

P53

. CERTIFICATE OF PROMULGATION

Promulgated in the case of Lt SAKATA, Jiro this 14th day
of August 1946.

(Sgd)

Name, Rank and Unit of Officer
effecting promulgation.

Promulgated in the case of Ens. Shill LARA, Yoshiharu this 14th day of August 1946.

(Sgd)
Name, Rank and Unit of Officer
effecting promulgation

Promulgated in the case of WC KONNO, Hiroshi this 14th day of August 1946.

(Sgd)
Fane, Rank and Unit of Officer
effecting promulgation

Promulgated in the case of CPC ARAI, Kakuzo this 14th day of August 1946.

Promulgated in the case of this day of 1946.

When several cases are promulgated on the same day the officer effecting promulgation need sign only once.

was sentenced by military court held at RABAUL to death by hanging. And whereas the finding and sentence of the said military court have been duly confirmed in accordance with the war Crimes Act 1945, and whereas I have reviewed the said sentence, now therefore I, Vernon Ashton Hebert STURDRE of the Australian Military Porces, hereby approve of the carrying out of the sentence confirmed as aforesaid. WARHANT OF EXECUTION Dated this Che thousand nine hundred and forty-six. 2300 Darasandes Lieutenant-General, AUSTRALIAN MILITARI PORCES CERTIFICATE BY OFFICER SUPERVISING THE EXECUTIVE the ANT certify that I was present at am supervised the execution of the abovenamed Lt SAFATA Jiro at habave at execution of the abovenamed Lt SAFATA Jiro at habave at execution of the abovenamed Lt SAFATA Jiro at habave at execution of the abovenamed Lt SAFATA Jiro at habave at execution of the day of All Like Maj I, CAR CHULLEN BERSEN HUNGER RESERVE AT THE EXECUTION

I, CAR CHULLEN BERSEN HUNGER R legally qualified medical practitioner certify that I examined the body of the person executed in accordance with the above certificate and pronounced life extinct. Dated this fifteenth



NOTE: The records of the proceedings of the Court will be attached to this form.

- (a) If the accused is not a member of the Maval, Military, or Air Force of an enemy or ex-enemy Power the name, occupation, and residence of the accused will be inserted.
- (b) Recommendation to morey, if any, to be inserted in this column, or on a separate sheet attached to the proceedings, with the reasons for the recommendation.
- (c) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.
- (d) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialled by him.

I ALSO CARTIFY THAT :

- 1. The Mombors of the Court
- 2. The dudge Advocate
- 3. The Witnesses
- 4. The Interpreter
- 5. The Shorthand writer

wore duly sworn.

SIGNED this hubyl

day of a me

I have dealt with the findings and sentence in the in the last column of the Schedule, and, subject to stated, I H ERREY CONVIRM the above findings and set

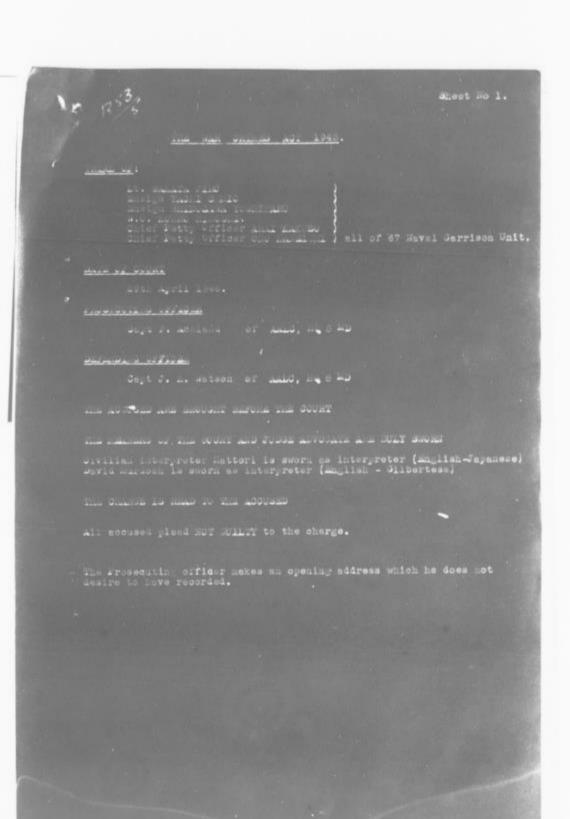
Darcon

PROMULOATED in the case of

(Date) (a)

1946

(a) When several cases are promulgated on the same day the Officer offecting promulgation need only sign enco.





Analysis being duly seem is examined by Prosecuting Officer through distripreter David Europea.

Any same is Embonare and I am a native of Nikuneu Esland in the Silbert and Allis Island Solony.

Frosecuting officer Mones document to eithess.

That in my signature on the last sage. The document was rend over to so is my seem Language before I signed it has the contents are true and correct.

By consent, Frosecuting officer tenuers certifies copy of state-ont which is read, simplice in evicence, where Exhibit A, signed by the Frosecuting to The natives on Communitarian just before the killing were dilbertone and Elils Islandsfor. The natives on Communitarian later before the killing were dilbertone and Elils Islandsfor. A charge with us when we marked want to go to the contines the wast. The soldier who cold us to sit down and fane the east when we arrived at the Police line was there.

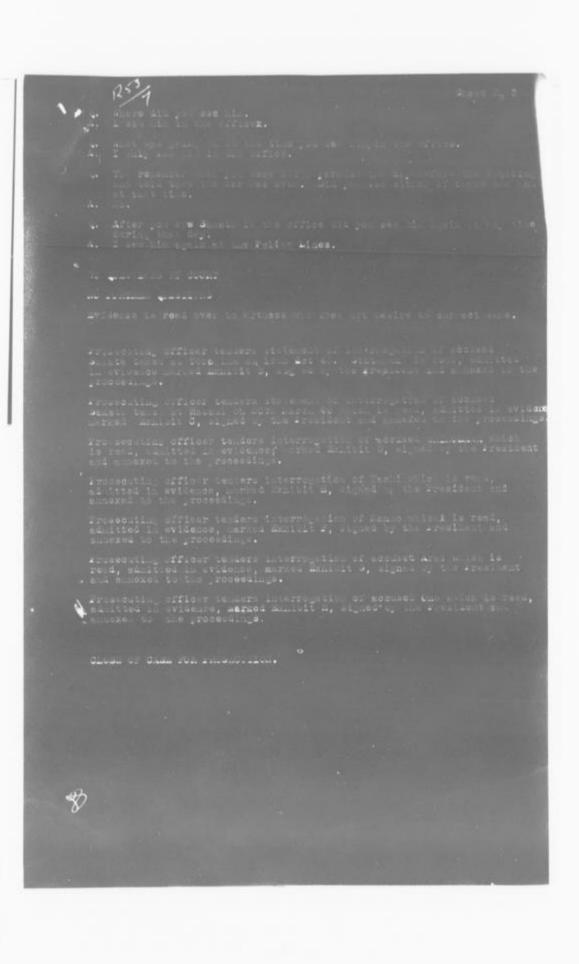
The soldier who cold us to sit down and fane the east when we arrived at the Police line was there.

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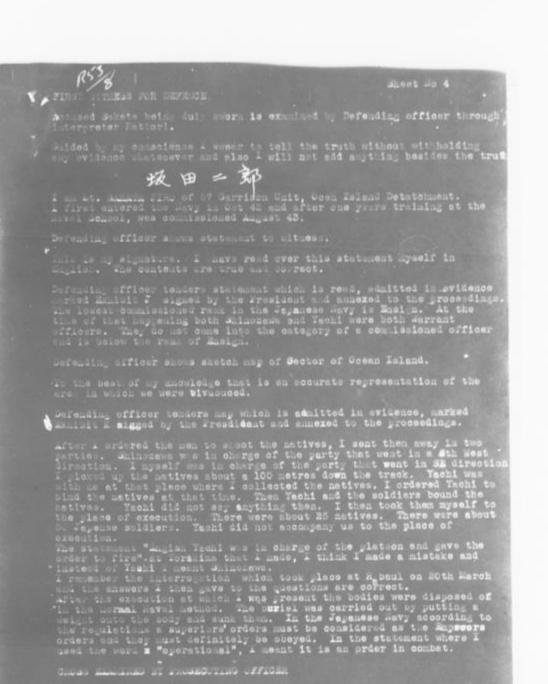
The soldier who cold us to sit down and fane the east when we arrived at the Police is at year us Facultifies and Acoust.

The soldier who cold us to sold and release the cold that are allowed to the police who cannot with riving with oxygeness and at the police was a cold to the police of the cold of the condition of the cold of th









. Have you ever questioned an order of the Emporor. (withdrawn)

4. Have you ever expressed disapproval of ixx an Emperor's order before carrying it out.

4. If any order has already been issued I have never made a comment.

officer's order.

a. After an order has been issued I never hade any comment.

and do you say in your state ont "lifter Suzuki gave his order to anout the natives, I asked him to withdraw the order".

I referred to the fact the when he had his conference with Lt. C Should be told the Cor commenders to applicably think it over for day and at that time I made that comment.





Was it usual for Sumuki to ask his Junior officers opinions as to orders which he contemplated issuing.
 A. It was not normal.

Bo A. Yes I was surprised that Suruki asked your opinion whech he intended issuing on 18th Aug 45.

* After Was Surukite statement that/ were to obey his orders without question a definite order.

a. The humanity sake i could not endure it.

4. You now edult that you did question the order.

. Here orders coming from you to your superlimites considered as orders from the Emperor. by them.

what sotion did you take against Shinozawa and Tachi when they queried your order given to them.

A. I told them that in case they do not oney the orders that they would be shot.

. has the statement which you hade at Toroxina been read over to you recently.
A. Tes Etwis read over to me.

. Is the confusion of the names Shinozawa and Techi the only mistake in this statement . A. Yes.

That rank was disnorawa at the time of this mhooting.
 A. he was a warrant officer.

. When you were eaked at foraking "des Yechi in this comp" whom did you think was the person referred to.

The enswers to the interrogation on Soth March at Rabaul you say are all correct.

A. That is so.

A. Because Chinorest went and he reported that to he later. That is why a said that.

Why did you may at Torakine "In Sept or Cot 44 at the command of Lt. Jone Januari, they the notives were attacked and killed".
 A. That was true.

A. The statement made at Toroxina should rest 40 not 44.

or yet to at the command of Dt. Co. Siriki they were attacked and

weights had been tied to their foot.

A. with regard to that I aid not ask bim.



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- 2. When were the natives who were killed at the place where you were buried.

 A. The natives after jetting their deaths confirmed were buried inneclately efter.

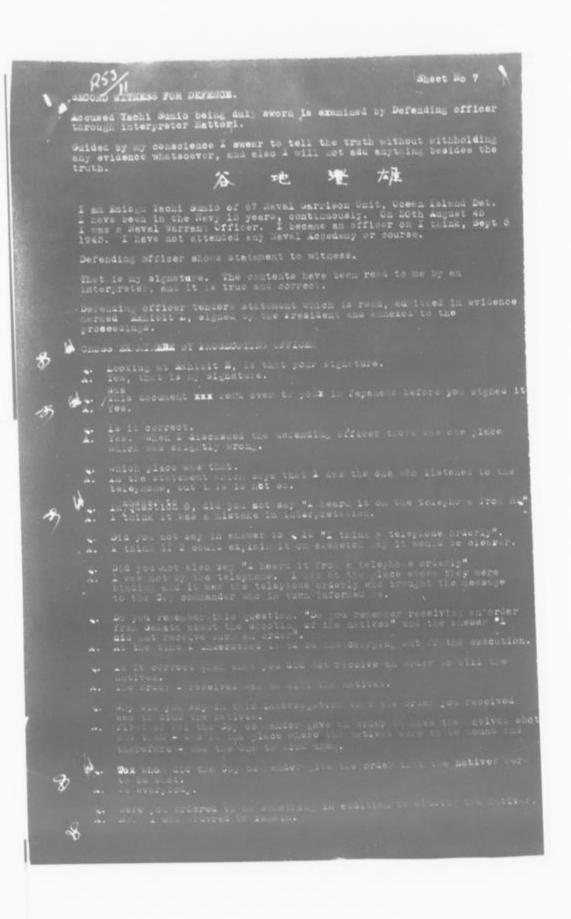
- Tor said you sew one party of the natives killed partself. What distance mere the soldiers from the natives when the order was given to fire.
 About 4 or 5 metres.

- . Do you know that under Anternational Law this was an unlawful act. A thought it was lawful.

aviasace is rest over to withes, who does not desire to correct same,

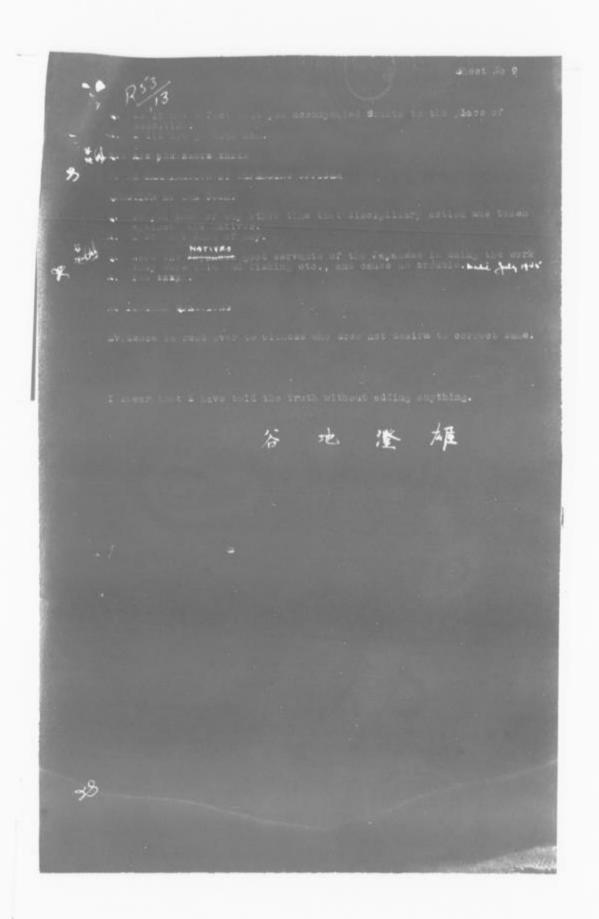
坂田=郡













La. 18/4

Sheet No 10

THIRD WITHOUT FOR DEFENCE

Accused Ensign Shinozewa being duly sworn is examined by Defending Officer through interpreter Enttori.

