

A. No.

13. Q. Did the patient appear to fully realize the seriousness of his present status?

A. I feel that he was thinking very lightly of it.

14. Q. When you were examining the patient did he advise you of evidences of insanity in his family?

A. He did.

15. Q. Do you recall what evidence there was?

A. The patient's eldest son graduated only from elementary school and after that had frequent headaches, and at the time of his conscription was not taken into the Army because he was not in a sane state of mind, and when he was twenty committed suicide and was found dead in his own room. The second child of the second wife excelled in studying language but had a peculiar habit of drawing anything that was in his house, and he had these drawn so completely that when members of the family told him that certainly you must not have had a chance to draw a certain object, he would show them a drawing to prove that he had already drawn this, and this can be seen as proof that this child was not mentally normal. The first child of the second wife received an operation for his hemorrhoids when he was eighteen, and on the day of this operation jumped off the second floor of the hospital and tried to commit suicide. The patient Colonel Ito comes from a family of three children whose youngest is his smaller sister. This smallest sister after marrying had five children, and when the youngest of these children was at the age of two, her husband killed this child, which made the wife, which is his smallest sister become insane and to this day she is still not in her normal state of mind. That is all I managed to get from this patient concerning his family.

16. Q. What is your specialized training in medicine, Doctor Kito?

A. I am a pediatrician.

17. Q. In view of that, do you feel qualified to judge whether the patient is sane or insane?

A. I have judged in this case from what I have learned at school, though I do not think that I have sufficient qualifications to decide upon this patient. *C.F.*

18. Q. Are there any qualified Japanese psychiatrists on Guam at the

present time which you know?
A. I do not think there is.

19. Q. Do you wish to state whether in your opinion the accused, Colonel Ito, is entirely sane or not?
A. Judging from what I have learned at school I think that the patient is somewhat insane.

The judge advocate did not desire to cross-examine this witness.

The accused did not desire further to examine this witness.

The commission did not desire to examine this witness.

The witness made the following statement:

I have stated before that I thought Lieutenant Colonel Ito was not thinking much of his position in this trial, and I have just remembered how I found this out. While I was looking him over he told me twice that he had brought his winter clothes with him here, and that when he returned to Japan in the summer it would be quite inconvenient for him, and while I was inspecting him though I gave him the same question two times or more, he could not reply the same and he gave me different dates and ages. For example, the patient had suffered twice before from syphilis and he could not tell me when or at what age he had this disease. As another example, after the patient had eaten his breakfast and at about noon time when I asked him what his breakfast had consisted of, he could not reply clearly and he sometimes mistook eggs for meat.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The accused made the following statement in support of his plea.

While we have not attempted to qualify Doctor Kito as an expert, the examination which he has made of the accused, Colonel Ito, and his testimony thereof is sufficient to raise the presumption of insanity before any court. The loss of memory, the slow acting response, the slurring of speech, all show that tendency. Section 415, Naval Courts and Boards reads as follows: "Insanity at the time of the commission of the acts charged is a defense that should properly be made under a plea of not guilty. Insanity at the time of arraignment, or at a later stage of the trial, is a proper ground for the arrest of further proceedings. In case such a plea is made, or in case the court entertains any doubt as to the mental capacity of the accused at any stage of the trial, it should properly communicate with the convening authority, requesting a postponement of the trial, and that accused be placed under observation of medical officers."

The judge advocate replied.

The commission sent a communication to the convening authority, copy appended marked "D", requesting a postponement of the trial and that the accused be placed under observation of medical officers.

The commission then, at 11:05 a.m., adjourned to await the action of the convening authority.

(5)

0766

SECOND DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Tuesday, June 25, 1946.

The commission met at 9:20 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Eric B. Hoag, Dental Corps, U. S. Navy,
Colonel James V. Ware, Infantry, Army of the United States,
Colonel Pierre B. Denson, Coast Artillery Corps, Army of the United States,
Commander John C. Poshepny, Supply Corps, U. S. Navy,
Commander Martin E. Carlson, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps, members, and
Lieutenant Daniel Flynn, U. S. Naval Reserve,
Lieutenant Edward L. Field, U. S. Naval Reserve, and
Lieutenant Fredric T. Suss, U. S. Naval Reserve, judge advocates.
Norman H. Tildes, first sergeant, U. S. Marine Corps, reporter.
Each of the accused and his counsel and the interpreters.

The record of proceedings of the first day of the trial was read and approved.

The judge advocate read a letter from the convening authority to the President of the Military Commission authorizing postponement of the trial, copy appended marked "E".

The judge advocate then read a letter from the convening authority to the commanding officer, Naval Hospital Guam directing an examination of Colonel Ito, Kikuji, IJA, relative to his mental status, copy appended, marked "F".

The judge advocate stated that the examination of Colonel Ito, Kikuji, IJA, had been completed and that the prosecution was ready to proceed.

A witness in behalf of the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, rank, and present station.
A. Robert E. Sweitzer, lieutenant (Medical Corps), U. S. Navy.
2. Q. If you recognize any of the accused in this case please point them out?
A. I recognize Colonel Ito.
3. Q. Doctor, what is your specialty in the medical field?
A. Neuropsychiatry.

4. Q. Approximately how many years service have you had in this specialty?

A. Since March 1944, a little over two years.

5. Q. Doctor, have you had occasion to examine Lieutenant Colonel Ito?

A. Yes, I have.

6. Q. And what was the purpose of this examination?

A. To determine the sanity of that prisoner.

7. Q. Was this examination carried out as directed by the Commanding Officer of the Naval Hospital, Guam for Commander Marianas?

A. Yes, it was.

8. Q. Have you submitted a report as a result of this examination?

A. Yes, I have.

9. Q. And in this report did you report a conclusion concerning the sanity of Colonel Ito?

A. In the report I stated that at this time I am of the opinion that Colonel Ito is sane.

10. Q. And in this report do you also give an opinion of his sanity in August, 1944?

A. The report stated that in my opinion the prisoner was sane in August, 1944. CLF

11. Q. Doctor, will you explain to the commission upon what you base your opinion as to the sanity of Colonel Ito?

A. These reports were based on a detailed history of the Colonel's activities during the month of August 1944, a detailed past history of the Colonel and on a relatively negative neuro examination, also on a relatively negative spinal fluid examination and also on a relatively negative direct mental examination. When I saw relatively negative, I also take into consideration the Colonel's age. CLF
CLF

12. Q. Doctor, in your opinion does the Colonel have the ability to distinguish between right and wrong?

A. Yes, sir.

13. Q. And further in your opinion, do you think he has the capacity to keep from doing wrong?

A. In my opinion, the Colonel has the capacity to keep from doing wrong in accordance with his own culture. .

14. Q. Doctor, is the mental status of Colonel Ito such that in your opinion he understands the nature of the proceedings now taking place?

A. As I stated in my report, the Colonel's insight into the present status is slightly incomplete, and I am of the opinion that that is on a cultural basis. He is unwilling to acknowledge the fact that he is being tried for murder. He was simply carrying out orders.

This reply was objected to by the accused on the ground that it goes beyond the scope of direct examination.

The judge advocate replied.

The commission directed that the last two sentences be stricken from the record.

15. Q. In your examination of the accused, did you find any major abnormality?

A. I am of the opinion that the Colonel has a long standing recurrent functional condition which would be classed as neuresthenia, which in no way changes the opinion in the question at hand.

16. Q. Doctor, what is your present duty station?

A. U. S. Naval Hospital, Guam.

Cross-examined by the accused:

17. Q. Doctor Switzer, what are the symptoms of this neuresthenia which you have just mentioned?

A. Classical symptoms of neuresthenia are exhaustion and the necessity to rest and relax a great deal of the time without any organic reason which can be established.

18. Q. Is this necessity to relax an entirely physical one or does it have mental ones also? CKF

A. The whole picture is on a basic emotional problem.

19. Q. Could you enlarge that last statement in layman's terms?

A. Neuresthenia is one of the four usual subdivisions of the general term psycho-neurosis, and psycho-neurosis implies one of two reactions or a mixture of both. It implies either a bodily complaint without organic disease which comes about without the knowledge of the patient from mental cause, or it implies a mental disturbance without organic disease which is characterized by morbid fears or repetitious thoughts, or motor action. Most psycho-neuroses are not one of these, in pure form, being a mixture. Psycho-neuroses are divided into four groups, the hysterias, the anxiety reactions, neuresthenia, and the obsessive compulsive reactions. Again in this classification, cases in pure form are seldom seen, and they are classified into these four groups on the basis of the dominant characteristics of the patient. As is usual, that symptom complex in this particular case is not in pure form.

20. Q. Is there any one of these four classifications which does seem to dominant however? CKF

A. As I have already indicated, I would classify the Colonel's reaction as neuresthenia.

21. Q. From your examination of Colonel Ito, do you feel that this cultural background would have compelled him to carry out the orders of a military superior whether or not they were in accordance with his own ideas of right or wrong?

A. From my examination of the Colonel, I would have to say yes.

Examined by the commission:

22. Q. Without regard to his cultural background as you mentioned, is Colonel Ito's mental capacity and condition such at the present time that he can understand the proceedings in this court and assist in a normal way the defense in his case?

A. Yes, sir.

Neither the judge advocate, the accused, nor the commission desired further to examine this witness.

The witness made the following statement:

I think I would like to elucidate on the last question if I may. The cultural factor is present in my opinion only that the prisoner refuses to recognize this court as trying him for murder. He recognizes it only as trying him for executing two American prisoners.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission, then, at 10:00 a.m., took a recess to consider the special plea in bar of trial, until 10:15 a.m., at which time it reconvened. CX 7

Present:

All the members, the judge advocates, the reporter, each of the accused and his counsel.

No witnesses not otherwise connected with the trial were present.

The commission announced that the special plea in bar of trial was not sustained.

The judge advocate read the letter containing the charge and specification, original prefixed marked "G", ^{AS INTERPRETER} read in Japanese one copy, prefixed marked "H". CX 7

Each of the accused was arraigned as follows by the judge advocate.

Q. Ito, Kikuji, lieutenant colonel, Imperial Japanese Army, you have heard the charge and specification preferred against you; how say you to the specification of the charge, guilty or not guilty?

A. I plead not guilty to the specification of the charge.

Q. To the charge, guilty or not guilty?

A. I plead not guilty.

Q. Higashigi, Seiji, captain, Imperial Japanese Army, you have heard the charge and specification preferred against you; how say you to the specification of the charge, guilty or not guilty?

A. I plead not guilty.

Q. To the charge, guilty or not guilty?

A. I plead not guilty.

Q. Ikawa, Shigeo, captain, Imperial Japanese Army, you have heard the charge and specification preferred against you; how say you to the specification of the charge, guilty or not guilty?

A. I plead not guilty.

Q. To the charge, guilty or not guilty?

A. I plead not guilty.

Q. Shimura, Hisao, leading private, Imperial Japanese Army, you have heard the charge and specification preferred against you; how say you to the specification of the charge, guilty or not guilty?

A. I plead not guilty.

Q. To the charge, guilty or not guilty?

A. I plead not guilty.

The prosecution began.

The judge advocate made the following statement:

The opening statement of the prosecution is not offered as evidence in this case, but is merely given as an outline, or a guide for the commission, in the presentation of the evidence. First of all, since all of the defendant/s are charged as principals in the murder, we would like to remind the court that under Naval Courts and Boards and the U. S. Criminal Code, a man may be guilty of murder, as a principal, even though he did not strike the fatal blow, but did any one of the following things; aided, abetted, counseled, commanded, induced, or procured the commission of the crime. We expect to produce before the court, sufficient evidence, to establish the following facts: Early in August 1944, on Chichi Jima in the Bonin Islands, two American prisoners of war were bayoneted and beheaded by the defendants. One of the victims was known to the witnesses as "Wolf," and the records of the Navy Department show that this was Lloyd Richard Woellhof, aviation radioman second class. The name of the other victim is unknown, but he is referred to by the witnesses as the survivor of a B-24 crash. Both of these prisoners of war were, around this time, in the custody of Captain Nishyotatsuji at Detached Headquarters, where they were being held for questioning. Captain Nishyotatsuji received a telephone call from Captain Higashigi, the General's adjutant. In this telephone conversation, Higashigi demanded that these prisoners of war be turned over to Brigade Headquarters. Then Brigade Headquarters sent for the two prisoners and turned them over to Lieutenant Colonel Ito, who was ordered by Higashigi to supervise their execution. The prisoners were led to what is called the Kominato Area. On the same day, the personnel of Brigade Headquarters were having rifle practice near the same area. Lieutenant Colonel Ito assembled these men and announced that he was about to supervise an execution of two American prisoners of war. For this purpose he then selected two men, Leading Private Shimura and Private Kido to do the bayoneting. Captain Ikawa who was then a First Lieutenant, also selected bayoneters. Lieutenant Colonel Ito supervised the execution and Captain

Ikawa assisted in the supervision, by instructing the bayoneters where to stand and how to thrust. After the prisoners of war were bayoneted several times, Lieutenant Colonel Ito beheaded them and they were buried on the spot. No trial was given these American prisoners of war, and notice of their proposed execution was not sent to the United States Government. We shall not present our evidence in chronological order but shall first establish the Corpus Delicti.

The prosecution requests that the commission take judicial notice of the following:

1. That during the year of 1944, a state of war existed between the Imperial Government of Japan and the Government of the United States.
- 2: That the Island of Chichi Jima is part of the territory under the command of the Commander Marianas Area.
3. The Hague Convention of October 18, 1907, and especially Article 23(c): "It is especially forbidden to kill or wound an enemy who, having laid down his arms, or having no longer any means of defense, has surrendered at discretion." Japan ratified and signed this Convention.

4. The Geneva Prisoners of War Convention of July 27, 1929, and especially the following three articles:

Article 2. Prisoners of War, are in the power of the hostile power, but not of the individuals or corps who have captured them. They must at all times be humanely treated and protected, particularly against acts of violence, insults, and public curiosity.

Article 61. No prisoner of war may be sentenced without having an opportunity to defend himself.

Article 66. If the death penalty is pronounced against a prisoner of war, a communique setting forth in detail the nature and circumstances of the offense shall be sent as soon as possible to the representative of the protecting power, for transmission to the power in whose armies the prisoner served. The sentence shall not be executed before the expiration period of at least three months after this communique.

5. It is further requested that judicial notice be taken of the Foreword War Department Technical Manual 27-251.

Although Japan has not ratified or formally adhered to the prisoners of War Convention, it has, through the Swiss Government, agreed to apply the provisions thereof to prisoners of war under its control, and also, so far as practical, to interned civilians.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name.

A. Okamoto, Moriki.

2. Q. Are you now demobilized from the Japanese Army?

A. Yes.

3. Q. Where are you now living?

A. I am living in an American stockade.

4. Q. Is that on the Island of Guam?

A. Yes.

5. Q. Do you know the accused in this case?

A. Yes.

6. Q. Can you name them please?

A. I know two of them.

7. Q. Who are they?

A. They are Lieutenant Colonel Ito and Captain Ikawa.

8. Q. If you recognize them, will you point them out?

A. The man with the glasses is Colonel Ito, and the other man standing is Captain Ikawa.

9. Q. Were you in the Japanese Army during the year 1944?

A. Yes.

10. Q. Where were you stationed?

A. Chichi Jima.

11. Q. To what battalion were you attached?

A. I was attached to the 307th Battalion.

12. Q. What was your rate or rank?

A. Corporal.

13. Q. Who was the Commanding Officer of your Battalion?

A. Colonel Kato.

14. Q. In what area on Chichi Jima was the 307th Battalion stationed?

A. Kominato District.

15. Q. During the year of 1944 did you ever see any prisoners of war in the Kominato District?

A. Yes.

16. Q. What month if you can recall?

A. I thought it was about in the middle of August.

17. Q. What was the occasion of your seeing these prisoners of war?

A. I saw them for the first time in a small house at Kominato.

18. Q. Who was present besides you when you saw them in the small house at Kominato?

A. Captain Ikawa was there.

19. Q. What was Captain Ikawa doing there?

A. He was not doing anything, he was just standing and looking at the prisoners.

20. Q. Did you later see the prisoners on that day?

A. Yes.

21. Q. Where did you see them?

A. I saw them at Nakayama Pass.

22. Q. And what were they doing at this pass?

A. They were bound to a stake at this pass.

23. Q. Who was present with the prisoners?

A. Lieutenant Colonel Ito and Captain Ikawa. I don't remember the others.

24. Q. How many prisoners were there?

A. There were two prisoners.

25. Q. How many were bound to a stake?

A. The two of them.

26. Q. Will you explain to the commission what was taking place at this time?

A. The two prisoners had been bound to a stake. Then Colonel Ito bowed in the direction of the Imperial Palace. Then the Adjutant, Ikawa told us, or rather instructed us the positions where we should stand to stab the prisoners. CLF.

27. Q. Did Captain Ikawa instruct you where to stand?

A. Yes.

28. Q. What did he say to you?

A. Lieutenant Colonel Ito gave the order to bayonet the prisoners, but as I was weakened by my sickness and I was frightened, and as carrying out the stabbing was quite against my conscience I just stood there. When from one side Captain Ikawa told me, "What are you doing there just standing, go ahead and stab the prisoner anyway."

29. Q. Whose adjutant was Captain Ikawa?

A. He was the adjutant of Colonel Kato.

30. Q. Did you do anything when Ikawa told you to go ahead and stab the prisoner?

A. As I was weak and was not quite brave enough to stab the prisoner, I just went through the motions of stabbing.

31. Q. Did you have a weapon?

A. Yes.

32. Q. What did you have?

A. I had a rifle and a bayonet.

33. Q. Did your bayonet enter the body of the prisoner?
A. It absolutely did not stab the prisoner.
34. Q. Did you see Captain Ikawa direct other bayoneters where to stand?
A. Yes.
35. Q. Did you hear him saying anything to other bayoneters?
A. Yes.
36. Q. What did he say?
A. I do not remember what he said.
37. Q. Did you hear Lieutenant Colonel Ito say anything?
A. The only thing I heard Colonel Ito say was when he gave orders for us to bow toward the Imperial Palace, and then when he gave the orders to stab the prisoners.
38. Q. Do you know what Colonel Ito said when he gave the orders to stab the prisoners?
A. As far as I can recall, Colonel Ito just said "stab".
39. Q. Were the prisoners stabbed after the order was given by Colonel Ito?
A. Yes, but I did not stab the prisoner.
40. Q. Did the prisoners make any movement or make any noise after they were stabbed?
A. They did not make any noise.
41. Q. Did they move?
A. I was not watching the prisoners when they were actually stabbed so I cannot tell.
42. Q. Did you see Colonel Ito do anything after the stabbing?
A. I saw him behead them.
43. Q. What did he behead them with?
A. He did it with a sword.
44. Q. Were the prisoners blindfolded or not?
A. Yes, they were blindfolded.
45. Q. Did they have shirts on?
A. Yes.
46. Q. ^{like} Was their chest~~s~~ exposed?
A. No.
47. Q. Did you see Lieutenant Colonel Ito touch the prisoners in any way before he ~~bayoneted~~ ^{beheaded} them?
A. I don't recall Colonel Ito touching the prisoners.
48. Q. Were any directions given to the bayoneters where to stab the prisoners?
A. Colonel Ito drew a ring on the shirts of the prisoners. It was a circle on the right breast which Ito drew.

49. Q. Did you see Colonel Ito draw that circle on the breast of the prisoners?

A. Yes.

50. Q. What did he draw it with?

A. He drew it with a fountain pen.

51. Q. Did he draw it on the clothing or the bare skin of the chest?

A. He wrote it on the shirt of the prisoners.

52. Q. Was that circle placed on one prisoner or two prisoners?

A. I only saw one of the prisoners have this ring. C67.

53. Q. Did Colonel Ito make any statements regarding the ring?

A. Yes. He told us to stab the place where the ring was.

54. Q. Did anyone assist Colonel Ito in beheading the prisoners?

A. No.

55. Q. Did both of the prisoners move or one of them?

A. I did not notice the other prisoner, but the one I saw was moving.

56. Q. Did you see the position of the prisoners when they were tied to this stake and bayoneted?

A. Yes.

57. Q. Will you on the platform assume the position that the prisoners assumed at the stake?

The prisoner knelt on both knees and placed his clasped hands behind him. C67.

A. They were tied like this to two stakes.

58. Q. Will you demonstrate the movement that the one prisoner was making at the time that Colonel Ito beheaded him?

A. When Colonel Ito beheaded the prisoner he held his sword in his right hand and he placed his left hand on the head of one of the prisoners, and the head of this prisoner upon which Colonel Ito had his hand kept rising up, and Colonel Ito tried to force it down several times.

59. Q. How many hands did Colonel Ito use in handling the sword at the time he cut off their heads?

A. He used both hands.

60. Q. Will you describe these prisoners?

A. I don't remember about these prisoners.

61. Q. Did you notice the color of their skin?

A. I do not remember.

62. Q. Where were the prisoners buried?

A. They were buried on the spot.

63. Q. Did you see Colonel Kato at this scene?

This question was objected to by the accused on the ground that Colonel Kato is neither a defendant before this commission nor has he appeared as a witness for the prosecution, and that the question is irrelevant.

The judge advocate replied.

The commission announced that the objection was sustained.

64. Q. How did you get from the shack on the Kominato Area to the scene of the execution?

A. I walked.

65. Q. Did you see Captain Ikawa during this trip?

A. He was behind me.

66. Q. Did Captain Ikawa say anything to you?

A. He did not say anything to me, but as I had been sick and physically weakened I could not walk as fast as usual and he kept jabbing me from behind with a stick trying to make me walk faster.

67. Q. Then did you travel from the shack to the scene of the execution with Captain Ikawa?

A. Yes, I went ahead of Captain Ikawa.

68. Q. Did you know any of the other persons at the bayoneting besides the two you have mentioned?

A. No.

69. Q. About how many were present? How many people at the scene?

A. I do not remember.

70. Q. Can you recall what time in August 1944, this took place?

A. I do not remember clearly.

71. Q. Do you know from which companies or units these other men were from?

A. I could not tell them, but I heard that they had one from the brigade.

This reply was objected to by the accused on the ground that it was hearsay evidence.

The judge advocate did not reply.

The commission directed that this answer be stricken from the record.

72. Q. How did you first get notice that you were to be at the scene of this execution?

A. I heard this at Tatsumi Valley.

73. Q. What officers were present on the trip from the shack to the scene of the execution?

A. I only noticed Captain Ikawa.

74. Q. Did you see any other officers appear on the scene before the execution?

A. I cannot state definitely.

75. Q. Do you know the nationality of those prisoners who were bayoneted?

A. I do not.

76. Q. While you were present at the shack or at the scene of the execution, was any trial or court martial conducted for these prisoners?

A. I do not know.

77. Q. Do you know the name of either of the prisoners?

A. No.

X — Cross-examined by the accused:

78. Q. Are you living inside the stockade with the war criminals or are you in the witness area outside the stockade?

A. I am living inside the stockade.

79. Q. What instructions on bayoneting did you receive from Captain Ikawa? C17.

A. When Colonel Ito gave the orders to stab the prisoners, as I had just recovered from my illness I was still weak and could not make up my mind to carry out the stabbing and just stood there. Then Captain Ikawa scolded me, saying "What are you doing there just standing? Go ahead and stab the prisoner anyway." C17.

80. Q. Did Captain Ikawa tell you where to stab the prisoner?

A. No.

81. Q. Did he tell you with how much force to stab the prisoner?

A. No.

82. Q. Then, as a matter of fact, you received no instructions from Captain Ikawa on bayoneting the prisoner?

A. Yes.

83. Q. Where was Captain Ikawa standing while the bayoneting was going on?

A. This spot where the execution was carried out was on an incline, and Captain Ikawa was on the higher side.

84. Q. Were the prisoners between you and Captain Ikawa?

A. Yes, the prisoners were between Captain Ikawa and myself.

85. Q. About how far away from the prisoners was Captain Ikawa?

A. They were about twelve feet away from Captain Ikawa.

86. Q. Where was Colonel Ito standing when he gave you the order to bayonet the prisoner?

A. I do not know.

87. Q. Did you see Colonel Ito there?

A. Yes.

88. Q. But you don't know where he was?

A. I cannot recall where Colonel Ito was when he gave the order.

89. Q. How many bayoneters were there?

A. I cannot tell the number definitely.

90. Q. Can you give an approximation of the number?

A. I do not remember.

91. Q. Were you the first bayoneter in line?

A. Yes.

92. Q. How many men stood behind you?

A. I think there were three or four men behind me, and there were people who were not actually bayoneters mixed among them so I cannot tell the real number accurately.

93. Q. Where did you go when you finished bayoneting the prisoner?

A. As I was exhausted physically I retreated about twenty-five feet and sat on the grass with my rifle and was resting there.

94. Q. About how far apart were the two stakes to which the two prisoners were tied?

A. It was about one and one-half feet between the two stakes.

95. Q. Then the prisoners were about shoulder to shoulder?

A. One prisoner was tied to two stakes, and what I have mentioned just now the distance between the two stakes to which one prisoner was tied. There was quite a distance between the two prisoners. CLF

96. Q. How great was that distance?

A. About twelve feet.

97. Q. Could you see the line of bayoneters for the other prisoner?

A. I could not tell for sure.

98. Q. Then you cannot tell for sure whether you can see a line twelve feet away?

A. I do not remember seeing this line.

99. Q. Were you bayoneting the prisoner on the right or on the left?

A. I was on the left.

100. Q. Have you ever seen the man on the far left in the defendant's row before?

A. No.

101. Q. If you were so weak why did you volunteer to be first in the line for bayoneting?

This question was objected to by the judge advocate on the ground that there is no testimony to show that the witness ever volunteered.

The accused replied.

The commission announced that the objection was sustained.

102. Q. If you were so weak why were you first in line?

A. As I was a non-commissioned officer and as I had been named from my battalion to carry out the execution, I was placed first in line, but I was not named directly by the battalion.

103. Q. Then you did volunteer?

A. I did not volunteer. A phone call came to my company headquarters and asked for Corporal Date - - - - -.

This reply was objected to by the accused on the ground that the answer is hearsay unless the witness answered the phone call.

The judge advocate replied.

The commission directed the witness to continue.

A. - - - - - to come out to the scene of the execution, and a messenger came from the company to my platoon to get the corporal, but at that time the corporal was out at a place named Naka Beach on guard duty, and was not at home, and the other men were all busy building positions and were out. As I was sick I was in bed at the platoon. The messenger arrived and hearing that Corporal Date was not there went back to the company, but he returned again and told me that if Date was not there I should go instead of him. I did not reply for two or three times but finally I decided to at least go out to the scene.

The accused stated as follows:

I should like the commission at this time to direct the judge advocate to issue a subpoena duces tecum to the senior member or recorder of a Board of Investigation to appear before this commission with the record of the proceedings of that Board as they involve the testimony of the witness on the stand. This record is desired for the purpose of impeaching the witness.

The judge advocate replied.

The commission, than at 11:40 a.m., took a recess until 2:20 p.m., at which time it reconvened.

Present:

All the members, the judge advocates, the reporter, the interpreters, each of the accused and his counsel.

No witnesses not otherwise connected with the trial were present.

The judge advocate introduced Robert Oldham, seaman first class (yeoman), U. S. Navy, as reporter.

The reporter was duly sworn.

The judge advocate introduced Mr. Frederick A. Savory, as an interpreter.

The interpreter was duly sworn.

The accused withdrew the request for a subpoena duces tecum to the senior member or recorder of the Board of Investigation in view of the fact the record has been made available to the accused.

A judge advocate was called as a witness for the defense and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, rank and present station.
A. Edward L. Field, Lieutenant, USNR, Judge Advocate, Military Commission at Commander Marianas.
2. Q. If you know the accused will you state as whom?
A. Left to right. Lieutenant Colonel Ito, Captain Higashigi, Captain Ikawa, Leading Private Shimura.

Examined by the accused:

3. Q. As judge advocate before this commission do you have in your possession the proceedings of the Board of Investigation of which Major Robert Shaffer was senior member?
A. Yes, I do.
 4. Q. Is that testimony which you have in your possession a part of the record of those proceedings?
A. It is.
 5. Q. And were those proceedings given under oath?
A. The precept convening the Board of Investigation authorized personnel to administer the oath and it was so administered to each person appearing before the board.
 6. Q. Where was this Board of Investigation acting?
A. The Board of Investigation was conducted at the headquarters of the Occupation Forces of Bonin Islands.
 7. Q. And what were they investigating?
A. They were investigating the deaths of Allied Prisoners of War in the custody of Japanese Military personnel in the Bonin Islands. CLF
 8. Q. And did Moriki Okamoto testify before that Board of Investigation?
A. Yes, he did.
- Neither the judge advocate, the accused, nor the commission desired further to examine this witness. CLF

The witness resumed his seat as judge advocate.

Okamoto, Moriki, Corporal, IJA, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken CLF

was still binding and continued his testimony.

(Cross-examination continued.)

9. Q. To what division did you belong on Chichi Jima?
A. 109th Division.

10. Q. And who was your immediate superior in command?
A. Captain Enjo and Colonel Kato and General Tachibana.

11. Q. Did you testify before a Board of Investigation on or about the 30th of May of this year?
A. Yes.

12. Q. And did you at that time testify as follows in reply to the question, "How many took part in the execution? In my opinion, there were four (4) or five (5) bayoneters assigned to each of the prisoners. That would make a total of ten (10) or eleven (11) men performing the executions. I believe five (5) for the execution of the prisoner on the right, and five (5) executioners for the prisoner on the left. There were five (5) or six (6) officers present also. Lieutenant Colonel Ito, Colonel Kato, First Lieutenant Ikawa, a captain or a lieutenant from the Ryodan Shireibu, I do not know his name but I remember the man had on long black boots, and two (2) other lieutenants whose names I do not know.

The prosecution objected on the ground that the entire answer was not read. The answer was read in part and not in full and that the answer should be read in full to the question.

The accused replied.

The commission announced that the objection was not sustained provided the accused read the full answer.

A. Yes, I did.

13. Q. And did you further answer: First Lieutenant Ikawa was the one who gave the directions to the bayoneters, like from what position and from what direction that the flyers should be bayoneted. This was prior to the execution.

A. Lieutenant Colonel Ito gave the first order to stab the prisoners.

14. Q. But did you testify before the Board of Investigation as I have just read?

A. Yes, I did testify so.

15. Q. And were you under oath when you testified?

A. Yes.

16. Q. And did you also testify in part as follows: As I did not watch the execution I can not tell you the details of what happened later, like how many times the flyer was bayoneted or things of that nature. I returned to the rear to rest for a few seconds. I noticed that the other soldiers, the young soldiers bayoneted the prisoner a number of times. That is, each soldier bayoneted the prisoner twice; on the average two (2) times.

The prosecution objected on the ground that the accused was quoting only a part of the witness's answer to the question as contained in the record of the Board of Investigation.

The accused replied.

The commission announced that the objection was sustained.

17. Q. Did you testify as follows: "Question: Give us the details of your part in the execution? Answer: ~~Sometimes in the middle of August, 1944, I was sick and was lying down in my barracks, when word came through from the company headquarters for Corporal Date to report to the battalion headquarters; that any relation of Corporal Morihisa, who had died in an American bombing raid, should report to the battalion headquarters. That was the message. The soldiers were to report under normal arms, rifles and bayonets. For what reason or purpose, I did not know. If any man from Corporal Morihisa's county was there, he too should go. My unit was out on a working party, and I was the only one in the barracks as I was sick and wasn't feeling well.~~ I told the messenger that Corporal Date could not be found, and further told him that I was too sick to go. The messenger returned and said that I would have to go as there was no one else around. I got dressed and walked two miles to Tatsumi Dani. The runner who delivered the message was from the company headquarters. I was on my way to the 307th Battalion area; but when I reached the bridge back of the Kominato beach, I met First Lieutenant Ikawa, who was in front of the pavilion which was at the fork of the road. I saw a large crowd around the pavilion. When I walked up to it, I saw the crowd looking at two prisoners of war, who were sitting at a table inside the pavilion. This was the first time that I had seen a prisoner of war. After I reached the scene, I remained there for about thirty minutes. During this time First Lieutenant Ikawa came shouting as follows: "Is the man from Enjo Tai present?", and I reported yes, that I was present, and he said that I must bayonet a prisoner of war. I told First Lieutenant Ikawa that I was a sick man, and that I had had to rest many times on the way there. Whereupon, he slapped me and said that if I could not do it, I must go along anyway. Then the two flyers were led up to Nakayama Toge. ~~On the way up the hill, naturally I was feeling bad. I was exhausted and I started to lag behind, whereupon First Lieutenant Ikawa forced me up the hill.~~ After we got up to the place of the execution, four stakes were driven into the ground on the rim of a machine gun emplacement. The prisoners were tied to these stakes with their hands behind them. These stakes were driven into the ground about one foot apart. The prisoners were made to kneel, and their hands were tied to these stakes behind them. After the prisoners were tied, Lieutenant Colonel Ito, of the Ryodan Shireibu, gave the order to stand at attention. There were about twenty men present, and we stood at attention. Then Lieutenant Colonel Ito gave us the order to face towards the Imperial palace; that is, toward the north, and gave the order to worship the Emperor with a deep bow, and after that he made a speech. I have forgotten the words which he used but he told us that we were about to execute the prisoners of war. Then Lieutenant Colonel Ito picked the executioners. He did not ask for volunteers, but he personally picked the executioners. Facing the prisoners, I was detailed to bayonet the prisoner on the left. There were five of us to bayonet this flyer. I do not know who executed the flyer on the right. I do not

know who they were. After the executioners were picked by Lieutenant Colonel Ito, we had a little period of rest; and so I sank to the grass and took it easy, as I did not feel well. Then Lieutenant Colonel Ito gave another order to take up our positions. Lieutenant Ikawa hit me on the back and gave me the command to stand up and take up my position. Then Lieutenant Colonel Ito ordered me to bayonet the flyer. I did not comply with the command at once; whereupon First Lieutenant Ikawa shouted at me, that if I could not bayonet the flyer at least that I should make the motion of bayoneting him, to make a feint thrust, whereupon I complied. I stopped my bayonet about three inches away from the flyer's chest. The prisoner's chest was marked with one circle, that I noticed, which was drawn there by Lieutenant Colonel Ito. This circle was about three inches in diameter. This was drawn right over the flyer's heart. After my thrust, I immediately returned to the rear; although I cannot swear to it, I think the man following me was a very young soldier, a very young boot or recruit. I think that he came from the Ryodan Shireibu, but I did not know his name or who he was. As I did not watch the execution, I cannot tell you the details of what happened later, like how many times the flyer was bayoneted or things of that nature. I returned to the rear to rest for a few seconds. I noticed that the other soldiers, the young soldiers bayoneted the prisoner a number of times. That is, each soldier bayoneted the prisoner twice; on the average two times."

A. Yes, I did.

18. Q. Did you verify your testimony before this Board of Investigation?
A. Yes, but I also said that I could not state clearly all the facts about the Brigade Headquarters.

Neither the judge advocate nor the accused desired further to examine the witness.

The commission did not desire to examine the witness.

The witness made the following statement:

I would like to state that Captain Ikawa did not touch the prisoners at the scene of the execution.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocates

1. Q. State your name and former rank.

A. Hidano, Raidansaka, Corporal, Imperial Japanese Army?

2. Q. Were you demobilized from the Imperial Japanese Army?

A. I have not yet been demobilized.

3. Q. Where are you now living?

A. I am living now at Tumon Annex.

4. Q. If you recognize any of the defendants state as whom.

A. Lieutenant Colonel Ito, and leading private Shimura.

5. Q. What were your duties on Chichi Jima, during August 1944?

A. I was the Chief Messenger of the division at that time.

6. Q. Did you ever see any American Prisoners of War on Chichi Jima at that time?

A. I saw some prisoners at Kominato when we went there in August.

7. Q. Why did you go to Kominato in August, 1944?

A. There was target practice of the division there, so I went to Kominato.

8. Q. Who was in charge of this target practice?

A. Lieutenant Colonel Ito was in charge of this target practice.

9. Q. Will you tell the commission what happened during this target practice?

A. About 7:30 in the morning we started from the division headquarters for Kominato where we went for target practice. At Kominato we were told by Lieutenant Colonel Ito for the first time that some prisoners of war were going to be executed and there it was that those who were to execute the two prisoners were selected. C.F.

10. Q. How many men were selected as executioners?

A. Two.

11. Q. Which two were selected?

A. One of them was Leading Private Shimura, and the other is Superior Private Kido.

12. Q. What happened after these two men were chosen as executioners, if anything? C.F.

A. After that we crossed the Yatsuse Bridge and climbed to Nakayama Pass, in the vicinity where we executed by stabbing the prisoners.

13. Q. Will you describe the execution as you saw it?

A. The execution of the prisoners at Kominato Bridge as I saw it is as follows: The prisoners were blindfolded and were made to sit on the ground and they were both tied to stakes which were driven into the ground behind a hole and although I could not recall clearly before I now remember that at first a sign or mark was made on the right side of the breast of the prisoner, and then first the prisoners were stabbed on the right side after which they were stabbed in the heart. After this had been finished Lieutenant Colonel Ito beheaded them. C.F.

14. Q. How many bayoneters performed the execution?

A. I think there were two from the division headquarters, one from the 306th Battalion, one from the 307th Battalion, a total of four.

15. Q. You testified that Lieutenant Colonel Ito selected two of the bayoneters, who selected the other two?

A. The other two came from other units and I do not know how they were picked.

16. Q. Did you hear Lieutenant Colonel Ito give any orders at the execution?

A. I do not remember clearly but I think that Lieutenant Colonel Ito may have given orders at the scene.

17. Q. Did you hear anyone else give orders at the scene?

A. I can not tell this.

18. Q. How many times ^{WERE THE} ~~was that~~ prisoner^s bayoneted?

A. I think about three times. CLF

19. Q. ~~Do~~ you see the defendant Shimura bayonet either of the prisoners? CLF

A. Yes.

20. Q. How many times did Shimura's bayonet enter the prisoner's body?

A. About two times.

21. Q. Did it appear to you at the scene of the execution that the victims died from bayonet wounds?

A. I think they were mortally wounded by the bayonets.

22. Q. Did you notice whether or not the prisoners moved or made an outcry when the bayoneting was over?

A. They moved after the stabbing was over.

23. Q. How long did the bayoneting take?

A. It took only a very short time and I think that it did not even take five minutes.

24. Q. What happened when the bayoneting was over?

A. After the stabbing was over Lieutenant Colonel Ito beheaded them with a Japanese sword.

25. Q. When the execution was over what disposition was made of the bodies?
A. As we had gone to target practice and this is only to be held during the morning we immediately returned and left the scene so I do not know how the bodies were disposed of.

26. Q. When you left the scene were the bodies still lying in open view?

A. When I left the scene it was just after the execution had been completed and the bodies were still there.

27. Q. You testified that you ~~are~~ now remember that Lieutenant Colonel Ito made some mark upon the chest of the prisoners. Do you know what kind of a mark? CLF

A. Yes, it was a circle.

28. Q. Did you hear anyone say what this circle was placed there for, or what it was to be used for?

A. I thought that the reason why the circle had been drawn was first to stab the prisoner on the right side and then to kill him by stabbing him in the heart the second time.

29. Q. Why did you think this?

The accused objected to this question on the ground that it was irrelevant, immaterial and incompetent. 817

The judge advocate replied.

The commission announced that the objection was not sustained.

A. The reason I imagined this was that it was just like I have told. There is no reason for a person to stab another person on the side opposite his head. The reason why the first stab was done on the right side was because it was desired to inflict the fatal wound with the second stab in the heart. 817

30. Q. Did you hear any order to this effect?

A. I remember it all clearly that Lieutenant Colonel Ito told the men to stab the prisoners first on the left side and then on the right side.

31. Q. And do you remember what reasons Lieutenant Colonel Ito gave for these instructions?

A. I do not know.

32. Q. Do you know if any trial was given these American Prisoners of War?

A. I do not know.

33. Q. Do you know the nationality of these Prisoners of War?

A. I do not know their nationality but later I heard a rumor but this may not be true, one was an American and one was Australian.

The prosecution requested that this answer be stricken from the record as hearsay.

The accused replied.

The commission announced that the answer would remain in the record.

34. Q. Can you describe these Prisoners of War? 817

A. The one that I heard in rumors was an Australian was tall and he had on his working suit which was brown and like the one the sailors wear and he had red hair. The other prisoner seemed quite young, and he had a leather jacket on.

35. Q. With regard to the one who you first learned by rumors was an Australian, did you notice any markings on his clothing?

A. I can not remember.

36. Q. What was the complexion of these prisoners? What color was their skin?

A. It was red.

37. Q. When Lieutenant Colonel Ito announced that there were two American Prisoners of War about to be executed did he give a reason or an explanation for the execution?