Quided by my conscience I sweer to tell the truth without mixing withhelding any evidence whatevever, and also I will not aid anything besides the truth.

旗 潭 美 奉

I am Ensign Shinorews Yeshiheru of 67 meyel Jerrison Juit Coean Island Detatolment. I have been a need of of the Japanese may for 15 years. I have served continuously since that date. On 20th August 45 1 was a mayel No. I first occase an officer in Jest 45, I forgot the day. I have not attended any school or may accedeny.

Defending officer shows statement to withess.

That is no signature. The contents have been real over to me and they are true in every particular, with the execution of the alteration.

Defending officer tenders statement which is read, einittel in evidence, marked Exhibit E, signed by the President and annexed to the proceedings

Locating at Jacton may:
I received the natives in the vicinity of the Police lines. We proceeded to the place of the execution at the pth west. There were about 8 natives in that perty, I cannot receil the number according.

经薄值

at that incident I was only corrying a revolver. I came to use a listend es a sub- and therefore I did not have only affects. I remainer taking interrogated here about a month ago. We six accused old not discuss this matter prior to the interrogation. I regret to atom that I did tell a lie at the time of that interrogation as I was very frightened.

CROSS EXAMINED BY PROSECUTION OFFICE

- . Was Saketa your superior officer.
- accounts orders of Jamets.
- 1. Mry did you see to beset when given the order for the execution
- A. It was just jurel; out of sympath, that I spake personally
- ... Did devets order not to large the cetters level bound to
- A. Yes, I did to get on orders fro Sansta.
- 4. Wes Tachi present when the heads were bound.

 4. I cannot recell accurately because the other jerty was a wlight distance eway.
- . What do you meen by the other party.

 From my place to where Yeard was about 250 matter and therefore I am not sure that he was there or not.
- g. age many latives were it the place where you were
- . how many natives were there at the place sie e Techi was
- . The number a cont know.
- Q. Were there at any tile norm them eight matives in the group when
- The number that were bound at my place were only eight.

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Jesus give the orders for them to us round.

Actual receiving two control of them to us round.

Actual receiving two did a passed them on.

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John arms have a right.

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Sheet No 12

" NO FURTHER UNSTRUKS

Evidence is read over to witness who does not desire to correct same.

I sweet that I have told the truth without adding anything.

[漢澤美素



Accused Eanno being duly sworn is examined by Defending officer through

Ouided by my conscience I swear to tell the truth without withholding any evidence whatever and also I will not add anything besides the truth

I am #0 Monno Hiroshi of 67 Mayel Cerrison Unit Coesn Island Detatch 1. have been a member of the Japanse Meyy 15 years continously.

Defending officer shows statement to witness.

That is my signature. The contents of this statement were read over to me by an interpreter and it is true and correct.

Defending officer tenders state ent which is read, admitted in evidence, marked Exhibit N, signed by the President and ennexed to the proceedings

As I recollect it this incident took place on 19th or 20th August 1945. I remember being interrogated here about a month ago. I had not discust these incidents before I went in for my interrogation. At that interrogation I told a lie as I was very frightened.

OROSS ETGLISED OF PROSECULLO OFFICER

- Were you frightened because you had done something for which you may be punished.
 I have never been in court before and that is one of the reasons I was very frightened and I told a lie.
- 4. Is this then the End time you have been in court.
- A. Ho I am not telling a lie.
- natives. I think he was at Coy HQ because the orders originated there.
- Was Yachi present on the same parede as you when Jakata gave the order that the netives were to be shot.
 I don't know whether he was there because the orders came from he.

- 4. Who gave the orders to the Coy.
- when the Coy commander gave that order were Yachi and Shinozawa present.

 A. Shinozawa was there, I am quite definite of that, but as whether Yachi was there, I am not sure but he may have been there.
- when you were interrogated why did you say that Shinore a stayed behind mear the barreage to keep in touch with MQ when the natives
- were sent away. I thought he was standing me r the barracks but I may be mistaken.
- . You now say that Chinosess socompanied you and others to the place of execution.
 A. Yes.

- why did you say before that Shinozawa did not go to the place of execution.
 i regret I told a lie at the time was ver, irightened but now I on Speaking the trith.
- 4. Here you speaking the truth on Sand Merch when you said "Seketo is accompanied us to the place of execution".

 A. Jaggid that because I had thought that Sakete had gone with the

or knew that Shinozawa had gone with his yert, were you trying to rotact Shinozawa. The the whole effeir was being controlled by bout Jayata at the time.

A. I regret to say that I did tell a lie at the time.

4. Is it not a fact that you had discussed this matter with Chinozaws and others prior to your interrogation.

A. That is man definitely not so.

A. It was the dep before yesterday that I firmly decided and efter the interrogation and prior to the day before yesterday I never had an example opportunity to make a true statement.

Did you ettempt to make a true statement to eny ody:
 A. with Arai and one I decided plat it was better to tell the truth.

Did you only decide that efter finding out that Kabanara the native was here to give evidence against them.
 Yes.

The west the seller who took the S setives to your from the edministrative office.
 A. It was Armi.

A. I don't remember the rigures exactly but I think about 10 or 10.

A. The ones who were armed I think were about 3 or 4.

A. Twee bound the shooting porty. I was watching them.

A. I was ordered by Jainozama to water them.

Did you carry it is your head or in a holster.
 Up until the time I removed the cliff it was interpolated and after removing the citif I had it in my head.

Page out or The there's that is they I take to place .

. There was one soldier ellotted to each mative was there not.

A: I was very entitled at the time and - don't remainer very well but I think it was one for one.

- Was one one of them to shoot the natives.

 4. I do not recall it very well but " think he was there. .

 4. Les and of the S soldiers lined up to shoot the natives.

 4. Yes a think he was one of the S.
- Q. Arei. A. I think he did not bring any arms.
- 4. The boldiers were ordered to do it, I do not know who were the even
- . Here you one that was ordered to blindfold the natives. A. we I was not ongot them.

What were your duties at the time of the execution.

A. On account of the shorting of the natives.



- At 1610 hrs court adjourn to 0900 hrs on Tuesday 30th April 46.

At 0900 hrs on 30th April 1946 court remassible pursuant to sejournment, present the Judge Advocate and same members.

Suided by my conscience I see r to told the truth without withholding any evidence macracev r and clas I will not had entitle testines the truth

Tempolical restriction and a solution of or deval derrison Unit, Communisted Detailment. I have seen a search a months to tive service in the Japanese day. I was first consideration into the service service for a jest sea to the discourage and then later I was sold excite dervice up and had sorted for a jest and o months. I was sorted a rice dealer service and part and one of the first process of the first process.

Defending officer tenuers statement which is read, admitted in evidence, asrked assist as, signed by the freelect and annexed to the proceedings.

- . who the reason for your bold irlightened that you know you had done something for which you may be jumished.

 A. I word; noted on orders and I have done what those men who returned to Fajan had done.
- when you recame frightened did you realise that you wer likely to be jumished for what you had done.

- 4. Did you not decide to tell the truth only about I days ago.
- . . . not the reason that you decided to edit that this was false because you know that Kabauara a survivor was here to live evidence against you.

 A. That is correct.

- 4. Did you blind the natives hands yourself.
- A. I wont remember any exact details.
- A. I think about 19.
- A. I don't remember.
- when they were going down to the plans seashore from the place when the natives were bound did you hold the ropes.

 A. Yes I did hold them.
- . Why did you held those ropes. . On orders from the section leader.
- A. he I did not.
- Q. Did not anybody toll you that the natives were going to be shot.
- Did you form any opinion as to what was going to be done with the natives.
 A. A did not.

- A. It was an order received from my superior so I had to obey it.
- with rope.

 A. I do not know.
- A. I was about 3 netres around the shooters.
- 4. I did not give any orders.
- What orders did you receive.

 A. I was ordered by the section leader to blindfold the natives and affinanting my duty I withdrew to a point 3 metres behind the shooter.
- when you bliddfolded the natives did you know why you were doing it.
- Q. shen did you first know that the natives were going to be shot. A. It was after Exercise I came to the squae that I found out.
- now long after you blindfolded the natives did you find out that they were going to be shot.
 About an hour.

- how long after the natives were blindfolded were they shot.
 I don't remember accurately but I do not think it was very long.
- Q. Estimate the time between when they were blindfolded and when they
- A. I dont remember the time exactly but I think about 4 or 5 minutes
- And you now say that it was not an hour after that you knew that were going to be shot.
 Anon they were blindfolded I knew they were going to be shot.
- q. why did you not say that before, A. what I just told you previously was not true. I was very the time.

- low many soldiers were alletted to each native. Dere were places where there was one man but some place where there were 2.
- Now many metives were there. 8 natives.
- How many sailors fired at them. I dont remember the exact figure.
- were the Japanese firing party lined up in a line. Yes I think they were lined up.
- Could you say approximately how many Japanese there were in the firing party.
- Could you clearly see the natives and the firing party from where you were standing.
 Tes I could see them.
- Where was Shinozawa standing when the order to fire was given.

 A. I dent ra amber the exact position but I think about the centre.
- Could you see Shinozawa from where you were. Yes.
- 4. How far from the firing party was Shinozawa. 4. I don't remember the exact distance but it might have been about 2 metre
- How far was the firing party from the natives. It I think maybe about 4 metres.
- NO RE-EXAMINATION BY DEFENCE
- NO QUESTIONS BY COURT

Evidence is read over to witness who whomened desires to correct same, by explaining that "when I seld one hour I meent from the time the hands were tied until the time they were shot". I swear that I have told the truth without adding anything.

荒井角藏





Sheet No 19

Accused One being duly sworm is examined by Defending officer through interpreter matteri.

Guided by my conscience I swear to tell the truth without withholding any evidence whatscever and also I will not add snytling besides the truth

I am Chief Fetty Officer One Kanelchi of 67 Garrison Unit, Ocean Island detatchment. I have had 4 years and 9 months experience in the May. I was first advised of my appointment to MCC rank towards the end of July 45, I have forgotten the exact day. Frior to joining the May I was a fermer working at home. I graduated 6th year in Frimary school.

Defending officer shows statement to witness.

That is my signature. The contents have been re-4 to me by an interpreter and it is true and correct.

Defending officer tenders statement which is read, admitted in evidence, marked Without N, signed by the President and ennexed to the proceedings

I am sure or the death of the person I sined at for the native I sined at fell to the found on his back looking up after 4 shot him, and lay there on the ground and Shinozama the section leader remained with the body. I realise that I told a different story when I was interrogated. The statement tendered today is true.

CROSS KIN LIKE BY PROSECUTION OFFICER

- Q. "hy did you lie when you were interrogated.
 A. All my mates whotook part in the incident had gone back to Japan and when I was interrogated in R baul I was very frightened because the trial was closing in and because I thought I would be one of those going home too. I regret very much that I did state a lie at that interrogation.
- 4. Was the reason you lied because you believed you had done something for which you may be punished.

- what did you think you had to gain by lying.
 I was afraid of going on trial and then I told a lie.
- Q. When did you decide to tell this story in the statement before the
- court.

 A. It was after the End interrogation that I decided it would be better to tell the truth and if I had been interrogated before my trial I would have certainly teld the truth, and if there had not been another interrogation I decided that I would tell the truth during my trial. I discussed the matter with Arei and Konno that it was better to come out with the truth.

 2. Did you decide that about the truth.

 3. No it was after the End interrogation.

- was it not after you knew that Easanare was here to give evidence against you that you decided to tell the truth.
 when I did hear that this native was alive my will was stronger to tell the truth.
- Do you remember the parade when sakata ordered all his company to assemble outside hig.
 Yes I do remember.

- Q. was the entire Coy present on parade.
 A. There was an order to parade and everybody assembled before the Coy commander but as to wmether every single man was present or not a do not know.



as the entire Coy ordered to assemble.

The whole parade was then told that the natives were to be shot.

that so. Yes I did hear the order that the natives were to be shot.

- Did you see Arai on thatparade. I think I did not see him.
- Did you see Kenne at the execution place. I don't remember exactly but I think he was there.
- Did you see Aral there. I dont remember exactly but I think he was there.

- - A. How many natives were there.

 I don't remember the exact figure but I think about
 - NO RE-EXAMINATION BY DEFENDING OFFICER

 - Evidence is read over to witness who does not desire to correct

I swear that I have told the truth without adding anything.

CLOSE OF CASE FOR DEFENDE

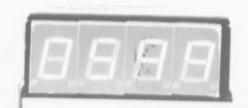




Sheet No 34



The d socused are charged with murder or persons unknown at Ocean Island on or about Both Aug 45. Surder is a war order and is also a criminal offence. Any man charged with the crime is presumed innocent until his guilt is proved. The count of proof is on the Prosecution throughout. Before my of the acquised any be convicted die guilt mist be established. Before my of the acquised any be convicted die guilt mist be established. The county of the acquised any be convicted die guilt mist be established any convicted die guilt mist be established. The county is one which would influence your doctain it asters of grave importance. The offence of murder is committed than a person of sound meaning and under the King's peace with malice aforeshought wither express or implied. The humaner of killing must be uniseral and not excussible or justifiable. Helice is either express or implied. Express malice is where one with its pressure in the convent of the product of the county of the county



The strength of the desired that the finding of the court is sensited the strength of the desired that adjourn to consider finding.

At 1130 hrs court adjourn to consider finding.

At 1130 hrs court respens.

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1. Draws Court's attention to previous address.
2. Amphasises fast that Japanese have been ingrained with a strict system of discipline and the soldier is in effect an automotan.

At 1200 hrs court is closed to consider sentence. At 1210 hrs court reopens.

The Fresident announces that the sentence of the court is:

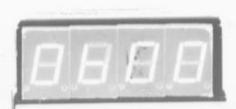
Lt. saketa Viro - death by hanging.
Ensign Schnoraum Yoshihara - in risonment for fifteen years.
Warrent officer Konno Hiroshi - imprisonment for seven years.
Chief Petty Officer Area Kakuze - imprisonment for seven years.

The Freeident informs the court that such finding and sentences are not final until duly confirmed.

Signed at MARAUL this Eith day of April 1946.

Saubbaum

Major Fresident



R53

WASK LY.

TREARCOATION CO EASUR.

Wy name is FABOULARY and I am a nation of NIKUNAU ISLAND. I am 36 years of a m and single. I signed in with the British Phosphate Commissioners during the "TPLISTA" recruit at CADTOM ISLAND about 19 months before the Japanese come to OCIAN IS.

S. In work on COSAN IS before the Japanese came was on the cableway.

3. During the Japanese occupation I was employed as a fisherman and lived at Tabasas VILLAGO. We fished for early in the morning until about 5 pm. Usually two men per cases. The Japanese collected all the fish but only occasionally gave us a little for our own use. Sometimes the Japanese came down to the shore to meet us coming in but usually we took the fish up to them. The Japanese to whom I took the fish was ("UCHISAN" - phospetia smalling). If we did not eatth any fish we were slapped in the fact.

4. I know Managraph who was also a fisherman. I did not hear that he was planning to escape, but I heard after he had gone. I heard that three cances had got may and thought that the Japanese would catch them.

5. There were no suropeans alive when MABSTARI left OCKAN IS.

66. The European' I remember on the Island were by "ARTIMICHT with died of relautrition, Lir COLE, Lir THIRD, hir MATCHER, Father PUJSRAT and the lirther. I do not know where it is INRIGHT was buried.

V. I once saw Mr COLE outside his house at TABWETA working in the garden. He was weeding around the "Boi" plant. We were not ellowed to speak to the Europeans.

8. I heard from TEIENU who escaped with NAMITARI that Mr COLR was killed by stabbing with a knife while he was accept in his house at TABMINA. TEIERU size told me that Mr MMPOER died of sickness and that Father PUJERST went into hospital for an abdomical operation. He also told me that Mr THIRD and the Brother were injected by the number two doctor (ARAESSID)

2. About five months before the end of ... war our contion of fisherman at TABWAYA was transferred to UNA village. We were not told why we were transferred to UNA village. There were only 'hree of us at TABWAYA - myself ERIM and ARWAYA.

10. At Uki we joined the fishing section there the names of the boys there were - MRIU, MITTER, TUNNWI, THENTED HAPPAU, PMARAKI, UKIAN, TSTEER, ANGKAN, ARE, BANKI and GLORI. We like in on European house up behind the Billiard R.om. We fished from early to the morning, sometimes as early as 3 am until afternoon.

11. One evening "OSAKTBO" (phoenetic) the Japanene who was in charge of the fisherman ceme into our arese and told us that next morning we were to some back early from fishing about sine or to. o'clock.

18. MAORI and I came back from fishing about 'am the next morning The rest came back about nine o'clock. Ye she back early because we had a lot of fish then we all went to our questors.

13. Somewhere after nin- o clock "CRAFTER" should out from the Billiard Room for all us rishpress to come few. We all came down and gathered beside the road by the Billiard Room. When we got there we found all the other boys on the Island s.r. ty end there. Where would be over a hundred.

Canopaino C. A. Toyall

BBBB

: A" in panels wire gat to the work when we are and the road. Some already with gat to the work of a while then the Japanese would be going away and leaving us here. Then we told to go back to our houses. 15. We were too seared to show our happiness, so just bound our heads and went to our house. Then we laughed and talked of the good news in our house. 16. We stayed in our house all the rest of the day and prepared our fishing gear for the next day. We were not allowed to go out and OSAKIBO was angry if anyone asked permission to go out.

Nort morning MACRI and I and everyone else went out fishing as unual while it was still dark. MACRI and I came back very early about eight o'clock because we had a lot of fish. The others came back about nine o'clock they were earlier than usual too, because they had cau_______ a lot of fish.

18. When we arrived back all the natives and a lot of the Japanese soldiers were gathered in the same place as we were gathered the revious day. The native soldiers were told to hand in their uniforms all arms. They handed them all in to the Billiard Room. The native claims had marched in, in their respective groups under their Japanese Loader.

10. Then OSAKISO called us from our house to come down to the road by the Billiard Room again. We came down and joined in the parada. SUKAISO spoke to us all again. He told us we were going to change of the sections again now. OSAKISO then divided us up into our new sections as instructed by SUKAISO. Our section was the last to be divided up.

80. The first section of about fifteen men was for BURINTERIES. One soldier went with them and they marched away. The second section of about fifteen men was for TABREMA. One soldier went with them and they marched away. I would know the faces of each of the soldiers who want with these two groups. The third group was a bigger group, about 50 or 10 and was for TABLEMO. One soldier marched away with these two groups are third group was a bigger group, about 50 or fourth group was also about 50 or 10 and was for the last of the Toddy Outton's group.

21/ I was in the fifth group of eight man. We ware to go to ETANI-EANARA and marched away with one soldier in charge. I do not know the name of this soldier, but would recognise him. There were still some natives left wheelve marched away. 22. We marched through below the Chinese quarters and above the Pastors House and then through to the police lines. The soldier in front with us behind.

coldiers in their quarters. They were all inside their houses. The apanese soldier in charge of us told us to sid down in a line at told us to face towards the East. Then he took out a little book area his pocket and asked us in turn how old we were. As each man told his how old he was the soldier wrote in his book. That we have asked.

24. When the soldier had almost finished writing down the ages, a (SHOTAIBO) came up with another soldier from behind us and walked out in front of us. The (SHOTAIBO) drew his sword and regolver, and the soldier drew a resolver and hoth pointed them at us. They did not apart to us, but called dit for some hore localizes to some but, fach soldier to us, but called dit for some hore localizes to some but, fach soldiers in front of one man with the bayonet pointing at his stome?

Canopains B To Topins



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The time the (SETATE) which beat to our group as we started which we come a secretary that the region which we start the secretary started beat and the secretary started by the secretary started b

The stopped by the cagine your for about three missies while the spours proper is to not know what they were tolking about.

29. Then we walked on down the track across the read and on down to

To, then we get to the cliff the addier released the strings and told us to lime up on the cape of the aliff and equat down close to make. Then was open were tied up with cloth, I be seen out who had tied our bunds tied the blindfold us us. Then I could hear prompted behind and folt as thought the acidiors were behind us.

El. FARTITE was the first man to be fied and was on my left. Be said to me "are you ready?" and I registed "Yes I am ready to die". Then Falathiya asked "You remember Gody" and I replied "Yes I remember

Ht. Then everything was quiet for a moment, then I fell over the sair. I did not try to, but just fell, almost at the case time I heard a server and someone fell on top of me. I think it was FALVILIUM. I heard others fall, but no now servers. Then I heard a let of a lets fixed. FALVILIUM was still on top of me and hear of the builtes I could hear ware close to me.

The reals was about three or four o'clock in the afternoon. The water kept breaking over us, but I could breathe as the water recoded much time. I could see a little bit out of my left ope past the blindfold, but I did not look up. I steyed there without moving wall I thought the Asymmete had gone. Then I bit FALATLIVA'S about my or me. FALAYLIVA did not ory out so I know he was dead.

Majamete would be one on hour in the water until 7 thought the place would be store that I for the cliff of the limit of the place of the cliff of the cliff of the limit of t

and found a cave where I hid myself. I stayed in this cave all night.

55. The next morning I can some of the bedies floating outside the serve. They were smalled up bedies them. Two of the bedies washed into the entrance of the cave. I did not touch them and stayed inside the cave and only people outside.

Landfain JA



Dent the middle of the day I heard the roar of a plane of very low. I could hear the plane flying round for about half or an hour. I did not see the plane and stayed in the cave.

could hear footstops over the top of the hrough one of the holes leading in one Japanese soldiers walking along out, just starting to some in. Some of Two of them dragged one body out to the ed another body out to where there was hem all the time from my cave and think other bodies.

40. Then the cances paddled back towards TABLEMA and the launch went further out to sea.

41. I do not remember anything else that day.

45. I stayed in the cave this night.

Next day, I do not remember anything except hearing the flatear eving along the rails.

4. That evening about seven or eight o'clock I left the cave to earch for young cocomus and to find a new hiding place inland. hile I was up the tree two Japanese care along poling a flat car owards TARGEMA and I stayed hidden up in the tree until they had

to. Then I went to look for a hiding place and found a good bangabangs above the Police lines and I hid there. By then it would be early the next morning.

46. I stayed in hiding in this bangabanga until the day I met the two Gilbertese (End Dec 1945).

47. I used to go out at night and gather food, young eccounts and old cocomute and water.

48. Sometimes I came out and climbed a tall teital tree to look round and see if any ships were about. I did not see the warship some but I saw some other ships. I thought they were more Japanese ships.

40. I saw the Union Jack flying from the staff in the Police lines but thought it was another Japanese trick, so did not go near.

is. I waited two or three hours, but the motor ear did fot come mack. Then I heard the tinkle or bottles and saw two men. One I shought a native Olibertese, but the other I thought Japanese. See ause he was wearing Japanese elothing and shoes. The one wearing the sulu and carrying the toddy bottles I knew was Gilbertese and I thought he spoke in Gilbertese.

Janepain Wazor J.A



St. After they had passed by I note to my mind for our they wint that I note to my class sound that I note to my mind for our they wint mean in the I note that I not the approach? They took so the spanness had all good and that I not that I not the approach? They took so the spanness had all good and that I not the approach? They took so the spanness had all good and that I not the approach. They select where I had Madeen all the time and I o hamped them. Then I changed from my marking hits my calm which I not be hold.

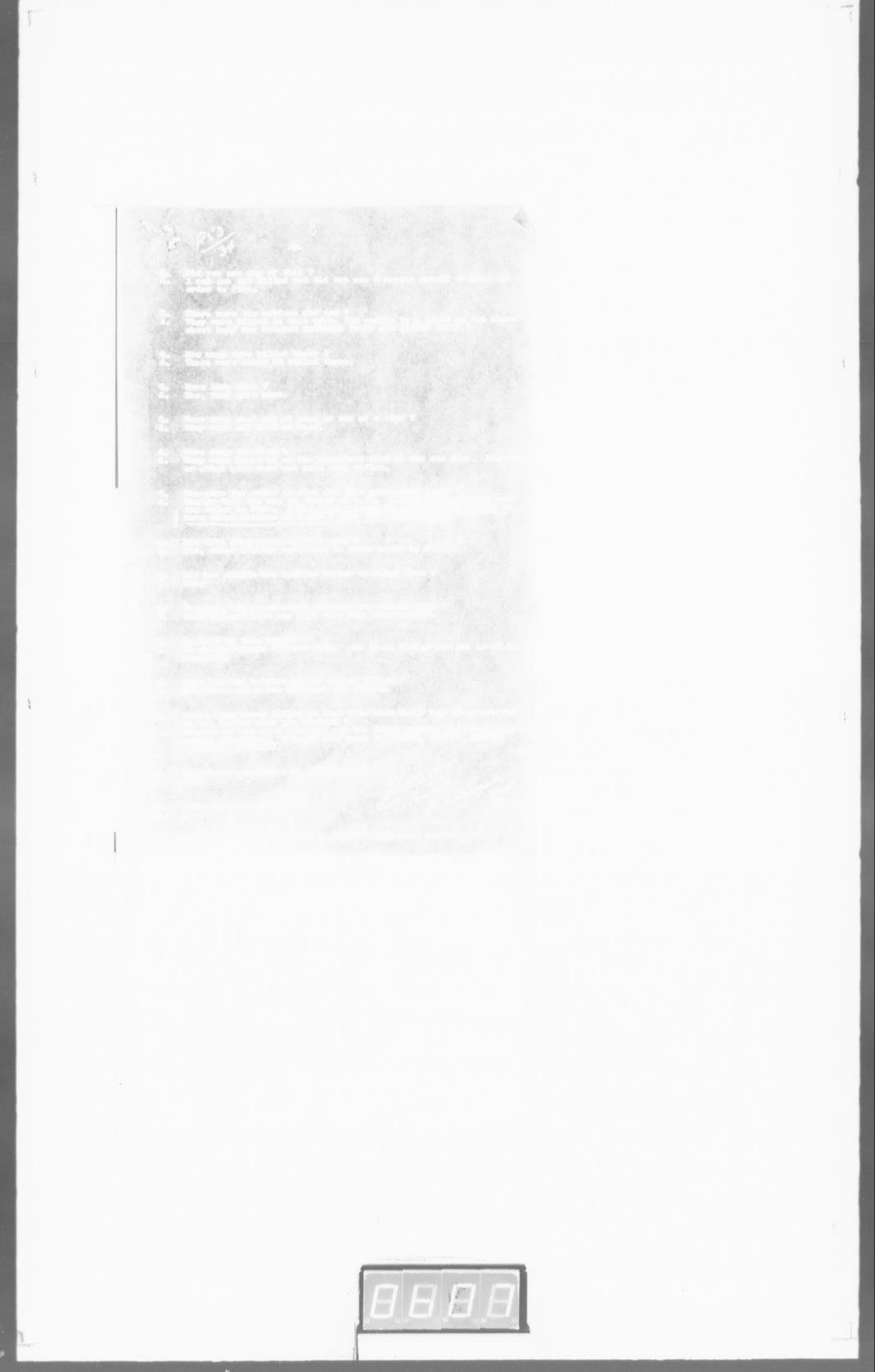
St. I thanked the hole for saving my life and them name down to the hole lines and Talloux took he to the players we gentlesized.

I swear the above to be a true correct statement of the facility.

(6.60) ELECTRICAL

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AI. I renderstand.

92. Retrieve what dates were you are
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A2. I am out 43 with the end of
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93. Was be cound Sugaki Na somi
your commanding oppier

A3. yes

\$4. Bo you remember getting orders
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A4. yes I remember

15. It was aboutly before the war
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91. I am young to and you now greation you are not obliged to amount then have before you may will be taken done in writing and may be used so knowed to you understand AI you I understand

92. Betwee whose dates never you on brean St. At I was Sofi 1945. with the end of the war.

93. Who was your Combany Commander At a SAKATA griss.

94. Did Sahata gree you any instructions concerning to exception of malaces.

194. Jos gas the order from Sahata.

95. When did your receive is a not in deal of the war.

96. When did your receive is a not in the groot 19 455.

196. I was told try Sahata that and is to be done it asked Sahata unity they were to be done it asked Sahata unity they were to be done it asked Sahata unity they were to be done it asked Sahata unity they were to be shown and is worn a lighter officer's order and just book to be done.