A. I think that he had not said any particular reason why the prisoners were going to be executed.

The commission then, at 3:33 p.m., took a recess until 3:45 p.m., at which time it reconvened.

Present:

All the members, the judge advocates, the reporter, the interpreters, each of the accused and his counsel.

No witnesses not otherwise connected with the trial were present.

Hidano, Raidenwaka, Corporal, IJA, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding and continued his testimony.

Cross-examined by the accused:

38. Q. You testified that you were a messenger for the division; what division was that?

A. I was the Chief Messenger for the First Brigade of the 109th Division.

39. Q. And where were your headquarters?

A. At Nagatani.

40. Q. Was that the place where General Tachibana was stationed?

A. Yes.

Captain Higashigi, Seiji, was asked to stand by the accused.

41. Q. Do you recognize that man?

A. I do.

42. Q. Why were you present at the scene at Kominato Bridge?

A. Our purpose was target practice and we did not know that prisoners were going to be executed and as this target practice was going to be held at Nakayama the men of the division, that is the Brigade Headquarters at that time went there for target practice. We went there in two bodies, relieving the other.

43. Q. Who ordered you to attend the target practice?

A. This is an order from the division.

44. Q. Who gave you this order?

A. The order was from the adjutant?

45. Q. Who was the adjutant?

A. It was a Junior Adjutant.

46. Q. Who was the Junior Adjutant?

A. It was Captain Kosuga.

47. Q. Did he also give the order to Shimura and Kido to attend the target practice?

A. In view of their duties, the hours on duty, I told Shimura and Kido to go to this target practice.

48. Q. Then, it was you who relayed the order to Shimura and Kido to go to Kominato Area?

A. Yes.

49. Q. Were you present at Nakayama Pass, from the time the prisoners were first brought there until after they had been beheaded?

A. I left the scene immediately after the execution for target practice and was not there long afterwards.

50. Q. But were you there before the prisoners were tied to the stakes?

A. I reached the scene with the prisoners.

51. Q. Did you help guard them on the way to the scene?

A. They were guarded by men from other units and I was not one of them.

52. Q. How far were you from the prisoners during the execution?

A. I was about 15 meters away from the prisoners.

53. Q. Could you see the execution plainly?

A. Yes, I could see the scene clearly.

Captain Ikawa, Shigeo was asked to stand by the accused.

54. Q. Have you ever seen that man before?

A. Yes, I have seen him.

55. Q. Did you see him at the scene of the execution?

A. No.

56. Q. Did you hear anyone except Lieutenant Colonel Ito give any instructions on the proper procedure for bayoneting the prisoners?

A. I do not recall anybody else except Lieutenant Colonel Ito.

57. Q. Could Captain Ikawa have been near the prisoners and you not have seen him?

A. Yes, the execution took place not long after I had landed on Chichi Jima. I did not know people's faces much at that time and I cannot say clearly what persons I saw but I feel I did not see him on the scene.

58. Q. When you saw the prisoners bayoneted were there four executioners bayoneting the prisoners or were two assigned to each prisoner?

A. There were two executioners for each prisoner.

59. Q. Was Shimura, the first or the second to bayonet one of the prisoners?

A. He was the second.

60. Q. Could you actually see Shimura's bayonet enter the body of the prisoner?

A. I am sure that I saw it.

61. Q. Was it possible that the bayonet could have gone between the American prisoner's body and his arm?

The judge advocate objected on the ground that the question called for a speculative answer.

The accused replied.

The commission announced that the objection was not sustained.

A. I thought that the first thrust did not actually go into the prisoner's body, but I do think that on the second stab Shimura's bayonet entered the prisoner's body.

62. Q. Were you located directly behind Shimura and the prisoner or were you at one side?

A. I was standing at the side.

63. Q. Do you know why Shimura and Kido were selected for executioners?

A. I did not think that there was any particular reason for them being chosen as executioners, ^{and} that Lieutenant Colonel Ito just gave the orders for them to carry them out. Shimura was at that time Lieutenant Colonel Ito's messenger. CLF.

64. Q. What was Kido at that time?

A. Kido was at that time the orderly for the senior adjutant.

65. Q. Who was the senior adjutant?

A. Captain Higashigi, Seiji.

Neither the judge advocate nor the accused desired further to examine the witness.

The commission did not desire to examine the witness.

The witness made the following statement:

I have heard that the war crime trials on Guam are being⁶ conducted fairly and I plead that this commission give the accused a fair trial and a just one. I beg that the president of the commission tell the accused, Shimura that I will take care of his family when I go back to Japan. CLF.

The witness was duly warned and withdrew.

The commission adjourned until 9:15 a.m., to-morrow, June 26, 1946.

THIRD DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Wednesday, June 26, 1946.

The commission met at 9:15 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Eric B. Hoag, Dental Corps, U. S. Navy,
Colonel James V. Ware, Infantry, Army of the United States,
Colonel Pierre B. Denson, Coast Artillery Corps, Army of the United States,
Commander John C. Poshepny, Supply Corps, U. S. Navy,
Commander Martin E. Carlson, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps, members, and
Lieutenant Daniel Flynn, U. S. Naval Reserve,
Lieutenant Edward L. Field, U. S. Naval Reserve, and
Lieutenant Fredric T. Suss, U. S. Naval Reserve, judge advocates.
Norman H. Tildes, first sergeant, U. S. Marine Corps, reporter.
Each of the accused and his counsel and the interpreters.

The record of proceedings of the second day of the trial was read and approved.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Sato, Masayasu, superior private, Imperial Japanese Army.
2. Q. Where are you now living?
A. Tumon Annex.
3. Q. Is that on Guam?
A. Yes.
4. Q. Were you demobilized from the Japanese Army?
A. No.
5. Q. If you recognize any of the defendants, state as whom?
A. On the extreme left is Colonel Ito.
6. Q. Do you recognize any other defendants in this court room?
A. The next person is Captain Higashigi.
7. Q. Do you recognize any others?
A. Captain Ikawa.
8. Q. Do you know the last man on the right?
A. Superior Private Shimura. He may be a Leading Private now.

9. Q. Were you attached to the Japanese forces on Chichi Jima in August 1944?

A. Yes.

10. Q. To what organization were you attached?

A. The First Brigade Headquarters.

11. Q. Who was the Commanding Officer of the First Brigade Headquarters?

A. General Tachibana.

12. Q. Who was the General's senior Adjutant?

A. Captain Higashigi.

13. Q. Did you ever see any American Prisoners of War on Chichi Jima?

A. Yes.

14. Q. When did you see these prisoners of war?

A. I saw them in August.

15. Q. Of what year?

A. 1944.

16. Q. Do you remember the date?

A. I do not remember the date.

17. Q. Can you say approximately when it was, early in August, late in August, or the middle of August?

A. I cannot recall what part of August it was.

18. Q. Where did you see these American prisoners of war, in what area?

A. At Kominato.

19. Q. Why did you go to Kominato on this day?

A. I went there for target practice.

20. Q. Who was in charge of this target practice?

A. Colonel Ito.

21. Q. Will you tell the commission what occurred during this rifle practice?

A. Two prisoners were executed.

22. Q. Will you give us the details of what happened before going to the scene of the execution?

A. When we reached Kominato we heard for the first time that there was going to be an execution, and we formed there and Kito and Shimura were chosen as executioners. After this we went up to the scene of the execution.

23. Q. Before you went up to the scene of the execution who announced that American Prisoners of War were about to be executed?

This question was objected to by the accused on the ground that it is leading.

The judge advocate stated that he would reword the question.

24. Q. You have testified that before the execution and during rifle practice, you learn for the first time that American Prisoners of War were to be executed. Will you tell us how you learned this?

A. I think I heard it from Colonel Ito.

25. Q. How far away were you standing from Colonel Ito?

A. About a meter and a half.

26. Q. Then you were in a position to hear everything that Colonel Ito said on that occasion, were you not?

A. Yes, I was.

27. Q. Can you repeat what Colonel Ito said on that occasion?

A. I have forgotten the details of what he said, but he ordered Kido and Shimura to begin the execution.

28. Q. After Kido and Shimura were ordered to be executioners will you tell us what occurred then?

A. Then we went up to Nakayama Pass where the two prisoners were executed.

29. Q. Were you present during the whole execution?

A. Yes, I saw it.

30. Q. Will you tell the commission how the prisoners were placed on the scene of the execution?

A. They were bound to two stakes with their hands behind them.

31. Q. Was each prisoner bound to two stakes, or was each prisoner bound to one stake?

A. They were bound to one stake each.

32. Q. How were these prisoners executed?

A. They were bayoneted.

33. Q. How far away from the prisoners of war were you standing?

A. About fourteen or fifteen meters.

34. Q. Did you hear the orders given for the execution?

A. I have forgotten.

35. Q. Do you remember who was in charge of the execution?

A. I do not know.

36. Q. Where were the prisoners of war bayoneted first, in what part of the body?

A. They were bayoneted in the chest and they were stabbed in the heart finally.

37. Q. What do you mean when you say they were stabbed in the heart finally?

A. That is because Colonel Ito made a speech and said, "We are avenging those who died in American bombing raids, so bayonet them in the heart at

the last."

38. Q. Did you see the defendant, Shimura bayonet one of the prisoners?
A. Yes.

39. Q. How many times did you see Shimura's bayonet enter the body of the prisoner?
A. I only saw it once.

40. Q. Did the prisoners appear to you to have died from bayoneting?
A. The prisoner I saw was not dead after the stabbing.

41. Q. After the bayoneting was over what else occurred?
A. Finally Colonel Ito beheaded the prisoners.

42. Q. Did Colonel Ito do anything else after the beheading was over?
A. I do not know. CCT

43. Q. Do you know if Colonel Ito said anything after he finished the beheading?
A. I do not remember.

44. Q. After the prisoners were executed, what became of their bodies?
A. Immediately after the execution was completed I left for the target practice, so I did not see what disposition was made of the bodies.

45. Q. When you left the scene of the execution were the prisoners' bodies left lying in open view?
A. I did not see the bodies. CCT

46. Q. Did you see a hole or a grave dug at the scene of the execution?
A. I have forgotten.

47. Q. Do you remember the nature of the ground upon which the execution took place?
A. I have forgotten.

48. Q. Do you know if any trial was given these American Prisoners of War?
A. I do not know.

49. Q. Can you describe the prisoners?
A. I do not remember the details, but I do know that one of them had a rather round face while the other had a long face. CCT

Cross-examined by the accused:

50. Q. What were your duties on Chichi Jima in August, 1944?
A. I was a code man.

51. Q. And who ordered you to go to the target practice the morning of the execution?
A. We took turns going to the target practice, and on this particular morning a Sergeant Kodokura told me that I should go. CCT

52. Q. When you arrived at the scene at the pass were the stakes already in place?

A. I have forgotten.

53. Q. How far were you from the scene of the execution?

A. About fourteen or fifteen meters.

54. Q. Could you see practically everything that went on during the execution?

A. Yes.

55. Q. Did you see Lieutenant Ikawa there at any time?

A. I could not tell then.

56. Q. What does the witness mean, I could not tell then?

A. As I had just come to Chichi Jima, I was not familiar with the Island itself or with the units there, and I could not distinguish between them.

57. Q. Did you see any officer other than Colonel Ito at the scene of the execution?

A. Yes.

58. Q. Can you name these officers?

A. Colonel Kato.

59. Q. But you do not recall having seen Lieutenant Ikawa who you now recognize, at the scene at that time?

A. I cannot recall him being at the scene.

60. Q. Did you hear anyone except Colonel Ito giving any instructions to the executioners on the method of bayoneting?

A. I do not know.

61. Q. Did you hear any officer other than Colonel Ito say anything to any of the executioners?

A. No.

62. Q. How many executioners were there? How many men were selected as executioners?

A. I do not remember correctly, but I think it was four or five.

63. Q. Did all of the executioners bayonet each prisoner or were a certain number assigned to each prisoner?

A. I remember that two executioners bayoneted one prisoner.

64. Q. Did you see Shimura in the line of executioners?

A. Yes.

65. Q. Was he the first or second in line?

A. I have forgotten.

66. Q. Did you actually see Shimura's bayonet enter the body of the prisoner of war?

A. Yes.

67. Q. Are you sure that it could not have gone between his body and arm?
A. Yes.

68. Q. Do you know why Shimura and Kido were selected as executioners?
A. I think they were ordered to be executioners.

69. Q. Did you hear either of them volunteer for that duty?
A. I have not heard of this.

70. Q. Did you know Shimura fairly well on Chichi Jima?
A. Yes.

71. Q. What was his general reputation among his friends?
A. He was a very earnest and diligent person.

72. Q. Was he considered a very brave person?
A. He was rather of the reserve type.

Re-examined by the judge advocate:

73. Q. You have testified that you saw Shimura's bayonet enter the body of the prisoner once, when you saw that happen what was the reaction of the prisoner of war who was bayoneted?
A. He just groaned in a very weak voice.

74. Q. Did you know First Lieutenant Ikawa in August of 1944?
A. No.

Examined by the commission:

75. Q. Will you state if you know what the nationality of the prisoners were?
A. I do not know.

Neither the judge advocate, the accused, nor the commission desired further to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 10:00 a.m., took a recess until 10:15 a.m., at which time it reconvened.

Present:

All the members, the judge advocates, the reporter, the interpreters, each of the accused and his counsel.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

The judge advocate stated as follows:

Prior to the next witness testifying before this commission I should like the commission to inform him that he is not required to answer any question which may incriminate or implicate him either in the present proceedings or in future proceedings. c17

The commission informed the witness in accordance with the judge advocate's request.

Examined by the judge advocate:

1. Q. State your name and rank.
A. Kato, Takemune, Colonel, Imperial Japanese Army.
2. Q. And where are you presently confined?
A. In the fifth hut.
3. Q. The fifth hut? Explain that a little bit more?
A. Next to the air field.
4. Q. Are you at present confined on Guam?
A. Yes.
5. Q. Colonel, if you recognize any of the accused in this case will you please indicate them by pointing them out or naming them?
A. Lieutenant Colonel Ito.
6. Q. Do you recognize any of the other accused?
A. No.
7. Q. Were you ever stationed on Chichi Jima?
A. Yes.
8. Q. And when did you arrive on Chichi Jima?
A. July 1944.
9. Q. And when did you leave Chichi Jima?
A. I left Chichi Jima on 15 November 1945.
10. Q. While on Chichi Jima, to what unit were you connected?
A. I was the Commanding Officer of the 307th Battalion.
11. Q. Do you know of the execution of the two prisoners of war on Chichi Jima?
A. I saw it at the spot of the execution.
12. Q. And when did this take place?
A. In August 1944.
13. Q. Do you recall the exact day in August, Colonel?
A. I have forgotten the exact date.
14. Q. And how did you happen to know or to learn that this execution which you have seen was to take place?
A. I got my knowledge of this from a Brigade Order or a Daily Army Order.

15. Q. And what did this Brigade Order or the Daily Army Order state?
A. It said that as Lieutenant Colonel Ito was to carry out the execution, the unit had to send out its necessary amount of men.
16. Q. And did your unit send out the necessary amount of men?
A. It must have been sent out.
17. Q. Do you know Colonel, how many men were sent out in compliance with this order?
A. I think it was one person.
18. Q. And Colonel, what was your understanding this one person was to do?
A. As the order said to send out a person from my unit for the execution, I thought that he was to carry out the execution.
19. Q. Colonel, did you select the man who was sent out in accord with the order?
A. I did not select him myself.
20. Q. Do you know who did select this man?
A. I think it was the Adjutant or somebody below him.
21. Q. And who was the Adjutant?
A. The Adjutant was Captain Ikawa.
22. Q. And if you see Captain Ikawa in court today will you please indicate him?
A. The witness indicated by pointing out Captain Ikawa. CLT.
23. Q. Colonel, where were you when you first learned of this order from the Brigade Headquarters?
A. I do not remember clearly but I think I was at my residence.
24. Q. And how was this order delivered to you?
A. The Adjutant received all orders so I think it came to me through my Adjutant, but I do not remember clearly. CLT.
25. Q. And did the Adjutant tell you how he had received the order?
A. I have forgotten.
26. Q. Colonel, you have testified that this order came from the Brigade Headquarters. Who was the Commanding Officer of Brigade Headquarters?
A. General Tachibana.
27. Q. This one man who was selected from the 307th Battalion, what outfit within the 307th Battalion was he from?
A. He came from the Enjo unit.
28. Q. And who was in charge of the Enjo unit?
A. Captain Enjo.
29. Q. How close were you to the actual site of the execution when you saw it?
A. I was about twenty to thirty meters away. CLT.

30. Q. Will you explain to the commission what you observed at the scene of the execution?

A. At the actual scene there was an air raid shelter which had been dug previously, and here the two prisoners were placed and executed. They were both blindfolded and their arms were tied behind them. They were also bound to a stake which had been driven into the ground, and they were executed by bayonets.

31. Q. Colonel, what persons do you recall seeing at the scene of the execution?

A. Among the officers I remember Lieutenant Colonel Ito being there most distinctly, but I do not remember the others very well.

32. Q. And while you observed this execution did you see Colonel Ito do anything or did you hear him say anything?

A. Ito gave the orders to stab. He also explained to the men how the prisoners were to be stab^{bed}, and later gave the actual orders to stab the prisoners. 617
614

33. Q. Can you recall just what he explained to the men as to how the prisoners should be stabbed?

A. He gave the order that by orders from the Emperor I execute these prisoners.

34. Q. And Colonel, what did you understand Colonel Ito to mean when he said by orders from the Emperor I execute these prisoners?

A. I think Ito was meaning that he had received orders from his superior authorities to execute the prisoners.

35. Q. And if Colonel Ito had received such an order who would this superior authority be?

A. I think it is directly the Brigade Commander, but if at that time there was a Division Headquarters I cannot tell definitely from which ^{head}quarters would be his superior. 617

36. Q. And after these prisoners had been bayoneted, did you observe anything else take place?

A. I saw Colonel Ito behead them with a military sword.

37. Q. Colonel, what was the nationality of these two prisoners?

A. I think they were Americans.

38. Q. And so far as you know, was any trial given to these prisoners?

A. I do not know.

39. Q. Colonel, you have testified that you think these men were executed on orders from the Brigade Headquarters. Why do you think such orders were issued?

A. I do not know the reason why the Brigade issued such orders. 617

40. Q. When you first learned that these two men were to be executed, what was your personal impression or reaction to that?

A. I felt sorry for them and sympathized with them.

41. Q. Were you surprised to learn that they were being executed?
A. I did not feel very well on hearing this, and I did not like this because I found that this execution would have some connection with my unit.

42. Q. Within what area did these executions take place?
A. The West District of the 307th Battalion Area, which is my own defense area.

43. Q. Colonel, how did you happen to be at the scene of the execution?
A. I went there so that I could pray for the souls of the dead, and also to see that my own subordinates did not do anything that was very inhuman.

44. Q. Colonel, were you senior in rank to Lieutenant Colonel Ito?
A. Yes, I was above him.

45. Q. Can you recall by name any of your subordinates at the scene of the execution?
A. No, I cannot recall any of my subordinates.

46. Q. Do you remember the name of the one man who was selected from your unit?
A. I think it was Corporal Okamoto.

47. Q. And did you see him at the scene of the execution?
A. I did not notice Okamoto at the actual spot of the execution.

48. Q. Do you know the names of any of the other executioners there from your unit?
A. No.

49. Q. In your opinion, Colonel, were these executions justified?
A. Do you mean that the execution itself was justified?

50. Q. Yes?
A. As there had been an order issued previously, I think it was just natural that Lieutenant Colonel Ito carry out the order. The right and wrong of executing the prisoners is beyond my or Colonel Ito's judgment.

51. Q. So far as you know, had these prisoners done anything that justified them being executed?
A. I do not know what these prisoners did.

52. Q. In your opinion then Colonel, what was the purpose of executing these men?
A. In my opinion, I think that the purpose for these executions was to boost our spirits and animosity.

53. Q. And Colonel, did you know that these executions were in violation of international law?
A. I did not know this clearly but felt that there was no use to execute a few prisoners.

54. Q. Colonel, did the execution of these prisoners boost the morale of the troops who witnessed it?
A. I do not know.

✓ 55. Q. Colonel, did you do anything to stop or prevent these executions?
A. I did not do anything particularly to stop or prevent the executions. The reason is because that I was not directly connected with this.

Cross-examined by the accused:

56. Q. Colonel Kato, you testified I believe, that you were advised of the execution by means of an Army Daily Order. Was this Daily Order written or oral?

✓ A. I cannot state clearly on that point. The papers were burned previously and there was no proof that I can show.

57. Q. I am referring to the Brigade Daily Orders that you received. Were these written orders that came down from Brigade Headquarters each day?

A. They were in written form.

58. Q. Who signs these daily orders?

✓ A. Orders coming from the Brigade are signed by the Brigade Adjutant, and if this is received by my adjutant the adjutant stamps it. It is the same if a non-commissioned officer receives this.

59. Q. Can you explain that further?

✓ A. If it is a printed order issued by the Brigade, the Brigade sends the order to me with the stamp of the Brigade Adjutant on it. In the case of an Army Daily Order, this order is given orally. The person who is sent to receive this order takes it down and signs his name to it to show that there are no mistakes made in this taking down of the order.

60. Q. And aren't all of these orders shown to you?

✓ A. Yes.

61. Q. Do you recall how long before the time of the execution you received this daily order?

A. I do not remember clearly on this point, but I think there was not such a long time between the announcement and the execution.

62. Q. Then it was probably the same day?

A. I imagine that it was the next day after the announcement that the execution took place, but this too is not clear.

✓ 63. Q. Why was your area selected as the site of the execution?

A. I cannot imagine myself what the reason is and I do not know.

64. Q. Was that information also contained in the daily order?

A. There was no explanation of this in the daily order.

65. Q. Do you know why Colonel Ito was selected to be in charge of the execution?

A. I absolutely do not know.

66. Q. Did you know Colonel Ito during the time that you were on Chichi Jima?

A. I knew him well. We had been together in the same regiment for over ten years since we were cadets.

67. Q. Do you know of the relationship between Colonel Ito and General Tachibana?

A. I would like to know what you mean by relationship?

68. Q. Were Colonel Ito and General Tachibana friends or were they unfriendly?

A. From what I imagine I think that they were not on very good terms.

69. Q. Did Colonel Ito or others tell you of an occasion shortly after Colonel Ito arrived at Chichi Jima on which General Tachibana reprimanded him severely in front of other officers?

A. I heard a rumor like that.

70. Q. Did Colonel Ito ever tell you of his difficulties with General Tachibana?

A. Yes.

71. Q. Do you recall what he told you?

A. Once there was a time when Colonel Ito came to me and said that he and General Tachibana had an argument, and asked me to be a ~~go-in-between~~ and patch up the trouble they had. CIT.

72. Q. Did you do as he asked?

A. Every time I saw General Tachibana I explained little by little Ito's character.

73. Q. And what was Colonel Ito's character?

A. Ito was extremely honest and a straight-forward person, and is not the kind of a man to tell a lie.

74. Q. Was Colonel Ito a strong minded man or a rather weak willed person?

A. I think he has a strong will.

75. Q. How far were you from the actual scene of the execution?

A. I have stated previously I was twenty to thirty meters from the actual spot.

76. Q. Could you see the scene clearly?

A. Yes.

77. Q. How many executioners were there?

A. Two.

78. Q. Were both of those from your unit?

A. One is clear to me but I do not remember the other at present.

Re-examined by the judge advocate:

79. Q. Colonel, you have testified that printed orders from the Brigade Headquarters would be stamped and signed by the Senior Brigade Adjutant. Who was this Senior Brigade Adjutant? CIT.

A. I did not say Senior Adjutant. I just said Adjutant.

80. Q. Will you explain then who this adjutant would be or what his name

was, if you know it?

A. I think that it may have been Captain Higashigi at that time.

81. Q. Do you see Captain Higashigi in court today?

A. Yes.

82. Q. Would you please indicate him to the commission?

A. He is standing now.

Recross-examined by the accused:

83. Q. Would Captain Higashigi have originated these orders without the approval of General Tachibana?

A. I cannot imagine such a thing.

Examined by the commission:

84. Q. What was Lieutenant Colonel Ito's official assignment in the organization?

A. He was attached to the Brigade Headquarters.

85. Q. By that do you mean that he was on the staff, and if so, what were his duties if you know?

A. His duties were to assist the Brigade Commander, and I think that his duties changed from time to time. c17.

86. Q. Did the order prescribe the method of execution?

A. The method was not described.

87. Q. Did the order which came from Brigade Headquarters or from Division Headquarters prescribe the method of execution?

A. I think it was not described in the order.

88. Q. Who was Executive Officer of the brigade?

A. The Senior Adjutant was Captain Higashigi.

89. Q. What position on the staff did Lieutenant Colonel Ito hold?

A. Colonel Ito was not the senior member of the staff, but rather he was the newest person to enter the staff between the ranks of major and colonel.

90. Q. In this order that has been referred to in the testimony, did it state the nationality of the prisoners?

A. I think the nationality was not stated.

Neither the judge advocate, the accused, nor the commission desired further to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission, then at 11:30 a.m., took a recess until 2:15 p.m., at which time it reconvened.

Present:

All the members, the judge advocate, the interpreters, each of the accused and his counsel.

Robert Oldham, seaman first class, (yeoman), U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank?
A. Captain, Imperial Japanese Army, Fukuda, Katsuya.
2. Q. Have you been demobilized from the Imperial Japanese Army?
A. I have not yet been demobilized.
3. Q. Where are you now living?
A. I am living at the tent in the "C" company.
4. Q. Is this on Guam?
A. Yes.
5. Q. Were you stationed on Chichi Jima at any time during this past war?
A. Yes.
6. Q. When did you arrive on Chichi Jima?
A. I arrived on Chichi Jima on the 9th of July 1944.
7. Q. If you recognize any of the defendants will you indicate as whom?
A. I know all of them.
8. Q. Will you indicate each one?
A. The person on the extreme right is Lieutenant Colonel Ito; the next is Captain Higashigi; the next is Captain Ikawa; I have forgotten the name of the last accused.
9. Q. Have you seen all of these defendants on Chichi Jima?
A. Yes.
10. Q. To what organization were you attached on Chichi Jima?
A. The headquarters of the First Mixed Brigade.
11. Q. Did you ever know about an execution occurring on Chichi Jima?
A. Yes, I heard rumors of it.
12. Q. Do you know when this execution took place?
A. I do not know the date but it was in the first part of August. I have remembered the name of the last of the accused. He is Superior Private Shimura.
13. Q. On the night previous to the execution do you recall having

attended a dinner given for the officers?

A. Yes.

14. Q. Did you see any of the defendants at this dinner?

A. Yes.

15. Q. Was the subject of prisoners of war brought up on the occasion of the dinner?

This question was objected to by the accused on the ground that it was leading.

The judge advocate reframed the question.

16. Q. Do you recall the conversation which took place at this dinner?

A. I remember a little.

17. Q. ^Which of these defendants did you see at this dinner?

A. Lieutenant Colonel Ito and Captain Higashigi. I saw two of them. C.F.

18. Q. What subjects were discussed at this dinner?

A. There was some talk about prisoners being captured. There was conversation about the prisoners.

19. Q. Who was taking part in this conversation?

A. I think it was Captain Higashigi.

20. Q. And who else, was he alone discussing the prisoners of war?

A. I think that there was nobody else.

21. Q. Do you remember what Captain Higashigi said about prisoners of war?

A. Yes.

22. Q. Will you tell the commission in substance what Captain Higashigi said?

A. I remember that Captain Higashigi said we must find somebody to dispose of the prisoners.

23. Q. Is that all you remember that he said?

A. That is all.

24. Q. Was he speaking as a man in authority on the subject?

A. I do not think so.

25. Q. Now, on the morning of the execution do you recall having seen any of the defendants?

A. I saw Lieutenant Colonel Ito and Captain Higashigi on that morning.

26. Q. Where did you see Lieutenant Colonel Ito and Captain Higashigi?

A. I do not remember clearly whether I saw them in the room adjoining the dining room or at the front door.

27. Q. Did you over-hear their conversation at this time?

A. I did.

28. Q. What was the substance of this conversation?

A. It was as if Captain Higashigi was asking Lieutenant Colonel Ito to dispose of the prisoners.

29. Q. When you use the word dispose, what do you mean?

A. The word to dispose has a broad meaning but when I heard of it I took that it means to execute the prisoners.

30. Q. Do you recall the exact words of Captain Higashigi?

A. I passed by, by chance and heard them talking. Captain Higashigi said, "Mr. Ito, I would like you to dispose of the prisoners".

31. Q. Did Captain Higashigi instruct Mr. Ito in what manner this disposal would be made?

A. I did not hear Captain Higashigi say anything about this.

32. Q. Was this request made by Captain Higashigi in the nature of an order?

A. I feel that I heard Captain Higashigi say that ~~it~~ it was an order of the General but I am not sure of this. C11.

33. Q. To what unit was Captain Higashigi attached?

A. He was the senior adjutant of the First Mixed Brigade.

34. Q. You have testified that during a dinner previous to the execution Captain Higashigi said, "We must find someone to dispose of the prisoners"; to whom was he speaking?

A. I think that he was not speaking to any particular person but just telling the people attending the dinner.

35. Q. Was this in the form of an announcement?

A. He told us of this just as if it was plain table talk.

36. Q. Did you find out in any way the nationality of the prisoners to be executed?

A. I do not know any details about the prisoners but I thought that they were Americans.

This question was objected to by the accused on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the objection of the accused was not sustained.

37. Q. Do you know the reason why these prisoners were executed?

A. No.

38. Q. So far as you know, Captain Fukuda, was any trial given these prisoners of war?

A. I think there was no trial given them at the brigade headquarters.

Cross-examined by the accused:

39. Q. Captain Fukuda, what were your duties with the First Mixed Brigade?
A. I was to take care of ordnance repairs of the brigade.

40. Q. Who else was present at this dinner which you testified?
A. As the officers of the brigade always gathered there to take their meals I think, naturally, all of the officers were there.

41. Q. Will you name them?
A. Major General Tachibana; Captain Higashigi; Lieutenant Colonel Ito; Captain Terazawa; Captain Sugimura; First Lieutenant Kosuga; First Lieutenant Sato; First Lieutenant Harashima; First Lieutenant Tsunoda; First Lieutenant Ishii. I think that almost all of the officers were present.

42. Q. Where were you sitting at the dinner with relation to Captain Higashigi?
A. Captain Higashigi was sitting next to the Brigade Commander. I was sitting in the left corner.

43. Q. How far were you from the Brigade Commander?
A. There were five persons between me and the Brigade Commander and the distance was about the same as distance between myself and the third member of the commission now.

44. Q. Why did Captain Higashigi make his remark about the prisoners at this dinner?
A. I do not know why but I also heard that a flyer had been captured by the Navy.

45. Q. Where did you hear that?
A. I heard this at the dinner.

46. Q. From whom?
A. I think perhaps it may have been from Captain Higashigi.

47. Q. Did you hear General Tachibana say anything that evening?
A. I do not remember.

48. Q. Did you hear General Tachibana tell any stories about killing prisoners of war in Manchuria to bolster moral there?
A. I cannot remember clearly.

49. Q. Were you at the dinner the entire time?
A. I think I was there all the time.

50. Q. As a member of the Brigade headquarters do you know of the feeling between Lieutenant Colonel Ito and General Tachibana?
A. I know a little.

51. Q. Tell us what you know.
A. I think that it was the day after I had reached Chichi Jima when there was a dinner party for the members who had arrived later and at about the end of this party I remember Lieutenant Colonel Ito and Major General Tachibana quarreled and started striking each other.

52. Q. Do you know what the quarrel was about?

A. As I was sitting in the rear at the party I could not tell clearly what was going on but I remember hearing the General saying that Lieutenant Colonel Ito was a coward.

53. Q. What was the relationship between Lieutenant Colonel Ito and General Tachibana after that, were they friendly or estranged?

A. I cannot tell clearly about such things but in my opinion I think that there was no such thing as friendship after the incident.

54. Q. Did General Tachibana take apparent pleasure in assigning unpleasant duties to Lieutenant Colonel Ito?

A. I do not know whether there was any actual occasion like that.

55. Q. Could Captain Higashigi himself have requested Lieutenant Colonel Ito, a higher ranking officer, to do an official act?

A. I do not think that there could be any such occasion like that.

56. Q. If Captain Higashigi had given any order to Lieutenant Colonel Ito it would have to have been approved by General Tachibana first?

A. Yes, I think so.

57. Q. Do you know what Lieutenant Colonel Ito's regularly assigned duties were?

A. He was in charge of education.

58. Q. And what did the education consist of?

A. He did hold a position which was named education. He was in charge of this but as his work did not have anything to do with ~~me~~ I cannot say what it consisted of.

59. Q. When you over-heard Captain Higashigi talking with Lieutenant Colonel Ito about disposing of the prisoners did you hear Lieutenant Colonel Ito make any reply?

A. As I over-heard this while I was going to the work shop after eating my breakfast I cannot say whether a reply was given or not.

60. Q. How long were you in the vicinity of Lieutenant Colonel Ito and Captain Higashigi?

A. I cannot recall exactly how long I was there but I think it was only a few minutes.

61. Q. Were you and the senior adjutant on friendly terms?

A. We were on usual terms.

62. Q. Do you have to go through the senior adjutant for any request you had to make to General Tachibana?

A. Yes, I always made my requests through the senior adjutant.

Re-examined by the judge advocate:

63. Q. To refer back to this dinner given for the officers at the brigade when Captain Higashigi made this mention of having to execute prisoners of war, did he do so regretfully or in some other manner?

A. I think that Captain Higashigi said this in his usual manner and his usual manner was slightly proud as if to overpower others.

64. Q. As an officer of the brigade do you know the policy of the brigade headquarters with regard to treatment of American Prisoners of War?

A. Taking care of prisoners of war was not under my charge so I do not know.

Neither the judge advocate nor the accused desired further to examine the witness.

The commission did not desire to examine the witness.

The witness made the following statement:

As I have seen Captain Higashigi go and consult General Tachibana on almost every little detail and I have not seen him in many arguments and I believe that he would not do anything by his own free judgement.

The witness was duly warned and withdrew.

The commission at 2:55 p.m., took a recess until 3:10 p.m., at which time it reconvened.

Present:

All the members, the judge advocates, the reporter, the interpreters, each of the accused and his counsel.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Major, Imperial Japanese Army, Horie, Yoshitaka.
2. Q. Where are you now living?
A. I am living on one side of the stockade under the command of Lieutenant Rothchild.
3. Q. If you recognize any of the defendants state as whom?
A. Lieutenant Colonel Ito; former Captain, Imperial Japanese Army, Captain Higashigi; Captain Ikawa, Shigeo; Leading Private Shimura. C17
4. Q. Were you ever stationed on Chichi Jima?
A. From 27th of June 1944, to the 12th of April 1946.
5. Q. When you arrived on Chichi Jima what duties did you assume?
A. At that time I was a staff officer of the 31st Army and I was ordered by the general headquarters to take charge of the reinforcements for the Bonin's Area which was under the command of the 31st Army. C17
- 5.6 Q. Who was the commanding general of the 31st Army? C17

A. Lieutenant General Obata, Eirio.

7. Q. Where were his headquarters?

A. On Saipan Island.

8. Q. Did your orders for duty to Chichi Jima originate from the commanding general of the 31st Army?

A. The orders came from the Imperial Japanese Headquarters.

9. Q. Were you a member of the general staff?

A. At that time I was a staff officer of the 31st Army.

10. Q. Did you have any collateral duties on Chichi Jima?

A. On the 30th of June 1944, a 109th Division was established on Iwo Jima and I became the staff officer of the 109th Division. The division commander of the 109th Division, Lieutenant General Kuribayashi then gave me the following order: "You are to take charge of supplies to Iwo Jima and Haha Jima and also gather information".

11. Q. Did General Kuribayashi assign you any further duties in addition to these?

A. What I have just mentioned is all.

12. Q. Who was the commanding officer of the Brigade Headquarters on Chichi Jima?

A. Major General Tachibana, Yoshio.

13. Q. What instructions did you receive from General Kuribayashi about your relationship with General Tachibana?

A. Concerning the operations in the division in Chichi Jima alone General Tachibana was to have over-all control but concerning the loading of ships which were to be sent to Iwo Jima and Haha Jima I was under his control and I could request men from the general to load these vessels. My relationship with General Tachibana were like this.

14. Q. Was it part of your duties to make periodical reports to General Kuribayashi about the conditions on Chichi Jima?

A. This was included in the gathering of information and naturally was one of my duties.

15. Q. As an officer in the Imperial Japanese Army with your military experience and background do you feel qualified to explain the policy of the Japanese Army with regard to the treatment of Prisoners of War?

A. I feel that I am qualified.

16. Q. Will you state to the commission what this policy was?

A. I would like to say a few words about Army schools I attended first. Within the limits of my experience the fifty or more teachers under which I have studied either at the Military Academy or the Military College I find that all of these fifty or more teachers have emphasized the relationship at hand existing between General Nogai and General Stoessel at Port Arthur, and this idea was that we must gain victory in the end and against the foe which fought back we would fight them to the end and vanquish them but because our foes laid down their arms and lost their power to resist we were to protect them and take care of them considering their parents, and their brothers,

sisters and relatives. Treating those prisoners inhumanely could not be thought of. The fifty teachers who were, I am sure, Generals and Colonels and Captains, all agreed on this point. At the Military Academy or the Military College it is just as I have stated, but since the Manchurian incident it can not be doubted that one part of the Japanese Army deteriorated, from what I have observed. The battle in Manchuria or China could not be called a battle of war in its true sense as the Japanese Forces won victories everywhere they went. The Japanese Forces which were triumphant everywhere began to gloat over their victories and this caused a part of the members to dishonor the standing tradition of the Japanese Army. This particular part of the Japanese Military Forces I have just told you about was scattered all over the area of the war which has just ended. It was so recognized that to gain victories we must kill prisoners. To those of the Army who had this feeling of animosity towards those who had fought severely against us such feelings could be kept alive even when they had taken prisoners and they thought it was necessary to avenge their buddies by killing them. I do not deny that such inhumane acts had been committed by this group of military men. In this particular group of men I have been talking about are those who do not have power of embracing things in all considerations. They are mostly, I am sure, very unstable and also they have no plans, nor have they made any research, nor have they ever actually taken part themselves in a true war and they have not much knowledge of history nor of the history of wars. There are those people who were encouraged by this group of military men that have committed these crimes and there are relatively many of these in question. In conclusion I would like to state that as I have previously mentioned, the Japanese Military Academy or the Military College educate their members, as to the treatment of prisoners, to prevent their mistreatment and the policy of the Army masters of the General Staff, is in accord with the policy of this education. The policy of the centralized authority of the Army was not the mistreatment of prisoners.

17. Q. With regard to this policy of treatment of prisoners of war which you learned from so many instructors at the Military Academy, is this policy taught to all officers of the Imperial Japanese Army?

A. At least those officers who have graduated from the Military Academy, must have heard of it.

18. Q. Are those graduates of the Military Academy instructed to teach other officers and men of this policy?

A. It is natural and the greater part of the graduates have done so.

19. Q. You have testified that the Japanese Army was victorious everywhere it went in Manchuria, do you know if the Japanese Army took a great number of prisoners of war in these areas?

A. I do not know the minute details.

20. Q. Would you say then that the Japanese Army had had much opportunity, to apply this policy in a practical manner with regard to prisoners of war?

A. The treatment we gave the prisoners in the Russia - Japanese War and in the First World War, that is the prisoners we took at Tsingtao, was fine, but I have heard that since the Manchurian incident the custom of treating prisoners has gradually deteriorated. However a part of the military men have

been still upholding the treaties of the right military treatment of prisoners.

21. Q. Now with regard to this section of the Japanese Military men which violated the policy taught at all Military Academies did the higher command or the General Staff or centralized authority ever take steps to correct this misapplication of policy?

A. Rules which should be followed by warriors, were issued from the centralized authority and in those rules, the laws and the purpose of these laws were issued. As there were some people, who were not following this policy, of the centralized authority, those laws were emphasized that prisoners were not to be mistreated and in those laws it is stated that those who have committed any inhumane acts against the enemy or against prisoners or against civilians would be punished severely. I do not remember the date when these rules were issued, but the reason for which these rules were issued is just as I have stated.

22. Q. Could you approximate as to the date when these rules were issued?

A. I think that it was just before the beginning of the Second World War and it was at the time when Lieutenant General Tojo, ~~was~~ ^{was} the War Minister. C17

23. Q. As a staff officer of the 31st Army do you know if the 31st Army was cognizant of these rules?

A. These rules were distributed to the whole of the Armed Forces by the central authorities and I think that it must have reached all our Armed Forces. C17

24. Q. Do you know of any results that these rules brought about?

A. The distribution of these rules resulted in that those who had been treating prisoners humanely probably were much encouraged. I am very sorry to say that a part of our military personnel did not act following these rules.