97 the were you told to do. AT. When the natives were received from their hands. After the natives arrived their hands were bound. Sahata gave the orders to the seldiers I was standing need to him the seldies bound their hands. 98. How many natives were clere At. Allow 30 99. When this was happenning where was YACHI. Aq. I think he was fresend but I am no centain 910, when the natives hands had been bound what happened. All the company commander took them down total shore. I accompanied them about half way, as far as a read. I waited there. que you wanted there for a white and what sie you do then. An I waited where until the excention facty netured . I wend back with them I Spo AJ Hosh Of ATIS all 8MD do herely certify that this statement was made by tunger SHINOZAWA youlilan in Jefa and after the same had been written down in English we and over to him in Johanness before he signed is and that the senstation is a time translation of the statements while the statements with the statement of the



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915. How many natures ded you live AIR. Twenty five. 916 what did you do when you had bound Alem Mb. Hien my company commander took them away werd soldiers. A17. Who else were no other officers, ghere was alsone 30 to 35 m.c.o.; and men 918. Try to remember the exact orders which you received from your Company Comment to be shot by the sea shore after have been bound. My orders were to bind the natives hands after they had been sens to me. 919. From whom did the telephone meroage original A19. The telephone order carre from Sugar 谷地准 YACHI SUMIO I Son AT Hook of ATIS att 8 MD do hereby centify share this statement was made by Ensign YACH!
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been written down in English was read one
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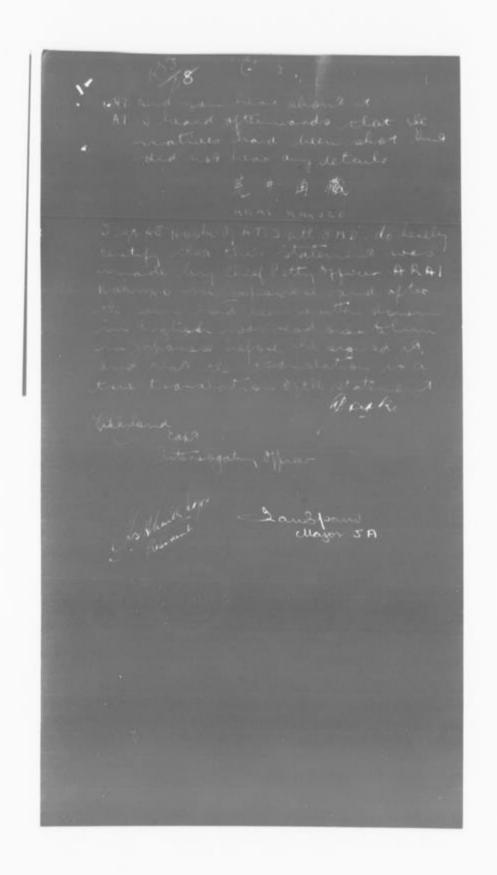
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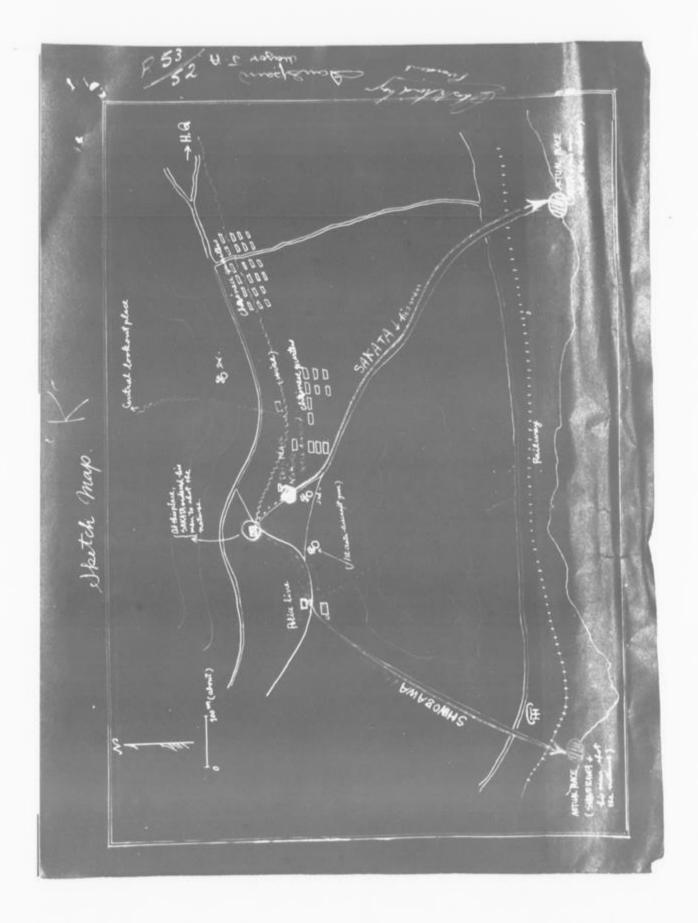
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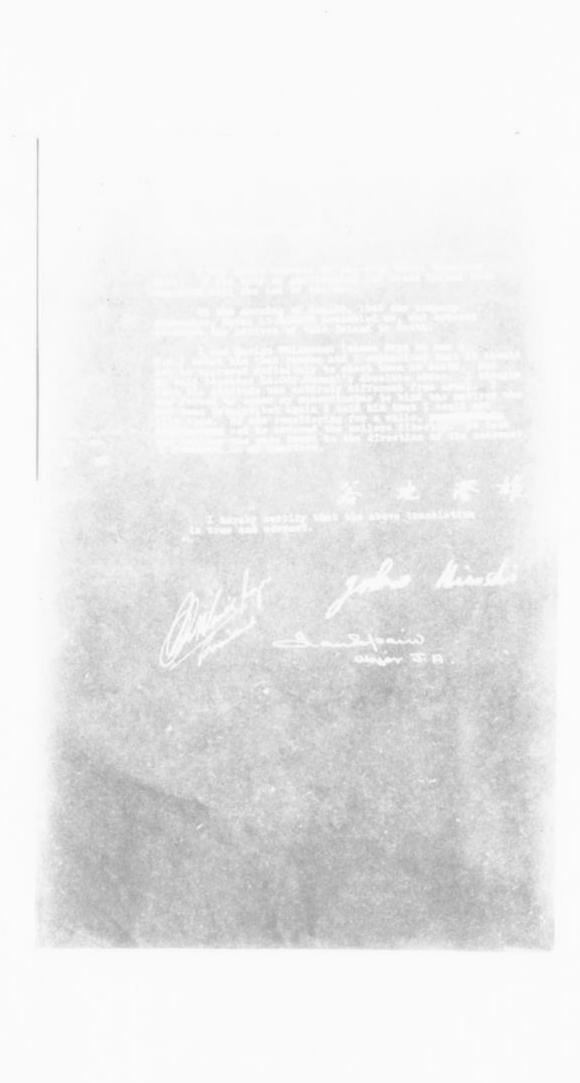
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1. If I when it was to do work natures and shorting him since I am alightly deep and the order did not represent the details in It is not a not the natural of the least the statement of the same had been continued and offer the same had been continued to him in English was need quer to him in English was need put to him in the p











Neval Ensign SHIRODAWA, Torkihare; I am attached to the 67th Carrison Unit.

I defended Ocean Is., from Sept. 42 to the end of this about the 20th of Aug. 1945, I got the speration order as Company Commander Naval Lt.SAXATA to shoot the nativals Island to Ceath. I ordered ECONO to investigate their names and ages, and ale the other matters wind the natives by their hands tatching them. 压论结 I took the natives with me to the coast, and after blindfelding ther by the way my Company Commander indicated. I arranged them is a line and ordered my men to shoot at the hearts. After it was finished, I resolved there about an in order to confirm their death. **催浑关**素 3. Jakeuchi



76 RS3 N

Maval W.O. EDNHO, Hiroshi states:

I am attached to 67th Garrison Unit.

From Aug '42 Lt. SAKATA, the Company leader, ordered us all to shoot the natives. Ascepting the order we went back to our billet led by Ens. SHINOZAWA, the section-teacher. Just then a sailor took eight natives to us from the administrative office. By the section-leader's order I asked the natives' names and ages who were lined up and jotted them down in my notebook. After the examination was over, the section-leader ordered his subordinates to bind the natives' hands. I was standing with my note-book in hand. After binding the natives, semeone brought me a revolver. I do not remember who it was. I went with my section leader to the spot of execution. I was standing at the back of the firing squad, but I did not actually fare.

今 野 浩

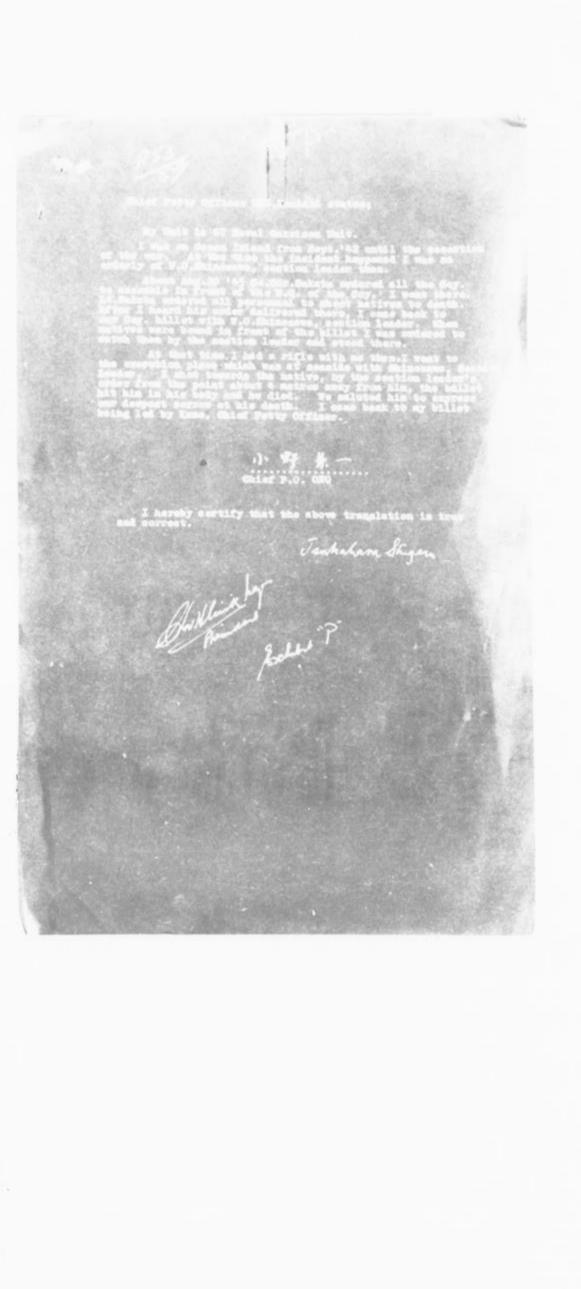
I hereby certify that the above translation is true and correct.

Miller & and grains 3. H.



Chief Petty Officer ARAI, Kakuso states; 荒 井 角藏 Chief P.O.ARAI I hereby certify that the above translation is true and correct.







I, SX10334 Douglas John McBAIN, a Major in the Australian Military Forces holding the appointment of Deputy Assistant Adjutant General in the Directorate of Prisoners of War and Internees at Australian Army Headquarters Melbourne hereby certify that the attached thirty-eight (38) sheets numbered consecutively from "R52-1" to "R52-38" (both inclusive) are a true copy of the original proceedings of the Military Court which at RABAUL on the 27th day of April 1946 tried Lt SAKUMA Wataru, Sub Lt OTOMO Torizo, Sub Lt SAKAMOTO Chujiro, Sub Lt YAJIMA Eiichi, And That I am the officer having, in the course of my duties, the proper custody of such original proceedings.

Dated at MELBOURNE this 24th day of October 1947.