25. Q. Was there any provision in these rules for punishment of offenders of these rules from the central authority?

A. The punishment was not stated in these rules and the prisoners were to be treated in accordance with the laws of the international law. It is stated that committers of inhumane acts were to be punished under the Military Penal Code. This Military Penal Code is of the utmost severity in the battle field. C17

26. Q. Do you know of anyone in the Imperial Japanese Army who was ever punished for the violation of this policy?

A. I will give you an example, although, I am not sure when, I think it was in 1942. This happened in Konoye Division at Sumatra. The Division Commander gave the death sentence to one (1) officer and two (2) enlisted men, a total of three (3) men for committing rape. Of course, the victim was not a prisoner.

27. Q. Do you know of any other instance where punishments were given to persons in the Japanese Armed Forces for violation of laws as to prisoners of war?

A. I have not heard of this.

28. Q. With regard to this policy which was taught to you and the rules

later promulgated by the central authorities and the rules of the International Convention with regard to Prisoners of War, were these applied by General Kuribayashi when in command of the 109th Division?

A. Although this was not stated in any written document those rules and policies, were issued originally by the central authorities were supposed to reach every man and so General Kuribayashi took it for granted that every person, every military person knew of these. General Kuribayashi had much skill and was also skillful in military operations. He was not so small a man as to mistreat prisoners. cct

29. Q. Do you know of any instances where it had come to the attention of Kuribayashi that his policy with regard to prisoners of war had been violated?

A. Lieutenant General Kuribayashi must have known, as I reported these instances to him.

30. Q. What action did General Kuribayashi take?

A. I still feel it strange that General Kuribayashi did not directly take any steps. It may have been that at that time he was very busy as the landing of the enemy was expected and if Lieutenant General Kuribayashi knew that part of his men were committing the inhumane acts it was not the time to dispose of them. I cannot understand why such a noble character as the General did not take any steps to reprimand those persons.

31. Q. Was this policy and those of the International Convention applied on Chichi Jima?

A. Of course, they were supposed to be applied to Chichi Jima as they were applied to the remainder of the armed forces.

32. Q. Were they actually carried out on Chichi Jima?

A. By the dishonorable acts of part of the military personnel which I have stated previously I regret to say that it was not carried out on Chichi Jima.

33. Q. Who was the Commanding Officer of the Armed Forces on Chichi Jima when you arrived there?

A. Major General Tachibana, Yoshio.

34. Q. Did General Tachibana attend the same Military Academy you attended?

A. Yes.

35. Q. Did you ever discuss the policy of the central authorities with regard to the prisoners of war with General Tachibana?

This question was objected to by the accused on the ground that it was incompetent, irrelevant, and immaterial.

The judge advocate replied.

The reply was objected to by the accused on the ground that the specification does not charge the Japanese Army for mistreatment of Prisoners of War.

The judge advocate replied.

The commission then, at 3:10 p.m., took a recess until 3:30 p.m., at which time it reconvened.

Present:

All the members, the judge advocates, the reporter, the interpreters, each of the accused and his counsel.

No witnesses not otherwise connected with the trial were present.

Horie, Yoshitaka, Major, IJA, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding and continued his testimony.

(Examination continued.)

The commission announced that the objection was sustained.

36. Q. Did you ever see American Prisoners of War on Chichi Jima?
A. I saw prisoners in July and August of 1944, also again in February 1945.

37. Q. Was the first time in July 1944?
A. Yes.

38. Q. Were you assigned any duties on Chichi Jima in connection with prisoners of war?
A. One of my duties was to gather information and I believe the best way to gather information was to question or find, rather, orders or documents so that is why I questioned these prisoners. c17
c17

39. Q. Do you speak English, Major Horie?
A. I speak a little. c11

40. Q. Did you question the first prisoners or prisoner that you saw on Chichi Jima as you stated in July 1944?
A. I did.

41. Q. When was this prisoner captured?
A. It was either on the 4th or the 5th of July which I do not remember clearly that these prisoners were captured and they were brought there.

42. Q. How many prisoners were captured on this occasion?
A. Two prisoners.

43. Q. Did you question these prisoners as to where they came from?
A. Yes.

44. Q. And what did they tell you?
A. They told me that they had come from a part of the 58th task unit and also told me the outline of how the 58th task force was formed. At that time I also heard the names of their ships but I am sorry I have forgotten them. c6

45. Q. How did they say they arrived on Chichi Jima?

A. One of them was captured near Ani Jima, by members of the 305th Battalion. The Second Lieutenant Tamura of the Engineering Corps brought him to me. His name was Woellhof and he was a Navy Radio Petty Officer and the other one was captured by the Navy Headquarters whereabouts I do not know. I received a communication concerning this and I asked the Navy that I keep him so I could question him and gather information. This was a Navy Lieutenant (junior grade) called Connell.

46. Q. With regard to the prisoner you said was named Woellhof did you question him?

A. Yes.

47. Q. Did you ask him what ship he came from?

A. Yes.

48. Q. And what did he tell you?

A. I regret that I do not remember clearly but I think that it may have been the Belleau Wood.

49. Q. Are you sure that the prisoner Woellhof said it was the Belleau Wood?

A. I would like to know whether I said so in my previous statement that I made.

50. Q. Did the prisoner Woellhof tell you what his duties were aboard the ship he came from?

A. I heard that he was a radio man aboard a plane.

51. Q. Will you describe the prisoner Woellhof?

A. He had on a blue uniform, as is the usual Navy uniform and he was about 5 feet 7 inches in height. He was not the handsome type. He was injured in the shoulder and in the feet and had a beard and his eyes were blue.

52. Q. What color hair did he have?

A. It was short, dark hair.

53. Q. What type of injuries did you notice on the prisoner of war, Woellhof?

A. The prisoner was limping and the wound in his shoulder seemed to make him suffer. I immediately had a doctor treat him and as I did not look under his bandage I did not know what kind of a wound he had.

54. Q. Where did you first see this prisoner, on what part of Chichi Jima?

A. It was at the ~~sight~~ of the old fortress headquarters. It is on the end of Omura Village.

55. Q. Is that where you questioned him?

A. Yes.

56. Q. How long did you question the American Prisoner of War, Woellhof?

A. The first time I questioned him for about an hour and then I questioned him an hour or two every day. I asked from him the general trend of American communications.

57. Q. Did he say what nationality he was?

A. Yes.

58. Q. What did he say?

A. I do not remember now.

59. Q. What nationality did he say he was?

A. He said he was an American.

60. Q. When you were through questioning the prisoner of war, Woellhof, what did you order done with him, if anything?

A. I did not issue any orders. I thought that I would make him wait for a plane that would take him back to Japan and considering the communications, it was natural that I send him to Iwo Jima first and then for him to be sent back to Japan from Iwo Jima, however, considering the conditions I thought it proper that I send him back to Japan direct from Chichi Jima and make him wait for a ship.

61. Q. Where on Chichi Jima did you keep this prisoner?

A. The prisoner, Woellhof, was kept in the garage of the fortress headquarters while the other prisoner was kept on the one side of a hall-way where I had some pads, straw pads, laid down for him which placed him under the eaves. This was also at the old fortress headquarters.

62. Q. Were any other American prisoners of war kept on Chichi Jima around this time?

A. I think that there were no other prisoners until about a month later in August.

63. Q. A month later than what? What date?

A. By a month later, I mean until the 4th or 5th of August.

64. Q. Did you see this prisoner that was captured around the 4th or 5th of August?

A. Yes.

65. Q. Where did you first see this prisoner?

A. I saw him at the site of the old fortress headquarters.

66. Q. Before we go into detail with this prisoner, as to the one you mentioned previously in your testimony, Lieutenant Connell, what became of this Lieutenant Connell?

A. This question was objected to by the accused on the ground that it was incompetent and irrelevant.

The judge advocate replied.

The commission announced that the objection was sustained.

67. Q. Did you question the prisoner captured around August 4th or 5th?

A. I remember questioning him for about thirty minutes.

68. Q. Do you remember his name?

A. Although I learned his name at that time I cannot recall it now but I remember that he was an Army Corporal.

69. Q. Will you describe this prisoner of war?

A. He was not tall and was fat. He had a red face and also red curly hair. He had a khaki uniform on.

70. Q. Do you remember where this prisoner of war came from?

A. I learned that he had come from Saipan on a B-24.

71. Q. What became of the B-24?

A. Though I learned this later, I heard that he was a survivor of a B-24 which crashed near the Navy Headquarters on the night of either August 4th or 5th.

72. Q. Did this second prisoner of war have any markings on his clothing?

A. At that time I was not acquainted with American uniforms and I do not remember whether he wore any markings on him. I am sorry to say at that time that I misunderstood a Corporal for a Navy Ensign.

73. Q. Do you mean to say that this prisoner was a Corporal, or was he an Ensign?

A. As this prisoner had a clean uniform on when I heard him say he was a Corporal, I misunderstood him and thought that he was an Ensign. It was after several days that I found out that he wasn't an Ensign, that he was only a Corporal, not an Ensign.

74. Q. Where was this prisoner of war kept during these several days?

A. On the 5th of August American vessels shelled Chichi Jima. The site of the old fortress headquarters was considered not fit in case of landings. On the evening of the same day, that is August 5th, after the bombardment, we considered taking Woellhof and this Corporal with us to a place named Fukiage and there we took over a small civilian house. We moved into a living room and a kitchen and we let the two prisoners sleep under the eaves.

75. Q. You stated that you moved to Fukiage, on what part of Chichi Jima is this area?

A. It is in the mountains at a point near the center of the island.

76. Q. Is it generally referred to by another name rather than Fukiage?

A. I do not know who, but someone named the place at Detached Headquarters although it was probably named by them there.

77. Q. You have stated that you moved both Woellhof and the second prisoner of war whom you called the Corporal to Fukiage. How long did you keep the prisoners there?

A. The next day a plane came from Iwo Jima and I went to Iwo Jima by this plane to communicate. I went to Tokyo from Iwo Jima to communicate with central authorities so I do not know how long the prisoners were kept at the Detached Headquarters.

78. Q. What was the date you left Chichi Jima?

A. From what I recall I left Chichi Jima on the 6th.

79. Q. When you left did you leave any instructions with regard to the arrangement to be made for the prisoners of war?

A. I do not remember exactly to whom I left my instructions but I remember saying when I left that the interrogation of Woellhof had been completed but I had talked with the Corporal only thirty minutes. I stated that I wanted to make further examination of this Corporal. I thought I had said this to Captain Nishiyotsutsuji but Captain Nishiyotsutsuji told me that he had not heard of any special instructions. So I do not know exactly to whom I said this.

80. Q. How many officers did you have under your command in the Detached Headquarters?

A. About six or seven.

81. Q. How long were you gone from Chichi Jima on this trip?

A. I remember that I left on the 6th and came back on the 14th. That was an eight day trip.

82. Q. When you returned to headquarters was any report made to you about the prisoners?

A. When I returned Captain Nishiyotsutsuji reported to me as the following: On the day or the day after you left which I am not sure, the Brigade Headquarters contacted Captain Nishiyotsutsuji and asked him to deliver the prisoners or hand over the prisoners. The Captain replied that one of them had not been fully investigated and that he would also not hand over the other one either. But the Brigade Headquarters said that he would be interrogated at the Brigade and that this was an order from the Brigade Commander. And so Nishiyotsutsuji handed over those prisoners whom the men from the Brigade took back.

The accused objected to this answer on the ground that it was hearsay.

The judge advocate replied.

The commission directed that the question and answer be stricken from the record.

83. Q. Did you ever learn what happened to these prisoners of war?

A. When I made sure of what had happened to these prisoners I heard that they had been executed by the Brigade Headquarters at Kominato.

The accused objected to this answer on the ground that it was hearsay.

The judge advocate replied.

The commission then, at 5:20 p.m., adjourned until 9:20 a.m., to-morrow, Thursday, June 27, 1946.

FOURTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Thursday, June 27, 1946.

The commission met at 9:20 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Eric B. Hoag, Dental Corps, U. S. Navy,
Colonel James V. Ware, Infantry, Army of the United States,
Colonel Pierre B. Denson, Coast Artillery Corps, Army of the United States,
Commander John C. Poshepny, Supply Corps, U. S. Navy,
Commander Martin E. Carlson, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps, members, and
Lieutenant Edward L. Field, U. S. Naval Reserve, and
Lieutenant Fredric T. Suss, U. S. Naval Reserve, judge advocates.
Norman H. Tildes, first sergeant, U. S. Marine Corps, reporter.
Each of the accused and his counsel and the interpreters.

The record of proceedings of the third day of the trial was read and approved.

No witnesses not otherwise connected with the trial were present.

The judge advocate stated as follows:

Lieutenant Daniel Flynn, U. S. Naval Reserve, has been excused from further attendance at this trial as one of the judge advocates on orders from the Convening Authority.

Horie, Yoshitaka, Major, IJA, was recalled as a witness for the prosecution and was warned that the oath previously taken by him was still binding.

(Examination continued.)

The judge advocate stated as follows:

In view of the objection by the accused to the last question asked the witness yesterday, the judge advocate withdraws the question.

84. Q. Major, when you returned from your trip to Iwo Jima, did you see the prisoners of war Woellhof, and the one whom you called the Corporal?
A. No, I did not see them.

85. Q. What action did you take?

A. I received a report from Captain Nishiyotsutsuji that the Brigade had executed these prisoners at Kominato so I made an investigation to find out who had carried out the execution, by orders from whom, and I was told that this execution had been carried out by orders from the Brigade Commander. I could not find out exactly who had carried this out at that time, but later I heard that Lieutenant Colonel Ito had beheaded them. I was surprised and also was angered at this, and those who were near me at that time should know

this, as I was very angry and said that these people who had carried out this execution were enemies of humanity. In the latter part of August, I do not know the date exactly, I sent a letter to General Kuribayashi at Iwo Jima. This letter was a general report on conditions at Chichi Jima including personnel affairs, defense matters and supply of Iwo Jima and Haha Jima, and in this letter I included a report on the prisoners. I have just stated that in my letter to Iwo Jima I included some matters on personnel affairs, and I would like to elaborate on this point. In this letter I said that under the present conditions the atmosphere at the Brigade Headquarters was morbid, and the officers down to enlisted men all wanted in some way to get out of the Brigade, to be transferred. Especially the atmosphere during meal time at the Brigade Headquarters was very bad, and the reason for this was the character of the Brigade Commander. They could only speak cautiously in front of him. They could not even say a joke in front of him. They would be struck by him or reprimanded by the Brigade Commander, and the Senior Adjutant of the Brigade at that time who was Captain Higashigi was also like the Brigade Commander, a person who took a very severe attitude. When I returned from Tokyo I was surprised to find that the prisoners had been executed, and I thought that we could not get along well with such a narrow minded headquarters, so I requested in my letter that the members of the headquarters should be relieved. I thought that the combination of the Brigade Commander and the Senior Adjutant was the reason for the evil, and if they were split their work would be better and so I requested that the Division make efforts to relieve first the Senior Adjutant and then to relieve the Brigade Commander from his post.

This reply was objected to by the accused on the ground that it is opinion evidence, incompetent, irrelevant and immaterial, and emphatically prejudicial to the defendants, and the accused requested that the entire answer be stricken from the record.

The judge advocate replied.

The commission was cleared. The commission was opened and all the parties to the trial entered. The commission announced that the objection was sustained and directed that this reply be stricken from the record.

86. Q. Major Horie, with regard to these two prisoners of war, "Wof," and the one you called Corporal, do you know whether any trial was ever given to these two prisoners of war?

A. No.

87. Q. Do you know if any notice of execution was ever sent to the United States Government?

A. No.

Cross-examined by the accused:

88. Q. I believe, Major, that you have qualified yourself as an expert on Japanese Army Policy, is that correct?

A. I have no legal basis to make this statement.

89. Q. From your military experience and background, do you feel qualified to explain the Japanese Army policy with regard to obedience to orders?

A. From experience, yes.

90. Q. And what is the Army practice with regard to the obedience to orders of a superior?

A. The fundamental basis for the Army is absolute obedience to any order, unquestionable obedience. In 1933 there was a creed which was abolished concerning the absolute obedience to orders. This creed was abolished because it was not necessary, since all the necessary items were contained in the Imperial Rescript. Any subordinate receiving an order from a superior officer is not allowed to question the justification of this order. He is merely to carry it out, and this is the fundamental basis of the Japanese Army.

91. Q. Was Captain Nishiyotsutsuji subject to the orders of General Tachibana or to your orders, or those of General Kuribayashi?

A. Ordinarily Captain Nishiyotsutsuji should take orders directly from General Kuribayashi. However, he as my assistant had to take orders from me. In my absence if General Tachibana gave him a severe or strong or legal order he had no other alternative but to comply with this order. For instance, when the request for the prisoners came through, Captain Nishiyotsutsuji could not refuse this order. This is because General Tachibana was the Supreme Commander on Chichi Jima, and when the Commander said the prisoners would be cross-examined at his headquarters he had the right to do so.

Neither the judge advocate ^{nor} the accused ^{desired} further to examine this witness. c17

The commission did not desire to examine this witness.

The witness made the following statement:

I know the four accused. I know that they are very good characters. I could safely state that not one of them had the willingness to participate in the execution of the prisoners of war. Captain Higashigi as the Adjutant of the Brigade merely acting as intermediary in the transmission of orders. Captain Ikawa, I do not know why he is connected in any way in this case. Lieutenant Colonel Ito and Leading Private Shimura are of sterling character. Whatever they did in connection with the execution was ^{done} one in the carrying out of an order from superior authority. c17

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and rank.
A. Nishiyotsutsuji, Kimitomi, Captain, Imperial Japanese Army.
2. Q. And are you now confined on Guam?
A. Yes.

3. Q. If you recognize any of the accused in this case, will you point them out or indicate them?

A. Lieutenant Colonel Ito, Captain Higashigi, Captain Ikawa, and Leading Private Shimura.

4. Q. Captain, were you ever stationed on Chichi Jima?

A. Yes.

5. Q. When did you arrive on Chichi Jima?

A. 31 May 1944.

6. Q. When did you leave Chichi Jima?

A. 12 April 1946.

7. Q. To what unit were you connected on Chichi Jima?

A. I was attached to the headquarters of the 109th Division.

8. Q. Who was your immediate superior in command?

A. Major Horie.

9. Q. What were your duties?

A. I was an officer attached to Major Horie.

10. Q. In 1944, did you have occasion to see any prisoners of war on Chichi Jima?

A. Yes, I had.

11. Q. How many prisoners did you see during 1944?

A. I saw three prisoners.

12. Q. When did you see the first of these prisoners?

A. I saw two prisoners on July 4th and 5th of 1944 when there was a big air raid.

13. Q. Captain, how did you happen to see those prisoners?

A. One of the prisoners was captured at Ani Jima and was brought from there to Major Horie's place where I saw him, and the other was also brought to the Major's place after being captured by the Navy.

14. Q. Why were these prisoners brought to Major Horie's place?

A. At that time the members of the Brigade Headquarters at Chichi Jima had not all arrived, and as Major Horie was at Chichi Jima, and by chance he was able to speak English, I think the prisoners were brought to him for investigation.

15. Q. Do you know whether or not these prisoners were interrogated or investigated?

A. Yes.

16. Q. Do you know who interrogated them or investigated them?

A. Yes.

17. Q. Will you please tell the commission who interrogated these men?

A. It was Major Horie who interrogated these men, and Okama, then a

Superior Private acting as an interpreter.

18. Q. Captain, were you ever present at any of these interrogations?

A. I was not there all the time but I heard part of the questioning.

19. Q. Captain, do you by any chance remember the names or know the names of these two men?

A. I remember that the prisoner from Ani Jima was called Wolf, or Woellhof, and the one that was captured by the Navy was called Connell, and I remember that he was a Lieutenant (jg).

20. Q. Do you know the nationality of this prisoner you called Wolf?

A. He was an American.

21. Q. Will you describe the general appearance of this man?

A. I remember that he was rather tall. He had a light complexion and had brown hair.

22. Q. Do you remember anything else about this man?

A. I remember that at that time this person was injured on the right shoulder and that he was limping.

23. Q. Captain, can you remember anything of the clothing he was wearing?

A. It was a blue uniform like the ones sailors wear.

24. Q. Captain, you have testified that you saw three prisoners and you have identified two of them as Wolf and Connell. When did you see this third prisoner?

A. I saw him on August 5th in the same year.

25. Q. How did you happen to see this man?

A. This prisoner was also captured by the Navy, and as I remember it he was brought to Major Horie's place for investigation because the Major spoke English, and there was nobody in the Navy at that time who could speak English.

26. Q. Do you know the nationality of this prisoner?

A. I think that all three I saw were Americans.

27. Q. Do you know what branch of the armed service this last man you saw was from? 64

A. I do not remember clearly what he wore, but I think that he may have been wearing a leather jacket over his shirt and that this leather jacket was all torn. I do not know what branch of the service he was in.

28. Q. Do you happen to know the name of this man?

A. I do not know.

29. Q. Do you know his rank or rate?

A. According to Major Horie's interrogation at that time I knew that he was a Corporal.

30. Q. Now, going back to the fourth of July, when you stated that you first saw the prisoner Wolf. Did you ever see him after that?

A. This man Wolf arrived at Major Horie's place on the fourth of July and stayed with us there about a month.

31. Q. This prisoner whom you indicated as, the Corporal, you stated he arrived on the 4th or 5th of August 1944? How long did he stay at your headquarters?

A. I remember he was with us three or four days.

32. Q. Was the prisoner Wolf with you at the time the Corporal was brought in on the 4th or 5th of August 1944?

A. This prisoner, or rather this Corporal was brought by the Navy about 3:30 on the afternoon of August 5th. This was just after an air raid so they brought him to my air raid shelter. At that time Wolf was in another air raid shelter.

33. Q. Was anyone put in charge of these two prisoners?

A. No.

34. Q. How long after the Corporal arrived did he continue to stay at your headquarters, if you know?

A. On the evening of the fifth, the unit which Major Horie commanded moved over to a place called Fukiage from the old headquarters, and these prisoners also came with us. Then the two of them, as I remember, were handed over to the Brigade on the seventh of the same month.

35. Q. Was anyone in charge of the prisoners at the time they were handed over to the Brigade?

A. There was nobody in charge of these prisoners, but as Major Horie was absent on a trip all the matters in his absence was taken care of by myself, so it is I that handed these prisoners over.

36. Q. Do you recall the exact date that Major Horie departed on this trip?

A. I remember it as being August 7th.

37. Q. Will you explain to the commission how you happened to turn these prisoners over to the Brigade?

A. I handed them over because a request had come through from the Brigade.

38. Q. Had this request come directly to you?

A. I received it by telephone.

39. Q. Did you talk to someone from the Brigade over the telephone?

A. Yes.

40. Q. What did this person tell you over the telephone?

A. He said that the prisoners I had were to be handed over to the Brigade.

41. Q. Did he say anything further?

A. I do not remember exactly what the other person said at that time, but what he meant was that I should turn over the prisoners to the Brigade.

42. Q. Captain, were you told why these prisoners were being turned over to the Brigade?

A. I did not hear any reasons.

43. Q. Captain, this person to whom you talked on the telephone, did he either identify himself to you or did you recognize his voice?

A. Of course, when there is a phone call the person who calls identifies himself, and I knew that this phone call was from the Senior Adjutant.

44. Q. Captain, who was this man that talked to you over the telephone?

A. It was the Senior Adjutant, Captain Higashigi.

45. Q. Is this the same Captain Higashigi that you have identified in court today?

A. Yes.

46. Q. Did you say anything to Captain Higashigi in response to this order to deliver the prisoners to Brigade Headquarters?

A. The Corporal had been interrogated only once by the Major, and I recall that I said on the phone that one of the prisoners had not been fully investigated.

47. Q. Was there any reply by Captain Higashigi to the fact that one of the prisoners had not been fully investigated?

A. I do not remember exactly what the reply was, but it was not spoken in a harsh language, but in the end I had no other means but to hand over the prisoners to the Brigade.

48. Q. Captain, when you received this phone call directing you to hand over the prisoners to the Brigade, what significance did you attach to that?

A. I felt it natural that the Brigade Commander who was the Supreme Commander at Chichi Jima take care of the prisoners, and when I received this phone call from Captain Higashigi I took it to mean that it was the will of the Brigade Commander.

49. Q. And after the receipt of this phone call were the prisoners delivered to the Brigade Headquarters?

A. Yes.

50. Q. Will you explain how they were delivered?

A. One non-commissioned officer and two or three men came from the Brigade to take these prisoners back.

51. Q. Did this non-commissioned officer report to you?

A. Yes, he did.

52. Q. Did he say anything to you or tell you anything?

A. No. He did not say anything, he just told me that he had come to get the prisoners.

53. Q. Did you turn the prisoners over to this non-commissioned officer?

A. As I was just starting out to go somewhere, I told the non-commissioned officer to go to the place where the prisoners were kept and take them, so I was not actually on the scene when these men took the prisoners and went back with them.

54. Q. After these prisoners were turned over to the Brigade Headquarters, did you ever see them again?

A. No.

55. Q. Did Major Horie return to his headquarters from his trip?

A. I do not remember exactly when he returned, but I think it may have been August 15th.

56. Q. When he returned was any inquiry made by him concerning the prisoners?

A. I did not receive any specific investigation on the prisoners, but I made a report on what had happened during his absence.

57. Q. Will you explain to the commission what you reported to Major Horie?

A. I reported that on the seventh there was a phone call from the Brigade concerning the handing over of these prisoners, and that I had handed them over to the Brigade, and after I had handed the prisoners over the Brigade had killed them. I reported to Major Horie that I had heard to this effect.

The commission then, at 11:50 a.m., took a recess until 2:07 p.m., at which time it reconvened.

Present:

All the members, the judge advocates, the interpreters, each of the accused and his counsel.

Robert Oldham, seaman first class (yeoman), U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Nishiyotsutsuji, Kimi~~stomi~~, Captain, IJA, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony. off

(Examination continued.)

58. Q. When this prisoner of war, named Woellhof, was interned did you by any chance learn from where he had come?

A. I remember that it was the Yorktown from which he had come.

Cross-examined by the accused:

59. Q. What time did this phone call take place that you testified to this morning between the Brigade Headquarters and the Detached Headquarters?

A. I remember that this phone call was made during the morning of the 7th of August, 1944.

60. Q. And how do you remember that?

A. That was the day on which Major Horie left for Iwo Jima.

61. Q. How long after Major Horie left did you receive that phone call?

A. I do not remember clearly on this point, but I think it was two or three hours later.

62. Q. Was any other person present in your office when this phone call occurred?

A. No.

63. Q. What means^s did you have for interning prisoners at the Detached off

Headquarters?

A. There are no particular means of interning these prisoners.

64. Q. Did you have any guards on them?

A. There were no guards at that time.

65. Q. Isn't it true that you telephoned to the Brigade Headquarters asking them to take charge of the prisoners since you had no means to take care of them there?

A. That is not true. C17

66. Q. Isn't it true that you discussed over the telephone with the senior adjutant the fact that there were no means of keeping these prisoners under guard with the number of men that you had?

A. I did not say such a thing, that is because although we had not many men, immediately after we moved we were supposed to get some new men.

67. Q. Did you ever discuss later with the Brigade Headquarters what disposition had been made of the prisoners after you left them?

A. A few days later I called the senior adjutant of the Brigade but phoned for another matter and at that time I asked him what had become of the prisoners. This is because I had heard rumors that the prisoners had been executed.

Neither the judge advocate nor the accused desired further to examine this witness.

The commission did not desire to examine the witness.

The witness said that he had nothing to state.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and rank.

A. Private First Class, Imperial Japanese Army, Utsugi, Heigichi. C17.

2. Q. Where are you now living, Utsugi?

A. I am living with the Chichi Jima witnesses.

3. Q. Is this on Guam?

A. Yes.

4. Q. Were you ever stationed on Chichi Jima?

A. Yes.

5. Q. On what date did you arrive on Chichi Jima?

A. On the 9th of July 1944.

6. Q. To what organization were you attached on this island?

A. I was attached to the automobile unit of the Brigade Headquarters.

7. Q. What were your duties with this unit?

A. I was a driver.

8. Q. While you were stationed on Chichi Jima did you ever see any American Prisoners of War?

A. Yes.

9. Q. When was the first time that you saw an American Prisoner of War?

A. I do not remember the exact date.

10. Q. Can you say approximately when it was?

A. As the climate was very hot at that time I guess it was about the first part of August.

11. Q. Where did you see this American Prisoner of War?

A. I saw them for the first time at Fukiage Bridge.

12. Q. How did you happen to be at Fukiage Bridge?

A. I was instructed to go there by a non-commissioned officer.

13. Q. Did you go there alone?

A. I was not alone.

14. Q. How many persons were with you?

A. I think that there was one non-commissioned officer and two other men.

15. Q. When you were given your orders were you told where you were going?

A. No.

16. Q. How did you know where to go?

A. That was because the non-commissioned officer told me that I should go to Fukiage.

17. Q. By what means did you go to Fukiage?

A. I went by automobile.

18. Q. When you arrived at Fukiage Bridge did anything happen?

A. Nothing in particular happened after I arrived there. I waited at this bridge because the car would not climb up to where Detached Headquarters was. After waiting there a few minutes they brought two prisoners and put them in the car and with those two prisoners I went to the Brigade Headquarters where Lieutenant Colonel Ito also got in the car. And then I proceeded according to the instructions to Fukurozawa where the prisoners and everybody else got off and then I returned with the car. It is near Kominato.

19. Q. Can you describe the prisoners of war that you picked up at Detached Headquarters?

A. One of the prisoners was limping and his uniform was torn in the rear. He had a long face and the other prisoner's face was round and freckled.

20. Q. The prisoner whose clothing was torn, with regard to this prisoner what was he wearing?

A. He had on a light green uniform.

21. Q. When you picked up Lieutenant Colonel Ito at Brigade Headquarters was he carrying anything?

A. I cannot state clearly but I think that he was carrying a sword with him.

22. Q. When you left the prisoners and the guards and Lieutenant Colonel Ito at the Kominato Area did you see what they did or what became of them?

A. No.

23. Q. How long did you stay there after they got off the truck or the automobile?

A. I returned immediately.

The accused did not desire to cross examine the witness.

The judge advocate did not desire further to examine this witness.

The commission did not desire to examine the witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 4:37 p.m., adjourned until 9:35 a.m., to-morrow, Friday, June 28, 1946.

FIFTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Friday, June 28, 1946.

The commission met at 9:35 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Eric B. Hoag, Dental Corps, U. S. Navy,
Colonel James V. Ware, Infantry, Army of the United States,
Colonel Pierre B. Denson, Coast Artillery Corps, Army of the United States,
Commander John C. Poshepny, Supply Corps, U. S. Navy,
Commander Martin E. Carlson, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps, members, and
Lieutenant Edward L. Field, U. S. Naval Reserve, and
Lieutenant Fredric T. Suss, U. S. Naval Reserve, judge advocates.
Norman H. Tildes, first sergeant, U. S. Marine Corps, reporter.
Each of the accused and his counsel and the interpreters.

No witnesses not otherwise connected with the trial were present.

The record of proceedings of the fourth day of the trial was read and approved.

The judge advocate was called as a witness for the prosecution and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and rank.
A. Fredric T. Suss, Lieutenant, U. S. Naval Reserve, Judge Advocate, Military Commission, Commander Marianas.
2. Q. If you recognize the accused, state as whom?
A. I do. The first on the extreme left is Lieutenant Colonel Ito, Kikuji. Next to him is Captain Higashigi, Seiji. Next to him is Captain Ikawa, Shigeo, and the last man is Private Shimura, Hisao.
3. Q. As judge advocate of this military commission, do you have in your custody an original dispatch from Commander Marianas to the Chief of Naval Operations?
A. I do.
4. Q. I show you this document and ask you if you can identify it?
A. Yes. This is the Commander Marianas dispatch #100725Z to the Chief of Naval Operations.

The dispatch was submitted to the accused and to the commission, and by the judge advocate offered in evidence. There being no objection it was so received.

5. Q. Please read to the commission this dispatch? C17

The witness read the original dispatch from Commander Marianas to the Chief of Naval Operations, a certified true copy appended, marked "Exhibit 1".

6. Q. Are you the legal custodian of the proceedings of a Board of Investigation conducted by the Commanding Officer, Occupation Forces, Bonin Islands?

A. Yes, I am.

7. Q. Do you have in your possession to introduce before this commission the original of this Board of Investigation?

A. Yes, I do.

8. Q. Are the proceedings duly authenticated by the signature of the Commanding Officer, Occupation Forces, Bonin Islands, as well as the Senior Member of the Commission?

A. Yes, they are.

9. Q. What portions of these proceedings do you desire to introduce into evidence?

A. I wish to enter into evidence Exhibit 52 of the Board of Investigation, a statement made by Captain Shigeo Ikawa, Imperial Japanese Army, and so much of the testimony of Lieutenant Colonel Ito that was given on April 15, 1946, that relates to this trial; that is, the first 47 questions and answers of his interrogation.

The statement of Captain Shigeo Ikawa and so much of the testimony given by Lieutenant Colonel Ito to the Board of Investigation on April 15, 1946, that relates to this trial were submitted to the accused and to the commission, and by the judge advocate offered in evidence.

Cross-examined by the accused:

10. Q. Was the testimony of Lieutenant Colonel Ito before this Board of Investigation given under oath?

A. Yes, it was.

11. Q. And was the Board empowered to administer the oath by the precept?

A. Yes, it was.

12. Q. And did the Board recommend that Lieutenant Colonel Ito be made a defendant in proceedings to be held against him?

A. When the investigation was concluded, Lieutenant Colonel Ito was so recommended. C17

13. Q. And does the recommendation show that Lieutenant Colonel Ito was accorded the rights and privileges of a prospective defendant in accordance with Section 734, Naval Courts and Boards?

A. Although Section 734, Naval Courts and Boards states that it is within the discretion of the Convening Authority to determine who are interested parties in the investigation, the conditions at the time this investigation was convened were such and the parties were so uncertain, that it is my opinion C17

that neither the Board of Investigation^{or} or the Convening Authority could determine who would become interested parties until the investigation was completed.

The accused stated as follows:

I object to the reply as being non-responsive to the question, and that the question be repeated, and that an answer of yes or no be given.

The judge advocate did not reply.

The commission stated that it cannot insist that answers be given in that manner, but requested that the question be repeated.

The question was repeated.

A. I do not remember.

14. Q. Will you use the record of the Board of Investigation to refresh your memory?

The witness referred to the record of the Board of Investigation and replied as follows:

A. Under the signature of the Senior Member of the Board of Investigation, Robert D. Shaffer, Major, U. S. Marine Corps, appears the following: Throughout the duration of the investigation, the members of the board were fully cognizant of the provisions of section 734 (b) and (c), Naval Courts and Boards; but since the evidence concerning the subject matter of the investigation was so involved and the number of Japanese officers and men implicated so large, it was impossible to name defendants and interested parties properly until all evidence had been received, and to accord them fully their rights and privileges before the board. By deviating from the procedure set forth in section 734 (b) and (c), Naval Courts and Boards, the members of the board believe that the investigation was conducted in the most expeditious manner to ascertain the facts properly, and do not believe that the status of any of the Japanese officers or men concerned was materially jeopardized in any way.

The accused stated as follows:

In spite of the statement of the Senior Member of the Board of Investigation we fail to see where the evidence of Colonel Ito given as evidence before this board can be acceptable as complete evidence as shown in Court Martial Orders which define Naval Courts and Boards. I have been unable to locate any reference which permits the evidence given by a defendant before a Board of Investigation to be introduced against him at a later proceedings when he was not accorded the rights and provisions set forth in Section 734, Naval Courts and Boards, which includes the rights of an accused before a court, the right to be present, to have counsel and the rights to cross-examine witnesses, and to testify in his own behalf, and to make a statement and argument. Further reference, turning to Court Martial Order 1, 1940, page 72. Here it states, A general court martial received in evidence, over the objection of the accused, extracts from the testimony of the accused before a Board of Investigation. The accused had appeared before the Board of Investigation as

an interested party. The record did not show that he took the stand ^{at} his own request, but did show that he was sworn and allowed to testify at length after it was apparent that he was involved in such a way that an accusation against him could be implied, although he was not made a defendant until he had concluded his testimony. It follows, therefore, that his testimony before the Board of Investigation could have no evidential value in the instant case, and it should have been excluded by the court. I cite, for further reference an earlier decision, Court Martial Order No. 10, 1935, page 198. Here it states, "On this point the Judge Advocate General stated: Although the accused was a principal to the alleged irregularities which brought about the aforesaid investigation, the record does not show that he took the stand at his own request. It does show, however, that the accused was sworn and allowed to testify at length, although it was apparent from the outset, in view of the incriminating character of his testimony, that he should have been made a defendant in the proceedings. Upon the conclusion of his testimony he was made a defendant, but that fact cannot affect the evidential aspect of testimony given before the witness was made a defendant, insofar as its subsequent use as evidence against him is concerned. It follows, therefore, that the testimony referred to is of no evidential value in this case and should have been excluded by the court." CAF

The judge advocate replied. CAF

The commission announced that the objection was not sustained and that Exhibit 52 of the Board of Investigation, a statement made by Captain Shigeo Ikawa, Imperial Japanese Army, and so much of that testimony of Lieutenant Colonel Ito given on April 15, 1946, that relates to this trial would be admitted into evidence, and they were so received.

Re-examined by the judge advocate:

15. Q. I ask the witness to read such portions of the interrogation of Lieutenant Colonel Ito which apply to this trial, that is, the first 47 questions and answers of his interrogation.

The witness read the first 47 questions and answers from the testimony of Lieutenant Colonel Kikuji Ito, Imperial Japanese Army, which was given by him to the Board of Investigation on April 15, 1946, certified true copy, appended, marked "Exhibit 2".

An interpreter read this testimony of Lieutenant Colonel Ito in Japanese.

16. Q. I ask the witness to read the statement of Captain Shigeo Ikawa, Imperial Japanese Army.

The witness read the statement of Captain Shigeo Ikawa, Imperial Japanese Army, which was submitted by him to the Board of Investigation, certified true copy, appended, marked "Exhibit 3".

An interpreter read this statement of Captain Ikawa in Japanese.

17. Q. Do you as judge advocate have in your custody the original of the request from Commander Marianas to the Casualty Section of the Bureau of Naval Personnel?

A. Yes.

18. Q. I show you this document and ask you if you can identify it?
A. Yes, this is the originator's copy. This is the original dispatch as composed by the originator.

19. Q. And is that dispatch in the way of a request?
A. It is.

20. Q. And do you know whether or not a reply has been received to that request?
A. Yes. A reply has been received.

21. Q. And do you have in your possession the original of that reply?
A. The original of that reply is in the Navy Department in Washington, D.C. However, we have the original copy as it was received.

22. Q. I show you this document and ask you if you can identify it?
A. This is a copy of said dispatch as received.

The two documents; Commander Marianas dispatch to Bureau of Naval Personnel (Casualty Section) and Bureau of Naval Personnel (Casualty Section) dispatch to Commander Marianas were submitted to the accused and to the commission and by the judge advocate offered in evidence.

There being no objection they were so received.

23. Q. I ask the witness to read to the commission, Commander Marianas dispatch to Bureau of Naval Personnel (Casualty Section) and the reply therefrom from the Bureau of Naval Personnel (Casualty Section) to Commander Marianas.

The witness read the two dispatches, certified true copies appended, marked "Exhibit 4" and "Exhibit 5", respectively.

Neither the judge advocate, nor the accused, desired further to examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness resumed his status as judge advocate.

The prosecution rested.

The commission then, at 11:35 a.m., took a recess until 2:05 p.m., at which time it reconvened.

Present:

All the members, the judge advocates, the interpreters, each of the accused and his counsel.

Robert Oldham, seaman first class (yeoman), U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The defense began.

The accused, Shimura, Hisao, Leading Private, Imperial Japanese Army, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. Are you Hisao Shimura, an accused in this case?
- A. Yes, I am.