. Dauglas MBain injor

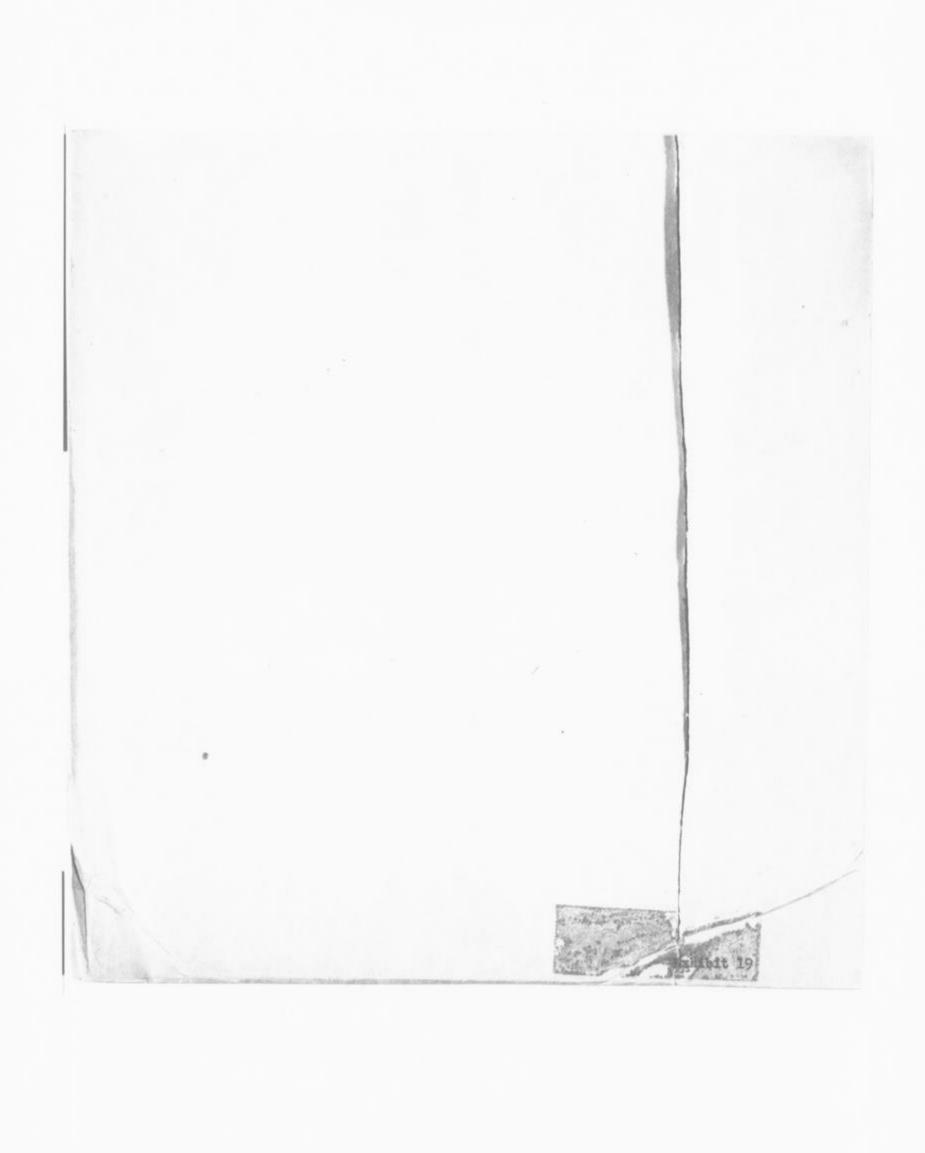
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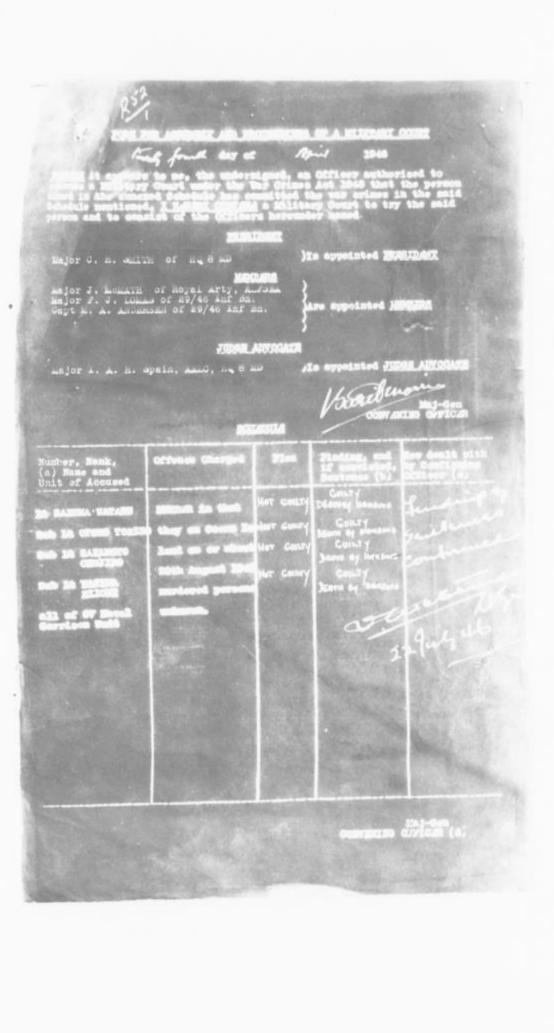
WITNESS Capt.

An officer of the Australian Military Forces.









Fromigated in the case of Sub Lt OTONO, Torino this Winth day of August 1946.

(Sgd)

Name, Mank and Unit of Officer effecting promalgation.

(August 1946.

(Sgd)

Name, Rank and Unit of Officer effecting promalgation

Promalgated in the case of Sub Lt SAKAMOTO, Chujiro this Winth day of August 1946.

(Sgd)

Name, Rank and Unit of Officer effecting promalgation

Promalgated in the case of Sub Lt. YAJONA, Elichi this Winth day of August 1946.

(Sgd)

Name, Rank and Unit of Officer effecting promalgation

Promalgated in the case of Sub Lt. YAJONA, Elichi this Winth day of August 1946.

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Promalgated in the case of Sub Lt. YAJONA, Elichi this Winth day of August 1946.

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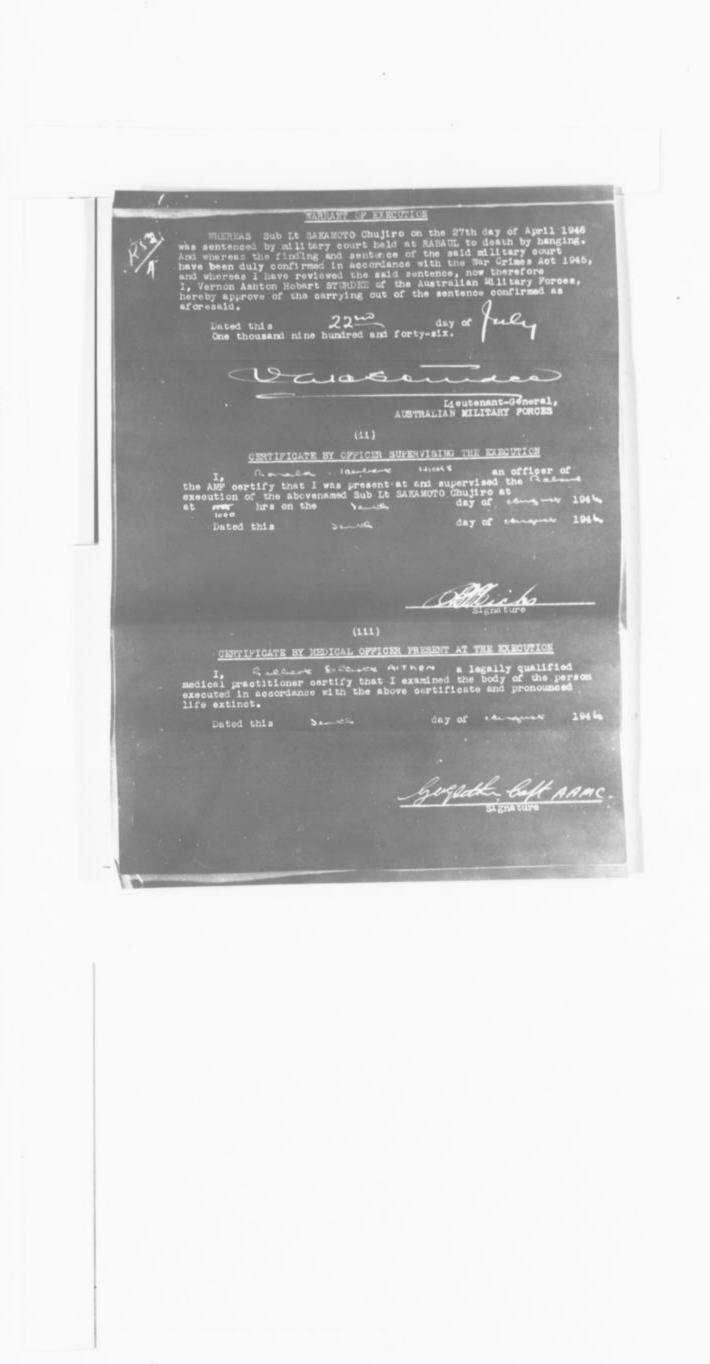
WARRANT OF EXECUTION Dated this 22 and day of one thousand nine hundred and forty-six. vaicei Lieutemant-General, AUSTRALIAN MILITARY FORCES CERTIFICATE BY OFFICER SUPERVISING THE EXECUTION

CERTIFICATE BY OFFICER SUPERVISION

CERTIFICATE BY O day of cargue 1946 I, Quite description FRESHNT AT THE EXECUTION

I, Quite description at the logarity qualified only practitioner certify that I examined the body of the person ated in accordance with the above certificate and pronounced extinct.



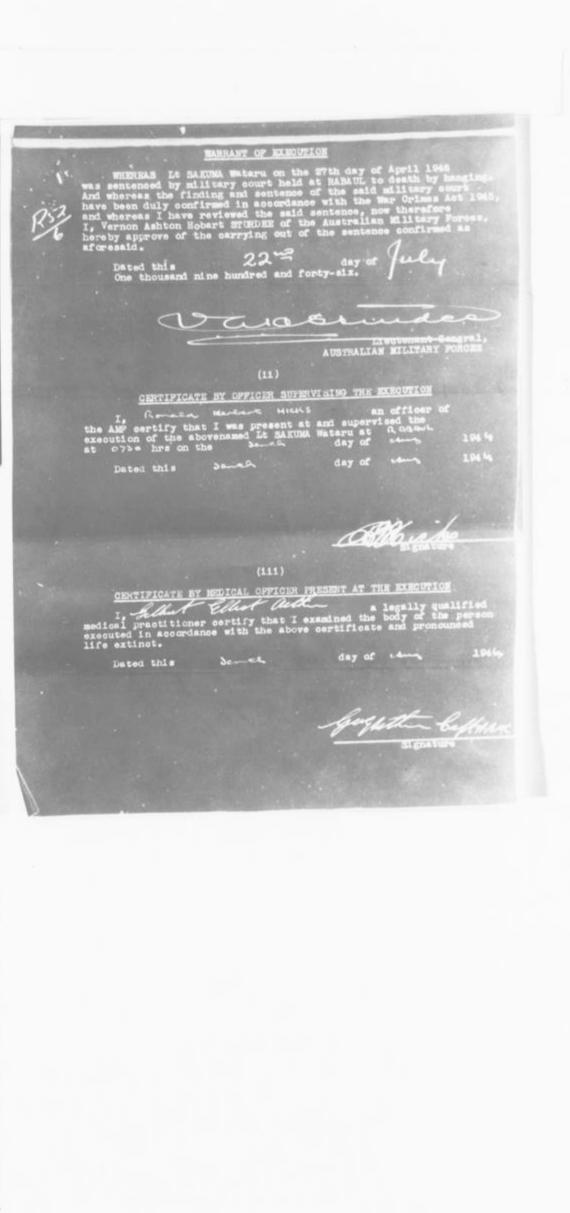




WARRANT OF EXECUTION Q acosamica Lieutenant-General, AUSTRALIAN MILITARY PORCES Marke CERTIFICATE BY MEDICAL OFFICER PRESENT AT THE EXECUTION

I, Caraca Actual Actual a legally qualified and practitioner certify that I examined the body of the person executed in accordance with the above certificate and pronounced life extinct.







R534

HOTE : The records of the proceedings of the Court will be attached to this form.

- (a) If the accused is not a member of the Enval, Military, or Air Force of an enemy or ax-anany Power the mane, pecupation, and residence of the accused will be inserted.
- (b) Recommendation to morey, if any, to be inserted in this solumn, or on a separate pheet attached to the proceedings, with the reasons for the recommendation.
- (c) It is not necessary that the Comfirming Officer should sign his name in this column. Initials are sufficient.
- (d) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the
- B. I CERTIFY that the above Court assembled on the court day of 1946 and duly tried the p reon maned in the Schodule, and that the Ples, Finding, and sentence in the case of such person were as stated in the third and fourth columns of that Schodule and that the Regulations for the trial of War Griminals have been complied with.

I ALBO OSSTIPY THAT

- 1. The Mombers of the Court
- S. The Sudge Advocate
- 3. The Witnesses
- 4. The Interpreter
- 5. The Shorthand writer

were duly sworn.

SIONED this wenty several day of

1946

DOWN THE WALL OF

C. I have dealt with the findings and sentence in the manner stated in the last column of the Schodule, and, subject to what I have stated. I H REEN CONFIRM the above findings and sentence.

CONTRIGIO OFFICE

PROMULGATED in the case of

(Date) (a)

1946

Signod

(a) When several cases are promulgated on the same day the Officer offecting promulgation need only sign once.

0639

THE MAR ORDERS ACT 1945.

IRIAL OF:

Lt. SAKUMA MATERU)
Sub Lt. OTORD TORIZO)
Sub Lt. SAKUMOTO Unujiro)
Sub Lt. Yarina Siloni) all of 67 Mavel Garrison Unit

Date OF COURT

27th April 1946.

PRODUCTURE OFFICER

DESCRIPTION OFFICER

Capt DOOLEY of AND DE CAD

THE ACCUSED ARKS SHOUGHT SEPONE THE COURT

Civilian Interpreter HATTORI is sworn as interpreter(Anglish - Japanese)

The Prosecuting officer makes an opening address which he does not desire to have recorded.



RABUHARR Being duly swarm is exemined by Prosecuting officer throughtfurprototylitres Harry of Meuru Constabulary. Ey name is Embunare and I am a native of Bikunsu Island. Prosecuting officer shows statement to witness. That is my signature on the statement. That document has been read over to me in my own language and the contents are true. Defending officer tenders certified copy of statement, read admitted in evidence, marked Exhibit 1, signed by the President and annexed to the proceedings. Innediately before the killing there were about 150 natives. Those 150 natives were natives of the Gilbert and Kliis Island Colony on the first occasion we were paraded outside the Billiard room and spoken to by Csakiso and Sukaiso, we were told that the usr was over and also that we were to work with them for a few days longer. I am quite sure that what the Japanese told us was that the war was over when we went back to our houses, we discussed the war being over. I cannot remember when the last bombing or machine guaning of the island occurred. I cannot remember how long it was before the execution. It might be 4 or 5 months before the killing. There had not been any arial activity against the island by the allies at about that the. When the interpreter Deskiso was speaking to the natives what language did he use.
 In pidgin Veganese. 4. Do you know any of the 4 so used in the dook. 4. I recognise all these pools. ARRESENTATIONS AND ARREST AND ARREST AND ARREST AND ARREST ARREST AND ARREST ARREST AND ARREST A. Yes. 4. And you usually received your instructions from Osekiso. * Un the day that your companions nor a of its on see may of thee



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 when six is natives were liked up and bilinary see for of these 4 com.

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Prosecuting officer tenders written interrogation of accused during which is read, admitted in evidence, writed axhibit "a", signed of the President and a mexed to the proceedings.