Examined by the accused:

2. Q. How old are you?
- A. I am 28.
3. Q. Where were you born?
- A. In Kawasaki City in Japan.
4. Q. How many are there in your family?
- A. There are seven (7) members.
5. Q. Who are they?
- A. My mother, myself, one smaller brother, and four smaller sisters.
6. Q. How long did you attend school?
- A. I attended elementary school for eight (8) years.
7. Q. When did you enter the Army?
- A. I entered the Army on December 1, 1939.
8. Q. When were you discharged?
- A. I was discharged on the second of October, 1943.
9. Q. Were you recalled into the Army for this war? When?
- A. I reentered the Army on the 23rd of June 1944.
10. Q. When did you come to Chichi Jima?
- A. I arrived at Chichi Jima on the 9th of July 1944.
11. Q. What unit were you attached to on Chichi Jima?
- A. I was attached to the Brigade Headquarters.
12. Q. What were your duties at Chichi Jima?
- A. I was an officer's messenger. CIT.
13. Q. What are the duties of a messenger?
- A. My duties were to prepare meals for the officers and clean their quarters, do their laundry and other small things.
14. Q. At Chichi Jima was it a custom for the officers to all gather at the dining room before their meals?
- A. Yes.
15. Q. Did you always wait on the officers at meal time?
- A. Yes.
16. Q. Do you know of Lieutenant Colonel Ito having a fight with General Tachibana soon after Lieutenant Colonel Ito came to Chichi Jima?
- A. Yes, I do.

17. Q. Do you know the reason for their fight?
A. I do not know the reason.
18. Q. Did you always accompany Lieutenant Colonel Ito when he went out?
A. I accompanied him almost all the time.
19. Q. What kind of action did you take on the morning these prisoners were executed?
A. As there was going to be target practice at Kominato I went with Lieutenant Colonel Ito.
20. Q. Did you see two prisoners at Kominato?
A. I did.
21. Q. How did the prisoners look?
A. They were in a hut at Kominato and their arms were tied behind them.
22. Q. Did Lieutenant Colonel ¹⁷⁰ mention anything about the prisoners?
A. He did not say anything when we arrived there.
23. Q. When did Lieutenant Colonel Ito say that the prisoners were going to be executed?
A. He said that when we assembled at the barracks at Kominato.
24. Q. Did Lieutenant Colonel Ito make the executioners for the prisoners volunteer?
A. No.
25. Q. Did he ever say that those who wanted to stab the prisoners raise their hand?
A. No.
26. Q. Did Lieutenant Colonel Ito say those who are experienced at bayoneting raise their hand?
A. No.
27. Q. How were you chosen as the bayonet~~er~~ of the prisoners?
A. As I felt a dislike for the idea of bayoneting the prisoners I looked downward and was chosen by Lieutenant Colonel Ito.
28. Q. How many bayonet~~ers~~ bayoneted one prisoner?
A. Two.
29. Q. How were the executioners lined up before the prisoners?
A. They were lined up in single file.
30. Q. How far was the distance between the prisoners and the bayoneters?
A. About three (3) meters. I think it was about three (3) meters.
31. Q. Were you the first one to stab the prisoner?
A. I was the second.
32. Q. Which prisoner were you ordered to bayonet, the one on the right or the one on the left?

A. Facing them, the one on the left.

33. Q. How many times did the first bayonet~~er~~ bayonet the prisoner?

A. Blood was flowing profusely from the prisoner's chest and I could not tell clearly but I think the first executioner bayoneted him twice or three times. C17-
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34. Q. On what side of the prisoner's chest did the first executioner bayonet the prisoner? C17

A. I do not remember clearly but there was blood flowing from his chest.

35. Q. When it was your turn to bayonet the prisoner how was the prisoner's condition, was he dead? C17

A. He looked as if he were dead.

36. Q. Did you actually stab the prisoner?

A. No.

37. Q. Why did you not stab the prisoner?

A. Although it was an order from a Superior Officer I did not know the reason why these prisoners were being executed and I could not bayonet them.

38. Q. Wh~~y~~ was the distance between you and the prisoner when you thrust forward your bayonet? C17

A. I think that it was about three (3) meters.

39. Q. Did you run forward when you stabbed the prisoner?

A. No, I walked.

40. Q. How far did you walk?

A. I stepped forward one or two paces.

41. Q. When the prisoner was first bayoneted by the first executioner did he raise his voice?

A. I think that he did not.

42. Q. Was the prisoner groaning when it became your turn to bayonet him?

A. He was not.

43. Q. Did you wash your bayonet afterwards?

A. No, I did not wash my bayonet.

44. Q. Do you remember if there was any blood on your bayonet?

A. No. There was no blood on it.

45. Q. After you made your pretense of bayoneting the prisoner what did Lieutenant Colonel Ito say?

A. I remember that he told me that my action was not fitting for a Superior Private.

46. Q. Did you know Okamoto?

A. No.

47. Q. Who was the executioner with you when you stabbed the prisoner?

A. He was, I think, Superior Private Kido.

48. Q. How did you feel when you were ordered to bayonet the prisoner?

A. I sympathized with the prisoners.

49. Q. When there is an order from the Superior Officer is it impossible to refuse them, although how deeply you may dislike them?

A. I must be strictly obedient to all orders from my Superior Officer.

50. Q. What did you think would happen if you did refuse to carry out this order?

A. I thought that I would be punished for ^{DIS}obedience to orders in accordance to the Army Penal Code. C17

51. Q. Was there anybody else outside of Lieutenant Colonel Ito who gave instructions during the execution?

A. I think that there was nobody else.

52. Q. Do you know Captain Ikawa? C17

A. I do.

53. Q. Did Captain Ikawa instruct you on how and from where to bayonet the prisoner?

A. No. I do not know this.

54. Q. Was Captain Ikawa at the spot where the prisoners were executed?

A. He was not there.

55. Q. Do you know whether anybody else noticed you when you made the pretense of bayoneting the prisoner?

A. I do not think anybody else noticed me.

Cross-examined by the judge advocate:

56. Q. Private Shimura, you have testified that when you were ordered to bayonet the prisoner you felt a disliking for it. Why did you feel such a dislike?

A. I sympathized with them because I did not know for what reason the prisoners were going to be executed. And after I was ordered I could not keep myself from trembling.

57. Q. Did you know that it was wrong to execute a defenseless prisoner of war?

A. Yes.

58. Q. You have testified that it is impossible for a soldier in the Japanese Army to refuse to carry out an order when you were ordered to bayonet the prisoner, does this mean that you did bayonet the prisoner? C17

A. Yes, I had no other alternative and as it was an order from my Superior Officer I made a pretense at bayoneting the prisoner.

59. Q. When you say that you made a pretense at bayoneting the prisoner what do you mean, what did you actually do? C17

A. With my bayonet which I thrust forward I made a pretense at stabbing the prisoner and I think that the point of my bayonet was about a foot away from the chest of the prisoner.

60. Q. Was the order from your Superior Officer to make a pretense at bayoneting the flyer?

A. No, it was an order to bayonet the prisoner.

61. Q. Then how did you carry out that order?

A. As it was an order from my Superior Officer and I had to carry this out I made a pretense at bayoneting the prisoner.

62. Q. You have testified that a Japanese Soldier who fails to carry out an order would be punished by the Japanese Penal Code, were you punished by the Japanese officials?

A. No.

63. Q. How many lunges did you make at the prisoner when you first bayoneted him?

A. Once.

64. Q. When you lunged at the prisoner with your fixed bayonet what was his reaction?

A. When I thrust forward my bayonet it looked as if the prisoner was already dead, and there was much blood flowing from his chest. CLF

65. Q. When you lunged at the prisoner with your fixed bayonet did you hear any sound that he made?

A. I do not think he made a noise.

66. Q. When you lunged at the prisoner with your fixed bayonet did you notice any movement of his body?

A. No.

67. Q. Did you receive any instructions in the Japanese Army on bayoneting?

A. I learned a little when I first entered the Army.

68. Q. Do you think that you know enough about bayoneting to qualify yourself as a Superior Private?

A. No, I do not.

69. Q. When you were taught bayoneting did you see any of the instructors demonstrating bayoneting by walking up to the victim?

A. Yes.

70. Q. Did these instructors tell you this was a more effective way of bayoneting, than to run up to the victim?

A. No.

71. Q. You have testified that you were the second executioner to bayonet this prisoner, who was the first one?

A. I do not remember who it was.

72. Q. Did you not testify before this court that the soldier with you was

Kido?

A. We two were ordered by the Brigade together to execute the prisoners but Kido was assigned to the other prisoner.

73. Q. You have testified that the first executioner bayoneted the prisoner two or three times before you bayoneted the prisoner. Do you mean to tell this court that the executioner who preceded you ran forth and back two or three times before you bayoneted the prisoner?

A. I am sure that the first executioner did stab the prisoner several times but I do not know how he bayoneted him. I have forgotten.

✓ 74. Q. Did you know Captain Ikawa in August 1944?

A. No.

✓ 75. Q. Were you in the same Battalion as Captain Ikawa?

A. No.

✓ 76. Q. Did you know Colonel Kato in August 1944?

A. No.

✓ 77. Q. Did you see Colonel Kato at the scene?

A. I do not know.

78. Q. How did you first learn that the prisoners were to be executed?

A. I heard this after we had assembled at Kominato.

79. Q. What was the nationality of the prisoners?

A. I do not know.

80. Q. Do you know the date of this execution?

A. I do not know.

81. Q. Do you know on what date you arrived on Chichi Jima?

A. I do.

82. Q. What was that date?

A. On the 9th of July 1944.

83. Q. How long after you arrived on Chichi Jima did this execution take place?

A. I do not remember clearly but I think that it was maybe a month after I arrived at Chichi Jima.

84. Q. Do you remember what the prisoner whom you bayoneted was wearing?

A. No.

Neither the judge advocate, nor the accused desired further to examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

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The witness resumed his seat as an accused.

The defense rest.

The commission then, at 3:35 p.m., adjourned until 9:05 a.m., tomorrow, Saturday, June 29, 1946.

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SIXTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Saturday, June 29, 1946.

The commission met at 9:05 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Eric B. Hoag, Dental Corps, U. S. Navy,
Colonel James V. Ware, Infantry, Army of the United States,
Colonel Pierre B. Denson, Coast Artillery Corps, Army of the United States,
Commander John C. Poshepny, Supply Corps, U. S. Navy,
Commander Martin E. Carlson, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps, members, and
Lieutenant Edward L. Field, U. S. Naval Reserve, and
Lieutenant Fredric T. Suss, U. S. Naval Reserve, judge advocates.
Norman H. Tildes, first sergeant, U. S. Marine Corps, reporter.
Each of the accused and his counsel and the interpreters.

No witnesses not otherwise connected with the trial were present.

The record of proceedings of the fifth day of the trial was read and approved.

The accused Ito, Kikuji, Lieutenant Colonel, Imperial Japanese Army, read a written statement in Japanese in his defense, appended, marked "I".

The interpreter read the accused, Ito's statement in English, appended, marked "J".

The accused Higashigi, Seiji, Captain, Imperial Japanese Army, read a written statement in Japanese in his defense, appended, marked "K".

The interpreter read the accused, Higashigi's statement in English, appended, marked "L".

The accused Ikawa, Shigeo, Captain, Imperial Japanese Army, read a written statement in Japanese in his defense, appended, marked "M".

The interpreter read the accused, Ikawa's statement in English, appended, marked "N".

The accused Shimura, Hisao, Leading Private, Imperial Japanese Army, read a written statement in Japanese in his defense, appended, marked "O".

The interpreter read the accused, Shimura's statement in English, appended, marked "P".

The judge advocate read his written opening argument, appended, marked "Q".

Morikawa, Shizuo, a counsel for the accused, read a written argument in Japanese, appended, marked "R".

The interpreter then read the counsel for the accused, Morikawa's argument in English, appended, marked "S".

Donald H. Dickey, Lieutenant Commander, U. S. Naval Reserve, a counsel for the accused read a written argument, appended, marked "T".

The commission then, at 10:30 a.m., took a recess until 10:55 a.m., at which time it reconvened.

Present:

All the members, the judge advocates, the reporter, each of the accused and their counsel and the interpreters.

No witnesses not otherwise connected with the trial were present.

The judge advocate read a closing argument, appended, marked "U".

The commission then, at 11:35 a.m., adjourned until 9:12 a.m., Monday, July 1, 1946.

SEVENTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Monday, July 1, 1946.

The commission met at 9:12 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Eric B. Hoag, Dental Corps, U. S. Navy,
Colonel James V. Ware, Infantry, Army of the United States,
Colonel Pierre B. Denson, Coast Artillery Corps, Army of the United States,
Commander John C. Poshepny, Supply Corps, U. S. Navy,
Commander Martin E. Carlson, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps, members, and
Lieutenant Edward L. Field, U. S. Naval Reserve, and
Lieutenant Fredric T. Suss, U. S. Naval Reserve, judge advocates,
Robert Oldham, seaman first class, (yeoman), U. S. Navy, reporter.
Each of the accused and his counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

The record of proceedings of the sixth day of the trial was read and approved.

The commission was cleared.

The judge advocates were recalled and directed to record the following findings:

As to the accused ITO, Kikuji, the specification proved.

And that the accused ITO, Kikuji, is of the charge guilty.

As to the accused HIGASHIGI, Seiji, the specification proved.

And that the accused HIGASHIGI, Seiji, is of the charge guilty.

As to the accused IKAWA, Shigeo, the specification proved.

And that the accused IKAWA, Shigeo, is of the charge guilty.

As to the accused SHIMURA, Hisao, the specification proved.

And that the accused SHIMURA, Hisao, is of the charge guilty.

The commission was opened and all parties to the trial entered.

The commission announced its findings.

The commission then, at 12:00 ^{NOON} ~~p.m.~~, took a recess until 2:00 p.m., at which time it reconvened.

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Present:

All the members, the judge advocates, the reporter, each of the accused and his counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

The accused stated that there was no evidence in mitigation.

The commission was cleared.

0845

The judge advocates were recalled and directed to record the sentence of the commission as follows:

The Commission therefore sentences him, Ito, Kibenji, Lieutenant Colonel, Imperial Japanese Army, to be hanged by the neck until dead, two-thirds of the members concurring.

The Commission therefore sentences him, Higashigi, Seiji, Captain, Imperial Japanese Army, to be confined for the term of his natural life, two-thirds of the members concurring.

The Commission therefore sentences him, Ikawa, Shigeo, Captain, Imperial Japanese Army, to be confined for a period of twenty-five (25) years, two-thirds of the members concurring.

The Commission therefore sentences him, Shimura, Hisao, Leading Private, Imperial Japanese Army, to be confined for a period of ten (10) years, two-thirds of the members concurring.

Arthur G. Robinson

ARTHUR G. ROBINSON,
Rear Admiral, U. S. Navy, President.

Eric B. Hoag

ERIC B. HOAG,
Captain, Dental Corps, U. S. Navy.

James V. Ware

JAMES V. WARE,
Colonel, Infantry, Army of the United States.

Pierre B. Denson

PIERRE B. DENSON,
Colonel, Coast Artillery Corps, Army of the United States.

John C. Poshepny

JOHN C. POSHEPNY,
Commander, Supply Corps, U. S. Navy.

Martin E. Carlson

MARTIN E. CARLSON,
Commander, U. S. Naval Reserve.

Donald B. Cooley, Jr.

DONALD B. COOLEY, Jr.,
Major, U. S. Marine Corps.

Edward L. Field

EDWARD L. FIELD,
Lieutenant, U. S. Naval Reserve, Judge Advocate.

Fredric T. Suss

FREDRIC T. SUSS,
Lieutenant, U. S. Naval Reserve, Judge Advocate.

The commission was opened and all parties to the trial entered.

The commission then read and pronounced the sentence to the accused.

The commission, having no more cases before it, adjourned to await the action of the convening authority.

Arthur G. Robinson
ARTHUR G. ROBINSON,
Rear Admiral, U. S. Navy, President.

Edward L. Field
EDWARD L. FIELD,
Lieutenant, U. S. Naval Reserve, Judge Advocate.

Fredric T. Suss
FREDRIC T. SUSS,
Lieutenant, U. S. Naval Reserve, Judge Advocate.

伊藤喜久二

陳述

一 本件、隊團長、命令意圖ニ基キ其
任務ヲ忠實ニ實行タルモノアリ
隊團長及副官、對シテ、當時將校、亦
其威壓ヲ感シ、吾々特ニ小官、極度
恐怖感ニ居リ、存屬被害、理由由
君ヲ檢討スル精神力ガナク

二 隊團長、出ス刺殺者ヲ、限度、少ク

三 存屬、對、刺殺、者、痛、與、之、様

「極力指示シタリ

以上、如、本件、對シ、全額ト惡意ト基
キ、行動タルモノ、非ス、小官、許セ、最
善、努力ヲ盡シタルモノ、アリ

伊藤喜久二

「H」

100

0848

Statement of Ito Kikuji

1. I carried out faithfully my duty according to the Brigade Commander's orders and will. The officers and men were cowed by the Brigade Commander and his adjutant at that time, and especially I had a deep sense of dread of them, and did not have the spirit to inquire into the contents or reason for killing the prisoners.

2. I kept the number of executioners to be furnished by the Brigade as small as possible.

3. I did my utmost, giving instructions on how to avoid making errors in stabbing, which might result in the suffering of the prisoners.

As I have mentioned above, I did not act with premeditation nor malice aforethought, but on the contrary I did the best that was possible within the limits of my authority.

ITO, KIKUJI

I certify this is a true and correct translation of the original statement of ITO, KIKUJI in Japanese to the best of my ability.

M. D. Arvey
M. D. ARVEY

Lt. (j.g.) USNR
Interpreter

"J"

101

0849

陳述

述

私信念上之學問，則如

本問題之關係，則如

今欲圖其，命以之，則如

之自然消極的總體，則如

然物則用其，則如

本問題，就其道德上，

者此，痛感其所以，則如

誠實之心，則如

即若能，心中，願已，致已，則如

事本誠，則如

Higashige

0851

Statement of Higashigi Seiji

1. As a matter of faith, I did not want to participate in a thing such as the execution of prisoners. So I took on entirely negative attitude when the Brigade Commander gave me the order.

Being the adjutant of the Brigade commander, I feel strongly the moral responsibility for this incident, but have no actual responsibility.

I sincerely plead that the president, your Excellency, Robinson, and members of the commission give their kind consideration to this case.

HIGASHIGI, SEIJI

I certify this is a true and correct translation of the original statement of HIGASHIGI, SEIJI in Japanese to the best of my ability.

M. D. Arvey
M. D. ARVEY
Lt. (j.g.) USNR
Interpreter

陳述

井川繁雄

此事件、旅團司令部女事件、
某大隊、屬私、金關係、無
事、之、事。私父、於、取調、受、多
調査委員會、對、一、番、搜索、骨子、
信、伊、藤、中、佐、事、之、申、上、之、事。

此、時、陣、地、視、察、為、私、加、藤、大、佐、隨、行
之、小、隊、行、之、時、小、隊、之、二、人、停、房、見、之、事、
處、利、場、附、近、之、行、之、事、所、言、之、事、異、之、

① 裁、新、所、カ、ル、御、手、數、概、之、濟、之、

② 且、亦、自、方、自、身、之、此、之、厭、之、牢、獄、生、活、之、不、濟、之、

ト、只、之、自、己、之、愚、悔、リ、之、事。

私、起、訴、狀、之、子、孫、之、生、之、事、致、訓、之、事

「君子危、之、也、寄、之、交、」精神、傳、之、事。

井川繁雄

Ikawa

0854

Statement of IKAWA, Shigeo

This was an affair of the Brigade Headquarters, and had absolutely no connection with me, who was attached to the 307th Battalion.

Before the Board of Investigation, which questioned me at Chichi Jima, I stated only what I believed was the material desired by the investigation, which were the facts concerning Lt. Col. Ito. I have realized my foolishness and the fact that, if, at that time, I had added that when I accompanied Col. Kato to Kominato for the purpose of inspecting positions, I had seen the two prisoners, and that I had approached the vicinity of the scene of the execution:

- (1) I would not have caused the court such trouble, and
- (2) I would not have had to lead such an unpleasant life in confinement.

The charges laid against me will become a living warning to my sons and grandsons and will indicate to them the spirit that "A virtuous man shies away from danger".

End.

IKAWA, SHIGEO

I certify this is a true and correct translation of the original statement of IKAWA, SHIGEO in Japanese to the best of my ability.

M. D. Arvey
M. D. ARVEY
Lt. (j.g.) USNR
Interpreter

105

0855

陳述

志村久雄

私ハ伊藤中佐ニヨリテ信房ノ定年ニ指名
サレシタホ上等兵デアリシタ私ハ伊藤中佐、
指名ヲ拒絶スル事ハ出来マセン然レ定年事ハ
嫌デアリシタノガ定年真似ヲシタガムデア
リマシタ。

裁判長初メトシ各判事閣下ノ御寛大
ノ判決ヲ御願ヒ致シマス。

志村久雄

0856

Statement of Shimura Hisao

I was chosen as bayoneter of a prisoner by Lt. Col. Ito, but I who was a Superior Private could not refuse Lt. Col. Ito's command. However, I disliked the thought of bayoneting him so I merely made a pretense at thrusting. 667

If the Commission please, I humbly beg a lenient decision.

SHIMURA, HISAO

I certify this is a true and correct translation of the original statement of SHIMURA, HISAO in Japanese to the best of my ability.

M. Darvey
M. D. ARVEY,
Lt. (j.g.) USNR
Interpreter.

SP

107

0857

OPENING ARGUMENT FOR THE PROSECUTION
DELIVERED BY Lt. Edward L. Field USNR

If it please the commission.

As this another war crime trial comes to its conclusion I think it only proper that for a brief moment we consider the general purpose and aim of such trials now being conducted throughout the world. This proceeding is but a small link in a globe encircling chain.

Society has advanced a long ways from the days when Joshua's troops took Jerhico and as the scriptures record they, "utterly destroyed all that was in the city, both men and women, young and old and burnt the city with fire and all that was therein". Man's inhumanities to man still appall us with consternation but the wheels of human progress, through slowly they may turn, have evolved us into a new era and gradually the inhumanities of by gone generations are being outlawed. Truly Joshua, a hero of his day, would be branded an outcast and a war criminal of the highest degree if he lived in our time.

Through the centuries civilized nations have come to regognize that certain customs of war were to be prohibited and the enforcement of these prohibitions is but the means to an end which might lead to the complete abolition of war by the nations of the world. The Hague and Geneva Conventions are but the codification of some of the principles contained in that broader category of law known as the unwritten common law of the nations. The distinction between legal and illegal warfare is clearly recognized and it is the illegal acts of the defendants that have brought them into this court and this alone serves as our motivation to bring them to justice.

Specifically, these four defendants have violated, among others, Article 23, paragraph (c) of 1907 Hague Convention which states: "It is especially forbidden to kill or wound an enemy who having laid down his arms or having no longer means of defense has surrendered, discretion." The Japanese government found it fitting to sign this convention and as such must be held strictly accountable.

The Japanese government has further committed itself to the regulations covering the treatment of prisoners of war soon after the outbreak of the recent war. From the State Department bulletin volume X number 241 of February 5, 1944 I quote, "Immediately after the attack on Pearl Harbor the Department of State took up with Japan the matter of according proper treatment for American nationals in Japanese hands. Although Japan is not a party to the Geneva Prisoners of War Convention the department obtained from the Japanese government a commitment to apply the provisions of that convention to American prisoners of war, and, so far as adaptable, to civilian interness held by Japan. Since the very beginning of the war, by repeated protests and representations through the protecting power, the Department has again and again called to the Japanese Government's attention failures on the part of Japanese authorities to live up to their government's undertakings!"

The United States Department of State made no less that 42 formal protests during the year of 1942, and 45 representations to the Japanese government in the year 1943 to fulfill its agreement to treat American nationals in its hands in accordance with humane and civilized principles. Such representations continued until the very end of the war.

"Q(1)"

0858

Nor has our government failed to warn Japan that all malfactors who waged illegal warfare would be held strictly accountable! President Roosevelt pointedly made known our purpose so to do when he stated on 21 August, 1942 "It is only fair that they should have this warning. The time will come when they will have to stand in courts of law in the very countries which they are now oppressing and answer for their acts."

The solemn fulfillment of this obligation of our government is the responsible duty of this commission!

Neither a spirit of soft hearted forgiveness nor on the other hand boastful vengeance should prevail in the consideration of this case but instead a careful analysis and insight into the facts and circumstances as presented by the prosecution in order that justice may prevail.

The prosecution has brought before this commission four defendants accused with the killings of two Americans held as prisoners of war on Chichi Jima. These four accused have been arraigned under the charge of murder.

Murder is defined by section 53 Naval Courts and Boards and "the unlawful killing of a human being with malice aforethought."

Let us observe the allegations of the specification as brought under the charge of murder in the light of the evidence presented. All the evidence shows the four defendants were parties to the crime by either aiding, abetting, counseling or commanding the commission of the crime. Therefore each of the defendants is a principle and as such they are properly charged in accord with Naval Courts and Boards, and the U. S. Criminal Code, and they are equally culpable. It is likewise clear that all the defendants were all attached to the military installations of the Imperial Japanese Army on Chichi Jima at the time the crime occurred and that the crime did take place on Chichi Jima. 017

The allegation that the crime occurred, "on or about 7 August 1944", has been sustained by the eye witness to the execution, Colonel Kato, Sergeant Okamoto and Corporal Hidano, all of whom state that it took place in August 1944. The exact date of August 7th is shown however by Captain Nishiyotsutsuji who testified he turned the flyers over to the Brigade Headquarters on August 7 and by the truck driver P.F.C. Utsugi testifying the prisoners were executed on the same day he got them from the Detached Headquarters.

The specification also alleges that the victims were killed "without justifiable cause"! Every witness presented by the prosecution testified that no cause or justification existed for murdering the Americans. Even the defendant Shimura confessed he knew it was wrong to kill the prisoners without cause. All witnesses for the prosecution likewise agree that in so far as they knew no trial was ever given the American prisoners. It is self evident that where a murder occurred without justification, it would not be accompanied by a trial!

The specification further states that the defendants did "assault, strike and kill, by bayoneting with fixed bayonets and beheaded with a sword." The three eye witnesses to the crime presented by the prosecution all have testified that the victims were first bayoneted by soldiers and then beheaded by the defendant Colonel Ito. The defendant Shimura, one of the bayoneters himself corroborates this testimony.

That the (2) victims were Americans is proved emphatically by the intelligence officer's Major Horie and Captain Nishiyotsutsuji. They have both testified they interrogated the men and obtained their names and also the American base and ship respectively from which these flyers had flown to Chichi Jima. The testimony of the witness Corporal Hidano that he heard the rumor that one of the victims was an Australian is entirely discredited. 018

"Q(2)"

109

0859

The allegation in the specification that one of these Americans was named, "Lloyd Richard Woellhof" has been clearly established by the evidence. The last name, "Woellhof" is of German derivation and it is pronounced in English as if spelt, "Wolf". This was the name of the prisoner supplied Major Horie and Captain Nishiyotsutsuji when they interrogated him. This evidence is not contradicted by the defense but it is corroborated by the prosecution through its "Exhibit 5" in which the Navy Department lists a flyer by such name as missing over Chichi Jima on July 4, 1944. This date is confirmed by witnesses for the prosecution that "Woellhof" was captured on this date on Chichi Jima.

We now come to the most important and the principle allegation of the specification. The technical terms used to allege the intent of the defendants are, "wilfully, feloniously, with premeditation and malice aforethought". Careful consideration of the evidence as presented will show the relationship of each of the accused to this allegation.

The evidence shows that of the defendants, Colonel Ito is the main purpretrator. Knowing of the crime in advance, it is he who assembles the parties to the crime including the witness; selects some of the bayoneters; instructs them in the procedure to be used in bayoneting the victims; marks the spots on the victims to bayonet; gives the orders to stab the victims and he himself beheads both victims after they have been bayoneted. His interrogation before the Board of Investigation constitutes a full, judicial confession. C17

What is the evidence presented against Captain Higashigi? He was the Senior Adjutant at the Brigade Headquarters and it is Captain Higashigi according to Colonel Ito, in his interrogation, who instructed him to dispose of the prisoners. Not only did Captain Higashigi inform Colonel Ito to dispose of the prisoners but, as contained in Colonel Ito's interrogation presented before this commission, Captain Higashigi was sending one non-commissioned officer and one Superior Private as executioners and further Higashigi told Colonel Ito to select executioners from the Brigade Headquarters.

The prosecution has also shown through the testimony of Captain Fukuda who was a fellow officer of Higashigi at the Brigade Headquarters that Fukuda heard Higashigi say at a party that he, Higashigi was going to detail a man to behead the flyers the next day. Captain Fukuda further testified that he heard Captain Higashigi ask Colonel Ito to do the beheading. Prosecutions witness Captain Nishiyotsutsuji has testified that it was Captain Higashigi who called him on the phone the very day Major Horie departed and ordered him to deliver the prisoners from the safe keeping of Detached Headquarters to the Brigade Headquarters. Such participation on the part of Captain Higashigi in the consumation of this atrocity makes him a principle of the highest magnitude.

Next let us observe the part played by Captain Ikawa. The commission has heard Colonel Kato testify it was Captain Ikawa who received the order for his unit, the 307th Battalion to supply a bayoneteer. Colonel Kato further testified that he did not select the executioner himself and Ikawa most have selected the executioner. It is to be noted that this is done by Ikawa entirely on his own initiative and without consulting his commanding officer. Colonel Kato does not identify Ikawa at the scene of the crime but he does state that he wanted to see that "his subordinates" committed no cruelties to the prisoners. When other witnesses clearly established Ikawa was at the scene as he Ikawa, also admits in his statement, it is obvious that Colonel Kato could be referring only to Ikawa and the executioner from his battalion when he refers to "his subordinates?" C17

The testimony of Sergeant Okamoto, one of the assigned executioners clearly shows the part Ikawa played at the scene of the crime and clearly establishes Ikawa as a participant therein.

"Q(3)"

0860

Okamoto has testified that Ikawa slapped him while driving him up the hill to the scene. Okamoto testifies that it is Ikawa who shouted out that the man from the Enjo unit, Okamoto's unit, must bayonet a prisoner. Okamoto further has testified that Ikawa told him in what position he should stand to stab the prisoner, "What are you doing there, just standing?" and to go ahead and stab the prisoner. Again, the evidence clearly supports that this man, Captain Ikawa is a principle in this crime.

The defendant Private Shimura was one of the selected bayoneters. His self serving testimony when on the stand in his own behalf is only normal, regular and I might add expected by the prosecution. His alibi however, that he only pretended to stab the prisoner is not sustained by the facts as the commission has heard the testimony of Superior Private Sato that he saw Shimura's bayonet enter the body of the prisoner at least once. This is corroborated by the prosecution witness Corporal Hidano who has testified that he saw Shimura's bayonet enter the prisoners body at least twice. Such testimony emphatically destroys Shimura's alibi and establishes him as a participant in the crime.

Wilfully, is defined by Bouvier's Law Dictionary as meaning intentionally. Were the acts of each of the accused done intentionally? The answer is emphatically in the affirmative as their acts were done directly in accord with what each intended to do. These two victims were murdered not by accident but directly as the result of the defendants intention that they be so murdered.

The term feloniously is a technical term which is essential to the indictment for ~~felony~~, charging the offense to have been committed feloniously. Its application and use in this specification is both proper and correct and applies equally to each of the accused.

Malice is defined in the United States vs. Reed, 86 Federal Reports, as follows, "By malice it is not necessarily meant in the law a malignant spirit, a malignant intention to produce a particular evil. If a man intentionally does a wrongful act which he knows is likely to injure another, that in the law is malice; it is the wilful purpose, the wilful doing of an act, which he knows is liable to injure another, regardless of the consequences. That is malice, although the man may not have a specific intention to hurt a particular individual."

In Naval Digest, 1916, page 374 is stated, "An act is, in contemplation of law, done maliciously where it is wrongful and done intentionally."

Is there any contention that the conduct of each of the defendants was not wrongful? The evidence as presented shows that this diabolical and fiendish crime was wrongful in every aspect from its conception.

I have already commented on the intention of the accused to do exactly what they did do and that this crime was carried out in accord with the fullest intentions of the accused to execute the victims. This commission can not fail to carefully and fully consider the statement of Colonel Kato that these executions had as their underlying purpose the boosting of morale and animosity among the troops. In the light of this testimony to believe that these defendants acted other than intentionally is to make folly of an absolute fact.

The last allegation is that the accused acted "each and together". That this indictment is correct has been amply shown by the evidence as it was unfolded before the commission.

I conclude that every allegation of the specification has been proven beyond all reasonable doubt by the prosecution and that each of the accused are guilty as charged.

Justice requires and humanity demands that this commission strike another blow against these wagers of illegal warfare by holding these defendants strictly accountable for their misdeeds!

"Q(4)"

Edward L. Field
EDWARD L. FIELD
Lt. USNR
Judge Advocate

0861

弁論

森川 静雄

言語風俗習慣、差異等。之ヲ審理、困難ニ察スル。余、アルデアリマス。

此等、困難カ征服ニシテ見事。審理ヲ進メラレアルコト。世界平和、為メ喜ビ。之ヲ又所デアリマス。

私、初メテ末國、公平ナル裁判。列席ニ日本軍閥、犠牲トナル者、被告人、為弁護スルコトヲ許サレマシヤコト。日本人ナル私。トリ心カテ感謝スル次第デアリマス。

故テ本件ニ付先ヅ最モ御留意ヲ賜ハリ度イ事。日本軍隊、命令、總休服従云フコトデアリマス。

堀江少佐カ証言シヤ如ク、日本軍隊、建設以來上。將官カラ下。兵卒ニ至ル迄命令。事、如何ノ間。正邪、判断ナハ許サナイ。カ傳統ゲリノ慣習デアリマス。法律以上。モ、デアリマス。

今度、悲シ可キ戦争ノ始マツテカラ軍人ニ關スル戦争犯罪。殆ドスベテト云ツテモ過言デナイ位。此強ヒラレタル服従カ惹起サレテ居ル、デアリマス。

"R(U)"

112

殊一 下士官兵。軍隊。於テ。上官、命令、下
殆ド奴隷ト表シテ生活状態デアリマス。
今度、戦争犯罪中 下士官兵、被告人佐集、妻
ト立場。アルニ、タイ、テ私共日本人トシテ、見
ルニ是レタイ程同持。絶エヌ、デアリマス。

然ニテガテ日本軍隊。此絶対服従、鉄則デアリ
タリソ強カナル團結カヲ持續スルコトガ出来タリ
デアリマス。

日本敗レ、此絶対服従關係ケナリタルト御展知
トシ、統制アル團體生活。出来ナイ誠ニ憐レト
状態トナツテ居ル、デアリマス。

此団体服従ク日本軍隊、特長デアリ又缺點
トナツテ、デアリマス。

教育程度ハ低イ兵。軍隊内デ。善悪、判断カ
ナソク又位ニマテ命令服従、教育ニ實ニ得、
隨ニマデシニ込リテ居ル、デアリマス。

此觀念ヲ基トシテ本件。判断セシム可キト
考ヘマス。

一 伊藤中佐ニ付テ申致シマス。

伊藤。父島。於テ。旅團司令部。於テ旅團長、
次ニ位スル將校デアリマス。既に老年テ旅
團長カク。頭ゴナシニ此ヲレ喧嘩ナヘシ居ラス。

"R(2)"

15

0863

3

然に加藤水佐を証言シ、如ク人間・識・クシテ
アリマス、テ命令トシ、此ニ及抗スル様ト人柄
アリ、ハ、アリマス。 一休侍屬、大分スル様ト重大ト
事柄、林團長ヨリ伊藤・一應、相談トシ、然
レトテアリマス、カ命令トシ、既ニ命ニシ、アリマス
之ニ依テスル外トカ、アリマス。

唯伊藤ノ侍屬、首、斬、コトカ如何ニモ慘酷、
様ニ思、ル、カ古来日本ニ於テ、武士、作法ト
シテ「命、錯、ト云フコトカアリマス。

此レハ「ラキリ」、時、重イ作法デアリマス。
大刑者、對スル最ニ手厚イ礼儀デアリマス。

伊藤ノ侍屬、大刑後斬首シ、コト、此作法ニヨリ、
一、伊藤ノ刺道、兎許皆傳テアル、テ侍屬ヲ
手厚イ葬、有、一、此所置、取リ、デアリマス。

是レ此所置、本件、於テ慘虐、アラズシテ正シ
キ礼儀ヲ行ニシ、イ、考、ラ、度、イ、デアリマス。

此点、元分判決ニ於テ御考、願ニ度、イ、デアリマス。
東本。付申ニマス。

東本。付ニシテ、私、無罪、ト主張致シマス。

東本、林團、前、各部隊各個人、命令ヲ傳、
レ、機關、過マセシ

本人、自發的、意思、トシテ侍屬、如何、命令
"R(3)"

0864

4

ヲ出シテ居テイコト... 明カテアツマス。
 証人 福田モ東木ノ上官ナル伊藤・公務ヲ言ヒ
 付ケルコト... ナイト云コト居マス。
 東木ノ獨斷ヲ伴屬大分、命令ヲ出シテ居テ以
 上日人ヲ殺人罪ニ問フコト... 不當デアリマス。
 東木ノ伴屬大分・付託團長ト相談シテ事覺ケアル
 ハ格別デアリマス。此点、主張ニ全然ナシ
 デアツマス。

伴屬大分ヲ不當デアトシテモ東木、別係ニシテ
 .. 命令ヲ傳ヘテコトデアリマス。伴屬大分後、
 報告ニ受ケテ居リマス。

私・同人カ起訴セリコト事・竊ニ思議。思フ
 次第デアリマス。

検事提出ニカ... 証據デ... 東木、罪ムコト... 証
 據不充分デアリマス。

若シ同人カ有罪トスルニ伴屬ヲ伴ヒテ行キ着クモ
 亦起訴セリコト... 均各カトスル思フデアリマス。

私・同人、無罪ヲ強ク主張スルモ、デアリマス
 井川ニ付テ申致シマス

井川ニ付テモ私・無罪ヲ主張致シマス。

井川カ現場ヲ指揮シ物何ソカ何等、証據モ
 アリマス。

"(四)"

115



5

園本以外、証人・証人判の現場は居た何の
トハ案か付か又位でアマス。

井川カ又ニ現場、指揮シテ居テスル同知
又者デモ現場。於テハ將校・少教デアリテ
指揮者。目撃者、著デアリマス。

現場、目撃者カ園本以外証人判、居テ
トハ案か付か又ト云フコト。指揮シテ居テカ
コト。証人判デアリマス。

園本カ突ツトキニ井川カ命令シテ云フコトハ園本
デモ証人判。措信ニ得テイテアリマス。

園本、父島、於テハ調査委員会、調査ト當公
廷ニ於テハ陳述トハ差異アリ事。同人、供
述。措信ニ得テイテ證據デアリマス。

井川ニ命令シテテ事實ニ全然アリマス。

ソノコト云フテ居テ思フニ園本デカハ井川
ニ傳テ... 何等年ヲカケテカコト言フ居テ
其他井川ニ對シテ、何等ノ證據モ死當
デアリマス。

井川、無罪ナルコト言フ候テ又ト信ズル
デアリマス。

四 志村ニ付申述ニス

志村ニ付テ、私ニ特ニ同情禁シ能ハル所カ
R(5) 116

ル17ア72ス。

佐藤及飛田等、志村、銃剣の傍、体内に入

る17見外申シテ居ラス。

指揮者、伊藤、調書=0722ト志村、ホシ

トシ=銃剣ヲ突ク何ヲクオホエテオラヌト申

シテ居ラス。

大凡、人間、死後位置等、ナラヌニ、トハ17ア

72ス。其レ、実験上カ、申シテ今見テ

事ヲスル言ハト云レテ中々正確ニ言ヌ

ニテア72ス。トシテ傍、殺ス悲惨ト

場面、之等ヲ能シテ見ル、トハ17ア72ス

責任者、假令、伊藤、72ス報告ヲ

スル必要上特ニ注意シテ居ル答テア72ス。

責任者、伊藤トハ志村、行方ニ付テ確トシ

オホエテ居ラヌ、72ア72ス。

殊ニ最初ニ銃剣ヲ突ケル當然ニ血ヲ流シ

悲惨目ヲ蔽フ場面ヲ志村ノ突リマシテ

シテホシト突クト思フ事、否定出来ヌ所

ト考ヘラス。

私ニ志村ノ突、時、二回目テ傍ニ

最初ニ突ケラ死シテ居、志村ノ突リマシ

テシテ見ル者、志村ノ突イテ居、

"R(6)"

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Argument for the accused delivered by Mr. Shizuo Morikawa^A c6

The difference of language and custom between our two people has resulted in the making of this trial as difficult a one as anybody could imagine. I feel it is truly a fortunate thing for world peace that these barriers have been overcome and the trial so superbly conducted.

For the first time in my life I have participated in a just American trial, and I, a Japanese national, am grateful from the bottom of my heart that I have been permitted to defend the poor Japanese who have become victims of the Japanese military clique.

I plead that the Commission especially take note of, in this case the fact that obedience to orders is absolute in the Japanese Army.

As Major Morie testified, since the establishment of the Japanese Armed Forces, from a general on the top to a private on the bottom, it was traditional and customary that no judgement whatever, even as to the order's being right or wrong, could be exercised by one receiving an order. An order was any rules or laws.

I can state without exaggeration that after this unfortunate war started, almost all of the war crimes to which military personnel are connected to were caused by this forced obedience to orders. Especially the non-commissioned officers and men were in an almost slave-like state of existence. And among those accused in war crimes trials, there is no one who is in such a pitiful plight as the non-commissioned officers and men, and we Japanese feel a deep sympathy for them.

But it was due to this ironclad rule of obedience to orders in the Japanese Armed Forces that they were able to keep their strong unity. With the war lost and the sense of absolute obedience to orders gone, Japan is in a sad condition where group life under control is non-existent, as you well know.

This rule of absolute obedience to orders became the characteristic of the Japanese Armed Forces, and also it's weakness.

In the Japanese Army, the men, whose level of education is low, were dyed to the core with the doctrine of this absolute obedience and this to such an extent that they almost lost their sense of judging right from wrong.

I believe that this case should be decided upon with this in mind.

First I would like to speak about Lt. Col. Ito.

Ito was, at the Brigade Headquarters at Chichijima, in a position next only to that of the Brigade Commander, but as he was old in age, he was scolded mercilessly by the Commander, and even had a brawl with him. But as Col. Kato has testified, he is a person of earnest character and once ordered, was not one to refuse. It was only natural that in deciding upon such a grave problem as the execution of prisoners that the Brigade Commander should discuss the matter over with him, but once the order was given to him without this, he had no other alternative but to carry it out.

It seems very brutal that Ito beheaded the prisoners, but this was a traditional Japanese bushidi custom called "Kaishaku", which is an important role as is the second in committing "harakiri". This is the most sincere way of expressing courtesy towards the victims. Ito's action in beheading the prisoners after they had been executed was based on this traditional courtesy, and being a possessor of a diploma of Japanese swordsmanship, he

acted so to honor the prisoners at their burial. I beg that you consider this action in this case as being not brutal, but a display of sincere courtesy.

I beg that you take into your consideration this point in making your decision.

Next I would like to speak about Capt. Higashigi.

I plead not guilty for Capt. Higashigi. He was the adjutant for the Brigade and merely an organ to transmit orders to each unit and individual. It is clear that he did not issue the orders to execute the prisoners from his own spontaneous will. The witness Fukuda has testified that it was impossible that Higashigi give his own official orders to Lt. Col. Ito, who is his superior officer. As long as Higashigi did not issue the orders for the execution of the prisoners from his own judgement, it is unreasonable that he be charged with murder.

It would be a different story if it was that Higashigi had discussed the execution of the prisoners with the Brigade Commander, but there has been no evidence of this.

The execution of the prisoners was unreasonable, but the only connection that Higashigi has with this incident is that he transmitted the order. But Higashigi did not even receive any report on this execution afterwards. I feel it rather strange that charges were made against him.

The evidence the Judge Advocate has submitted is not sufficient to make Higashigi guilty of a crime. If he is to be guilty, I think it would not be fair if those who took the prisoners up to the scene are not accused in this case.

I emphasize my assertion that this man is not guilty.

I also plead not guilty for Captain Ikawa.

There is no proof whatsoever that Ikawa gave instructions at the scene of the execution, and not one person excepting Okamoto, even noticed Ikawa at the scene. I believe it is true that he was not at the actual scene. The officers present there were not many, and anyone giving instructions would have easily been noticed. The fact that, except for Okamoto, not one actual witness of the scene has testified that he noticed Ikawa at the scene is evidence that he did not give any instructions there.

The testimony that Ikawa gave instructions when Okamoto bayoneted the prisoner comes from Okamoto's own lips and trust cannot be placed in it.

That there is a difference in what Okamoto testified before the Chichi jima Board of Investigation and before this Commission is proof that his testimony is not worthy of one's trust.

There is no testimony that Ikawa was given any orders. Even Okamoto, whose testimony we doubt, has stated that Ikawa did not place a finger on the prisoners. There is no other evidence against Ikawa, and I believe it is almost unnecessary to say that he is not guilty.

Next I would like to speak about Private Shimura.

I possess an especially deep feeling of sympathy for Shimura.

"S(2)"

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The witnesses Sato and Midano have testified that they saw Shimura's bayonet enter the prisoner's body, and according to his testimony, the Commanding Officer, Lt. Col. Ito, does not remember whether Shimura actually bayoneted the prisoner or not.

There is nothing as unreliable as a person's memory, and speaking from my own experience, even if I was told to speak on something I saw occur just today, I would find it difficult to state what I saw without flaw. Furthermore, though being confronted with the bloody scene of the killing of the prisoners, which I am sure would be unpleasant enough for anyone, the person responsible, however greatly he should dislike it, through the sheer necessity of having to make a report later, must have been paying special attention to what was going on. And the person responsible, namely Lt. Col. Ito, does not recall of Shimura's actions.

Especially after the initial stabbing, naturally blood would flow, and amidst this hellish scene I think it cannot be denied that one might well believe that Shimura had bayoneted the prisoner, when he had only made a pretense to do so.

Shimura was the second bayoneter and I think it is fact that the prisoner was killed by the first executioner, and those who saw Shimura make the pretense received a mistaken impression that the prisoner died from this. From this point of view I say that the testimony of the two witnesses cannot be believed in its entirety.

Shimura was born with a character by no means sturdy. The witness Sato has stated that Shimura had a reputation of being a sober and shy character. We, who have met Shimura for the first time in connection with this trial, doubt whether Shimura possesses the spirit to bayonet prisoners. I believe that Shimura volunteered to go on the witness stand because he felt strongly that he should plead that he was not guilty. So I am one who believes what Shimura has testified before this court.

Even if Shimura's testimony should not be believed and he is thought of as actually having bayoneted the prisoner, then it was due to the absolute obedience to orders, and did not, in any way, represent Shimura's own free will.

Shimura is only 28 and has only graduated from elementary school, which is compulsory in Japan, and so has education of only the lowest level. He did not possess the wisdom to discern whether the prisoner's execution was proper, nor whether the order was legitimate or not.

Shimura's family consists of 7 members, and he has the job of being the breadwinner for the entire family, as he is the eldest son.

Since 1939 until this day, the only time he was at home for any time was between when he was discharged in Oct. 1943 and reentered the Army again in June 1944, a period of eight months.

Furthermore, his home is in Kawasaki City, and I presume that his house has been turned to ashes by the great bombing of the Tokyo district in April and May last year. My own residence was burned down in May last year, and I am still suffering many hardships, and when I think of Shimura's family, my heart and soul are torn with sympathy; even as a victim of the war, his plight is one to be pitied.

To think that he who looks so quiet and such a likeable fellow, must bear a heavy responsibility induces me to tears. And I am full of the feeling that, if he possibly can be saved, he must be saved.

"S(3)"

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I fervently plead that you give the defendant as lenient a decision as possible.

Shizuo Morikawa.

I certify this to be a true and correct translation to the best of my ability.

M. Arvey
M.D. ARVEY
Lt. (j.g.) USNR
Interpreter

"S(4)"

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0873

ARGUMENT FOR THE ACCUSED

DELIVERED BY

LIEUTENANT COMMANDER DONALD H. DICKEY, U.S.N.R.

Members of the Commission; There stand before you four men charged as principals in the murder of two prisoners of war on Chichi Jima. In view of the evidence presented before this court, we do not deny that two prisoners were put to death without trial or justifiable cause in the Bonin Islands. Beyond that, there is a grave responsibility, this commission to decide from the evidence presented whether the remaining allegations have been successfully proven or not. They must weigh the evidence presented and frankly, I do not envy them that task. For example, the specification alleges that the deaths occurred "on or about August 7, 1944" From the witnesses heard in this courtroom, there is little to confirm this allegation. For instance, it has been variously placed as "the middle of August", "in August", "August 8", "July 27". Not one person who was actually present at the execution has satisfactorily shown that the events took place on August 7, 1944. DHD

The specification further alleges that the prisoners were killed by bayoneting with fixed bayonets, as well as by beheading. The testimony is equally contradictory as to whether the prisoners were alive or dead when the final coup de grace was administered. Hidano says they moved after the bayoneting was over; Sato says they were not dead. If this be so, then the prisoners were not killed by bayonetting, but by beheading, and no amount of speculation can establish whether they would have died from the wounds or not.

We do not intend to argue this case on legal technicalities however. Our argument in behalf of the accused is based on the evidence as presented and the "why" back of the evidence. Let us consider first the part which Lieutenant Colonel Ito played in this tragedy. By his own admission, as well as by the evidence of others, his was the major role at the execution and his the hand which delivered the final blow. But why was he there? And the evidence shows with equal clarity that he was there in obedience to orders. We have an old-time army officer - recalled from retirement - for the new war being ordered summarily to take charge of the execution by bayonetting of two prisoners. And why was he chosen for this task? There are two possible answers. We have heard of the quarrel between Lieutenant Colonel Ito and General Tachibana, his commanding officer soon after Ito's arrival at Chichi Jima, in which the General held him up to scorn before his fellow officers with sneers of "cowardice". The colonel dared to retort to such disgraceful accusations - and was henceforth in the General's disfavor. What could be more logical than for such a general to maliciously order his so-called "cowardly" subordinate to the disagreeable task of deliberately killing two men and hope either that the Colonel would refuse (and thereby be subject to discipline) or beg off such a task (which would give the general another opportunity to taunt him with cowardice) or carry out the order, while the General sat back enjoying the discomfiture he had caused Ito. The other possible reason is that Lieutenant Colonel Ito was considered a Kendo expert and was also assigned to Chichi Jima Brigade Headquarters as an instructor in rifles and armed fighting. Whatever the reason - Lieutenant Colonel Ito received his orders - and carried them out in the most dignified and soldier-like manner of which he was capable. There was no "roman holiday" atmosphere permitted to creep into the proceedings - nor were the prisoners left to die an ignominious death. They were finally dispatched in the traditional method by which the Japanese accord honor to military men - death according to the Bushido code of honor. This commission should and probably does realize that DHD

to the Japanese, death by beheading is an honorable death - so much so that it's very method of execution is controlled by ceremonies and rites.

Therefore, Ito can and does appear before this commission with no fear and no actual recognition that this court is trying him for murder. As the Navy psychiatrist testified before this court, Ito is unwilling to acknowledge the fact that he is being tried for murder. He was simply carrying out orders. Moreover, the psychiatrist further testified that due to his cultural background, Ito was compelled to carry out the orders of a military superior whether or not they were in accordance with his own ideas of right or wrong. With this expert opinion to bolster the contentions of the defense, can this commission now decide that 62 years of training in one belief do not explain actions which are perhaps contrary to the beliefs and cultural training which we have enjoyed. It is to be hoped that fifty years from now, all peoples will entertain the same moral standards - but until that time, it must be recognized that what one nation condemns, another nation permits. The military tradition with which Ito was imbued controlled his every action - and the SCAP rules, under which this Commission is permitted to operate, provides specifically that action pursuant to the order of a superior officer can be considered in mitigation of punishment if justice so requires - and justice does require it in this instance.

And let us look at the other accused charged with active participation in this event - Leading Private Shimura. It was an unfortunate day for Shimura when he was re-inducted into the Army and shipped to Chichi Jima. In his previous enlistment he spent most of his time as an orderly - and his new assignment is the same. He is trained to prepare meals, do laundry, and run errands for the officers - and suddenly without warning, one day less than a month and a half after his recall to service he finds himself ordered to bayonet practice - not on a practice dummy, but on a living human being. I believe the commission will agree that physically, Shimura would not ordinarily be chosen to demonstrate the fine art of bayonet drill. And certainly his training and experience in taking care of the personal needs of officer personnel, was hardly a suitable background for proficiency in handling arms. Yet from a group of twenty or more men, he was selected as one of two executioners. Can you imagine the mental conflict that must have gone on in his mind? He has received a direct order from a high-ranking superior officer - and again we emphasize that obedience to orders is absolute in the Japanese Army. His every natural inclination is against that order. So what does he do. He makes a pretense of obeying the order. In that way, he can escape severe punishment for refusal to carry out an order - if he simply carries out the order poorly, they may lay it to inefficiency or lack of ability on his part - but at the same time, he can follow his own inclinations and not actually bayonet a living person. And that is what Shimura says that he did. Furthermore, a fellow executioner, Okamoto, says that he too stopped his bayonet before it entered the body of the victim. Is it any more logical, after seeing both the witness and the accused to think that one should be believed and the other not? But even if Shimura had not behaved in this manner - is there any proof that the prisoners would have died ~~from~~ or did die from his actions? The unalterable fact is - they died from beheading. Whether they were killed by the bayonet thrusts or not is highly speculative, as we have pointed out before and which is amply illustrated by the confused and confusing testimony offered by the witnesses for the prosecution. And what part in the actual death can be attributed by the witnesses to the act of Shimura (disregarding for the moment Shimura's testimony) is even more speculative. It would have been difficult to decide at that time - two years later it is impossible.

Let us consider for a moment that the most unfavorable testimony has been believed beyond a doubt by the commission - that they honestly believe that Shimura delivered a bayonet thrust which killed one of the victims - even then, Shimura's place in the chain of events must be considered. He is an enlisted man, not a volunteer but selected for the task and ordered to carry it out - with absolutely no right to protest that the order is "illegal". I wish to emphasize to this commission again and again, even to the point of becoming monotonous - that by Imperial Rescript, by training and indoctrination, and by every other known means of emphasis, the Japanese soldier is taught that there is no such thing as an illegal order; that the order of a superior officer must be obeyed without question, and that failure to obey an order not only merits the severest punishment, but is treason against the Emperor. And this absoluteness is particularly true in the case of an enlisted man receiving an order from an officer, as contrasted with an officer receiving an order from another officer. So even if Shimura had done the worst which the prosecution can charge him with - he would still be blameless because of this training and background. Mind you, if Shimura had volunteered for this duty, or otherwise showed a desire to participate in the affair, it would be a different story. But every witness has testified to the fact that Shimura was selected thru no fault of his own and ordered to carry out the orders from higher authority.

Shimura took the only way out he could think of on the spur of the moment - he feigned obedience to orders, hoping either that his defection would go unnoticed, or at worst he would receive only mild punishment for failure to carry out directions in the best manner possible.

Let us now turn to the other two defendants who are charged as principals before this commission. To quote the opening argument of the judge advocate, "a man may be guilty of murder, as a principal, even tho he did not strike the fatal blow, but did any one of the following things; aided, abetted, counseled, commanded, induced, or procured the commission of the crime." In just what way does Captain Ikawa fit into this category. Certainly he did not strike the fatal blow - therefore he must have done one of the other things, if he is guilty of murder. We have only one witness who in any way connects Captain Ikawa with the scene of the crime - Okamoto. Okamoto does not even imply that Ikawa ordered him to the Kominato area - that order came from a messenger who couldn't find Corporal Date. Okamoto says that Ikawa gave the executioners instructions in the position to stand while bayonetting the prisoners, and further urged Okamoto on to the bayonetting when he held back (R. p. 11, Q. 26, 27 and 28). He also testified that Ikawa told the other bayonettors where to stand (R. p. 12, Q. 34) and yet the other witnesses who were present that day (Hidano, Sato, Col. Kato) failed to place Ikawa at the scene, did not see him give instructions, did not hear him say anything to anyone, including Okamoto. More particularly Shimura, unwillingly present as an executioner, did not see or hear Ikawa. Furthermore, the testimony of Okamoto before the Board of Investigation, under oath, differs radically from that presented before this commission; for example, while he now testifies that there were only three or four men as executioners, and forgets the exact number, he previously testified that there were at least five men assigned for bayonetting each prisoner, making a total of ten or eleven. The defense established from the prosecution's witnesses that there were only four executioners altogether - two assigned to each prisoner. Okamoto further changed his story from his original testimony on May 30 by now being unable to see anything that happened after his simulated thrust, altho previously he saw the other soldiers bayonetting the prisoners a "number of times each". The credibility of Okamoto is so

impeached, both by his own contradictory stories and by the testimony of other witnesses in an equally advantageous position to see things, that his testimony should be given no credence by the commission. Furthermore, these witnesses particularly Hidano and Sato had no reason to assist Ikawa - he was of a different unit and unknown to them. Since Okamoto's testimony can have no probative value so far as Ikawa is concerned, what further evidence remains that Ikawa did any of the things which the judge advocate says make him a principal. The only further testimony in evidence on Ikawa is his own statement, introduced into evidence by the prosecution, in which he swears that he was in the execution area - but hiding back of some trees so that he could neither see the execution nor be seen by the people there - suffering from a stomach ache. His one overt act was to point to some sticks and say "they are here" (ex. 2, p. 2) Did that "aid, abet, counsel, command or induce the commission of the crime"? The answer is obviously "No!" Colonel Kato's testimony that Ikawa "must have selected the executioner" is purely speculative - opinion testimony and an attempt by Kato to evade his own responsibilities. It can be given no credence at all.

But let us suppose for an instant that the commission does believe that Ikawa ordered Okamoto to "go ahead and stab the prisoner". That would be commanding or inducing the commission of the crime - if Okamoto carried out the command. But Okamoto has testified that he did not stab the prisoner. Therefore, no crime was committed by Okamoto - and consequently, no crime was committed by Ikawa in commanding him. For certainly, if the commission is going to believe Okamoto's story that he received the order and instruction from Ikawa - they must believe the rest of his story that he did nothing to the prisoners. And apparently the story of his innocence in the killing was believed by someone - otherwise he would be here as a co-defendant with the others. So whether the commission believes Okamoto or not - it is still true that there is no testimony presented which would make Ikawa a principal in the murder charged here - and therefore he should be acquitted.

The last remaining accused Captain Higashigi. Since he was not at the scene of the crime, had no bayonet or sword in his hand, or otherwise struck a blow, it must be that he too is charged with being a principal because he "aided, abetted, counseled, commanded, induced or procured the commission of a crime". But what was Higashigi's position in this affair? He was the senior adjutant to General Tachibana, the ranking army officer on the island. The testimony has indicated that he told Lieutenant Colonel Ito to carry out the affair - and told Captain Nishiyotsutsuji to send the prisoners to the designated place. But why did he tell these things to the various people? The answer is simple - because he was directed to do so by the commanding officer. Every officer witness of the prosecution, including Major Horie, has confirmed this supposition. Since this is a military commission, it is obvious to all of you that no captain gives an order to a Lieutenant Colonel - he is only a means of communication between the general and his subordinates. He holds no more responsibility for the origination of orders than would a telephone. What Higashigi said to Lieutenant Colonel Ito might just as well have been conveyed to him by a written memorandum brought by a messenger - or sent thru the mail - or said by the general himself over the telephone. Higashigi was simply and entirely a method of relaying orders. If the general had given the order over the telephone, either to Lieutenant Colonel Ito or to Captain Nishiyotsutsuji, Higashigi would never be standing trial. Since the general chose to send the message by way of his adjutant, that man must now answer to you on a charge of murder. Would you sentence a telephone for "aiding or abetting" a murder? Of course not - then why should you sentence any other means of communication the general chose to employ.

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The prosecution has emphasized the fact that Higashigi said at dinner "we must find somebody to dispose of the prisoners". That is a perfect example of "big talk". The captain is adjutant to the general - so to make himself important he says "we" must do this and "we" must do that, just to show that he and the general are a working team - when naturally, it is the general who decides for himself what he will do, without reference to a captain for advice or aid.

That Lieutenant Colonel Ito considered that the order came from General Tachibana and not from his adjutant is shown by the fact that at the completion of the affair, he reported directly to the general - in addition to the fact that Lieutenant Colonel Ito would certainly never have carried out the direct orders of an officer of inferior rank. Captain Nishiyotsutsuji also believes that the orders were from the General, as shown in his testimony, and only released the prisoners to the Brigade because of that belief. Therefore, if all those involved believed that the orders emanated from the general, and not from Higashigi himself, and since the orders did so originate, Higashigi is not and cannot be held as a principal in this case, since he had no other part in it than to act in the capacity of messenger boy.

We ask the commission to consider the record and the testimony therein most carefully in this case - and we are sure that our arguments will be upheld. Whatever points of law may arise will be elucidated by the judge advocate; we are primarily interested in the facts as they affect the accused - and to have those facts evaluated by the commission.

Donald H. Dickey
DONALD H. DICKEY,
Lieutenant Commander, U. S. N. R.

CLOSING ARGUMENT FOR PROSECUTION

DELIVERED BY

LIEUTENANT FREDRIC T. SUSS, U. S. N. R.

Gentlemen of the Commission:

The people of the United States have long been reknown as vigilant guardians of the rights of individuals. In fact such a jealous protection of the rights of man from the persecution of greater power has brought about the very existence of the nation and has pervaded its history down through the years. Manifestation of this spirit abounds in the Bill of Rights, in the Constitution and in the laws of the land. And we have extended the protection of our laws to the enemy who has laid down his arms. We have done so because we have learned by the bitter gall of experience that we are living in One World. 775

We have learned that laws are not made for one nation or for one people. For if our neighbor's house is permitted to burn, ours is soon consumed in the flames.

But yet another tragic lesson has sent us here on our present mission. Our foolish apathy after the first World War towards War Criminals, has brought down upon our heads a flood of more viscious War Criminals with a gory repertoire of unthinkable crimes. And now that experience has taught its expensive lesson, The Allied Powers have resolved that War Criminals shall be diligently hunted down and punished before an outraged world, so that we may teach as we have learned: by hard and bitter experience. 775

On the other hand the Allied Powers are not so naive as to punish indiscriminately. Each suspected War Criminal is brought before a worthy tribunal and has every opportunity to defend himself against the charge as he would have before the courts of any civilized nations.

No one who has witnessed this trial can say that these four defendants have not been given a fair trial. The Commission and the Defense Counsel have been most diligent in protecting the rights of the accused and no one can say that these rights have been infringed upon.

The law which we use in this case is the law of our own land and the law of international conventions. We do not apologize for applying our law for as we have stated before, nowhere in the world are the rights of the individual more vigorously protected than by the laws of our land.

The defense has seen fit to contend that the orders of the Japanese military supersede all other laws. A nation, no matter how obtuse its philosophy, can not presume to supersede by military orders, international laws which it has publicly agreed to apply. 775

We think the Commission will not think us unduly facetious when we say that we do not intend to indict all the telephones of the Japanese Army. A telephone is not a free agent. A telephone can not recognize an illegal order. A telephone can not refuse to carry out an illegal order. 775

Defense counsel has also seen fit to contest Okamoto's testimony. We shall go into greater detail on Okamoto's testimony at a later time. However, it may be said at this time that Okamoto's testimony on the witness stand and

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before the Board of Investigation was substantially the same. The variation claimed by defense counsel is only in minor details. And each time the witness has stated that he did not remember but he thought things were thus and so. The variance is not as to anything material. This does not amount to impeaching a witness.

The defense also takes issue on the bayoneting and beheading as both not constituting murder. To that we say that the Specification does not allege that the prisoners were killed by bayoneting or beheading but alleges that they were killed by bayoneting and beheading. The separation of these two acts cannot affect the crime. It is enough if any of the defendants was present at the scene of the crime with an intent to assist in its commission.

The argument has also been advanced that the accused committed the murder in a dignified manner and because of this must be excused of the crime. This is a ridiculous argument. Do people go about in the United States or in any other country murdering people in a dignified manner? How dignified is it to tear a man's body with a bayonet and then to cut his head off?

The four defendants in this case are charged with murder as principals. In section 332 of the U. S. Criminal Code a principal is defined as follows:

"Whoever directly commits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal".

Applying this definition to murder we find that a man may be guilty of murder even though he did not strike the fatal blow, but did any one of the following: aided, abetted, counseled, commanded, induced, or procured its commission. It is well to dwell upon this application of the definition of a principal to the crime of murder. To the layman whose idea of murder is more picturesque, it is a startling thing to learn that he is a murderer if he has done no more than encouraged or advised one to commit the crime. But under the definition, if in fact a murder had been committed, he is guilty of murder as a principal. 7TS

That murder, in fact and in law, has been committed by the defendants has been shown in the able argument of my colleague. And there has been placed before this commission sufficient evidence to prove that each of the defendants was a principal in the commission of that crime. There has been placed before the commission sufficient evidence if believed to prove: 7TS

That the Defendant Ito not only supervised the execution, but selected and ordered the bayoneters and finally beheaded the dying prisoners. Any one of these acts of participation is sufficient to charge Ito as a principal.

That the Defendant Higashigi transmitted the order to Lieutenant Colonel Ito to execute the two prisoners of war. In this manner he aided, abetted, commanded, induced and procured the commission of the murder, and is therefore a principal.

That the defendant Ikawa by his own statement places himself at the scene of the crime and the evidence shows that he selected and ordered a man to the scene to act as a bayoneter. He also instructed the bayoneters where to stand and shouted orders to thrust. In this manner he aided, abetted, commanded, induced and procured the commission of the murder, and is therefore a principal. 7TS

That the defendant Shimura was actually one of the bayoneters and two witnesses have testified that they saw his bayonet enter the body of the

prisoner of war. His own statement that his bayonet did not pierce the body of the prisoner is self-serving and will not stand against the testimony of the two witnesses. This overt act of bayoneting the prisoner of war is sufficient participation in the crime to make Shimura a principal in the commission of the crime. 775

The defense of the accused that they were acting under orders can in no way excuse culpability for the crime. This was so held in the famous American case of United States vs Jones, 3 Wash. C. C. 209 where the court said, "We do not mean to go further than to say that the participation of the inferior officer in an act which he knows, or ought to know, to be illegal, will not be excused by the order of his superior". 775

This was upheld in CMO4 of 1929 where the court said, "In reference to the contention of the accused that he was acting in the performance of duty, it is deemed pertinent to refer briefly to the law pertaining to homicide committed by persons in the military service. It is a general rule that a soldier (or sailor) is bound to obey all lawful orders, and all he may do in obeying such lawful orders constitutes no offense as to him. But an order illegal in itself and not justified by the rules and usages of war, or in its substance clearly illegal, so that a man of ordinary sense and understanding would know as soon as he heard the order read or given that it was illegal, will afford no protection for a homicide, provided the act with which he may be charged has all the ingredients in it which may be necessary to constitute the same a crime in law." 775
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In CMO 121 of 1919 it was said, "A soldier is bound to obey only the lawful orders of his superiors. If he receives an order to do an unlawful act he is bound neither by his duty, nor his oath to do it. So far from such order being a justification, it makes the party giving the order an accomplice in the crime". 775

Under international law it has also been held that an act in obedience to a military order of a superior is not justifiable when the act is known, or under the circumstances should have been known, to be illegal under the laws and customs of warfare. This doctrine in international law is clearly demonstrated in the celebrated Llandovery Castle Case. This was not a case in our courts but is a German case. The Russians have used this case in war crimes trials to condemn the very Germans out of their own mouths. In this case, the German Supreme Court trying German defendants for the machine-gunning of open life-boats declared, "Military subordinates are under no obligation to question the order of their superior officers, and they can count upon its legality. But no such confidence can be held to exist if such an order is universally known to everybody, including also the accused, to be without any doubt whatever against the law...They should, therefore, have refused to obey. As they did not do so, they must be punished." 775

In the Mexican War case of Mitchell vs. Harmony, Chief Justice Taney of the United States Supreme Court wrote: "It can never be maintained that a military officer can justify himself for doing an unlawful act by producing the order of his superior. The order may palliate, but it cannot justify." 775

The Defendants knew this order to murder defenseless prisoners of war was illegal is shown by the facts in the testimony if believed by the commission that the Japanese Army taught its officers that the policy of that Army was not to murder defenseless prisoners of war who had laid down their arms. Aside from this evidence, an ordinary reasonable man must be 775
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held to know that murder of defenseless prisoners of war who had laid down their arms is manifestly unlawful under the laws and customs of warfare. If the defense of Superior Orders is permitted to justify a crime this would give almost the entire band of Axis War Criminals a valid defense. This would be a shameless mockery of justice and would defeat the whole purpose of War Crimes Trials.

Now to turn to the evidence against Captain Higashigi, we find in the statements made by Lieutenant Colonel Ito in the interrogation before the Board of Investigation, definite statements in no uncertain terms that Captain Higashigi gave to Ito the orders to execute the prisoners of war. There is some question as to whether or not such evidence is admissible against Higashigi.

In Wharton's Criminal Evidence, Section 722, the following is stated:

"The confessions or admissions made by a co-conspirator or co-defendant, after the termination of the conspiracy and in the absence of the defendant, are not admissible against the defendant as substantive evidence to prove his guilt. His confession, therefore, subsequently made, even though by a plea of guilty, is not admissible in evidence, as such, against any but himself..."

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This was also upheld in CMO 8-1931. However, under the Regulations Governing the Trials of Accused War Criminals, promulgated by the Supreme Commander for the Allied Powers, under paragraph 5 (d), Section (1), it is stated that, "The commission shall admit such evidence as in its opinion would be of assistance in proving or disproving the charge, or such as in the commissions' opinion would have probative value in the mind of a reasonable man."

When this evidence is considered in the light of other evidence presented, it may be seen to fit into a definite pattern and the commission may well come to the conclusion that it will be of assistance in proving the charge or has probative value in the mind of a reasonable man.

This evidence in Ito's statement that Higashigi gave him the orders to execute the prisoners of war may be seen to have probative value when it is considered in the light of testimony given before the commission by Captain Fukuda who testified that Captain Higashigi said on the night before the execution that the prisoners of war must be disposed of. And on the morning of the execution Fukuda heard Higashigi actually give the order to Ito. It may also be considered in the light of Captain Nishiyotsutsuji's testimony and Colonel Kato's testimony. Colonel Kato said that he saw a printed Brigade order which stated that the execution would take place and that such orders were usually signed by Higashigi. Captain Nishiyotsutsuji testified that Higashigi called him on the telephone and demanded that the two prisoners be turned over to the Brigade Headquarters.

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The evidence of Captain Nishiyotsutsuji which identifies Captain Higashigi in the telephone conversation is upheld in several cases as admissible. In *People vs. Thomson* 231 Mich 256 it is held a conversation over the telephone is admissible unless otherwise objectionable, if the identity of the person with whom the witness was speaking is satisfactorily established.

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In *US vs. Easterday* 285 US 564: Evidence of a conversation over a telephone has been admitted where the witness testified that he thought the voice to be that of a particular person.

In Killingsworth vs. State 90 Fla. 299: Evidence of the identification by voice of one speaking over a telephone is admissible when given by one party to the conversation, who was at the other end of the line.

If the commission decides to admit the evidence against Higashigi contained in Ito's interrogation, under the SCAP rules, this will make the case against Higashigi much stronger. However, it is not needed to convict Higashigi if the commission believes the testimony of Captain Fukuda, Captain Nishiyotsutsuji and Colonel Kato. If the commission believes the testimony of these three men and if it believes that murder has been proved, it must find Higashigi guilty of the charge of murder.

Now we consider the case against Captain Ikawa. Most of the evidence against this defendant is given by the witness Okamoto. We do not concede that Okamoto was an accomplice in the crime because no evidence has been shown to prove such a contention. However, if the commission believes him to be an accomplice or feels doubtful about the matter, it may be stated that under Naval Courts and Boards, Section 236; "An accomplice is always competent to testify, whether he be charged jointly or separately...the weight to be given testimony of accomplices is for the court. There is no absolute rule of law preventing conviction on the testimony of accomplices if juries believe them. Such uncorroborated testimony should, however, be viewed with suspicion and examined critically."

This last sentence has no application here because even if Okamoto were considered an accomplice his testimony against Ikawa is sufficiently corroborated by the statement of Ikawa himself, and by evidence of Colonel Kato.

In Underhill's Criminal Evidence, Section 157.

"In the United States Courts, there is no rule of law requiring that testimony of an accomplice to be corroborated, and conviction may be had on the uncorroborated testimony of an accomplice if it is otherwise sufficient. This is the Federal rule and was followed in CMO 106-1918 & CMO 114-1918. The states are divided as to whether or not corroboration is necessary."

In Wharton's Criminal Evidence, Section 753.

"In a jurisdiction where the testimony of an accomplice must be corroborated, it is not necessary that the accomplice be corroborated as to every fact to which he testifies, or that the independent evidence be sufficient, of itself, to establish the defendant's guilt. The corroboration need not extend to every part of the accomplice's evidence, because there would be no occasion to offer him as a witness if his testimony could be completely proven by other evidence free from suspicion. An accomplice should be corroborated as to some material fact which tends to prove that the accused was connected with the crime charged. The corroboration that merely raises a suspicion of guilt, because the accused had an opportunity to commit the offense, is not sufficient.

"The corroboration need not be conclusive but it is sufficient if this evidence of itself, tends to connect the defendant with the commission of the offense although the evidence is slight, and entitled, when standing by itself, to but little consideration. Moreover, if the verdict is founded on slight evidence of corroboration connecting the defendant with the crime, it cannot be said, as a matter of law, that the verdict is contrary to the evidence. U. S. vs. Ibanez 53 F. 536., U. S. vs. Howell 56 F. 21."

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Now considering the testimony of Okamoto in the worst light, that is, as the testimony of an accomplice, it is sufficient, if believed by the commission, to convict Ikawa and it is corroborated by the statement of Ikawa which places him at the scene of the murder and shows his participation in directing the parties in the crime to stakes which were used to bind the prisoners of war. This is more than enough corroboration, if indeed corroboration were needed for in 36 Corpus Juris 795, we find "Every person who is present at the time and place of the crime of a felony is guilty as a principal therein, if he is there for the purpose of participating in the crime."

Further corroboration is found for Okamoto's testimony in the testimony of Colonel Kato who said he thought that Ikawa, his adjutant, selected the man to act as an executioner from the 307th Battalion.

Whatever the commission feels about Okamoto's connection with the crime, it need not hesitate to accept the testimony of Okamoto because there is sufficient corroboration to give it credibility. It must be borne in mind that the corroboration need not extend to every part of the evidence and that even slight evidence of corroboration is sufficient. The corroboration in this instance is indeed much more than required, if it is required at all.

In the case against Shimura, we have two witnesses who testified definitely that they saw Shimura's bayonet enter the body of the prisoner of war. This is the most damaging kind of evidence and in weighing its credibility the Commission may consider the almost exact corroboration of both witnesses and the fact that the witness Hidano proved himself to be a friend of Shimura by offering to care for his family.

Shimura's testimony in his own behalf that he merely made a pretense at bayoneting the prisoner is clearly self-serving and when considered in the light of other evidence its credibility is shaken. It must be borne in mind that the Defendant Shimura made much of the fact that he was carrying out orders and emphasized that it is impossible to disobey an order in the Japanese Army. Why does he advance this defense of superior orders so forcefully if the order he carried out was harmless? If he did not actually bayonet the prisoner of war why does he need to defend on the ground of superior orders?

This defense of superior orders alone can not acquit defendant Shimura, but the court may apply it in mitigation if it feels that justice requires such, and may I say that the prosecution recommends this.

There has been ample evidence brought before this commission to convict all of the defendants of the charge and specifications. If we believe all the arguments of the Defense would any of the accused be found guilty? Perhaps Defense Counsel would have us believe that the prisoners of war tied themselves to the stakes and died of inclement weather.

On the strength of the evidence before the court each of the defendants may be found guilty beyond a reasonable doubt. If the commission finds that it has a reasonable doubt as to the guilt of any of the accused, this doubt must be founded upon evidence and not on a mere suspicion. The Judge Advocate does not presume to weigh the evidence for that is the province of the Commission. It is a grave responsibility.

We are most confident that the Commission will weigh the evidence with the utmost fairness to the Defendants, keeping in mind its duty to the government and to humanity. The murders here charged have been cruel and vicious and were prompted by the ^{low} motive of revenge. Those who are found guilty must not be permitted to escape lightly. Let us not be like the bear in

Mr. Thurber's fable who painfully learned the moral that, "It is better to fall flat on your face than to lean over too far backwards".

We have sat here and listened to the argument that a man's cultural background will justify murder. If this is the philosophy of the accused then we reply that we are here to decry, to declaim and to destroy such a culture.

Fredric T Suss
FREDRIC T. SUSS,
Lieutenant, USNR.
Judge Advocate.

"U (7)"

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FROM: COM MARIANAS 100725Z

TO : CNO

INFO: JAG CINCPAC/POA; JAG (WAR CRIMES DIVISION) NATIONAL WAR
CRIMES OFFICE (WAR DEPT PASS)

AS DIRECTED BY CINCPAC IN HIS SERIAL 0558 OF 8 MAR 46 NOT TO ALL IT
IS REQUESTED THAT THE FOLLOWING BE FURNISHED THE JAPANESE GOVERNMENT

FOR INFORMATION X QUOTE X PARA 1 A UNITED STATES MILITARY COMMISSION
CONVENED BY COM MARIANAS WILL ON 17 JUNE 46 OR SOON THEREAFTER ON THE

ISLAND OF GUAM BEGIN TRIALS OF 4 JAPANESE NATIONALS ACCUSED OF WAR CRIMES
X NAMELY X (1) ITO, KIKUJI, FORMERLY LIEUTENANT COLONEL, LJA X (2)

HIGASHIGI, SEIJI, FORMERLY CAPTAIN, LJA X (3) IKAWA, SHIGEO, FORMERLY
CAPTAIN, LJA X (4) SHIMURA, HISAO, FORMERLY LEADING PRIVATE, LJA X PARA 2

ACCUSED ARE PRESENTLY CONFINED AT GUAM X PARA 3 EACH ACCUSED WILL BE TRIED
FOR OFFENSES AGAINST THE LAW OF WAR X CHARGES AGAINST EACH ACCUSED WILL BE

MURDER X THE SPECIFICATIONS UNDER THE CHARGE WILL ALLEGE THE UNLAWFUL
KILLING IN AUGUST 1944 WITH PREMEDITATION AND MALICE AFORETHOUGHT AND

WITHOUT JUSTIFIABLE CAUSE US NATIONALS HELD BY THE ACCUSED AS PRISONERS
OF WAR ON CHICHI JIMA, BONIN ISLANDS X MAXIMUM PENALTY FOR SUCH OFFENSE

IS DEATH X PARA 4 ABLE COUNSEL CONSISTING OF AT LEAST ONE US NAVAL OFFICER
AND TWO JAPANESE CIVILIAN LAWYERS FURNISHED BY JAPANESE GOVERNMENT WILL BE

ASSIGNED ACCUSED BY CONVENING AUTHORITY X UNQUOTE XX XX XX

DATE 10 JUNE 46

DTG 100725

ORIGINATOR: JDM
LEGAL 13

RESTRICTED ROUTINE

RELEASED BY: DFW, CFP

"EXHIBIT 1"

S. J. Field Lt USNA

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A witness called by the recorder entered, was informed of the subject matter of the investigation, was duly sworn, and declared as follows:

Examined by the recorder:

1. Q. State your full name, former rank, and organization.
A. Ito, Kikuji; lieutenant colonel, Imperial Japanese Army. I arrived on Chichi Jima on July 9th, 1944. I was attached to the Mixed Brigade headquarters of the 109th Division (Ryodan Shireibu). On February 25th, 1945, the Mixed Brigade headquarters became the 109th Division headquarters (Shidan Shireibu). I remained there until the end of the war.
2. Q. What were your duties?
A. I was an instructor in the rifle, machine gun, bayonet, and grenades.
3. Q. What orders did you receive from General Tachibana, when you executed the two (2) American flyers on or about August 10th, 1944?
A. The date of execution of these two (2) flyers was July 27th, 1944. I received my orders to execute these two (2) prisoners of war from Captain Higashigi, senior adjutant of the Ryodan Shireibu, as follows: "It has been decided upon that the prisoners should be executed by bayoneting. Lieutenant Colonel Ito, you supervise the execution." I received these orders on July 26th, 1944, the day preceding the execution.
4. Q. Did Captain Higashigi say that he was transmitting the order from General Tachibana?
A. No, therefore to this day I do not know if the order came from the Ryodan Shireibu or the division headquarters on Iwo Jima. In this case the orders might have been transmitted through the Haken Shireibu, which was the detached divisional headquarters on Chichi Jima. I am of the opinion that the order was issued by General Tachibana.
5. Q. Did General Tachibana discuss the execution with you, either before or after it occurred?
A. No.
6. Q. To whom did you report, when the executions were accomplished?
A. I reported the completion of the executions directly to General Tachibana.
7. Q. What did he say?
A. The general did not say a word.
8. Q. You said that Captain Higashigi told you, that it had been decided that the prisoners would be executed. Who decided this?
A. At the time I thought that the execution of the two (2) prisoners was decided upon by higher authority and I remember that Captain Higashigi also told me this. I was told by Captain Higashigi to pick up the two (2) prisoners at the guardhouse of the 307th Battalion in the Kominato area. Captain Higashigi also told me that he was sending one (1) noncommissioned officer and one (1) superior private as executioners. I do not know their names. I do not know if the noncommissioned officer and private went together with me in the same car or not.