Prosecuting officer tenders written interrogation of accused Office which is roll, similated in evidence, sorked Ex ibit "O", signed by the President and empered to the proceedings.

版久間 蘋 I was it. Jakuma Vateru of 87 mayer of rrison Unit.

- Whom did you ask whether the shooting of the natives would be lawful.
 A. It was Lt. Serete who mentioned that in the conference.
- A. Yes, I did not ask.
- . Did you believe that the action of killing oil the natives was lawful.

 A. I thought It was lawful but how far it is lawful I cannot say.
- . To whom did you say "we have employed the natives for a long time. It is a pity they have to be killed".

 A. That was one of the questions that was discussed among the doy commanders and then Lt. Sakata conveyed to to the commander.

- And so you did not make the statement "we have employed the natives for a lon time. It is a pity-they have to be killed."
 I say that.
- To whom did you say that.
 I spoke of it at the conference. with other Coy commanders.
- q. was Suruki was present when you said that.
 A. No he was not there.

June 1 No. 2 Sheet No. 5

4. You were then questioning Junuki's order were you not. (Q. withdrawn Did you discuss the possibility of not carrying out Junuki's order.

The two one of the things that should not be commented upon. Did you believe that to will all these natives would be a brutel who o'llous action.
 Yes. At the time of the Coy commanders conference it was discussed that it was a brush act. Did you believe that it was a cruel sot.
 I old feel sorry for the natives. From the time you first joined the party of natives **** until the time they were all killed, did they offer any resistence of any kind.
 They did not resist. in view of the fact that they did not resist, do you consider that
the shooting of the netives was a war operation.
 Up until that time they did counit many activities of resistence. Do so consider shooting 40 unresistive people was a war operation. Is it not a fact that you know the war was over before the execution took piace.
 I did not know.

 The day following the execution did an aeroplane fly over drouping leaflets saying that the war was over.
 A. I don't remember whether it was the following day or three days later but they did drop leaflets. Did you first the chooting that Japan was a defeated nation.

A. I did not think so.

SESTION OF THE COURT

- what was the strength of that Jerrison on that Island.
 A total of about 500 including officers.
- A. I remember it as 22. That figure includes warrant officers.
- A. Yes.
- a. And were they affect of these inoffensive unarmed netives.
- A. That if they erose then the position would be very disadvantageous.
- a. Do you expect the court to believe that a party of 180 unarmed natives could do demage to 500 fully armed Japanese.

 A. That is what a think.

- As any disciplinary action taken against any native for cots against the Japanese.

 Back in August, Sept as Oct 64 some natives stole some grounds
 I do not remember if any disciplinary action was taken.
 - 4. Had the Garrison had any actual combat duty with the allies.

 A. The Ocean Island Garrison itself was organised when they first got there but some of the men had some action before they got there.

 The 67 Garrison had not seen action as a unit.

QUESTIONS BY JUDGE ADVOCATE.

committed by the natives within a month or two perors the execution A. Yes there was.



A. How many such nots were there.

I think nearly 10.

A. Now many natives altogether were involved in those acts.

ses the whole population executed because of the acts of those 20 men. It was assumed that these 20 natives would be leading all the other natives in an action against Japan in case of a landing by the cilies.

avidence is read over to witness who does not desire to correct same.

I swear that I have told the truth without adding anything.

版人間桶



267

Chest He

Aub Lt. 07000 being duly sworn is examined by Defending officer through interpreter Sattori.

Ouided by my conscience I swear to tell the truth without withhelding any evidence whatsoever and also I will not add anything besides the truth.

大 友 西蘇

I am Sub Lt. STOMO TORIZO of 67 Mayra Carrison Unit.

Defending officer shows interegation Exhibit 0 to witness.

remember that interrogation at Rabaul and the contents of this have been read over me before signing. It is my signature on each rege and the contents are true and correct.

I think it was around Aug 28 that I found out that the war had saided. It was after the massacre of these natives. We found out from massage despatched from He that the war was over. I have been in the Navy 17 years. I have had my commission since May 46. Refere that I was NO 3 years, and a NOO and seeman before that. I did not deany officers training school before getting my commission. I have not attended any lectures on international law. I do not know whythin

CHOSS KYANISHD BY PROSECUTION OFFICER



Q. Is it not a fact that you know before the maximum and shooting that the war was ended.
 A. I did not know.

NO QUESTIONS BY COURT

Evidence is read over to witness who does not desire to correct same.

I swear that I have told the truth without adding enything.

大友商藏





January Services of the second of the secon





R52

diest ...

* Accused YATDIA being Guly amorn is extilled by Defending officer invoked interpreter Hattori.

Salded as an considence I shear to tell the this willook withhelding and evidence upstrooped saldies I will of all each in bouldes the truth.

I ... Son Lo. Yarana Ettent of av Navel Jersie. U. tt

Derending officer shows Emilyit E to without.

I reached. The last elementary on the last and form the last and the l

NO DECES EXPLINATION OF EXCEPTIONS CONT.

ne wassing as own.

Evidence is read over to witness who free not desire to correct so e

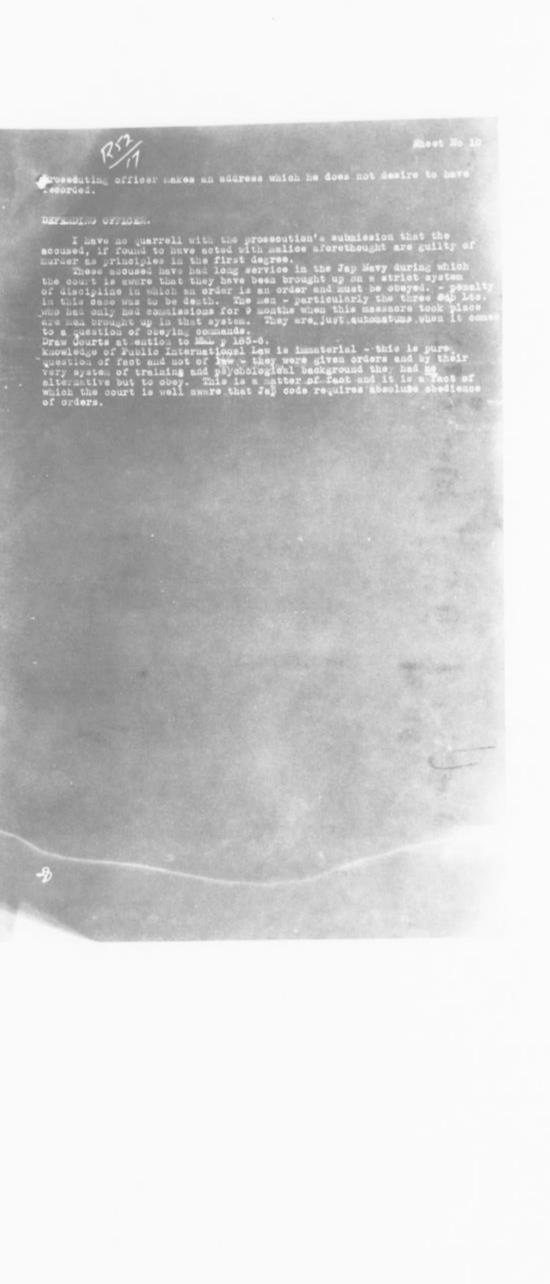
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矢 鳴第一

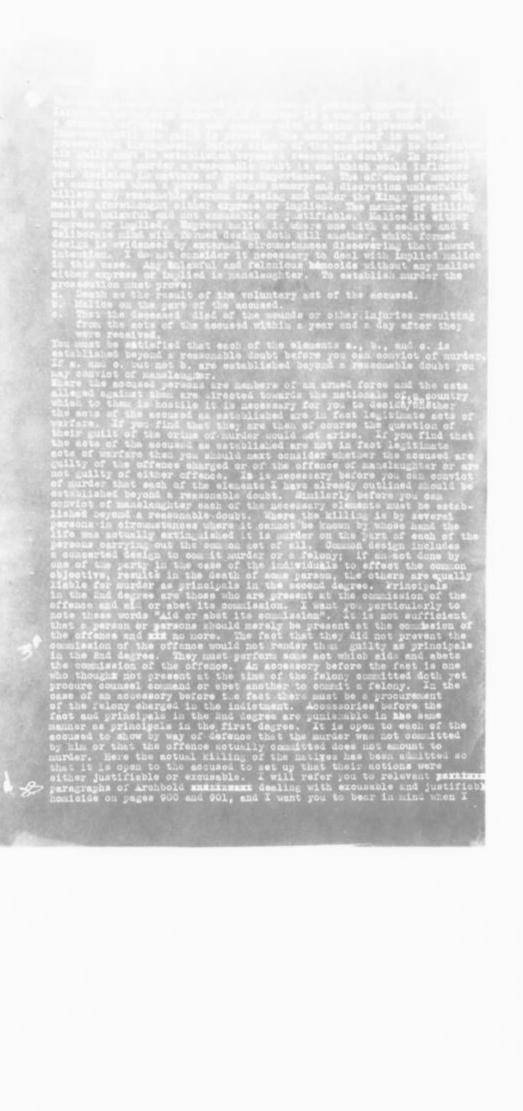
CLOSE OF CASE FOR DEFENDER

8











ording these paragraphs that they relate to situations known under ordinary peacetime circumstances and it will be necessary for me to discuss samement further the possible circumstances arising in warfare. In the first in the possible circumstances arising in warfare. If for instance any of the secured had killed or caused to be killed any of the descessed persons in nothic conflict in war then obviously the homicide would be a justifiable one. Indeed a continuously the homicide homicide (p 901).

And taking the position of tembers of an armed force doing certain acts directed towards subjects of a hostile nation you must also bear in mind the question of superior orders. You have been referred to by the Defending Officer to half Amet Za. p 185 and 186 para 50.

directed towards subjects of a hostile mation you must also bear in mine the question or superior orders. You have been referred to by the Derending Officer to hill Ant 2h. p 185 am 186 pars 60.

White must be read in conjunction with the paragraph spycering on sage 888 of him which you will receil is part of a displet decling with the laws and usages of wer. The paragraph to which a refer is paragraph 440 as amended.

Whites.

The Derending officer is quite right when he sake you to accord to the circumstances as the acquest as the . To decide whether or not the circumstances as the acquest as the . To decide whether or not the circumstances as the acquest as the . To decide whether or not the circumstances as the acquest as the . To decide whether or not the circumstances as the acquest as the sentiments of humanity you must andeavour fully to consider the considerion appetaining at the time of this incident, how the acquest the sentiments of humanity would not been reasonably justified in believing that the orders was leaving and that it did not outrage the sentiments of humanity. Finally if any of the acquest errors has reasonable acquest as presentable by others as to the existence of a state of arrairs which would establish the decrease set up by him or raise a reasonable doubt as to his with in your must then acquest as a matter of mocessity. The access of must be made the parties whether or not such accord would mount to war treason or war rebellion and so justify the sate of the acquest as a matter of mocessity. The decrease of measuring shell with very a ortiy so far as concerns internal original law port or Archbold.

What were a ortiy so far as concerns internal original law port or Archbold.

What was a property of the natives had either committed or being asspected of committing acts of war receiling or war treason, that is to say, they would are a right to such form of trial as the arguet of the occupying beligerent before being found quity and punished. Whether or not the killing or the natives





The Prosecuting officer informs the court that make of a previously been before a war Orimse court.

At 1088 hrs court is closed to consider sentence.

At 1540 hrs court reopens.

The President announces that the sentence of the tour the accused shall suffer death by hanging.

The President informs the sequest that such finding a not finel until duly confirmed by higher authority.



knew Bauttiell and was also a finderman. I did not been the planning to meeps, but I heard after he had gone. I heard here manner had detuning and throught that the repaires would them. To once saw Mr COLE outside his house at TANEFEA working in t garden. He was weeding around the "Rol"; ant, We were not allo to apeak to the Europeans. o clock "OBARTA" shouted out from the riskymen to some dear. We all came down road by the Billiard Rocc. When we got there boys on the Island sirely gathered were burdred. Wager J. R.



the Capanese were falled in shows five lines along the road. Some of the Capanese were galaxy, and when we are well of about the interpreter. He stood upon the verandah with the other five Japanese is tald us that the war is over but that we must still work for a while, and then the Japanese would be going away and leaving us here. Then we ware told to go back to our houses.

15. We were too seared to show our happiness, so just bowed our heads and went to our house. Then we laughed and talked of the good nown in our house.

16. We stayed in our house all the rest of the day and prepared our fishing sear for the next day. We were not allowed to go out and CRAKISO was angry if anyone asked permission to go out.

17. Hert morning MACRI and I and everyone size went out fishing as usual while it was still dark. MACRI and I came back very early about eight o'clock because we had a lot of fish. The others came back about a lot of fish.

18. When we arrived back all the natives and a lot of the Japanese soldiers were gathered in the same place as we were gathered the pravious day. The native soldiers were told to hand in their uniforms and arms. They handed them all in to the Hilliard Room. The native soldiers had marched in, in their respective groups under their Japanese Leader.

19. Then OBAKIBO called us from our house to come down to the road by the Billiard Room again. We came down and joined in the parade.
BUKAIBO spoke to us all again. He told us we were going to change over the sections again now. OBAKIBO then divided us up into our new sections as instructed by BUKAIBO. Our section was the last to be divided up.

EU. The first section of about fifteen men was for BUKINTRRIES. One soldier went with them and they marched away. The second section of about fifteen men was for TARMENG. One soldier went with them and they marched away. I would know the faces of each of the soldiers who must with these two groups. The third group was a bigger group, about 30 or with these for TARMENG to the oldier marched away fit them to the fourth group was also do not so all was for the Uninese location one soldier went with them. This last is the Toddy Outter's group.

Si/ I was in the fifth group of eight man. We were to go to HTANI-BANABA and marched away with one soldier in charge. I do not know the name of this soldier, but would recognise him. There were still some natives left when we marched away.

25. We marobed through below the Chinese quarters and above the Pastors House and then through to the police lines. The soldier in front with us behind.

25. When we arrived at the Police lines we saw a lot of Japanese soldiers in their quarters. They were all inside their houses. The Japanese soldier in charge of us told us to sid down in a line of told us to face towards the East. Then he took out a little book from his pocket and asked us in turn how old we were. As each man told him how old he was the soldier wrote in his book. That are all we were insist.