- 1 -

"EXHIBIT 2 (1)"

G. I. Field R. W. S. A.
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9. Q. Were the superior private and the noncommissioned officer personnel of the 307th Battalion?
A. No.
10. Q. What units were they from?
A. I do not know. This question was asked me in Tokyo in Sugamo Prison; however, I do not know.
11. Q. Do you know the names of the prisoners?
A. No.
12. Q. Was one (1) of the prisoners a survivor of the B-24, which crashed in the bay near the Navy base?
A. I do not know.
13. Q. Do you know what unit captured either of the prisoners?
A. I do not know. It seems odd but I had just arrived on Chichi Jima, and I did not hear or find out what unit captured the flyers.
14. Q. Were any other prisoners delivered to the Ryodan Saireibu in July or August, 1944, besides these two (2)?
A. I do not remember any other prisoners. I know of these two (2).
15. Q. When you arrived at the 307th Battalion headquarters, were the prisoners there?
A. Yes, I received the two (2) prisoners at the guard house.
16. Q. What did you do then?
A. After I received the two (2) prisoners, they were led to the top of Nakayama Toge where they were executed.
17. Q. Did you call into formation the men who were at rifle practice that morning?
A. Yes, I assembled the men.
18. Q. At this time, did you order Superior Private Kido and Superior Private Shimura to assist in the execution?
A. To the best of my knowledge I asked the men present, "Who out of you are expert at handling the bayonet; those that are expert, hold up your hand", and out of the number that raised their hands, I picked Kido and Shimura. When Captain Higashigi told me that he had assigned a superior private and a noncommissioned officer to perform the execution, he told me to choose other men from the Ryodan Shiraibu to assist in the execution; consequently, I chose two (2), Kido and Shimura.
19. Q. Did Kido and Shimura know they were volunteering to perform the execution?
A. I do not know if the soldiers present knew that they were volunteering to perform the execution or not.
20. Q. Did you make an announcement that the flyers were to be executed?
A. I do not remember.
21. Q. What time of day were these executions?
A. To the best of my knowledge, the time was about 10 o'clock in the morning.

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"EXHIBIT 2 (2)"

C. L. Field *ALB 52A*
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22. Q. Were the prisoners brought to the 307th Battalion Headquarters from the Haken Shireibu?
A. I cannot definitely say if the two (2) prisoners were brought from the Haken Shireibu. However, I know as a fact that the two (2) prisoners were not at the Ryodan Shireibu.
23. Q. When you arrived at the scene of the execution, in what position were the flyers placed for the bayonetting?
A. To the best of my knowledge, the prisoners were made to sit and then tied to the stakes and also blindfolded. The stakes were driven on the rim of the machine gun nest.
24. Q. How many executioners were there in all?
A. Four (4) executioners. The two (2) from the Ryodan Shireibu and the two (2) provided by Captain Higashigi.
25. Q. What orders did you give to these men, immediately preceding the bayonetting?
A. At the scene of the execution, I gave the following speech, "Acting on orders, we are now going to execute two (2) prisoners." I then walked over to the prisoners and felt their chest and with my fountain pen, I put a mark, a circle, over their hearts and another right beside it, about the middle of the chest. I did this because I did not want the executions to bayonet the prisoners in a place which would make them suffer. As an instructor, I believe that this was the crucial point in the execution. In other words, I did not want anything inhuman to happen. I want the prisoners to lose consciousness with the first thrust.
26. Q. Is it not true, that after placing the mark over the heart of each flyer, you then instructed the executioners to pierce the heart last?
A. I placed one (1) circle over each man's heart. I placed another circle in the middle of each man's chest. I knew that the bayonetters, being inexperienced, would be unable to pierce the heart with the first blow, I told them to aim at the circles in the middle of their chests. I did this to save the flyers as much pain as possible.
27. Q. Did you give orders that they were to pierce the heart last?
A. Yes, first aim at the middle, second aim at the heart. I did this to save them from suffering.
28. Q. What were the actual words you gave to start the bayonetting?
A. I do not exactly remember the words I used. I might have said "begin" or I might have said "proceed". I had each flyer bayoneted separately, one (1) after the other.
29. Q. Did all four (4) men bayonet each flyer?
A. No, I had each prisoner bayoneted by two (2) men.
30. Q. Did Shimuro, Kido, or the other two (2) executioners object to their orders to bayonet the flyers?
A. I did not hear any words of objection.
31. Q. Did Shimura actually bayonet one (1) of the flyers?
A. I do not remember.
32. Q. How many times was each man bayoneted?
A. As I had two (2) circles made, I expected that each soldier would bayonet the prisoners twice. Therefore, I believe each prisoner received four (4) bayonet wounds.

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"EXHIBIT 2 (3)"

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33. Q. Did you behead the first prisoner before the bayonetting was started on the second prisoner?
A. I beheaded the first flyer after both prisoners had been bayoneted.
34. Q. Was the first flyer bayoneted still alive while the second flyer was being bayoneted?
A. The two flyers were executed as follows: one (1) thrust was made into the body of the first flyer, then the second flyer was bayoneted. After the second flyer was bayoneted once, the first flyer was bayoneted again and then the second flyer bayoneted the second time.
35. Q. Were the flyers killed by the bayonetting?
A. Both flyers were dead after the bayonetting.
36. Q. Why did you behead them?
A. In the Japanese Bushido, when a man is executed, it is a sign of honoring him that he be beheaded and although I was stepping beyond my actual orders, I honored the two (2) prisoners by beheading them. In the Japanese Bushido you have to wrap the head in a white cloth and bury it in a different place than the body. However, I was overstepping my orders and therefore I took two (2) white sheets of paper and wrapped the heads in them and buried them with the bodies, and on the grave I put a stick as a marker.
37. Q. Were the flyers buried at the scene of the execution?
A. Yes, at the scene in the machine gun nest.
38. Q. Were the two (2) prisoners informed that they were to be executed?
A. The two (2) prisoners were not told of their execution in English; however, in the beginning I addressed everybody, including the flyers, in Japanese, "Acting on orders, I am going to execute these two (2) prisoners."
39. Q. Were the two (2) prisoners present, when you chose Kido and Shimura as executioners?
A. No.
40. Q. Did you rebuke Shimura as a coward because he failed to bayonet the flyer?
A. I do not know if Shimura bayoneted the prisoner or not. However, I know that I did not reprimand him in any way.
41. Q. Did Captain Higashigi say that the two (2) men, which he provided as executioners, were chosen from units having lost men due to the American bombing?
A. I do not remember.
42. Q. Is it true that you beheaded the two (2) flyers, because they did not die from the bayonetting?
A. No the prisoners were dead.
43. Q. At the time of the execution, was Major Horie away from Chichi Jima on a trip to Iwo Jima?
A. I do not know.
44. Q. What other executions do you know about, other than the ones you have mentioned?
A. None.

The witness was duly warned and withdrew.

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"EXHIBIT 2 (4)"

C. F. Field *AL 252 A.*
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The board then, at 12:10 p.m., took a recess until 1:30 p.m., at which time it reconvened.

Present: All the members, the recorder, the reporter, and the interpreter.

No witnesses not otherwise connected with the investigation were present.

Lieutenant Colonel Kikuji Ito, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

Examined by the recorder:

45. Q. Had you quarreled with General Tachibana prior to the execution of these two (2) flyers, and is that the reason you were assigned to supervise the executions?
- A. It is true that I had a quarrel with the general and it is a fact that the general hardly spoke to me, but I cannot truthfully say that the job of supervising the execution was given to me on account of the dislike that the general held. I do not know the reason behind it. As supervisor of the execution, I did my best to make it as formal as possible. I lined the troops up in double file at the scene of execution. I did not want my men to have the idea that they were celebrating that day. I wanted my men to know what everything was being done on orders.
46. Q. Do you know why the two (2) men were executed?
- A. I do not know the reason behind the execution. I merely carried out the orders of a superior officer.
47. Q. Inasmuch as Captain Higashigi was General Tachibana's adjutant, could anyone but the general have transmitted the order to him?
- A. That is not possible. The orders that Captain Higashigi transmitted must have come from the general. I have no proof of it though.
48. Q. Were any prisoners captured on Chichi Jima after the execution of these two (2) flyers until February, 1945?
- A. I do not know if any flyers were captured during this time. I never heard of it. I was on my death bed from a sickness several times.
49. Q. Did you attend a conference in February, 1945, at which time General Tachibana stated that all captured prisoners must be executed, and that if worst came to worst the flesh of not only the prisoners but the flesh of the dead Japanese would be eaten?
- A. I did not hear of any orders spoken to this effect. However, General Tachibana called his commanders together very frequently for a conference, and it is very possible that he said this is one (1) of those meetings. I was practically retired and did not attend many conferences.
50. Q. How many flyers were captured in February, 1945?
- A. I remember seeing two (2) or three (3) prisoners of war. But I do not know how they were disposed of. I do not know definitely as to the number. I have no idea at all.
51. Q. Did you ever hear General Tachibana issue any orders as to the disposal of prisoners of war?
- A. No.

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"EXHIBIT 2 (5)"

G. L. Field R 252A
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52. Q. Was it the policy of General Tachibana, or did he issue orders that prisoners would be returned to units which captured them for execution?

A. I truthfully do not know what was going on at the time. I and a few other very old officers were practically retired and we did not mix with the matters at the headquarters. We were put on temporary duty just to make inspections, and to take charge of the training of personnel and things like that.

53. Q. Is it true, that there were two (2) factions on Chichi Jima regarding the treatment of prisoners of war. One (1) faction believing that they should be executed, and the other faction believing that they should be treated as prisoners of war under the rules of the Geneva Convention?

A. I do not know. I was unconcerned with things of this nature.

54. Q. How many years were you in the Army?

A. I served for a straight twenty (20) years and then I was retired. I was drafted again to serve another additional eight (8) years.

55. Q. Do you know of any flyers captured on Chichi Jima after February, 1945, until the end of the war?

A. I do not know of any.

56. Q. Did you attend a party, given by Major Matoba and General Tachibana, in an air raid shelter in approximately February, 1945, when human flesh was eaten?

A. No.

57. Q. Do you have any information, regarding the eating of human flesh by General Tachibana or anyone else?

A. No.

58. Q. Do you have anything else to add to your testimony?

A. No.

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"EXHIBIT 2 (6)"

C. L. Field Lt. USA.
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STATEMENT OF IKAWA SHIGEO
(Former Captain, IJA)

30 May, 1946.

1. Date:
I remember it was about in August, 1944.
2. The order for the brigade:
I did not hear of any order, verbal or by phone.
3. The system of command:
From what I judged upon hearing their story from an adjoining room when Lieutenant Colonel Ito visited Lieutenant Colonel Kato at his residence, it seemed as if the Brigade Commander issued orders directly to Lieutenant Colonel Ito.
4. The Act:
On that day, although I remember eating breakfast, I was later than usual. Hurriedly finishing my meal, I started with the unit commander to make our daily inspection of the positions. Starting as usual, I asked where we were going today and he said let's go to Kominato, so I followed him. When we reached the entrance to Kominato I saw a crowd near the pavilion and asked what it was about. A soldier replied, "It seems that two (2) American soldiers are going to be put to death by the Brigade, and I have been here for quite a while."

At that time the unit commander started looking for Lieutenant Colonel Ito. When I looked towards the pavilion, I saw sitting two (2) American soldiers who looked discouraged with their eyes fixed on the ground. When I asked where the execution was going to take place, a soldier told me that they were going to be shot on the shore of Kominato. I naturally felt sorry and pitied them and was tearful. As I had taken my meal hurriedly, I had a stomach-ache (bowel movement), and went to the toilet, which took me five (5) minutes. When I stepped out the crowd was no longer there, and looking around, I saw

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" EXHIBIT 3 (1) "

EXHIBIT 52 (Record & Board
Investigation
Bonin Island)

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Fredni T Suss SGT USNR

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then walking near the Yatsuse Bridge. As I felt a pain in my stomach, I walked at my usual pace and reached Yatsuse Bridge. Looking for the place my unit commander was at, I got a reply from a person up on the mountain side that he was there. I climbed the mountain thinking that it was strange.

When I knew that people were turning into a little path to the left during my climb, I felt that the scene of execution was further in along that path.

5. Action near the scene at Nakayama Pass:

I decided, at the entrance to the path, not to witness this and was afraid of the results. I sat under the shade of trees at the entrance of the path for five or six minutes.

FFP

I heard a voice (of a soldier) calling me from the path, so I, struck with terror, entered the path for the first time in my life. I remember that there were two American soldiers with their faces covered standing with two or three soldiers, standing in front and rear of them, shortly after I entered the path. Feeling a tenseness, I entered, and was told to come in as I was conspicuous standing at the entrance. (I remember that Lieutenant Colonel Kato was at the high right of the path, the high side). And right after this I heard a voice asking a soldier at the side for a stick. (I remember that it was Lieutenant Colonel Ito who was at the low left side of the path, the lower side). I pointed to four or five stakes right beside me (it was as if they had been previously prepared), and replied that they were here. Then the voice said that somebody was going to bayonet them in a sitting position, that they were too slender. I avoided getting deeply involved in this from the beginning, and replied that there were none others. A couple of men were talking, holding the stakes in their hands.

FFP

FFP

" EXHIBIT 3 (2) "

- 2 -

CERTIFIED TO BE A TRUE COPY

Fredric T. Suss Lt USAF

EXHIBIT 52

144

0894

At that time I felt a pain in my stomach as severe as I had never experienced before in my life, and was waiting for an opportunity to take shelter, but there were no means other than entering the path, still deeper. Fortunately I saw some people who were near me move to a higher position so I entered about twenty paces deeper. (as on the chart, the actual spot could not be seen). I put my back to the shade of the trees facing the other way, and was there over twenty minutes amidst terror and pains in my stomach. A soldier came to see me during this time and asked me what happened. I told him I had a stomach-ache.

EFP
EFPEFP
EFP

I heard a voice say, "Let's cover it with dirt", so thinking that it was over and feeling unpleasant, I went towards the scene, enduring my stomach-ache. I went to the rear of my unit commander who was standing in the path. At this time I could not see the American soldiers in the pit (dead) and unconsciously raised my hands in prayer. The same time the unit commander, commenting that my face was pale, also put his hands together to pray. I followed in the rear of the people leaving the scene towards the main road. The working party at the spot remained. (I do not recall any of the members.

EFP

EFP

EFP

(a) The conversation between the unit commander and I during our walk to the main road:
The fine form of the two American soldiers in the face of death.

(b) Although Lieutenant Colonel Ito had been a master at Kendo (Japanese swordsmanship, when he was attending the military academy, today's incident must have been disagreeable to him.

EFP

As we reached the main road, I tried to go down to Kominato, but the unit commander told me that as we had climbed the mountain this far we might as well climb to Nakayama Pass (Fukuro Point) which had been scheduled for inspection the following

day. I followed him and on our way back from Fukuro Point, and as we passed the scene on our way back we held the following conversation:

- (I) "The men who did the killing must feel guilty in their conscience and must suffer when they pass this spot".

EFP

The Unit Commander: "It must be so".

Then we continued and after studying the cliffs on the west shore of Kominato, we returned home.

6. The people I saw:

Lieutenant Colonel Ito, Lieutenant Colonel ^KJato. I do not remember any faces or names of any other people except the two just mentioned.

EFP

Personnel I remember about ten (10) men.

7. The disposal of the bodies:

When I returned to the scene after taking shelter I could not see the bodies because of the covering dirt.

8. (Rough sketch of my action that day).

I wrote the above freely, believing it to be the truth.

IKAWA SHIGEO

I, IKAWA Shigeo; being duly sworn on oath, state that I have had read to me and understood the translation of the foregoing transcription of my statement consisting of four (4) pages, and it is the truth to the best of my knowledge, and belief.

IKAWA SHIGEO

Subscribed and sworn to before me this 30th day of May, 1946.

CERTIFIED TO BE A TRUE COPY

Fredric T. Suss
Lt USNR

"EXHIBIT 3 (4)"

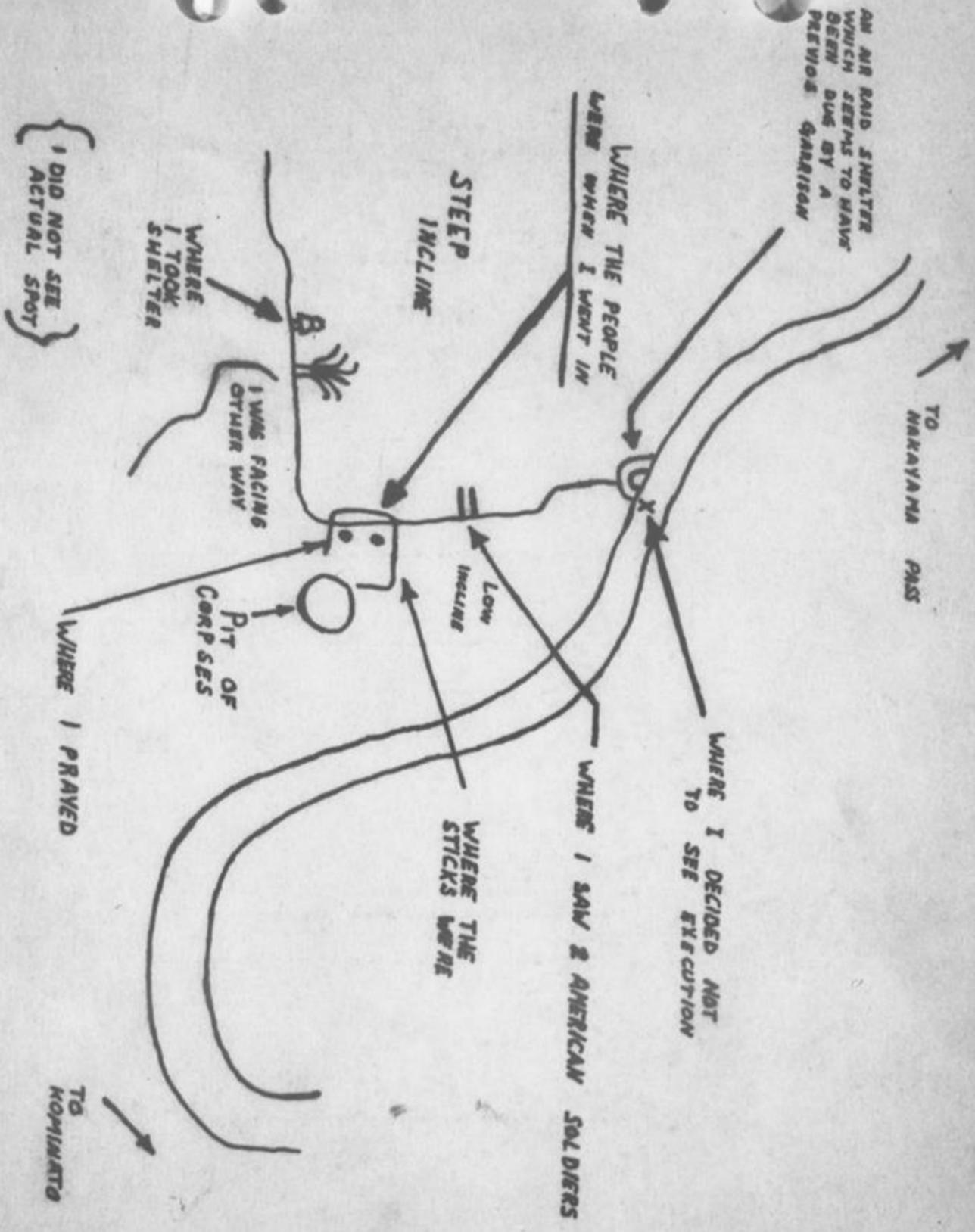
- 4 -

ROBERT D. SHAFFER, Major,
06652, U.S.M.C.,
Senior Member.

EXHIBIT 52

146

0896



C. L. Field LEWRA.
 CERTIFIED TO BE A TRUE COPY

" EXHIBIT 3 (5) "

147

0897

COMMANDER OCCUPATION FORCES)
CHICHI JIMA, BONIN ISLANDS) ss

I, Frederick Arthur Savory, civilian, interpreter, being duly sworn on oath, state that I truly translated the statement and answers given from Japanese to English and from English to Japanese respectively, and that after being transcribed, I truly translated the foregoing statement containing four (4) pages to the witness; that the witness thereupon in my presence affixed his signature (name or mark) thereto.

FREDERICK ARTHUR SAVORY

Subscribed and sworn to before me this 30th day of May, 1946.

ROBERT D. SHAFFER, Major,
06652, U.S.M.C.,
Senior Member.

COMMANDER OCCUPATION FORCES)
CHICHI JIMA, BONIN ISLANDS) s s

I, Robert D. Shaffer, Major, 06652, U. S. Marine Corps, certify that on the 30th day of May, 1946, personally appeared before me IKAWA Shigeo, and according to Frederick Arthur Savory, interpreter, gave the foregoing statement set forth therein; that after his testimony had been transcribed, the said IKAWA Shigeo had read to him by the said interpreter, the same and affixed his signature (name or mark) thereto in my presence. EFP

ROBERT D. SHAFFER Major,
06652, U.S.M.C.,
Senior Member.

GUAM, MARIANAS ISLANDS,
MAY, 1946

- 6 -

EXHIBIT 52

CERTIFIED TO BE A TRUE COPY

"EXHIBIT 3 (6)"

Fredric T. Suss
Lt USNR

0898

Guam, Marianas Islands,
30 May, 1946.

The foregoing statement consisting of ^{FOUR (4)} ~~three (3)~~ pages, made
by me, was not obtained under duress, nor prompted by promises
threats, or inducements of any kind. I wrote the foregoing
statement freely and willingly.

CKT

Ikawa, Shigeo;
Captain,
Imperial Japanese Army.

- 7 -

CERTIFIED TO BE A TRUE COPY
of the translation
Fredric T Suss
Lt USNR

"EXHIBIT 3 (7)"

EXHIBIT 52

149

0899

FROM: COM MARIANAS
TO : BUPERS (CASUALTY SECTION)
INFO: JAG (WAR CRIMES DIVISION)

TEXT

REQUEST CONFIRMATION DEATH OF LLOYD RICHARD WOELLHOF AVRAD SECOND CLASS USNR
LOST DURING AIR STRIKE CHICHI JIMA BONIN ISLANDS 4 JVL 44 FOR PURPOSE WAR
CRIMES INVESTIGATION XX XX XX XX

3073

DATE 14 May 1946 DTG (132323)

C.R. NR

PLAIN X

ROUTINE X

13 LEGAL "JDM"

ORIGINATOR:
"R.D. SHAFFER"

" EXHIBIT 4 "

C. L. Full Lt USNA.
CERTIFIED TO BE A TRUE COPY

150

0900

FA V JC NR 3715 R R R PLAIN 15 MAY 1946
FROM BUPERS 141620Z 3187
TO COM MARIANAS
GR 41 BT

YOUR 132323Z X WOELLHOF LLOYD RICHARD ARM2C 682 65 11 CARRIED
MISSING IN ACTION OVER CHICHI JIMA FROM / JULY 1944 TILL 28 JAN 1946
WHEN PRESUMPTIVE FINDING OF DEATH MADE BY SECNAV X DEFINITE REPORT
OF DEATH NEVER RECEIVED BUPERS

BT 141620Z NPG NR 2840

TOD.....1143 B Y KKKK

V FA R NR 3715 DON KKKK

"EXHIBIT 5"

P.K. Field
CERTIFIED TO BE A TRUE COPY

151

0901

ADDRESS REPLY TO
OFFICE OF THE JUDGE ADVOCATE GENERAL

NAVY DEPARTMENT

OFFICE OF THE JUDGE ADVOCATE GENERAL

WASHINGTON 25, D. C.

AND REFER TO
SAG:IRAS:f14
A17-10/02 (7/30/47)

- 1 AUG 1947

RESTRICTED

**MEMORANDUM FOR DIRECTOR, NAVY DIVISION, WAR CRIMES OFFICE,
ROOM 4100 PATTERSON BUILDING, WASHINGTON, D.C.**

Subject: Reports of the execution of death sentences in the cases of Vice Admiral Kose AME, I.J.N., military commission case #150837; Rear Admiral Shigematsu SAKAYAMA, I.J.N., military commission case #148331; Lieutenant Colonel Kikaji ITO, I.J.A., military commission case #151334; Captain Hebara NAKAYAMA, I.J.A., military commission case #150836; Superior Private Kiyoshi TAKAHASHI, I.J.A., military commission case #144765; and Seaman First Class Koju SHOJI, I.J.N., military commission case #144765.

1. Forwarded for information and return.

By direction of the Judge Advocate General.

H. D. SYLVESTER,
Captain, U.S.N.

- Encls: (A) Comdr. Marianas restricted ltr serial 15349, dated 16 July 1947, with 1st End. and enclosures.
(B) Comdr. Marianas restricted ltr serial 15349, dated 16 July 1947, with 1st End. and enclosures.
(C) Comdr. Marianas restricted ltr serial 15350, dated 16 July 1947, with 1st End. and enclosures.
(D) Comdr. Marianas restricted ltr serial 15347, dated 16 July 1947, with 1st End. and enclosures.
(E) Comdr. Marianas restricted ltr serial 15351, dated 16 July 1947, with 1st End. and enclosures.
(F) Comdr. Marianas restricted ltr serial 15348, dated 16 July 1947, with 1st End. and enclosures.

162

0902

BEST COPY AVAILABLE

Cincpacflt File

P6

Serial 4547

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET
HEADQUARTERS OF THE COMMANDER IN CHIEF

RESTRICTED
RESTRICTED

JUL 24 7 AM



FIRST ENDORSEMENT on
ComMarianas letter
FF12/(WC-1)/13-JDM-
cn serial 15350 dtd
16 July 1947.

24 JUL 1947

RECEIVED
NAVY DEPARTMENT
ENCS - BRITISH SECTION

From: Commander in Chief Pacific and U. S. Pacific Fleet.
To: Secretary of the Navy.

Subject: ITO, Kikuji, late Lieutenant Colonel, I.J.A., report on
execution of Death Sentence imposed on.

1. Forwarded, contents noted.
2. Because of the classification of enclosure (A) to the
basic letter, the classification of this correspondence is upgraded
to Restricted.

Copies to: (1st end. only)
ComMarianas
Director of Security, Guam

H. B. SALLADA
Deputy Cincpacflt

153

0903

BEST COPY AVAILABLE

Character File

P6

Serial 4547

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET
HEADQUARTERS OF THE COMMANDER IN CHIEF

RESTRICTED
~~RESTRICTED~~

24 JUL 1947

FIRST ENCLOSURE on
Comdr's letter
FF12/(WC-1)/28-318-
on serial 15350 dtd
16 July 1947.

From: Commander in Chief Pacific and U. S. Pacific Fleet.
To: Secretary of the Navy.

Subject: ITO, Hikaji, late Lieutenant Colonel, I.J.A., report on
execution of death sentence imposed on.

1. Forwarded, contents noted.
2. Because of the classification of enclosure (A) to the
basic letter, the classification of this correspondence is upgraded
to Restricted.

Copies to: (1st end. only)
Comdr's
Director of Security, Guam

H. B. SALLADA
Deputy Cincpacfl

0904

BEST COPY AVAILABLE

FF12/(WC-1)/
13-JDM-cn

Serial: 15350

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

16 July 1947

From: Commander Marianas.
To : The Secretary of the Navy.
Via : Commander in Chief Pacific and U. S. Pacific Fleet.

Subject: ITO, Kikuji, late Lieutenant Colonel, I.J.A., report on execution of Death Sentence imposed on.

Reference: (a) SecNav ltr. file JAG:I:MDS:bem , Al7-10/OQ 151334-54637
(4-2-47) dated 16 April 1947.
(b) ComMarianas despatch 191220 June 1947.

Enclosures: (A) Original of ComMarianas order directing execution of ITO, Kikuji, serial 0052, dated 17 June 1947, and endorsements thereon with enclosure.
(B) Original of Report of Director of Security, Guam Serial 6039, relative execution ITO, Kikuji, dated 2 July 1947 with enclosures thereof.
(C) Photographs of ITO, Kikuji, one taken immediately before and one taken immediately after execution.
(D) Copy ltr. 6/20/47 from Rev. R.T. Kami, Buddhist Priest.

1. This report is submitted in accordance with paragraph 2 of reference (a) and supplements the report contained in reference (b).

2. The death sentence imposed on ITO, Kikuji, formally Lieutenant Colonel, I.J.A. was put into execution at the Joint Communications Activity Area, Guam, Marianas Islands, on 19 June 1947, at 2103 hours. The execution was by hanging and was carried out in private with only official witnesses and necessary personnel composing the execution detail present.

3. Enclosure (A) is the order which put into execution on 19 June 1947 the sentence of death by hanging imposed in Kikuji Ito. It sets out among other things the offense on which he was tried before a military commission, the sentence of the commission, and the actions of the reviewing and confirming authorities. On its face there has been written statements, including an acknowledgment by ITO, to the effect that the order of execution was read to the condemned man the day before his execution. The first endorsement on this order contains, as enclosure (A) thereof, the certificate of execution signed by George R. Newton, the officer in charge of the Execution Detail.

4. From the time the order for execution was read to ITO on 18 June 1947 until the time of his execution on 19 June he was under close guard. He was, however, permitted the use of tobacco; the privilege of writing letters and statements and conferring with a Buddhist Priest who was made available for this purpose. At 2102 hours, 19 June 1947, he entered the place of execution and was accompanied by the Buddhist Priest to the foot of the gallows. Accompanied by guards, he walked to the head of the Gallows where leg shackles, hood and noose were placed on him. He was dropped through the trap at 2103 hours and was declared dead by the two medical observers at 2114 hours, 19 June 1947. More detailed information concerning his execution is contained in enclosure (A) of enclosure (B) of this report.

CINCPAC FLT.

RECEIVED

JUL 20 12 28 PM '47

155

0905

BEST COPY AVAILABLE

FF12/(WC-1)/
13-JEM-cn

Serial: 1535-6

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

16 July 1947

Subject: ITO, Kikaji, late Lieutenant Colonel, I.J.A., report on
execution of Death Sentence imposed on.

5. The Receipt for Body of ITO, dated 19 June 1947 and signed by R. N. Crane, Lieut. Comdr., (CEC), USN, officer in charge of Burial Detail (Enclosure (K) of Enclosure (A) of Enclosure (B)) shows the place of ITO's interment to be Lot 429-6, Plot 3, Asan, Guam, Marianas Islands.

6. Enclosure (C) is two photographs of ITO - one of him on the gallows immediately prior to his execution and the other of him in his coffin immediately after his execution.

7. The officer who carried out the immediate act of execution was Lieut. Col. George R. Newton, U.S.M.C. His report is contained in enclosure (B) of this report, and contains among other things a certificate of execution, certificates of medical observers, certificates of official witnesses, certificate of personal identification, copy of fingerprints taken prior to and subsequent to ITO's execution, a receipt for the body, a photograph of ITO, the condemned war criminal and a Report of General Details of the execution. Attention is particularly invited to paragraph 15 of his Report of General Details wherein certain recommendations are contained relative to modifications of the War Department Pamphlet 27-4. The recommendations are concurred in by the Commander Marianas Area.

8. The hangman was First Lieutenant Charles C. Rexroad, U. S. Army, who was made available from the Provost Marshal's Office, U. S. 8th Army, Yokohama, Japan. Lieutenant Rexroad's professional skill as a hangman and his ability and willingness to advise, cooperate with, direct and supervise all personnel connected with the execution left nothing to be desired. The execution of ITO was most efficiently and expeditiously carried out with the minimum of suffering to the condemned man.

9. The personal effects of ITO, now in the custody of the Island Command Provost Marshal, Guam, will be sent by Commander Marianas to SCAP for delivery to ITO's next of Kin upon receipt of information from the Navy Department to the effect the Japanese Government has been officially informed of ITO's execution unless otherwise instructed (My desp. 100544Z July refers).

10. All matters relative to the actual act of execution of ITO was, prior to his execution and for twelve hours thereafter, classified as secret. Such classification was removed twelve hours after the execution in accordance

FFL2/(WC-1)/
13-JIM-cn

Serial: 15350

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

16 JUL 1947

15350

Subject: ITO, Kikuji, late Lieutenant Colonel, I.J.A., report on
execution of Death Sentence imposed on.

with the provisions of the Secretary of the Navy's despatch 161633Z of
June 1947 and Article 76, U. S. Navy Regulations. Enclosure (A) of this
report was down graded to restricted by my serial 15007 of 10 July 1947.

C. A. Pownall
C. A. POWNALL

cc: (less enclosures)
Director of Security, Guam.

FFAS/(NO-1)/
13-JUN-47

15353

16 JUL 1947

From: Commander Marianas.
To : The Secretary of the Navy.
Via : Commander in Chief Pacific and U. S. Pacific Fleet.

Subject: ITO, Kikaji, late Lieutenant Colonel, I.J.A., report on execution of Death Sentence imposed on.

Reference: (a) SecNav ltr. file JAG:I:MS:ben ,AL7-10/00 15334 - 15437 (4-3-47) dated 16 April 1947.
(b) ComMarianas despatch 191220 June 1947.

Enclosures: (A) Original of ComMarianas order directing execution of ITO, Kikaji, serial 0032, dated 17 June 1947, and endorsements thereon with enclosure.
(B) Original of Report of Director of Security, Guam Serial 6039, relative execution ITO, Kikaji, dated 2 July 1947 with enclosures thereof.
(C) Photographs of ITO, Kikaji, one taken immediately before and one taken immediately after execution.
(D) Copy ltr. 6/20/47 from Rev. R.T. Kami, Buddhist Priest.

1. This report is submitted in accordance with paragraph 2 of reference (a) and supplements the report contained in reference (b).

2. The death sentence imposed on ITO, Kikaji, formally Lieutenant Colonel, I.J.A. was put into execution at the Joint Communications Activity Area, Guam, Marianas Islands, on 19 June 1947, at 2103 hours. The execution was by hanging and was carried out in private with only official witnesses and necessary personnel composing the execution detail present.

3. Enclosure (A) is the order which put into execution on 19 June 1947 the sentence of death by hanging imposed in Kikaji Ito. It sets out among other things the offense on which he was tried before a military commission, the sentence of the commission, and the actions of the reviewing and confirming authorities. On its face there has been written statements, including an acknowledgment by ITO, to the effect that the order of execution was read to the condemned man the day before his execution. The first endorsement on this order contains, as enclosure (A) thereof, the certificate of execution signed by George R. Newton, the officer in charge of the Execution Detail.

4. From the time the order for execution was read to ITO on 18 June 1947 until the time of his execution on 19 June he was under close guard. He was, however, permitted the use of tobacco; the privilege of writing letters and statements and conferring with a Buddhist Priest who was made available for this purpose. At 2102 hours, 19 June 1947, he entered the place of execution and was accompanied by the Buddhist Priest to the foot of the gallows. Accompanied by guards, he walked to the head of the Gallows where leg shackles, hood and nose were placed on him. He was dropped through the trap at 2103 hours and was declared dead by the two medical observers at 2114 hours, 19 June 1947. More detailed information concerning his execution is contained in enclosure (A) of enclosure (B) of this report.

FF12/(NO-1)/
13-JHM-en

Subject: ITO, Kikaji, late Lieutenant Colonel, I.J.A., report on execution of Death Sentence imposed on.

5. The Receipt for Body of ITO, dated 19 June 1947 and signed by R. H. Crane, Lieut. Comdr., (GHQ), USN, officer in charge of Burial Detail (Enclosure (K) of Enclosure (A) of Enclosure (B)) shows the place of ITO's interment to be Lot 429-6, Plot 3, Asan, Guam, Marianas Islands.

6. Enclosure (C) is two photographs of ITO - one of him on the gallows immediately prior to his execution and the other of him in his coffin immediately after his execution.

7. The officer who carried out the immediate act of execution was Lieut. Col. George R. Newton, U.S.M.C. His report is contained in enclosure (B) of this report, and contains among other things a certificate of execution, certificates of medical observers, certificates of official witnesses, certificate of personal identification, copy of fingerprints taken prior to and subsequent to ITO's execution, a receipt for the body, a photograph of ITO, the condemned war criminal and a Report of General Details of the execution. Attention is particularly invited to paragraph 15 of his Report of General Details wherein certain recommendations are contained relative to modifications of the War Department Pamphlet 27-4. The recommendations are concurred in by the Commander Marianas Area.

8. The hangman was First Lieutenant Charles C. Rexroad, U. S. Army, who was made available from the Provost Marshal's Office, U. S. 8th Army, Yokohama, Japan. Lieutenant Rexroad's professional skill as a hangman and his ability and willingness to advise, cooperate with, direct and supervise all personnel connected with the execution left nothing to be desired. The execution of ITO was most efficiently and expeditiously carried out with the minimum of suffering to the condemned man.

9. The personal effects of ITO, now in the custody of the Island Command Provost Marshal, Guam, will be sent by Commander Marianas to SCAP for delivery to ITO's next of kin upon receipt of information from the Navy Department to the effect the Japanese Government has been officially informed of ITO's execution unless otherwise instructed (My despatch 100544Z July refers).

10. All matters relative to the actual act of execution of ITO was, prior to his execution and for twelve hours thereafter, classified as secret. Such classification was removed twelve hours after the execution in accordance

7712/(UC-1)/
13-JUN-47

Subject: ITO, Kikaji, late Lieutenant Colonel, I.J.A., report on execution of Death Sentence imposed on.

with the provisions of the Secretary of the Navy's despatch 161633Z of June 1947 and Article 76, U. S. Navy Regulations. Enclosure (A) of this report was down graded to restricted by my serial 15007 of 10 July 1947.

G. A. POWHALL

cc: (less enclosures)
Director of Security, Com.

ENCLOSURE (A) To ComMar Ltr. Serial 15350 dtd. 7-16-4

0911

FF12/A17-10 (WC-1)/
13-JDM-cn

Serial:

0052

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

17 JUN 1947



(Date)

SECRET

From: The Commander Marianas Area.
To: The Director of Security, Guam.

Subject: ITO, Kikuji, lieutenant colonel, Imperial Japanese Army -
Execution of Death Sentence adjudged and confirmed in the
trial of war crimes and related offenses in the case of.

References: (a) Record of Military Commission case of ITO, Kikuji,
lieutenant colonel, IJA, convened 5 April 1946.
(b) SecNav's letter file JAG:I:MDS:bem A17-10/OQ 151334 -
154637 (4-2-47) dated 16 April 1947.
(c) ComMarianas Letter of Instructions, Serial 12187,
dated 8 May 1947, re: Execution of Death Sentences
of Convicted War Criminals.

Enclosure: (A) Unexecuted Certificate of Execution.

1. In accordance with the provisions of Section D-14, Naval
Courts and Beards 1937, the Acting Secretary of the Navy, on 16 April 1947,
confirmed the sentence of death adjudged in the case of Kikuji Ito,
lieutenant colonel, Imperial Japanese Army, tried for Murder (one specifi-
cation - killing two prisoners of war in violation of the law of war) by a
military commission, convened 5 April 1946, by the Commander Marianas Area:

"The Commission therefore sentences him, Ito, Kikuji,
Lieutenant Colonel, Imperial Japanese Army, to be hanged
by the neck until dead, two-thirds of the members con-
curring."

The Commander Marianas Area, the convening authority,
on 29 July 1946, subject to remarks, approved the proceed-
ings, findings and sentence, in this case.

The Commander in Chief, United States Pacific Fleet,
the reviewing authority, on 12 August 1946, approved the
proceedings, findings and sentence in this case, and
the action of the convening authority thereon.

CHANGE
CLASSIFICATION
TO RESTRICTED

- 1 -

168

0912

FF12/A17-10/(WC-1)/
13-JDM-ca

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial:

SECRET

Subject: ITO, Kikuji, lieutenant colonel, Imperial Japanese Army -
Execution of Death Sentence adjudged and confirmed in the
trial of war crimes and related offenses in the case of.

The Acting Secretary of the Navy, on 16 April 1947 directed the Commander Marianas Area to effect the execution of the sentence as confirmed. He further directed the sentence be carried into effect at a date to be designated by the Commander Marianas Area not earlier than 1 June 1947 at Guam, Marianas Islands.

2. Pursuant to the above you will put into execution on 19 June 1947 at the Joint Communications Activity Area, Guam, Marianas Islands, the sentence of death by hanging imposed on Kikuji Ito, lieutenant colonel, Imperial Japanese Army, at an hour to be determined by the officer designated by you to carry out the act of execution.

3. The prisoner will be notified of the time of execution no less than twenty four (24) hours prior thereto, at which time this order will be read to him. Appropriate record of such notification should be made on the face of the order read to the prisoner at the time of notifying the prisoner of the time of his execution, and thereafter special precautions shall be taken to safeguard him against self destruction.

4. The execution will be carried out and report submitted in accordance with the provisions of reference (c).

5. Upon execution of the subject named War Criminal and prior to the submission of the detailed report required, enclosure (A) will be completed by the Officer in Charge of the execution detail and returned immediately by you together with this order to the Commander Marianas Area.

*I certify that to the best of my ability
I translated this letter as read by
Lt. Col. Newton USMC to Ito, Kikuji Lt. Col.
War Criminal Blockade, Guam, M.I. at 1440
this date*

cc: CinCPacFlt J.F. Jorgensen
SecNav (JAG) L.S. (jg) WSR
**CHANGE
CLASSIFICATION
TO RESTRICTED**

C. A. POWNALL
C. A. POWNALL

昭和22年6月18日
如上命令ヲ理解ス

陸軍中佐 伊藤喜久二

*I certify that I read this letter to Kikuji Ito at the War
Criminal Blockade, Guam, M.I. at 1440 this date.*

18 June, 1947.
H. R. Newton
Lt. Col., U. S. Marine Corps
Island Command, Provoost, Maradal
and Officer in Charge of Execution Detail
162

0913

SECRET

CERTIFICATE OF EXECUTION

19 June 1947
(Date)

I hereby certify that the death sentence by hanging imposed on

ITO Kikui Lieutenant Colonel,
(Sir Name) (Given Name) (Rank or Rating)

Imperial Japanese Army, a Japanese National, was put into execution at
Joint Communications Activity Area, Guam, Marianas Islands, on 19 June 1947
(Date)

1947 at 2103 hours.

George R. Newton
(Signature)

GEORGE R. NEWTON, Lt. Col., U.S.M.C.
Island Command Provost Marshall, Guam
and Officer in Charge Execution Detail.

169

0914

SECRET.

19 June 1947

(Date)

FIRST ENDORSEMENT

From: The Director of Security, Guam.
To : The Commander Marianas Area.

Subject: ITO, Kikuji, lieutenant colonel, Imperial Japanese Army -
Execution of Death Sentence adjudged and confirmed in the
trial of war crimes and related offenses in the case of.

Enclosures: (A) Certificate of Execution in case of subject named War
Criminal.

1. Returned. The basic order was complied with this date.
2. Attention is invited to the enclosed executed Certificate
of Execution.

John B. Hill
(Signature)

JOHN B. HILL, Colonel, U.S.M.C.
Director of Security, Guam.

169

0915

ENCLOSURE (B) To ComMar Ltr. Serial 15356 dated 7-16-47

0916

Marine Barracks, Guam, Marianas Islands

SERIAL: 6039

2 July, 1947.

From: The Director of Security, Guam.
To : The Commander Marianas Area.

Subject: ITO, Kikuji, lieutenant colonel, Imperial Japanese Army, Execution of Death Sentence imposed on.

Reference: (a) Commander Marianas Letter of Instruction, Serial 12187 dated 8 May, 1947, subject, Execution of Death Sentences of Convicted War Criminals.
(b) Commander Marianas order Serial 0052, dated 17 June, 1947, directing execution of subject named person.

Enclosure: (A) Letter from Island Command Provost Marshal dated 23 June, 1947, with enclosures.
(B) Copy of reference (a).
(C) Copy of reference (b).

1. Pursuant to references (a) and (b) the death sentence imposed on ITO, Kikuji, lieutenant colonel, Imperial Japanese Army, was put into execution at Joint Communications Activities Area, Guam, Marianas Islands on 19 June, 1947 at 2103 hours.

2. All necessary records directed by Enclosure (A) of reference (a) are transmitted herewith as enclosure (A).

John B. Hill
JOHN B. HILL

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0917

Marine Barracks, Guam, Marianas Islands

SERIAL: 6039

2 July, 1947.

From: The Director of Security, Guam.
To : The Commander Marianas Area.

Subject: ITO, Kikuji, lieutenant colonel, Imperial Japanese
Army, Execution of Death Sentence imposed on.

Reference: (a) Commander Marianas Letter of Instruction, Serial
12187 dated 8 May, 1947, subject, Execution of Death
Sentences of Convicted War Criminals.
(b) Commander Marianas order Serial 0052, dated 17 June,
1947, directing execution of subject named person.

Enclosure: (A) Letter from Island Command Provost Marshal dated
23 June, 1947, with enclosures.
(B) Copy of reference (a).
(C) Copy of reference (b).

1. Pursuant to references (a) and (b) the death sentence
imposed on ITO, Kikuji, lieutenant colonel, Imperial Japanese
Army, was put into execution at Joint Communications Activities
Area, Guam, Marianas Islands on 19 June, 1947 at 2103 hours.

2. All necessary records directed by Enclosure (A) of
reference (a) are transmitted herewith as enclosure (A).

JOHN B. HILL

0918

ENCLOSURE A

0919

OFFICE OF THE ISLAND COMMAND PROVOST MARSHAL,
Marine Barracks, Guam, Marianas Islands.

23 June, 1947.

From: The Island Command Provost Marshal.
To: The Commander Marianas Area.
Via: The Director of Security, Guam.

Subject: ITO, Kikuji, lieutenant colonel, Imperial Japanese Army, execution of death sentence, report on.

Reference: (a) Commander Marianas Area restricted serial 12187, dated 8 May, 1947.
(b) Director of Security, Guam, restricted letter, dated 19 June, 1947, re: execution of death sentence, case of subject named war criminal.
(c) U.S. Pacific Fleet, Commander Marianas (Island Commander), Guam, Marianas Islands, Execution Plan 2-47, with Modifications, dated 1200K, June 16, 1947.

Enclosures: (A) Certificate of execution.
(B) Certificate of Senior Medical Observer.
(C) Certificate of Junior Medical Observer.
(D) Official Witness Certificate (Col. L.B. Cresswell, USMC)
(E) Official Witness Certificate (Capt. J. B. Dunn, USN)
(F) Official Witness Certificate (Capt. H R. Demerest, USN)
(G) Official Witness Certificate (Capt. D. D. Hawkins, USN)
(H) Certificate of personal identification.
(I) Copy of fingerprints taken prior to execution.
(J) Copy of fingerprints taken subsequent to execution.
(K) Receipt for body.
(L) Report of General Details of execution.
(M) Report of proceedings.
(N) Photograph of subject named war criminal.
(O) Copy of reference (b).

1. In compliance with the directive contained in reference (b), and in accordance with the procedure outlined in reference (c), the death sentence imposed on ITO, Kikuji, lieutenant colonel, Imperial Japanese Army, was put into execution at the Joint Communications Activities Area, Guam, Marianas Islands, on 19 June 1947, at 2103 hours.

2. Required reports, receipts, and certificates are submitted herewith as enclosures (A) through (N).

George R. Newton
GEORGE R. NEWTON.

0920

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MARINE BARRACKS
Guam, Marianas Islands

~~XXXXXXXXXX~~

CERTIFICATE OF EXECUTION

19 June 1947
(Date)

I hereby certify that the death sentence by hanging imposed on

ITO, Kikuj, Lieut. Colonel, Imperial Japanese
(Surname) (Given name) (Rank or rating)
Joint Communications
(Army - ~~XXXX~~) was put into execution at Activity, Guam, Marianas
(Place)

Islands, on 19 June, 1947 at 2103 hours.
(Date) (Time)

George R. Newton

GEORGE R. NEWTON,
Lieutenant Colonel, U. S. Marine Corps,
Island Command Provost Marshal,
Officer in Charge, Execution Detail.

A

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0921

MARINE BARRACKS
Guam, Marianas Islands

19 June, 1947.

MEDICAL OBSERVER'S CERTIFICATE

I certify that at ²¹¹⁴2114 hours, on 19 June 1947, I examined the
body of IFO, Fikujii, Lieutenant Colonel, Imperial Japanese Army who was hanged
at the Joint Communications Activity, at ²¹⁰³2103 hours, Guam Marianas
Islands. I found him dead.

G. K. Youngkin
Signature

G. K. YOUNGKIN
Name (typed)

Capt. (22000) USM.(MC)
Rank (Serial)

"B"

168

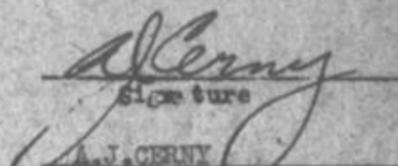
0922

MARINE BARRACKS
Guam, Marianas Islands

19 June, 1947.

MEDICAL OBSERVER'S CERTIFICATE

I certify that at ²¹¹⁴2114 hours, on 19 June 1947, I examined the
body of ITO, Kikuji, Lieutenant Colonel, Imperial Japanese Army who was hanged
at the Joint Communications Activity, at ²¹⁰³2103 hours, Guam Marianas
Islands. I found him dead.


Signature
A. J. CERNY
Name (typed)

Capt. (76043) USM (MED)
Rank (Serial)

"C"

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0923

MARINE BARRACKS
GUAM, MARIANAS ISLANDS

19 June, 1947.

OFFICIAL WITNESS CERTIFICATE

I certify that at ²¹⁰³2103 hours on 19 June 1947, at the
Joint Communications Area, Guam, Marianas Islands, I witnessed the
execution by hanging of ITO, Kikuji, Lieutenant Colonel, Imperial
Japanese Army, who was thereafter declared dead.

L. B. Crestell
Signature of witness.

L. B. CRESTELL

Name (typed)

Col. (3940), USMC

(Rank, Branch of Service, Serial
No. (typed))

"D"

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0924

MARINE BARRACKS
GUAM, MARIANAS ISLANDS

~~SECRET~~ 19 June, 1947.

OFFICIAL WITNESS CERTIFICATE

I certify that at 2103 hours on 19 June 1947, at the Joint Communications Area, Guam, Marianas Islands, I witnessed the execution by hanging of ITO, Kikuji, Lieutenant Colonel, Imperial Japanese Army, who was thereafter declared dead.



Signature of witness.

J. S. DUNN

Name (typed)

Capt. USN 57533

(Rank, Branch of Service, Serial

No. (typed)

Capt. USN, 57533.

"E"

0925

MARINE BARRACKS
GUAM, MARIANAS ISLANDS

~~SECRET~~ 19 June, 1947.

OFFICIAL WITNESS CERTIFICATE

I certify that at ²¹⁰³2103 hours on 19 June 1947, at the
Joint Communications Area, Guam, Marianas Islands, I witnessed the
execution by hanging of ITO, Kikuji, Lieutenant Colonel, Imperial
Japanese Army, who was thereafter declared dead.

H. R. Demarest
Signature of witness.

H. R. DEMAREST
Name (typed)

Capt. (58556), USN.
(Rank, Branch of Service, Serial
No. (typed))

"F"

0926

MARINE BARRACKS
GUAM, MARIANAS ISLANDS

~~SECRET~~ 19 June, 1947.

OFFICIAL WITNESS CERTIFICATE

I certify that at ²¹⁰³ 2703 hours on 19 June 1947, at the
Joint Communications Area, Guam, Marianas Islands, I witnessed the
execution by hanging of ITO, Kikuji, Lieutenant Colonel, Imperial
Japanese Army, who was thereafter declared dead.

David Hawkins

Signature of witness.

D. D. HAWKINS

Name (typed)

Capt. (63150) USN.

(Rank, Branch of Service, Serial
No. (typed))

"G"

173

0927

MARINE BARRACKS
Guam, Marianas Islands

Date 19 June 1947.

C E R T I F I C A T E

1. I the undersigned do certify that the remains which I have personally viewed are those of:

<u>ITO</u>	<u>(none)</u>	<u>Kikaji</u>	<u>Lieutenant Colonel IJA</u>
LAST NAME	MIDDLE INITIAL	FIRST NAME	RANK

2. My identification was based on passed acquaintance covering a period of Six (6) months.

3. Remarks None.

Name Signed William Bradford

Name Printed WILLIAM BRADFORD

Rank First Lieut. USMC

Serial 032315

This identification was made in my presence:

Organization 1st AAA Bn.

G. R. Newton Name Signed

G. R. NEWTON Name Printed

Lieut Colonel - USMC Rank

05786 Serial

MARINE BARRACKS, GUAM Organization

"H"

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0928

No. 607

Name Ito, Kikuji

Alias _____

Sex male

Color yellow

F.P.C. 31 0 010 18
28 I II I 17

Ref. PRINTS TAKEN PRIOR TO EXECUTION

E. Shultz, Cms. USMC. Recorder

1. Right Thumb	2. R. Index Finger	3. R. Middle Finger	4. R. Ring Finger	5. R. Little Finger
 16 16	 0	 8 8 I	 0	 4 16
6. Left Thumb	7. L. Index Finger	8. L. Middle Finger	9. L. Ring Finger	10. L. Little Finger
 4 0	 2 2 I	 I	 1 1 I	 17

Impressions taken Chas. J. Smith

Signature of Person Fingerprinted _____

Date taken 13 June 1947

Classified by 伊藤喜久二

Four Fingers Left Hand	Left Thumb	Right Thumb	Four Fingers Right Hand
			

"I" 15





NAVAL GOVERNMENT OF GUAM
DEPARTMENT OF CIVIL POLICE
GUAM, MARIANAS ISLANDS

Charge ~~War Criminal~~ Date **13 March 1940**
Disposition of Case ~~Condemned to hang~~ Date
Arrested by **US Marine Corps** Date
City or Town **Tokyo Japan** Municipality
Marks and Scars

Birth Date **28 April 1887** Local Residence
Other Residence

Age
02
Height
5'11"
Weight
120
Build
normal
Complexion
oriental
Hair
black
Eyes



Nationality
Japanese
Birth Place
Japan
Education
16 yrs
Occupation
Married
Single
Social Sec. No.
I. D. Cert. No.

Remarks
Accomplices
Previous Record

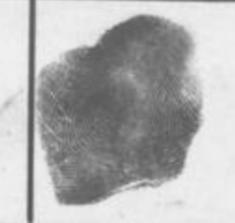
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0930

No.

Name ITO, Kikuji
Alias _____
Sex Male Color Yellow

F.P.C. _____
Ref. PRINTS TAKEN AFTER EXECUTION
E. O. Hullett, CWO, USMC, Recorder

1. Right Thumb	2. R. Index Finger	3. R. Middle Finger	4. R. Ring Finger	5. R. Little Finger
				
16 16		8 8		4
6. Left Thumb	7. L. Index Finger	8. L. Middle Finger	9. L. Ring Finger	10. L. Little Finger
				
4	2 2		1 1	

Impressions taken by [Signature]

Signature of Person Fingerprinted
Deceased

Date taken 19 June 1947

Classified by _____

Four Fingers Left Hand	Left Thumb	Right Thumb	Four Fingers Right Hand
			
			"J" 177

0931



NAVAL GOVERNMENT OF GUAM
DEPARTMENT OF CIVIL POLICE
GUAM, MARIANAS ISLANDS

Charge ~~XXXXXXXXXX~~ Criminal Date
Disposition of Case ~~Condemned to hang.~~ Date
Arrested by U.S. Marine Corps Date
City or Town Tokyo, Japan Municipality
Marks and Scars

Birth Date 28 April 1885 Local Residence
Other Residence

Age	ITO, Kikuji Lieutenant Colonel, IJA	Nationality	Japanese	
Height		63	Birth Place	Japan
Weight		61"	Education	16 Years
Build		120	Occupation	Lieut. Col IJA
Complexion		Slight	Married	Yes
Hair		Yellow	Single	
Eyes		Black	Social Sec. No.	
		Brown	I. D. Cert. No.	

Remarks CERTIFICATE
I certify that the prints on the reverse side of this card were taken after
Accomplices the above named war criminal had been pronounced dead, from hanging, on
Previous Record 19 June 1947.
Ernest D. Hulett
Ernest D. Hulett, Commissioned Warrant Officer, USMC, Execution Recorder.

0932

MARINE BARRACKS
GUAM, MARIANA ISLANDS

19 June, 1947.

RECEIPT FOR BODY

Received of Lieutenant Colonel George R. NEWTON, U. S.
Marine Corps, Island Command Provost Marshal, Guam, Marianas
Islands at 2205 on 19 June 1947, the remains of
hours

ITO, Kikuji, Lieut. Col. IJA
Last Name First Name Rank or Rating

Imperial Japanese Army, for internment according to the laws
Branch of Service
of Guam, Marianas Islands, in Lot ^{PL073} 429-6, Asan. An appropriate marker
will be placed on grave.

[Signature]
Signature

R. N. Crane
Name Printed

Lieut. Cdr. (CEC) USN
Rank

OinC Burial Detail
Official Capacity

"K"

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0933

OFFICE OF THE PROVOST MARSHAL
ISLAND COMMAND, GUAM, M.I.

20 June 1947

(Date)

REPORT:

1. Name ITO, Kikui Citizenship JAPANESE
Color YELLOW Race ORIENTAL
Lieutenant colonel
2. Soldier - Civilian IJA Serial Number _____
Status War Criminal
3. Height 61-1/4" Weight 117 Condition of
Muscles Poor
4. Length of drop 82"
5. Was collapse board used? No What kind _____
6. Place of execution JOINT COMMUNICATION AREA, GUAM, M.I.
Date 19 June 1947
7. Time trap sprung 2103 hrs Time pronounced used 2114 hrs
8. Execution directed by George R. NEWTON, Lieutenant Colonel, U. S.
Marine Corps.
9. Public or private execution PRIVATE
10. Number of witnesses FOUR (4)

- 2 -

"L"

0934

11. Number of officials participating ELEVEN (11)

Duties Island Command Provost Marshal (In Charge) - Director of execution. Planning and Coordination of all details attendant thereto. Assistant to Island Command Provost Marshal - Recorder. Officer in Charge - War Criminal Stockade - Security of Prisoners and delivery to place of execution. Assistant to Officer in Charge - War Criminal Stockade - To carry out normal duties of Officer in Charge - War Criminal Stockade during his absence. Officer in Charge - Place of Execution - To safeguard place of execution from molestation by individuals before, during and after executions. Assist Official Hangman as required. Island Public Works Officer - Provide and construct all material required and furnish necessary maintenance, police and utilities. Area Chaplain Provide religious assistance or Priests as required and/or requested. War Crimes Legal Officer - Provide legal, clerical and language assistance as required. Provide the Island Command Provost Marshal with findings and sentence in the case of each condemned war criminal. Medical Officer in Command, U.S. Naval Medical Center - Provide necessary Medical Officers (3) to witness execution and furnish necessary data regarding time of death, fingerprints, first aid for witnesses as required and affix identification discs to remains and coffin. Official Hangman - To execute those condemned War Criminals as designated by the Island Command Provost Marshal, Guam, M.I. Civil Administrator - Provide the necessary transportation and personnel to receive and interment remains and to provide suitable markers for graves. Maintain accurate record showing location of grave of each condemned War Criminal.

0935

12. Type of scaffold: Lever Action.

Size of rope: 3/4"

Type of Rope: Manila Hemp.

Condition of rope: Excellent Kind of Knot: Plain loop - Sliding Keeper

13. Were pictures made: Yes

14. Name of executioners: First Lieutenant Charles C. Rexroad, U.S. Army.

Assistants: Captain Jehn H. Griffin, USMC Technical Sergeant George W. Dinning, USMC, Staff Sergeant Steve Nemits, USMC.

15. Remarks of technical details with observations and recommendations:

The construction of the Gallows was changed from that contained in War Department Pamphlet 27-4 in the following respects:

1. Trap door was enlarged by 2 inches per side.
2. An iron strap was fastened on trap door such that when the trap was sprung, the door was locked against the studding of the gallows and could not swing back against the hanged body.
3. A pulley was mounted directly above trap door over which the rope was passed instead of the conventional eye bolt.
4. A cleat was secured against the center upright of the Gallows at a height of 40 inches above the platform to secure the free end of the hangman's rope.
5. A cylindrical wooden block 2" in diameter and 5" long was used in place of the hangman's knot on the rope.
6. The use of the cleat, the pulley and the cylindrical wooden block allowed quick lowering and removal of rope from hanged man, and also allowed the same rope to be used over again.

It is recommended that the above changes be made in the above named pamphlet and incorporated by the Navy for use in all future hangings in the United States Navy.

George R. Newton
GEORGE R. NEWTON

Lieutenant Colonel, U.S. Marine Corps,
Officer in Charge of Executions.

0936

MARINE BARRACKS
Guam, Marianas Islands.

20 June, 1947.

Execution of lieutenant colonel ITO, Kikuji, Imperial Japanese Army, report of proceedings.

At 1300, 18 June 1947, ITO, Kikuji, lieutenant colonel, Imperial Japanese Army, a convicted and condemned war criminal was taken from his cell in confinement hut #3 at the War Criminal Stockade, Guam, Marianas Islands, and taken to the shower. After bathing he was issued a pair of cotton drawers and a pair of shoes with no laces. He was then placed in the death house in a solitary cell in hut #1. The cell in which he was placed had been thoroughly searched and was found to be secure enough to prevent escape, and that it contained no instrument or material with which the colonel might take his own life. From this point until he was taken from the cell for the trip to the place of execution he was under the constant surveillance of a military policeman.

At 1503, 18 June 1947, ITO was removed from his cell in the custody of two military policemen and brought before Lieutenant Colonel George R. Newton, U.S. Marine Corps for the publishing of the death sentence, and to be informed of his time of execution. Present: Lieutenant Colonel George R. Newton, U.S. Marine Corps, Officer in Charge of Executions, Commissioned Warrant Officer Ernest D. Hulett, U.S. Marine Corps, Execution Recorder, Captain William H. Rafferty, U.S.N., (ChC), Colonel L. B. Creswell, U.S. Marine Corps, Representative of Commander Marianas, Yeoman 1/c J. B. Jarvis, U.S.N., Execution Reporter, Colonel John B. Hill, U.S. Marine Corps, Director of Security, Guam, First Lieutenant William Bradford, U.S. Marine Corps, Officer in Charge of War Criminal Stockade, First Lieutenant Charles C. Rexroad, U.S. Army, Official Hangman, Mr. Rikise T. Kami, a Buddhist Priest, Lieutenant (j.g.) F. F. Tremayne, U.S.N.R., Interpreter, and an official photographer from the staff of Commander Marianas.

ITO stood at attention while the sentence was read in English and translated into Japanese. He listened intently to the translation in Japanese and showed no outward signs of emotion upon hearing the death sentence pronounced other than swallowing and moistening his lips on several occasions.

Colonel Newton then informed ITO that he would be permitted the use of tobacco, and that he would be allowed to write letters to his friends or family, and then asked if he, ITO, desired to make an oral or written last statement. ITO replied, "Concerning the execution I believe it to be my fate. I have nothing else to say." ITO then made the requests that his bones be returned to his family as well as his military belongings and clothing. Lieutenant Colonel Newton then informed him that action on his requests would rest with higher authority. Lieutenant Colonel ITO then made the following voluntary statement: "Members of this headquarters and the guards have been most kind and understanding in the year that I have been here. I want to thank them very deeply. I received a letter from home and the family at home were also very grateful for everything. I felt as though I was in my own home and I have spent the days very happy over here. I want to say my thanks again and again."

At 1518 lieutenant colonel ITO was returned to his cell and placed under the close custody of a military policeman.

"M" - 1 -

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0937

Execution of lieutenant colonel ITO, Kikuji, Imperial Japanese Army, report
of proceedings. (Continued).

The Buddhist Priest visited ITO in his cell at about 1710 and talked earnestly with ITO who displayed much interest in what the Priest was saying. Following the visit by the Priest, ITO appeared quite calm but later commenced smoking and pacing his cell nervously. The evening was spent alternately smoking and writing until ITO retired at 2130. He apparently spent a restful night and arose and went through some exercises at 0500 19 June 1947.

The day of 19 June 1947, ITO spent as though it were a routine day of confinement and was apparently undisturbed by thoughts of the impending execution.

At 1430 ITO was visited very briefly by the Buddhist Priest, and as before listened intently to the words of the Priest, but appeared to be not too much concerned.

At 1945 ITO was dressed in a shirt and pair of trousers, his arms handcuffed behind his back and draw strings placed around the bottom of his trousers. He then was placed in the conveyance which took him to the place of execution. The trip to the place of execution was made in about twenty minutes and was without incident.

At 2020 the conveyance is opened and the lieutenant colonel identified by the four (4) official witnesses. At 2055 ITO was removed from the conveyance and his hands removed from the handcuffs to be re-handcuffed in front of his body and the binding strap placed around his arms and body and the straps for the leg shackles placed around his ankles.

Accompanied by the Buddhist Priest to the foot of the gallows, Lieutenant Colonel ITO entered the place of execution at 2102, and with an appearance more of bewilderment, than fear, mounted the gallows. Leg shackles, hood and noose were placed and ITO was dropped through the trap at 2103. He was declared dead by the two (2) official Medical Observers at 2114, 19 June 1947.

George R. Newton
George R. Newton,

Lieutenant Colonel, U.S. Marine Corps,
Officer in Charge of Executions.

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ITO, KIKUJI
Lieutenant Colonel IJA

0940

HEADQUARTERS,
DIRECTOR OF SECURITY, GUAM, M.

19 June, 1947.

(Date)

From: The Director of Security, Guam.
To: The Island Command Provost Marshal, Guam, M.I.
Subject: Execution of Death Sentence imposed on SAO, KIMURA, Lieutenant Colonel, Imperial Japanese Army.
Reference: (a) War Department Restricted Pamphlet No. 27-4 dated 12 June 1944, Subject, Procedure for Military Executions.
(b) ComMarianas Ltr. Serial 12187, dated 8 May 1947.
(c) ComMarianas Ltr. Serial 6522, dated 17 June 1947.
Enclosure: (A) Unexecuted Certificate of Execution.

1. Pursuant to reference (c) you will put into execution on 19 June, 1947 at The Joint Communication activities area, Guam, Marianas Islands, the sentence of death by hanging imposed on SAO, KIMURA, Lieutenant Colonel, IJA, which sentence was confirmed by the (Acting) Secretary of the Navy 15 April, 1947.
(Date)

2. By copy of this order, the following officers are directed to attend the execution in the capacity indicated:

Lt. Col. George R. NEWTON, USMC (05786), Marine Barracks, Guam, Cinc, Execution Detail.
Capt. William H. RAFFERTY, USN (040) (58482), Commander Marianas, Area Chaplain.
Capt. Alvin J. CERRY, USN (MC) (76043), U.S. Naval Medical Center, Guam, Medical Observer.
Capt. Carl E. YOUNKIN, USN (MC) (22000), U.S. Naval Medical Center, Guam, Medical Observer.
Comdr. James H. BUEN, USN (MC) (107656), U.S. Naval Medical Center, Guam, Medical Observer.
Capt. David D. HAWKINS, USN (63150), Fleet Training Command, Official Witness.
Capt. Joseph B. DUNN, USN (57533), NAS Agana, Official Witness.
Capt. Harold R. DEMAREST, USN (58556), Joint Communication Activities, Official Witness.
Col. Lenard B. GROSSWELL, USMC (3940), Command r Marianas, Official Witness.
Lt(J.G.) Fredrick F. TRIMAYNE, USNR, Commander Marianas, Interpreter.
Col. John B. HILL, USMC (04457), Marine Barracks, Guam, Director of Security.
Comdr. Ralph F. ERNST, USN (080) (70142), Island Public Works, Cinc Construction.
Lieut. Comdr. R.E. CRANE, USN (030) (0190941), Island Public Works, Cinc Burial Detail.
Capt. John H. GRIFFIN, USMC (09053), Marine Barracks, Guam, Cinc Place of Execution.
Lieut. Joseph H. KERRELL, USN (0918275), Commander Marianas, Public Information Officer.
1st Lieut. William (n) SHADFORD, USMC (032315), 1st AAA Bn, Cinc War Criminals.
1st Lieut. Charles C. KECROD, USA (0203211), Corps Provost Marshal's Office, 8th Army, Official Hangman.
CWO Ernest D. HULBET, USMC (019272), Marine Barracks, Guam, Recorder.

3. The execution will be private and will be attended only by such additional personnel as necessary to properly carry out the execution or as further authorized by this command. Upon execution of this sentence, enclosure (A) will be completed by you and returned to this command. A detailed report together with Medical Observers and witnesses certificates will be submitted by the Recorder.

4. The provisions of references (a) and (b), except as modified by higher authority, will be complied with.

John B. Hill
(Director of Security, Guam)

Copy to: Commander Marianas(4)
War Crimes Legal Office(2)
Each Officer concerned

0941

FFL2/A17-1Q
13-JDM-rhj

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

MAY 8 1947

~~5 July 1947~~

Serial: 12187

RESTRICTED

From: The Commander Marianas Area and Governor Of Guam.
To : The Director of Security, Guam.
Subject: Execution of Death Sentences of Convicted War Criminals, - instructions concerning.
Reference: (a) War Department Restricted Pamphlet No. 27-4 dated 12 June 1944, subject, Procedure for Military Executions.
(b) SecNav dispatch 281515 (Jan 1947) to Governor Of Guam.
Enclosures: (A) Form- Report of Execution.
(B) Form- Receipt for Body.
(C) Form- Medical Observer's Certificate.
(D) Form- Official Witness's Certificate.
(E) Sample-Order to be issued to person designated to carry out immediate act of execution and other members of execution detail. (Actual order must be appropriately worded to cover circumstances).

1. Subsequent to 1 June 1947, on dates to be designated by the Commander Marianas Area, the convicted War Criminals in your custody who have been sentenced to death by military commission and whose death sentences have been duly confirmed by the Secretary of the Navy will be executed. The executions will be carried out in the vicinity of the Tumon Bay Annex, War Criminal Stockade, Guam, Marianas Area, or at such other place on Guam as may be selected by the Director of Security with the approval of the Commander Marianas.

2. You are hereby delegated the duties connected with carrying out of the execution of the above referred to War Criminals. You are authorized and directed to make plans for such executions. You will provide all essentials for such executions from personnel and material under your command and made available to you from other commands hereafter indicated. Separate orders for execution will subsequently be issued to you by the Commander Marianas Area in each specific case. You will upon receipt of such subsequent orders designate by written orders the person to carry out the immediate act of execution and the other members of the execution detail.

3. In carrying out executions you will comply in so far as practicable, with the provisions of reference (a) except where such provisions are inconsistent with this directive.

4. Executions will be private and will be attended only by the following:
Officer in Charge of execution detail to carry out immediate act of execution.
One (1) Professional Hangman, to be furnished by Commander Marianas (In case of hanging).
Two (2) Chaplains, preferably of the prisoner's choice if available. The Chaplains may be members of the U.S. Armed Forces (Navy or Army) or civilian.
One (1) Representative of the Japanese Government if approved by higher authority.
Two (2) Medical Observers.
Four (4) Official Witnesses.
One (1) Interpreter to be furnished by Commander Marianas.

ENC. "B"

0942

One (1) Recorder,

Commander Marianas Public Information Officer, and such press representatives and photographers as he may, with the specific authority of Commander Marianas, designate.

Such additional personnel as necessary to properly carry out the execution.

If personnel indicated above are not available to the Director of Security, prior to the date set for an execution, report to this effect will be made to the Commander Marianas Area.

5. Upon completion of an execution, the remains will be delivered to the Civil Administrator and Chief of Staff to Governor of Guam or his duly authorized representative for interment locally in accordance with the laws of Guam at a place designated by the Civil Administrator, Guam. A receipt in the form of enclosure (B) will be obtained from the person to whom the remains are delivered. This receipt will show on its face the place where the remains are to be interred.

6. A complete detailed report together with Medical Observers and witnesses certificates will be submitted covering each execution. For guidance and aid in facilitating your report, enclosures (A), (B), (C) and (D) are furnished. These enclosures may not cover all matters pertaining to the executions and are not to be interpreted to exclude items that should be reported.

7. By copy of this directive, the first five information addressees are directed to report to the Director of Security, Guam for the purpose of providing him personnel, material, services and facilities considered necessary by the Director of Security for carrying out ordered executions.

C. A. POWNALL

CC To:

Civil Administrator and Chief of Staff to Governor of Guam.
Medical Officer in Command, U.S. Naval Hospital, Guam.
ComMarianas Area Chaplain.
ComMarianas Island Public Works Officer, Guam.
Commanding Officer, U.S. Marine Barracks, Guam.
Rear Admiral E.L. Marshall, U.S.N. (CEC).
Medical Officer in Command, Naval Medical Center, Guam.
CinCPac and U.S. PacFlt.

ANNEX "A"

0943

REPORT FORM

RESTRICTED

(Date)

From: The Director of Security, Guam.
To : The Commander Marianas Area.

Subject: _____, Execution of Death Sentence
imposed on.

Reference: (a) Commander Marianas Letter of Instruction, Serial _____,
dated _____, 1947, subject, Execution of Death
Sentences of Convicted War Criminals, instructions concerning.
(b) Commander Marianas order Serial _____, dated _____,
1947, directing execution of subject named person.

Enclosures: (A) Receipt for body of deceased.
(B) Copy of reference (a).
(C) Copy of reference (b).
(D) Copy of order designating officer to carry out immediate act
of execution and other members of execution detail.
(E) List of all official members of execution detail.
(F) Certificate of Medical Observer.
(G) Certificate of Medical Observer.
(H) Certificate of Official Witness.
(I) Certificate of Official Witness.
(J) Certificate of Official Witness.
(K) Certificate of Official Witness.
(L) (Any other appropriate enclosures).

1. Pursuant to references (a) and (b), the death sentence imposed
on _____ was put into execution at _____
_____, Guam, Marianas Islands on _____, 1947 at _____ hours.

2. The following report of proceedings is submitted regarding the
execution by hanging of the above named war criminal.

(Give details- see attached sample wording
covering an actual case of hanging in an-
other theater).

3. Enclosure (A) was obtained upon delivery of the body to proper
authority for disposal. Enclosures (E) to (J) are certificates of Medical
Observers and Official Witnesses.

(Director of Security, Guam)

RESTRICTED

SAMPLE WORDING OF REPORT COVERING AN ACTUAL CASE OF HANGING IN ANOTHER THEATER.

A procession, consisting of the following personnel, arrived at the cell block of the condemned man at 1421 hours, 12 January 1946.

(Names of officiating personnel - such as Officer in Charge, Chaplain, Military Guards, etc.)

At 1422 hours (Name of War Criminal) was lead through the cell block by two prison guards, followed by (Name of Chaplain) the Prison's Chaplain. (Name of War Criminal) and the Chaplain were shown their position in the procession. As the procession proceeded to the scaffold the Chaplain offered prayers of the (Name of Church) for the condemned man. Upon arrival at the scaffold (Name of War Criminal) hands were bound behind his back and at 1424 hours he ascended the 13 steps to the gallows. (Name of Officer in Charge of Execution Detail) read the execution order in English and the interpreter, (Name of interpreter), read the official translation in (prisoner's language). While the order was being read two Military Police Guards held the arms of the condemned man and his feet were bound by the Assistant Hangman. (Name of War Criminal) seemed very cool and collected and listened intently while the order was being read in (his language). After the order had been read the following statements were made, each being translated by the interpreter from English to (prisoner's language) or (prisoner's language) to English as necessary:

(Name of Officer in Charge of Execution Detail) : (Name of War Criminal), do you have any statement to make before the order directing your execution is carried out?

(Name of War Criminal) : I was not a civilian at that time. I was at that time a member of the home guard and was under orders. We were not under the orders of Police***. If I had not carried out my orders I might have been imprisoned, *** or been shot. I had no personal advantages, ***. I therefore request a pardon.

(Name of Officer in Charge of Execution Detail) : (Name of War Criminal), do you have a last statement to make to you minister before your death?

(Name of War Criminal) No.

The scaffold was then ordered cleared of all except the condemned man, the Hangman, Assistant Hangman, and two Military Police Guards. A black silk hood was placed over the head of (Name of War Criminal) and the rope secured around his neck. Upon a signal from (Name of Officer in Charge of Execution Detail) the trap was sprung at 1432 hours by (Name of Hangman) the hangman. The rope was wet and the force of the condemned man plunging through the trap stretched it enough that his feet hit the ground. It was necessary for the Assistant Hangman, (Name of Assistant Hangman), to pull up and hold the rope from the top of the gallows until it was certain that the condemned man was unconscious. At 1447 hours (Name of Officer in Charge of Execution Detail) signaled the Medical Observers to come forward and make their examination. (Name of War Criminal) was determined to be dead at 1450 hours by the three Medical Observers. (Name of Chaplain) then administered the last rites of the prisoner's church. The rope was slipped from around the condemned man's neck and the body received by Prison Officials at 1453 hours, for disposal according to (Name of Place) Law.

(Name and signature of Reporting Officer).

(13 Exhibits were attached)

0945

RESTRICTED

RECEIPT FOR BODY

(Date)

Received of _____ USMC, Director of Security,
Guam, Marianas Islands, the body of the deceased, _____
who was executed by hanging at _____, Guam, Marianas
Islands at _____ hours on _____, 1947, for interment, accord-
ing to the laws of Guam at _____.

Signature _____
(Official receiving body)

(NAME TYPED) (RANK AND OFFICE)

"B"

0946

RESTRICTED

MEDICAL OBSERVER'S CERTIFICATE

(Date)

I certify that at _____ hours on _____, 1947, I examined the body of _____ who was hanged at _____
(Name of War Criminal)
_____ hours on that day at _____, Guam, Marianas Islands. I found him dead.

Signature _____
(Medical Observer)

(NAME TYPED)

(Rank) (Serial) USN

"CP"

0947

RESTRICTED

OFFICIAL WITNESSES' CERTIFICATE

(Date)

I certify that at _____ hours on _____, 1947, at _____
hanging of _____, Guam, Marianas Islands, I witnessed the execution by
_____ who was thereafter de-
clared dead.

Signature _____
(Official Witness)

(NAME TYPED)

(Rank) (Serial) USN

"D"

0948

SAMPLE ORDER FORM TO BE ISSUED TO PERSON DESIGNATED TO CARRY OUT IMMEDIATE ACT OF EXECUTION AND OTHER MEMBERS OF EXECUTION DETAIL. (ACTUAL ORDER MUST BE APPROPRIATELY WORDED TO COVER CIRCUMSTANCES).

RESTRICTED

(Date)

From: The Director of Security, Guam.

To: _____
(Name of person charged with immediate act of execution).

Subject: Execution of Death Sentence imposed on _____.

Reference: (a) War Department Restricted Pamphlet No. 27-4 dated 12 June 1944, Subject, Procedure for Military Executions.
(b) ComMarianas Ltr. Serial _____, dated _____.
(c) ComMarianas Ltr. Serial _____, dated _____.

Enclosure: (A) Unexecuted Certificate of Execution.

1. Pursuant to reference (c) you will put into execution on _____, 1947 at _____, Guam, Marianas Islands, the sentence of death by hanging imposed on _____ which sentence was confirmed by the (Acting) Secretary of the Navy _____ 1947
(Date)

2. By copy of this order, the following officers are directed to attend the execution in the capacity indicated:

Name	Serial Number	Station	Officer in Charge of Execution Detail
"	"	"	Chaplain
"	"	"	Chaplain
"	"	"	Medical Observer
"	"	"	Medical Observer
"	"	"	Official Witness
"	"	"	Official Witness
"	"	"	Official Witness
"	"	"	Official Witness
"	"	"	Interpreter
"	"	"	Military Escorts and Guards
"	"	"	Others as required
"	"	"	Recorder

3. The execution will be private and will be attended only by such additional personnel as necessary to properly carry out the execution or as further authorized by this command. Upon execution of this sentence, enclosure (A) will be completed by you and returned to this command. A detailed report together with Medical Observers and Witnesses certificates will be submitted by the Recorder.

4. The provisions of references (a) and (b), except as modified by higher authority, will be complied with.

(Director of Security, Guam.)

cc: Each officer para 2.

CERTIFICATE OF EXECUTION

(Date)

I hereby certify that the death sentence by hanging imposed
on _____, Imperial
(Surname) (Given Name) (Rank or Rating)
Japanese (Army or Navy), a Japanese National, was put into execution
at _____, Guam, Marianas Islands, on _____,
(Place) (Date)
1947 at _____ hours

(Signature and Rank)

(Officer in Charge Execution Detail)

0950

ENCLOSURE (C) to ComMarianas ltr. Serial 15350 dated 7-16-47.

0951

AFM/AT-10/10-1/
13-10-47

- 0052

SECRET

(Date)

17 JUN 1947

From: The Commander Marianas Area.
To: The Director of Security, Gans.

Subject: ITO, Kikaji, Lieutenant Colonel, Imperial Japanese Army - Execution of Death Sentence adjudged and confirmed in the trial of war crimes and related offenses in the case of.