24. When the soldier had almost finished writing down the ages, a shortains) came up with another soldier from behind us and walked out in front of us. The (SHOTAINS) drew his sword and respect to the addition and the addition to the point of us. They did not specify and both pointed them at us. They did not specify an along the us, but walked out for home bord soldiers to down out. I had soldier at the store of a store of the soldiers to down out. I had soldiers to the store of th

Landfring Wager JA.



Lithout enything being said, the soldier who had lead us up tied each san's hands in order with same string he had in his poster. It was twine that is used for anking repe. At lands were tied bery there was a longth of rope left over loose after tying each san's hands.

26. Then the (SHOTAISO) spoke to the soldier who had tied our hands and the soldier told us to stand up. Then the soldier gathered up all the long ends of rope at we could not run s-ay.

27. Then the (SHOTAISO) walked beside our group as we started walking down towards tabliano village. The soldier helding the ropes behind us shd the other eight soldiers behind him. The one who had the pirton with the (SHOTAISO) stayed in the Falice lines. All still had their bayonets ready as they filed down the track behind us.

26. The stopped by the engine room for about three minutes while the (SHOTAISO) spoke to the men in the Power House. I do not know what they were talking about.

29. Then we walked on down the track across the road and on down to the cliffs below Tallage Village.

50. When we got to the cliff the soldier released the strings and told us to line up on the edge of the cliff and squat down close together. Then our eyes were tied up with cloth. The same man who had tied our hands tied the blindfold on us. Then I could hear movements behind and felt as though the soldiers were behind us. I was the second man to have my eyes tied up.

51. FALILITA was the first man to be tied and was on my left.

Be said to me "are you ready?" and I replied "Yes I am mady to die".

Them Falalliva asked "You remember God?" and I replied "Yes I remember

SS. Then everything was quiet for a moment, then I fell over the eliff. I did not try to, but just fell. Almost at the same time I heard a scream and someone fell on top of me. I think it was FALAILIVA. I heard others fell, but no more screams. Then I heard a lot of shots fired. FALAILIVA was still on top of me and some of the bulkets I could hear were close to me.

water kept breaking over us, but I could breathe as the unter receded each time. I could see a little bit out of my left eye past the blindfold, but I did not look up. I stayed there without moving until I thought the Japanese had gone. Then I bit FALATIVA'S shoulder to see if he was still alive. Fe was still lying partly on top of me. FALATIVA did not cry out so I knew he was dead.

A. I stayed about an hour in the water until I thought the fapeness would be fone, then I gotup and went over to a sharp place for the oliff where I out the Uniting Tros my wrists. Then I removed the blindfold. The I went around all the other bodies to see if any were alive. They were all dead and I looked at each man's face. There was a lot of blood about. I cannot say how all were killed, but I remember FALAILIVA had a wound in his left side, and blood was coming from it. UMANTRITI had a bullet hole in has head.

35. After I found they were all dead, I looked for a place to hide and found a cave where I hid myself. I stayed in this cave all night.

36. The next morning I saw some of the bodies floating outside the cave. They were swelled up bodies them. Two of the bodies washed into the entrance of the cave. I did not touch them and stayed inside the cave and only people outside.

which I ame

I amstramor JA



R523 . A-

Pour the stale of the day I heard the roar of a plane flying very low. I could hear the plane flying road for about half an hour or an hour. I did not see the plane and stayed in the cave.

38. After the plane left I could hear footsteps over the top of the care and I could hear voices through one of the holes leading in behind the save. Then I saw some Japanese soldiers walking along the reef. The tide was right out, just starting to come in. Some of the soldiers came by my cave. Two of them dragged one body cut to the reef, then came back and dragged another body out to where there was deep water. I could not see them all the time from my cave and think they made other trips for the other bodies.

39. I did see these two soldiers make two trips. I saw two cances each with two Japanese in them come in to pick up the bodies, from the soldiers who dragged them out to the reef. There was a launch too. Both the cances and the launch came from the direction of TABISWA. The cances being paddled close inshere and the launch moving slowly furth r out. The cances towed the bodies out to the launch.

40. Then the cances paddled back towards . 372.44 and the launch went further out to sea.

41. I do not remember anything else that day.

42. I stayed in the cave this night.

43. Next day, I do not remember anything except hearing the flatear moving along the rails.

44. That evening about seven or eight o'clock I left the cave to search for young coconu? and to find a new hiding place inland. While I was up the tree two Japanese came along poling a flat car towards Table A and I stayed hidden up in the tree until they had gone.

45. Then I went to look for a hiding place and found a good bangabanga above the Police lines and I hid there. By then it would be early the next morning.

46. I stayed in hiding in this bangabanga until the day I not the two Gilbertese (End Dec 1945).

47. I used to so out at night and gather food, young coconuts and old occonuts and water.

48. Sometimes I on a out and climbed a tall teital tree to look round and see if any ships were about. I did not see the warship some but I saw some other ships. I thought they were more Japanese ships.

49. I saw the Union Jack flying from the staff in the Police lines but thought it was another Japanese trick, so did not go near.

50. I heard the bugler every day too, but I thought it was Japanese too, because the Japanese had a lot of bugles.

51. One day while I was up the teital tree I saw a motor car different from the Japanese kind and the people in it did not look like Japanese so I came down from the tree and bid by the road to wait for the motor car to come back.

58. I waited two or three hours, but the motor car did not come back. Then I heard the tinkle of bottles and saw two men. One I thought a native Gilbortese, but the other I thought Japanese, because he was wearing Japanese clothing and shoes. The one wearing the sulu and carrying the toddy bottles I knew was Gilbertese and I thought he spoke in Gilbertese.

Sandfring Chayor J. H.

BBBB

S5. After they had perced by I note up my rind for ours they have all them I was some they ward oldbertheen and I goes for a dimen and them I was some they ward oldbertheen and I goes for a simula and the remaining and of the killing. I established they had some are all the time and was the remaining and of the killing. I established are the spaness? They told an the Appares had all goes and that they had come on the second labour recruit.

54. They acted where I had kidden all the time and I showed them. Then I camed from my napitus into my sulu which I had hidden in the hold.

55. I thenked the hole for saving my life and then came down to the Police lines and TALUGEL took as to the District Someteners.

I swear the above to be a true correct statement of the fasts.

(600) EASULAND

PARTIELD - GORN ISLAND

CHARGE TALUGEL - GORN ISLAND



At 195 3 menerales when he country of the war.

Que was granded at the control of the war.

Que are no obligated to anomaly and may be read in employed to anomaly and may be read in employed to anomaly and may be used in employed to anomaly and may be used in employed to anomaly and may be used in employed to anomaly of the war.

Que between what dates were you are desired at the war of the war.

Que who was your commanding officer as for Count Sugarbi hosomi.

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Que when you a lampany commander the year of the war are the date.

Que you are not was also do when you to execute the year of the matters on whe when do was also de years are also as when he years are the saland.

Que you you present when the relation of the years of matters on whe when do was a first M. At. Yes a war clear when the relation of the years are presented to the years of the presented to the years of the years of the presented to the years of the year

2. B" 0 48. Suguhi told up that in men ofthe war situation there was nothing for us to do line to fight to the end and also that me were to show all the natives. 99. Did you receive a definite order to show the matries 19. yes is was an order 910. What did you do as a result of the order A10. 41 from 9 was not been to carry and the ander him is was en conder and there was nothing & All. What action did you take
All. I gave orders to Sub la OTOMO
Sub lo SAKAMOTO and Sub le YAJIMA EIEITI to shoot forty notives giz were you present as the execution A12 yes I was there of did you tell them to sheat any forty.

AB. Le Nava divided the natives up and gave my here forty A14. I gave the orders and my



The I do not me into his the water more than forty soldiers

All I have there are firing agreed or seneral

All The nature were all alor in the one walley.

Off Soid you give the order to fine

All yes.

Off Soid you give the order to fine

All yes.

Off Soid you forty ordering in our squad or went they divided not since a agreed.

All yes.

Off what part and Sub ft BTOHE

Sub le Suramero and Sub ft

YATIMA take in the some attach

All I gave the orders diver to the relatives. These that offices a soldiers. These that offices a soldiers to the soldiers.

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On TABIA heart.

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All On TABIA heart.

Office who seldies thus them into the soldiers.

Office who was done with the hadre.

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Office who seldies thus them into the soldies.

Office who seldies thus them into the soldies.

PAZE who and each so he done

PAZE. I ordered ix.

924 you have said you were made heart to so you not refuse. Why and you not refuse.

PAZE. It to Johanese Army anders have to be carried out.

NEX. 19 15

SAXYMA WATTON'S

SAXYMA WATTON'S

SAXYMA WATTON'S

Letty the sale statement was made by the sale and after the same had been suffered and after the same had been suffered over to him in Johanese had over to him in Johanese helper he signed it and after the trinslation is a time translated by the atatement offered.

Withhard cops

Outen egating Offices.



- GI I am going to eath you some questions
 upon one was alliged to amount them
 had cultative your song will be taken
 about in writing and maybe well as
 building. Do you understand
 ATI. you & understand.
- 92. Between what dates were you on been is. A2. From While 43. mitel the sed of the com
- 92 Who was your Company Comma.
- ogen senember Sahuna John orders about the execute makines
- A4. Yes 9 memeruber
- AS. When was is. AS. Alema 20 Ang "45 I think .
- 96 what ander did you received.

 Mo. I was called to my landay land
 Office at alrand 0730 land that was
 I was told to get 85 native from
 the administrative buildings of James some soldiers to get the 25 matines. They were harryful Sandfains June J. F. 大友西藏



Company some der was wied me. I sland the metale other der other section had sheet were the nature of the der other section alter the matter were to be shot.

97. What did you do next.

97. What did you do next.

97. Who copy the first of the man der them you tree much my confany commander to TABIA. Whe Company commander them the seldness made them sid deared. He seldness heli effected the nature where also dear the seldness help the deared the nature who hands were absending the .

98. Who happened next.

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July did the Section Commanders also give the order.

All So that the soldners would all fine Highter.

All Did the Company Commander give the order by whice or by sugrad AC By white.

All How did you give the order.

All How did you give the order.

All Hosh of ATIS at 8 MD do lead with that this statement was made by Subtract that the order or and after in the hear wenter down in highest was need oner to him in Japanese before he signed in and that the translation is a time translation of the statement.

Whele de Cohe Tales of Office.

grande of the table of the same of the sam Return what that were you been to been to room sport 1943 made the of the war 93 BB the end of the war. Confing Comman AS. LE SAKRMA. 94 Do you nemember hun on onder about the local notines 14. yes I remember. 15. When did you me cer 45. About Both Any 45 96 what was the order that you seen No. The company Commande to us that to land Sayuki ha





Ple what was de next thing that happened. Aa. The Company Commander gave the order to fine and o harred it ow. A12. He was on the conferny Con 919. why did you have the order on A14. We make ordered to have on order so short every body would hear. 20 was on the shore and its waves were 8 Sgs AJ Howh of ATIS att 8 MD do levely certify that this statement was me ly sub le . SAKAMOTO Chyiro in go and after is had been written down English was need over to him in Jo before be signed it and that the too Whileson cold the throughten office minglenges



Attracy when of Sule for YAJIMA

ETICH, JOS have formed and a few of hashard on 23 house of the book of ATIS at 874 p

Questions. You are use ableged to answer them had a substant your say will be taken down in what and may be used as abudence. We you and to send of the gent of the end of the war you are your say will the send of the war.

Q2. When were your on boom Is as the war you are your and to be and of the war.

Q3. Who was your Contany Commade As. It Sahuma.

Q4. Oo you remember getter orders from Sahuma salating to the shooting of making.

Q4. Oo you remember getter orders from Sahuma salating to the shooting.

Q4. Oo you remember getter orders from Sahuma salating to the shooting.

Q5. When did your get them.

As. About 20 Any 1945.

[Missing G6. What were the orders.

At yes 3 get those orders.

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97 Did you go you will or son you men to the Administrated him for the molies, AT. I seem out man for the natives.

98. Did the wolder being them hack to you AS. yes he be oughether the matives bed.

99. What haptened after the matives arrived there the natives bound and to take the term natives to the sea glove. When 12 welders hound their hands.

910. Did you account on the soldies and natives to the sea place.

All you I would be a place.

911. Who else went:

All to Sahama, Sub to OTOM O Subto Sahama, Sub to OTOM O Subto Sahamato and myself.

912 when you amined abthe sea there were to natives there where there were to natives there were to natives there were the matives there were to natives there were the matives there were to matives.

A 2. Altoyther there were to be deals worth him may section. O TOMO had 25 natives and SANAM MOTO had 55 natives.



AB. Ry Saluma's order the rations
were lined in ingle file
met one selder standing olightly
belied each mature it accordance
with Saluma's neach order, the
suldies made the nature and down
and blindfolded rolen. I have de
order course to fire. I haved
order to order and with one
walley all the natures together in
one growth
AH. They were in three different
growths mader O TOMO, Sahamato
and myself.

QII. Where the above were the growts
AIS. Allow 15 metres thetween
each growt.

QII. Where the above were the growts
AIS. I would not so or to metres
which growt.

QII. When were you standing
AIS. I will always so or to metres
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alone 30 metres among from
the to the order to fire duries
to the troops

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All. Her were about a metre and a half among from the edge.

All. Her were about a metre and a half among from the edge.

All to show they were also and they fall into the give or see hand the walky Sahma ordered that they were to see him and the see.

All the short of ATIS all SMD do herby was the give or ear hand my got arese and offer the person of the short was read over the transmitted of the short was read over the transmitted of the short was read over the transmitted of the short was read over the statement of the short was read over the statement of the short was read over the statement of the statement was not the short was read over the statement of the statement was a transmitted on the transmitted of the statement of the statement was a transmitted of the statement was a statement of the statement was a statement o

I, SX10334 Douglas John McBAIN, a Major in the Australian Wilitary Forces holding the appointment of Deputy Assistant Adjutant General in the Directorate of Prisoners of War and Internees at Australian Army Headquarters, Melbourne hereby certify that the attached fifty eight (58) sheets numbered compositively from "70-1" to. "70-58" (both inclusive) are a true copy of the original proceedings of the Willtary Court which at RABAUL on the 1st day of May 1946 tried Lt YAHAGUCHI Nobueki, Sub Lt HIRAKI Sekai, Sub Lt TSUCHIIKE Masatero, Sub Lt MAHAWA Riji, Sub Lt Yoshida Itsuo, Ensign SUGITO Tsuchinosuke and Ensign YASUDA Herumi And That I am the officer having, in the course of my duties, the proper justody of such original proceedings.