References: (a) Record of Military Commission case of ITO, Kikaji, Lieutenant Colonel, IJA, convened 5 April 1946.
 (b) Sealer's letter file JAG:YIN:Subm AT-10/01 191394 - 154697 (4-8-47) dated 16 April 1947.
 (c) Commander's Letter of Instructions, Serial 12287, dated 8 May 1947, vs: Execution of Death Sentences of Convicted War Criminals.

Enclosure: (A) Unmounted Certificate of Execution.

1. In accordance with the provisions of Section D-14, Naval Courts and Boards 1937, the Acting Secretary of the Navy, on 16 April 1947, confirmed the sentence of death adjudged in the case of Kikaji Ito, Lieutenant Colonel, Imperial Japanese Army, tried for Murder (one specification - killing two prisoners of war in violation of the law of war) by a military commission, convened 5 April 1946, by the Commander Marianas Area:

"The Commission therefore sentences him, Ito, Kikaji, Lieutenant Colonel, Imperial Japanese Army, to be hanged by the neck until dead, two-thirds of the meters occurring."

The Commander Marianas Area, the convening authority, on 29 July 1946, subject to remarks, approved the proceedings, findings and sentence, in this case.

The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 12 August 1946, approved the proceedings, findings and sentence in this case, and the action of the convening authority thereon.

- 1 -

ENCL. 'C'

196

0952

BEST COPY AVAILABLE

FF12/A17-10/(10-1)/
13-JM-en

SECRET

Subject ITO, Kihaji, lieutenant colonel, Imperial Japanese Army -
Execution of Death Sentence adjudged and confirmed in the
trial of war crimes and related offenses in the case of.

.....

The Acting Secretary of the Navy, on 16 April 1947 directed the Commander Marianas Area to effect the execution of the sentence as confirmed. He further directed the sentence be carried into effect at a date to be designated by the Commander Marianas Area not earlier than 1 June 1947 at Guam, Marianas Islands.

2. Pursuant to the above you will put into execution on 19 June 1947 at the Joint Communications Activity Area, Guam, Marianas Islands, the sentence of death by hanging imposed on Kihaji Ito, lieutenant colonel, Imperial Japanese Army, at an hour to be determined by the officer designated by you to carry out the act of execution.

3. The prisoner will be notified of the time of execution no less than twenty four (24) hours prior thereto, at which time this order will be read to him. Appropriate record of such notification should be made on the face of the order read to the prisoner at the time of notifying the prisoner of the time of his execution, and thereafter special precautions shall be taken to safeguard him against self destruction.

4. The execution will be carried out and report submitted in accordance with the provisions of reference (a).

5. Upon execution of the subject named War Criminal and prior to the submission of the detailed report required, enclosure (a) will be completed by the Officer in Charge of the execution detail and returned immediately by you together with this order to the Commander Marianas Area.

G. A. FURHALL

cc: CinCPacFlt
SecNav (JAG)

197

0953

BEST COPY AVAILABLE

SECRET

CERTIFICATE OF EXECUTION

(Date)

I hereby certify that the death sentence by hanging imposed on

ITO Kikaji Lieutenant Colonel
(Sic Name) (Given Name) (Rank or Rating)

Imperial Japanese Army, a Japanese National, was put into execution at

Joint Communications Activity Area, Guam, Marianas Islands, on _____
(Date)

1947 at _____ hours.

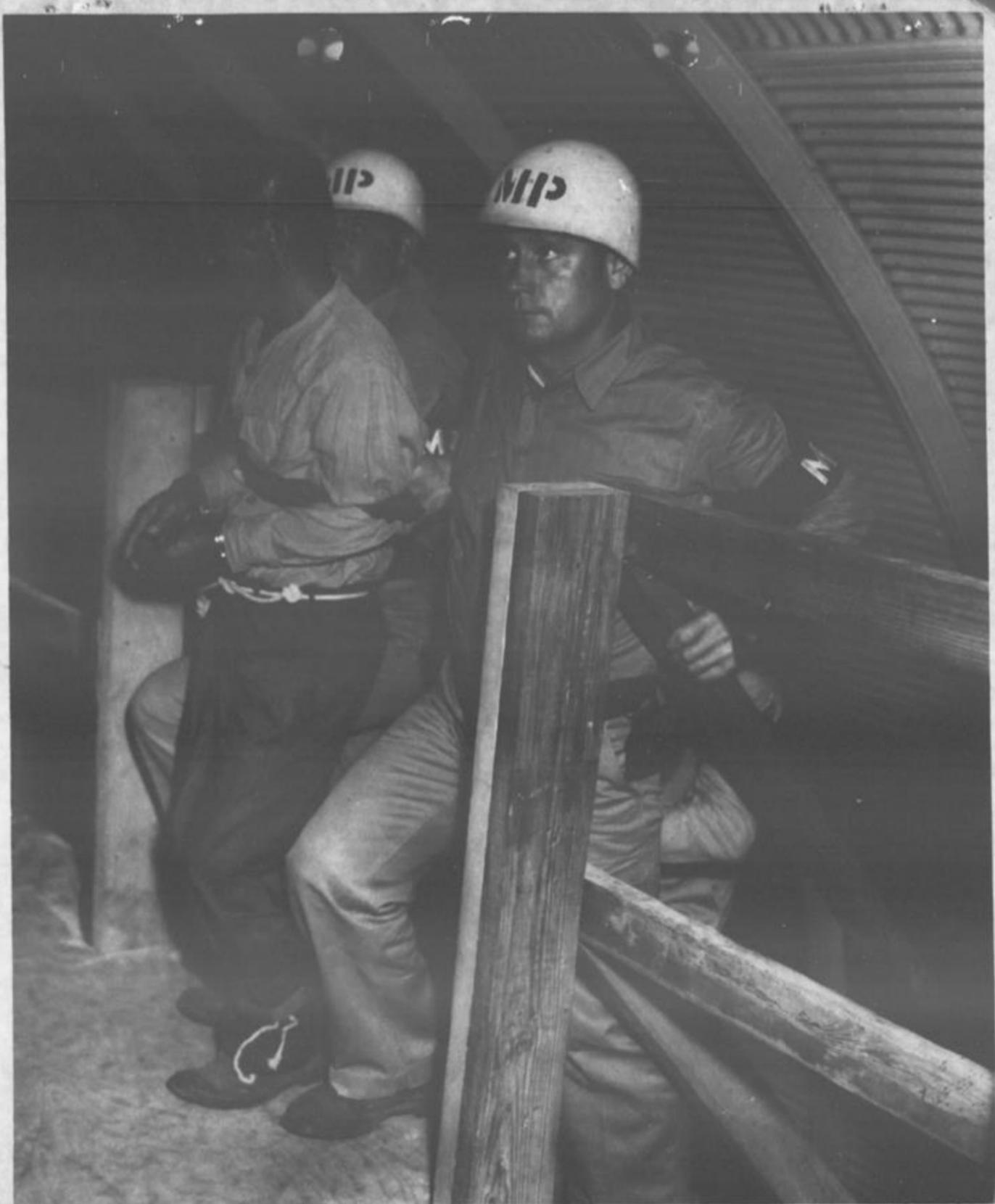
(Signature)

**GEORGE R. HENTON, Lt. Col., U.S. Marine
Island Command Provest Marshall, Guam
and Officer in Charge Execution Detail.**

148

0954

BEST COPY AVAILABLE



199

0955

Lieut. Colonel ITO, Kikuji, IJA being escorted on the gallows by Staff Sgt. BREZEZENSKI, L.J. USMC and Tech Sergeant ESTES, S.E., USMC.

19 JUN 1947

OFFICE OF THE JUDGE ADVOCATE GENERAL
NAVY
PHOTOGRAPHY

0956

7

7



0957

Photograph of ITO, Kikuji, late Lieut. Col., Imperial Japanese Army, taken
in coffin immediately after his execution.

0958

ENCLOSURE (D) TO COMMARIANAS Ltr. Serial 15350 dated 2-16-47

0959

Guam, Marianas
20 June 1947

TO: Commander Marianas

SUBJECT: Execution War Criminals

1. My mission to console the six Japanese war criminals executed last night has been accomplished and I am departing Guam 1430 this date.

2. I feel that all the condemned men were grateful for my presence in their final hours and that every possible religious comfort was given them by your command.

3. I wish to express my deepest appreciation to the Commander, Marianas, for his deep consideration in providing religious comfort for the condemned prisoners so they could be guided fearlessly to the land of peace and eternity.

4. I sincerely think that they left this world happily, knowing fully that the Lord Buddha was awaiting them to give them everlasting peace and happiness.

5. I request that the Commander Marianas, if he deems it proper, forward a copy of this communication to the Secretary of the Navy so that he shall know that the condemned men had spiritual comfort.

/s/ REV. RIKIDO T. KAMI
Rev. Rikido T. Kami
Buddhist Minister.

201

0960

JAB:IK:KDS:ben
A17-10/02 181234 -154637
(4-2-47)

16 APR 1947

From: The Secretary of the Navy.
To: Commander Marianas Area.
Via: Commander in Chief, United States Pacific Fleet.
Subj: Action upon records of Military Commission trials.

1. In accordance with the provision of Section 2-14, Naval Courts and Boards, 1937, the Acting Secretary of the Navy has this date confirmed the following sentences of death, adjudged by Military Commissions:

(a) In the case of Lieutenant Colonel Kikaji Ito, Imperial Japanese Army, tried in joinder with Captain Seiji Higashigaki, Imperial Japanese Army, Captain Shigeo Ikeno, Imperial Japanese Army and leading Private Nisao Shimura, Imperial Japanese Army, by a military commission, convened 5 April 1946, by the Commander Marianas Area, -

"The Commission therefore sentences him, Ito, Kikaji, Lieutenant Colonel, Imperial Japanese Army, to be hanged by the neck until dead, two-thirds of the members concurring."

The Commander, Marianas Area, the convening authority, on 20 July 1946, subject to remarks, approved the proceedings, findings and sentence, in this case.

The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 12 August 1946, approved the proceedings, findings and sentence, in this case, and the action of the convening authority thereon.

(b) In the case of Captain Naoharu Tanaka, Imperial Japanese Navy, tried in joinder with Lieutenant Commander Tetsuzo Suzuki, Imperial Japanese Navy, and Lieutenant Junior grade, Yoshitaru Yoshizumi, Imperial Japanese Navy, by a military commission, convened 15 October 1945 by the Commander Marianas Area -

"The commission, therefore, sentences him, Tanaka, Naoharu, captain, Imperial Japanese Navy, to be hanged by the neck until dead, two-thirds of the members concurring."

The Commander, Marianas Area, the convening authority, on 21 December 1945, approved the proceedings, findings of guilty, and sentence, in this case.

The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 5 January 1947, subject to remarks, approved the proceedings, findings of guilty, and sentence in this case, and the action of the convening authority thereon.

4/21/47

Reg. Air Mail

3227312

Finished File 16 Apr 1947
Capt. H. H. [Signature]

202

0961

BEST COPY AVAILABLE

16 April 1947

MEMORANDUM

To: The Under Secretary of the Navy

This case involves the very brutal execution of two prisoners of war who were tied to stakes, kneeling, and stabbed in the chest by bayonets several times before being beheaded. Lieutenant Colonel Ito, who directed the executions before his command, is sentenced to be hanged. Captain Higashiga from the Brigade Command Headquarters issued the order to Colonel Ito to execute the prisoners and is sentenced to life imprisonment. Two others, Captain Ikawa and a leading private who participated in the execution, are sentenced to 25 and 10 years respectively.

Under the general policy it would be in order to remit Ito's execution to life imprisonment. Nevertheless, in consideration of his rank and of the brutal fashion in which the executions were carried out (a matter under the discretion of Colonel Ito), that Colonel Ito himself beheaded the prisoners, and finally that the order came to him from a captain, which order he did not question, I recommend the death sentence be approved.

Very respectfully,

O. S. Colclough
O. S. COLCLOUGH



204

0963

ADDRESS REPLY TO

AND REFER TO

JAG: I: AHS: lmh
Mil. Com. - Ito, Kikuji/A17-20
(10-15-46) 151334

NAVY DEPARTMENT
WASHINGTON 25, D. C.

6 APR 1947

The sentence of death, to be executed by hanging by the neck until dead, in the foregoing Military Commission case of Lieutenant Colonel Kikuji Ito, Imperial Japanese Army, tried in joinder with Captain Seiji Higashigi, Imperial Japanese Army, Captain Shigeo Ikawa, Imperial Japanese Army and Leading Private Hisao Shimura, Imperial Japanese Army, is hereby confirmed.

Acting Secretary of the Navy.

0964

In reply refer to Initials
and No.

Op22D-FLF
Serial No. 1174P22

NAVY DEPARTMENT
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON 25, D. C.



14 OCT 1946



FIRST ENDORSEMENT ON
Office of JAG Record of
Proceedings,
Mil. Com. ITO, Kikuji/
Al7-20 I (10-7-46) dtd
10 October 1946.

From: Chief of Naval Operations
To: Judge Advocate General.

Subject: Record of Proceedings of Military Commission
at Guam in the cases of Kikuji Ito, Seiji
Higashigi, Shigeo Ikawa and Hisao Shimura.

1. Returned, contents noted.

W. F. Jennings
W. F. Jennings
By direction.

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0965

Mil.-Ito, Kikuji, et al/21-20
I (10-1-46) vll

BRIEF IN THE MILITARY COMMISSION
TRIAL OF:

ITO, KIKUJI LT. COL. IJA HANGING.
HIGASHIGA, SEIJI CAPT. IJA LIFE.
IKAWA, SHIGEO CAPT. IJA 25 YEARS.
SHIMURA, HISAO LDG. PVT. IJA 10 YEARS.

TRIED IN JOINDER, BY ORDER OF THE
COMMANDER MARIANAS AREA, ON 19 JUNE 1946.

The record of proceedings in the military commission case of the above named accused, tried in joinder, shows that each was charged with and convicted of Murder. The accused Lieutenant Colonel Ito was sentenced to be executed by hanging; the accused Captain Higashiga to be confined for the term of his natural life; the accused Captain Ikawa to be confined for twenty-five (25) years; the accused Leading Private Shimura to be confined for ten (10) years. The convening authority approved the proceedings, findings and sentences. The Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, and the Military Governor of the Pacific Ocean Areas approved the proceedings, findings and sentences, and the action of the convening authority thereon, and referred the record to the Secretary of the Navy in conformity with section D-14, Naval Courts and Boards.

The single specification under the charge alleged that the accused, and other persons unknown did, each and together, on or about 7 August 1944, at Chichi Jima, Bonin Islands, "wilfully, feloniously, with premeditation and malice aforethought, without justifiable cause, and without proper trial or other due process, assault, strike and kill, by bayoneting with fixed bayonets and by beheading with a sword, two American prisoners of war, namely, one Lloyd Richard Woellhof and one whose name is to the relator unknown, both then and there held captive by the armed forces of Japan, this in violation of the laws and customs of war and the moral standards of civilized society".

The evidence indicates that Woellhof was shot down over Chichi Jima on or about 4 July 1944, and the other prisoner, possibly an Army private, was shot down at approximately the same date. Both prisoners were held for interrogation by Brigade Headquarters until approximately 7 August 1944, at which time Captain Higashiga, the Brigade Commander's Senior Adjutant, directed, by telephone, that the prisoners be turned over for execution, under the direction of Lieutenant Colonel Ito. Lieutenant Colonel Ito received the order from Captain Higashiga and obeyed it without question as an order of the Brigade Commander, General Tachibana. Colonel Ito, with the accused Shimura and another enlisted man detailed from Headquarters by Captain Higashiga to participate in the execution, picked up the prisoners and took them to the Kominato area, a firing range where a headquarters unit under Colonel Ito was engaged in target practice. Colonel Ito assembled his command, made a short announcement to the effect that they were assembled to witness the execution of two American prisoners of war, and supervised the proceedings. At least two other executioners were detailed by Colonel Ito. The prisoners were tied, kneeling, to stakes a few feet apart, and the bayoneteers assembled in single file in front of each victim. Captain Ikawa was present, actively assisting in the supervision of the bayoneting, and remonstrating with

10 OCT 1946

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0966

Mil.-Ito, Kikuji, et al/A17-20
I (10-1-46) vll

Corporal Okamoto, one of the executioners (prosecution witness) for his reluctance to perform the deed. After both prisoners had been stabbed "several times" in the chest, Colonel Ito personally beheaded them with his sword, and the bodies were buried on the spot.

A statement of Captain Higashiga and testimony of Colonel Ito given to a previous board of investigation before which neither Ito nor Higashiga were made defendants was admitted into evidence under the SCAP rules, over objection of the accused. Ito's testimony approximated a confession, and further implicated Captain Higashiga. Ikawa's statement admitted presence at the scene, where he saw Ito, but denied any participation in the crime. There was sufficient evidence in the record to justify the findings of the commission disregarding these entries.

0967

ADDRESS REPLY TO
OFFICE OF THE JUDGE ADVOCATE GENERAL

AND REFER TO

NAVY DEPARTMENT
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON 25, D. C.

CEA.
MM

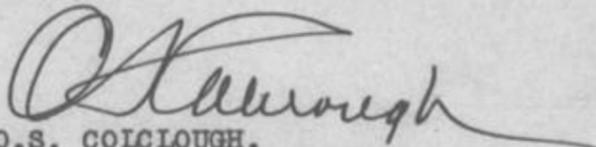
Mil. Com. ITO, Kikuji/A17-20
I (10-7-46)

10 OCT 1946

mes
KGM

The proceedings, findings and sentences in the foregoing military commission case of Lieutenant Colonel Kikuji ITO, Captain Seiji HIGASHIGI, Captain Shigeo IKAWA and leading Private Hisao SHIMURA, Imperial Japanese Army, tried in joinder, and the action of the convening and reviewing authorities thereon, in the opinion of the Judge Advocate General, are valid.

Referred to the Chief of Naval Operations (Op22) for information.



O.S. COLCLOUGH,
Judge Advocate General of the Navy.

0968

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ADDRESS REPLY TO
OFFICE OF THE JUDGE ADVOCATE GENERAL

AND REFER TO

NAVY DEPARTMENT
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON 25, D. C.

Mil. Com. IFO, Kikuji/A17-20
I (10-7-46)

The proceedings, findings and sentences in the foregoing military commission case of Lieutenant Colonel Kikuji IFO, Captain Seiji HIGASHIGI, Captain Shigeo IKAWA and leading Private Hisao SHIMURA, Imperial Japanese Army, tried in joinder, and the action of the convening and reviewing authorities thereon, in the opinion of the Judge Advocate General, are valid.

Referred to the Chief of Naval Operations (Op22) for information.

O.S. COLCLOUGH,
Judge Advocate General of the Navy.

0969

ADDRESS REPLY TO
OFFICE OF THE JUDGE ADVOCATE GENERAL

AND REFER TO

NAVY DEPARTMENT
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON 25, D. C.

Com. ITO, Kikuji/A17-20
10-7-46)

The proceedings, findings and sentences in the foregoing military commission case of Lieutenant Colonel Kikuji ITO, Captain Seiji HIGASHIOI, Captain Shigeo IKAWA and leading Private Hisao SHIMURA, Imperial Japanese Army, tried in joinder, and the action of the convening and reviewing authorities thereon, in the opinion of the Judge Advocate General, are valid.

Referred to the Chief of Naval Operations (Op22) for information.

O.S. COLCLOUGH,
Judge Advocate General of the Navy.

0970

Yellow Pickler List flagged. Docket Desk (GCM Section) 9-25-46
UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

FF12/A17/P8-5
13-JDM/rhj
Serial:

11313

1st End. on ltr. from Central Liaison
Office, Tokyo dated 8 August 1946.

12 September 1946



SEP 23 1946



From: The Commander Marianas.
To: The Secretary of the Navy (Judge Advocate General)
Subject: ITO, Kikuji, Imperial Japanese Army, three petitions
for mitigation in death sentence of.

RECEIVED
NAVY DEPARTMENT
LAC

1. The basic letter transmits subject petitions and their English translations, and requests that such petitions be transmitted to the proper authorities. This correspondence is forwarded to the Secretary of the Navy (Judge Advocate General) for such consideration as may be considered appropriate in connection with action on the death sentence in the case of ITO, Kikuji, former Lieutenant Colonel, Imperial Japanese Army.

2. ITO was tried 25 June to 1 July 1946, before a military commission convened on Guam by Commander Marianas. The record of this trial was forwarded 26 July 1946 to the Secretary of the Navy via the Commander in Chief, U.S. Pacific Fleet.

C. A. Pownall
C. A. POWNALL

cc: CinCPac.



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0971

IMPERIAL JAPANESE GOVERNMENT
CENTRAL LIAISON OFFICE

16182
GHQ. AFPAQ
9 AUG 1946
05
AG 000.5

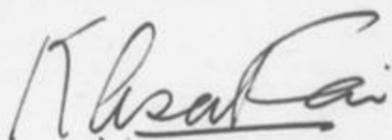
TO : GENERAL HEADQUARTERS OF THE SUPREME COMMANDER
FOR THE ALLIED POWERS.
FROM : Central Liaison Office, Tokyo.
SUBJECT: Request for Transmittal of Petitions for ITO,
Kikuji.

C.L.O. No. 3922(PWC)

8 August 1946

The Central Liaison Office wishes to request the General Headquarters, Supreme Commander for the Allied Powers to be good enough to transmit to the competent authorities in the Mariana Area three petitions for commutation, as enclosed herewith, signed by wife, son and daughter respectively, of ITO, Kikuji who is reported to have been sentenced to death at the Military Court in Guam on 4 July 1946.

FOR THE PRESIDENT:



(K. Asakai)
Director of General Affairs,
Central Liaison Office.

Enclosure: Three petitions and their
English translations.



嘆願書

謹言最高指揮官閣下申上
妻ト二十教年付添ヒ言以來溫和ト喜久ニ
性格ヲ知悉ニ居ル故喜久ニ行為ヲ全ク信
テ又程テシテ
潔白正直ト喜久ニトテ市座ト入申上心カク行
為ト市座ト也ト推察致シ又又子息ヲ多ク持
チ又シテ私ハ只今夫ヲ失ヒ又子ハ生活上ニ誠ニ困
リ又何年止上ノ莫ク斟酌セシメテ其罪ヲ減シ
下サス様市願ニ申上ス。

敬具

昭和三十年八月八日

元陸軍中佐 伊藤喜久 妻

伊藤 八郎子

又子方面最高司令官閣下

Translation

Petition

Excellency, I could hardly believe Ito's illegal deed; for I have been well acquainted with the moderate character over twenty years since I was married to him.

I would suppose that his act was not surely reduced from his own heart, considering his being upright and sincere.

And I am very much annoyed with the loss of my husband in respect of livelihood as well; for I have many children to support.

I have a favour to wish you that you may make allowances for above mentioned circumstances and mitigate his punishment.

Yours truly,

Haruko Ito

0974

嘆願書

謹テ最高指揮官閣下ニ申上ラス

私父伊藤喜久ニ有四月八日高ニ於キマシテ死刑
判決ヲ受ケタシタコトヲ新聞ニテ承知致シマシタ

國際法規違反ニ對スル處刑トシテ父ニトリマシテハ
當然甘受スベキデアリマスガ父ノ溫和真面目ナル

日常ノ性格ヲ想ヒマスト子トシテ父ニ對スル敬ム
思出ト共ニ何トモ云ハテ悲シムニ襲ハルマス

父ノ過去ノ行爲ニ大ニ反省ノ悔悟ヲナシテ
ニ違ヒアリマセシ

何卒其罰ヲ寛宥サレ減シテ下サシマスナウ切ニ
御願ヒ申上ラス

敬具

昭和三年八月八日

元陸軍中佐 伊藤喜久ニ長男

伊藤武好

了字ノ面最高司令官閣下

Translation.

Petition

Excellency, I have learned in the newspaper that Kikunji Ito, my father, was sentenced to death at Guam, 4. July, 1946.

It is natural that he himself should be obedient to the punishment for the violation of the law of nations.

But for my part as a son, I was severely shocked with unspeakable sadness and distress, recalling numerous memories about him and his ordinary character, gentle and sincere.

He will be surely smitten with remorse, reflecting on his act of the past.

I beg heartily to your lenient heart that his sentence would be specially reduced.

Yours truly
Takeyoshi Ito.

0976

嘆願書

謹デ最高指揮官閣下ニ申シ上ラス

私父様ハトテモヤサシク私達ヲヨク面倒ニ下

サイタシ。毎日々々父様ノトバカリ考ヘテ居マス

私達ヲ可愛ガツテ下サリ。學校ノ勉強アレ。コマ

トオ教ヘ下サリ。時ニ私達ヲツレテ遊ロニ行ラス

タヲ想ヒ出ス。自然ニ悲シクナリ。涙グデテシ

ト方ア、ヤサシ。良イ父様ヲオ助ケ下サシ

敬具

昭和五年八月八日

元陸軍中佐 伊藤喜久ニ長世

伊藤幸子

了子ノ方面最高司令官閣下

Translation

Petition

Excellency, my dear father was very affectionate and kind to us.

I am always thinking of my father every day.

I remember he cherished us, taught us carefully our school studies, and sometimes went for an excursion with us: then I feel naturally sad and my eyes swim with tears.

Will you please have the kindness to spare my sweet and good father's life?

Yours truly
Sachiko Ito

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

WPB/ATP/70-5
11313

12 September 1946

1st Ind. on 1st. from Central Liaison
Office, Tokyo dated 6 August 1946.

From: The Commander Marianas.
To: The Secretary of the Navy (Judge Advocate General).
Subject: ITO, Kikaji, Imperial Japanese Army, three petitions
for mitigation in death sentence of.

1. The basic letter transmits subject petitions and their English translations, and requests that such petitions be transmitted to the proper authorities. This correspondence is forwarded to the Secretary of the Navy (Judge Advocate General) for such consideration as may be considered appropriate in connection with action on the death sentence in the case of ITO, Kikaji, former Lieutenant Colonel, Imperial Japanese Army.

2. ITO was tried 25 June to 1 July 1946, before a military commission convened on Guam by Commander Marianas. The record of this trial was forwarded 26 July 1946 to the Secretary of the Navy via the Commander in Chief, U.S. Pacific Fleet.

G. A. POWERS

cc: CinCPas.

218

0979

IMPERIAL JAPANESE GOVERNMENT
CENTRAL LIAISON OFFICE

TO : GENERAL HEADQUARTERS OF THE SUPREME COMMANDER
FOR THE ALLIED POWERS.

FROM : Central Liaison Office, Tokyo.

SUBJECT : Request for transmittal of petitions for ITO,
Kikaji.

G.L.O. No. 3922(PWS)

8 August 1946

The central liaison office wishes to request the general Headquarters, supreme Commander for the Allied Powers to be good enough to transmit to the competent authorities in the Mariana Area three petitions for commutation, as enclosed herewith, signed by wife, son and daughter respectively, of ITO, Kikaji who is reported to have been sentenced to death at the military court in Guam on 4 July 1946.

FOR THE PRESIDENT:

/s/ K. Asukai

(K. Asukai)
Director of General Affairs,
Central Liaison Office.

Enclosure: Three petitions and their
English translations.

219

0980

BEST COPY AVAILABLE

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

SECRET

Serial:

Excuse me, I could hardly believe Ito's illegal deed for I have been well acquainted with the moderate character over twenty years since I was married to him.

I would suppose that his act was not surely produced from his own heart, considering his being upright and sincere.

And I am very much grieved with the loss of my husband in respect of livelihood as well; for I have many children to support.

I have a favour to wish you that you may make allowances for above mentioned circumstances and mitigate his punishment.

Yours truly

Haruko Ito.

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

SECRET

Serial: Excellency, my dear father was very affectionate and kind to us.

I am always thinking of my father every day.

I remember he cherished us, taught us carefully our school studies, and sometimes went for an excursion with us; then I feel naturally sad and my eyes swim with tears.

Will you please have the kindness to spare my sweet and good father's life?

Yours truly,

Sachiko Ito.

221

0982

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

SECRET

Serial:

Excellent, I have learned in the newspaper that Shinji Ito, my father, was sentenced to death at Guam, 4 July, 1944.

It is natural that he himself should be obedient to the punishment for the violation of the law of nations.

But for my part as a son, I was severely shocked with unexpressed sadness and distress, recalling numerous memories about him and his ordinary character, gentle and sincere.

He will be surely written with remorse, reflecting on his act of the past.

I beg heartily to your lenient heart that his sentence would be specially reduced.

Yours truly,

Takayoshi Ito.

222

0983

BEST COPY AVAILABLE

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

WP12/227/20-5
11313

22 September 1946

1st Ind. on 1tr. from Central Liaison
Office, Tokyo dated 8 August 1946.

From: The Commander Marianas.
To: The Secretary of the Navy (Judge Advocate General).
Subject: ITO, Kikuji, Imperial Japanese Army, three petitions
for mitigation in death sentence of.

1. The basic letter transmits subject petitions and their English translations, and requests that such petitions be transmitted to the proper authorities. This correspondence is forwarded to the Secretary of the Navy (Judge Advocate General) for such consideration as may be considered appropriate in connection with action on the death sentence in the case of ITO, Kikuji, former Lieutenant Colonel, Imperial Japanese Army.

2. ITO was tried 25 June to 1 July 1946, before a military commission convened on Guam by Commander Marianas. The record of this trial was forwarded 26 July 1946 to the Secretary of the Navy via the Commander in Chief, U.S. Pacific Fleet.

G. A. POWELL

cc: CinCPac.

223

0984

BEST COPY AVAILABLE

IMPERIAL JAPANESE GOVERNMENT
CENTRAL LIAISON OFFICE

TO : GENERAL HEADQUARTERS OF THE SUPREME COMMANDER
FOR THE ALLIED POWERS.

FROM : Central Liaison Office, Tokyo.

SUBJECT : Request for transmittal of petitions for ITO,
Kikuji.

C.L.O. No. 3922(PWC)

8 August 1946

The Central Liaison Office wishes to request the General Headquarters, Supreme Commander for the Allied Powers to be good enough to transmit to the competent authorities in the Mariana Area three petitions for commutation, as enclosed herewith, signed by wife, son and daughter respectively, of ITO, Kikuji who is reported to have been sentenced to death at the military court in Guam on 4 July 1946.

FOR THE PRESIDENT:

/s/ K. Asakai

(K. Asakai)
Director of General Affairs,
Central Liaison Office.

Enclosure: Three petitions and their
English translations.

224

0985

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial:

PETITION

Excellency, I could hardly believe Ito's illegal deed; for I have been well acquainted with the moderate character over twenty years since I was married to him.

I would suppose that his act was not surely produced from his own heart, considering his being upright and sincere.

And I am very much annoyed with the loss of my husband in respect of livelihood as well; for I have many children to support.

I have a favour to wish you that you may make allowances for above mentioned circumstances and mitigate his punishment.

Yours truly

Haruko Ito.

225

0986

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial:

PETITION

Excellency, my dear father was very affectionate and kind to us.

I am always thinking of my father every day.

I remember he cherished us, taught us carefully our school studies, and sometimes went for an excursion with us: then I feel naturally sad and my eyes swim with tears.

Will you please have the kindness to spare my sweet and good father's life?

Yours truly,

Sachiko Ito.

226

0987

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial:

PETITION

Excellency, I have learned in the newspaper that Kikuji Ito, my father, was sentenced to death at Guam, 4 July, 1946.

It is natural that he himself should be obedient to the punishment for the violation of the law of nations.

But for my part as a son, I was severely shocked with unspeakable sadness and distress, recalling numerous memories about him and his ordinary character, gentle and sincere.

He will be surely smitten with remorse, reflecting on his act of the past.

I beg heartily to your lenient heard that his sentence would be specially reduced.

Yours truly,

Takeyoshi Ito.

227

0988

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

OPNAV/PA-5
1946/PAJ

11313

22 September 1946

1st Ind. on Itv. from Central Liaison
Office, Tokyo dated 8 August 1946.

From: The Commander Marianas.
To: The Secretary of the Navy (Judge Advocate General).
Subject: ITO, Ichiji, Imperial Japanese Army, three petitions
for mitigation in death sentence of.

1. The basic letter transmits subject petitions and their English translations, and requests that such petitions be transmitted to the proper authorities. This correspondence is forwarded to the Secretary of the Navy (Judge Advocate General) for such consideration as may be considered appropriate in connection with action on the death sentence in the case of ITO, Ichiji, former Lieutenant Colonel, Imperial Japanese Army.

2. ITO was tried 25 June to 1 July 1946, before a military commission convened on Guam by Commander Marianas. The record of this trial was forwarded 26 July 1946 to the Secretary of the Navy via the Commander in Chief, U.S. Pacific Fleet.

G. A. FOWELL

cc: CinCPac.

228

0989

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IMPERIAL JAPANESE GOVERNMENT
CENTRAL LIAISON OFFICE

TO : GENERAL HEADQUARTERS OF THE SUPREME COMMANDER
FOR THE ALLIED POWERS.

FROM : Central Liaison Office, Tokyo.

SUBJECT : Request for transmittal of petitions for ITO,
Kikuji.

G.L.O. No. 3922(740)

8 August 1946

The central liaison office wishes to request the General Headquarters, Supreme Commander for the Allied Powers to be good enough to transmit to the competent authorities in the Mariana Area three petitions for commutation, as enclosed herewith, signed by wife, son and daughter respectively, of ITO, Kikuji who is reported to have been sentenced to death at the Military Court in Guam on 4 July 1946.

FOR THE PRESIDENT:

/s/ K. Asakai

(K. Asakai)
Director of General Affairs,
Central Liaison Office.

Enclosure: Three petitions and their
English translations.

229

0990

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UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

~~SECRET~~

Serial:

Excuse me, I could hardly believe It's illegal God; for I have been well acquainted with the moderate character over twenty years since I was married to him.

I would suppose that his act was not surely protected from his own heart, considering his being upright and sincere.

And I am very much engaged with the loss of my husband in respect of livelihood as well; for I have many children to support.

I have a favour to wish you that you may make allowances for above mentioned circumstances and mitigate his punishment.

Yours truly

Harold Itz.

250

0991

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UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

~~SECRET~~

Serial: **Excellent, my dear father was very affectionate and kind to us.**

I am always thinking of my father every day.

I remember he cherished us, taught us carefully our school studies, and sometimes went for an excursion with us; then I feel naturally sad and my eyes swim with tears.

Will you please have the kindness to spare my sweet and good father's life?

Yours truly,

Sashie No.

231

0992

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UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

~~SECRET~~

Serial:

Excellent, I have learned in the newspaper that Hiroji Ito, my father, was sentenced to death at Guam, 4 July, 1946.

It is natural that he himself should be obedient to the punishment for the violation of the law of nations.

But for my part as a son, I was severely shocked with unspeakable sadness and distress, recalling numerous memories about him and his ordinary character, gentle and sincere.

He will be surely smitten with remorse, reflecting on his act of the past.

I beg heartily to your lenient board that his sentence would be specially reduced.

Yours truly,

Takayoshi Ito.

232

0993

BEST COPY AVAILABLE

Cincpac File

47-25

Serial 8000

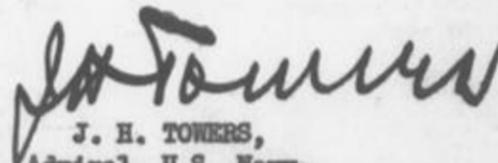
UNITED STATES PACIFIC FLEET
AND PACIFIC OCEAN AREAS
Headquarters of the Commander in Chief

c/o Fleet Post Office,
San Francisco, California.

12 AUG 1946

The proceedings, findings, and sentences, and the action of the convening authority thereon, in the foregoing case of Lieutenant Colonel Kikuji ITO, IJA, Captain Seiji HIGASHIGI, IJA, Captain Shigeo IKAWA, IJA, and leading Private Hisao SHIMURA, IJA, are approved.

Prior to the execution of the death sentence adjudged in the case of Lieutenant Colonel Kikuji ITO, IJA, the record is, in conformity with section D-14, Naval Courts and Boards, respectfully referred to the Secretary of the Navy.



J. H. TOWERS,
Admiral, U.S. Navy,
Commander in Chief,
United States Pacific Fleet
and Pacific Ocean Areas,
and the Military Governor of the
Pacific Ocean Areas.

To: Secretary of the Navy (Office JAG).
Re: Record of proceedings of Military Commission - case of Lieutenant Colonel Kikuji ITO, IJA, et'al.

Copies to:
ComMARIANAS
War Crimes Director POA (Guam).
IsCom GUAM

0994

Ginspec File
A17-25

Serial 8000

UNITED STATES PACIFIC FLEET
AND PACIFIC OCEAN AREAS
Headquarters of the Commander in Chief

c/o Fleet Post Office,
San Francisco, California.

12 AUG 1946

The proceedings, findings, and sentences, and the action of the convening authority thereon, in the foregoing case of Lieutenant Colonel Kikuji ITO, IJA, Captain Seiji HIGASHIKI, IJA, Captain Shigeo IKANA, IJA, and leading Private Hisao SHIMURA, IJA, are approved.

Prior to the execution of the death sentence adjudged in the case of Lieutenant Colonel Kikuji ITO, IJA, the record is, in conformity with section D-14, Naval Courts and Boards, respectfully referred to the Secretary of the Navy.

J. H. TOWERS,
Admiral, U.S. Navy,
Commander in Chief,
United States Pacific Fleet
and Pacific Ocean Areas,
and the Military Governor of the
Pacific Ocean Areas.

To: Secretary of the Navy (Office JAG).
Re: Record of proceedings of Military Commission - case of Lieutenant
Colonel Kikuji ITO, IJA, et al.

Copies to:
COMNAVJAGS
War Crimes Director FGA (Gusa).
IsCom GUSA

0995

AL7-10/FF12/
13-JDM-gmr

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

29 July 1946.

Serial: 9447

The military commission, composed of Army, Navy and Marine Corps officers, in the foregoing case, was convened 5 April 1946 by the Commander Marianas Area pursuant to his inherent authority as a Military Commander and the specific authorization of the Commander in Chief United States Pacific Fleet (CinCPac conf. serial 0558 of March 8, 1946) and Pacific Ocean Areas, and Military Governor of the Pacific Ocean Areas. The order for trial (charge and specification) was issued 10 June 1946, and served on the accused on 11 June 1946. The trial was held under authority of Naval Courts and Boards, except that the commission was authorized by the precept to relax the rules of Naval Courts to meet the necessities of the trial and to use the rules of evidence and procedure promulgated by the Supreme Commander for the Allied Powers in his Regulations Governing the Trials of Accused War Criminals, dated 5 December 1945, as necessary to obtain justice.

The evidence clearly shows that the defendant Lieutenant Colonel Kikuji Ito, IJA, while attached to the Mixed Brigade Headquarters of the 109th Division, IJA, on Chichi Jima, Bonin Islands, authorized the illegal executions of two American prisoners of war in August 1944. It further shows that Captain Seiji Higashigi, Captain Shigeo Ikawa, and Leading Private Hisao Shimura executed two American prisoners of war, early in August 1944, at Chichi Jima in obedience to an illegal order received by them from higher authority. The command of a superior neither excuses nor justifies an unlawful act. (Clark and Marshall, The Laws of Crimes, 4th ed., sec. 71, n. 310; CMO 212, 1919, 5; CMO 4, 1929, 19; para. 345.1 FM 27-10, 1 Oct. 1940.)

Subject to the above remarks, the proceedings in the foregoing case of Lieutenant Colonel Kikuji Ito, IJA, Captain Seiji Higashigi, IJA, Captain Shigeo Ikawa, IJA, and Leading Private Hisao Shimura, IJA, are approved. The findings on the charge and specification thereunder and the sentence with reference to ITO, Kikuji, Lieutenant Colonel, IJA, are approved. The findings on the charge and specification thereunder and the sentence with reference to HIGASHIGI, Seiji, Captain, IJA, are approved. The findings on the charge and specification thereunder and the sentence with reference to IKAWA, Shigeo, Captain, IJA, are approved. The findings on the charge and specification thereunder and the sentence with reference to SHIMURA, Hisao, Leading Private, IJA, are approved.

Lieutenant Colonel Ito will be retained in confinement at the Island Command Steckade, Guam, pending instructions from higher authority. Captain Higashigi, Captain Ikawa, and Leading Private Shimura will be transferred to Japan after approval of their respective sentences by the Commander in Chief United States Pacific Fleet and Pacific Ocean Areas to serve their respective terms of confinement.

C. A. Pownall
C. A. POWNALL,
Rear Admiral, U. S. Navy,
The Commander Marianas Area.

To: Commander in Chief United States Pacific Fleet and Pacific Ocean Areas.
Re: Record of Proceedings of Military Commission - case of
Lieutenant Colonel Kikuji ITO, IJA, et al.

Copy to:
Island Commander, Guam.

0996