Total at MELBOURNE this 24 th day of October

. Acadamedaen. He jor

D.A.A.G. D.P.W. <u>&</u> I., ANQ.

WITNESS ... S. Amold capt. An officer of the Australian Eilitary Forces.







WHISD WITHEST FOR DEFENCE Accused Tsuchiiki being duly sworn is exemined by Befending officer through interpreter matteri. Guided by my conscience I swear to tell the truth without withholding any evidence whatsoever and also I will not add anything besides the truth. 土 远 政 本 野 Defending officer shows statument to witness. That is my signature and the contents have been read to me by the interpreter and it is true and correct. Defending officer tenders statement which is read, somitted in evidence marked Arnivit L, signed by the Fresident and asserted to the processings I have been in the Mavy to years. I left school when I was 13. I have never done an officers training school. I know nothing about internation law. ahen you expressed your objection to your day commander who say.

A. The only words that I expressed at the time ways "from the point of view don't you think it is pitiful". A. Ho. A. Yes I do remember being interrogated at Rebaul on flot March.

Les I do remember.

Les the report of that interrogation bean read over to your just prior to this case.

A. Yes. And is it a correct record of what you said. was inhumane."

A. what I expressed at the time was that not a inhumans not but it a pity. A. I felt emotionally pitiful and it was on orders that I hid-to Did you think that it was wrongful to shoot the natives. . Why did you pass on Yemaguchi's orders to your troops. It was an order from the Coy semmender. Could the troops have heard Yanaguchi's order direct from him. Yes, It could be heafd. . Thy did you give the order yourself.
I revious to that I was ordered by the Osy assembler that orders were given that I should repeat them.



Did the troops set on Tamaguahi's order or did they set on your order.

A. They noted on priese that I received from Tamaguahi, the Goy community.

Did they set on Tamaguahi's word of command or did they set on your words?

A. It was the orders of Tamaguahi.

They set the orders which both of us gave the orders at the same time.

They set on orders which both of us gave the orders at the same time.

They set on orders which both of us gave the orders at the same time.

They community of Distriction of Orders and Control of the Indian who does not desire to correct same.

I swear that I have told the truth without sading anything.

They are they I have told the truth without sading anything.



Onided by a comparience I mean to tall the truth elthout itshelding en-avidence that ever and who a will not side out in testing the truth.

吉田島雌

- A. In thought were that to ill a proof, I felt very pittful
- A do not remember the goal lotely but the main joint were that the Co, or mander that orders were received from the Co that natives were to be silled and that jour section will take over a native."

- would got not have disobeyed the order had you remained behind and instead of joing to the place and seeing that the natives were executed.

 A. I received permassion from the Coy commander to remain behind in view of the fact that I and to attend to clorical duties.
- When did you receive that permission.
 It was about 30 minutes efter the order eame.up.
- A. He is one of my/superdinaturax senior MCO's. He was a CIC.
- a. I think is went back to depen.
- A. when did you last see him.
- 4. Is his full hand Hanaraki Isekichi. A. Yes.
- A. Yes he reported to me later



- .. If a subdringte of pure' refused to carry out such an order what sotion would you take.

 A. . would report the atter to a superior on the violatio of an order and have sotion taken accordingly.

- . And the natives been faithful servents of the Japanese during their occupation of the Asiand.

 A. In the beginning they were working very fait fully but as the war was coming to the end the conditions of the natives deteriorated.

吉 田鱼难



June 40 11 -16

捣杀处

Derending officer tenders state but which is read, sanitted in evidence is read Exhibit it, slighed by the President and annexed to the proceedings.

- in your statement (maniput a; when you said "It was unable to see from the place where I stood" what could not be seen from the
- from the place where stood" what doubt not be seen from the place where you stood.

 A. There were trees in between and could not see the Joy commander.

- Q. Gould Yene uchi see the piece where the netives and the soldiers were from where he stood.
 A. Yes he could.
- con fer fere you from the soldiers and natives at the time of the shooting.
 about 10 metres.
- why do you say in your statement "I was unwilling to shoot the natives to death". why were you unwilling.
 A. I felt sorry for them.

- Did you think that you were doing something unlawful.
 A. Ho.
- wes Yems uchi close emouths to the place of execution to be able to give commande by word of nouth.

 A. He sould not be heard by word of mouth.
- were you the senior officer on the spot when the shooting took place.

 A. Yes, I was.

NO CUESTIONS OF COURT

avidence is read over to withese who does not desire to correct same.

by my conscience I owear to tell the truth without withholding idence whatseever and slee I will not add anything besides Hammat this stage charge sheet is emmaded by consent to make Sugino's mid read SUCLEC Tsuchinosuke, Ensign. 水 学 土 之 助 efending officer shows statement to witness. That is my signature. The statement was read over to me in Vapanese before a signed it, and the contents are true and correct. Defending officer tanders statement which is famu, admitted in evidence, marked Exhibit O, signed by the Freedent and annexed to the proceedings. I have been in the Mavy for 15 years. When I left school I was 14 years of age. J. In your statement Exhibit 0, why did you say and what do you need by the statement "I guessed that he might have been afreid that about not be sole to carry out his order unless he forced us by the measure of death by shooting, because our seniors as well as we felt them pitiable to execute them".

A. Orders are absolute and personally I felt sorr, for the natives. when you setd in this statement "a guessed that he might have been afreid?" Sno do you refer to by he'.

A. I think my senior officer. what do you think the name of that senior officer is.
 Lt. Yamaguchi. When you made this statement did you write it out yourself or did you distate it to somebody.
 A. a wrote it myself. when you gave the order to the policiers to fire how fer from them were you standing.
 A. 5 metres. any did you say in your interrogation "I thought the order might be hard to understand".
 I thought that the order sould not heard by the soldiers and so at to make it more thorough, I passed it on. avidence is read over to witness who does not desire to correct same.



Accused Tasuda being duly aworn is exemined by Derending officer through interpreter Kawasaki Jun.

Guided by my conscience I swear to tell the truth without withholding any evidence whatsoever and also I will not aid smything besides the truth.

AI am angles Tasuda Maruni of 67 Jerrason Unit

Defending efficer shows statement to withers.

That is my signature. The statement was read over to me by an interpreter before I signed it and the contents are true and correct.

Defending officer tenders statement which is real, and thed in evidence marked Ethibit P, signed by the President and annexed to the proceeding

I have been in the Havy 13 years. I know nothing of International Law GROSS EXAMINED BY PROSECUTING OFFICER

- 4. Who ordered you to do the shooting. A. Lt. Yemaguchi.
- when did he tellyou that if you did not do it the penalty would be shooting.

 A. when a received the orders.
- A. I did not object to the order, what I meent was that I felt sorry for the natives.
- Why did you say in this statement "A once objected to the order".
 I did not object so the orders but felt sorry for the natives and that is what I said to the Cor commander.
- A. I believed that orders are absolutely correct. As for my persone opinion I thought it was a jity to will the natives.
- what do you mean by soying in your statement "he did not edopt my opinion."

 A. I expressed my opinion that it is pitiful to will the natives but the Coy commander said "it is an order".
- Whe it usual for you to comment on ambider given by a superior.
 A. it is not usual.
- any sid you on this occasion consent on your Cop commenters order.

 1 pities the natives end so + express ny opinions to the Coy occursiver.

OLOGE OF CASE FOR DEFENCE.



Presenting officer makes an address which he does not desire to have recorded.

RATEDIAN OFFICER ADDRESSES.

In this case the question of the guilt of the secured depends on one point - weather make to accused not with malloc affore thought in their large of this messages.

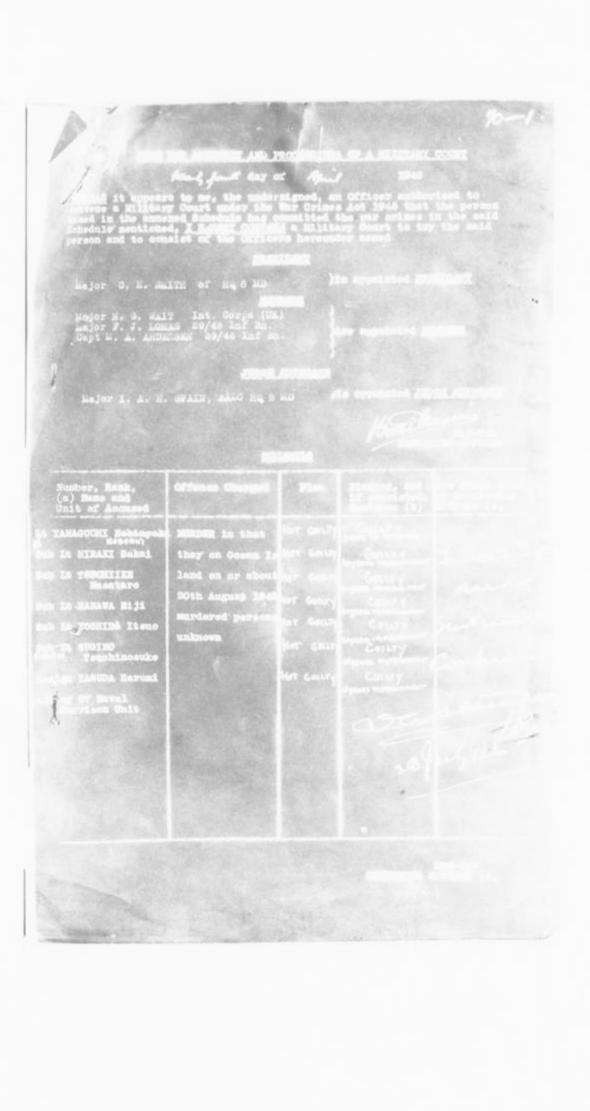
I submit that the number of the order of the secured depends on the just that the just when the just the transfer are marriy the tools with which doubt then there is a such thing as an unburful order in Valence intolyling.

Therefore all seven sourced since they merely obeyed criters should be required.

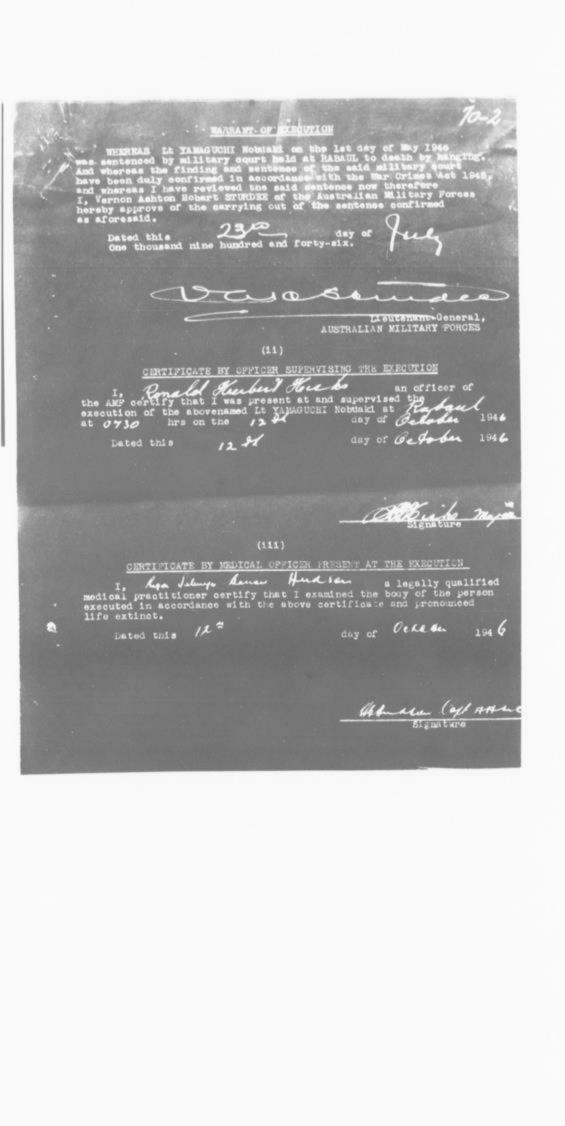


tormed Gosign is evidenced by external circumst need intention. Any unlewful end felenious homicide a express or implied is manulaughter. To establish an must prove if of the voluntary set of the secured. It died of the sounds or other injuries resulting secured within a year and a day after they were that each of the sleant.

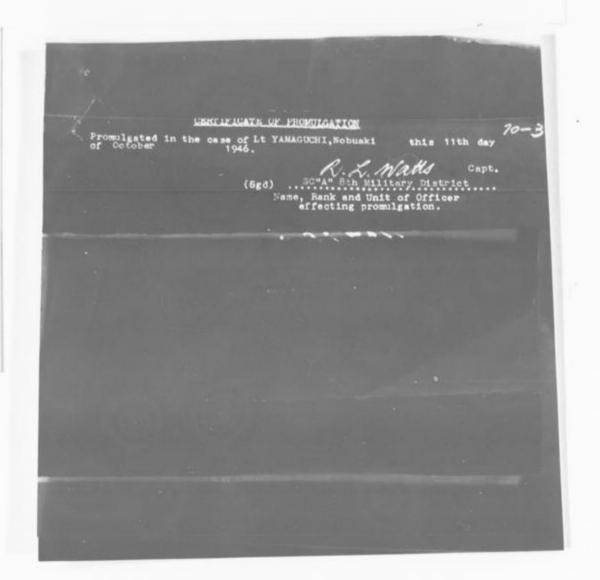














(Sgd)

(Sgd)

Name, Rank and Unit of Officer effecting promulgation

(Sgd)

Name, Rank and Unit of Officer effecting promulgation

(Sgd)

Name, Rank and Unit of Officer effecting promulgation

Promulgated in the case of NATA YOUR HOA, Itamo this 30th day of August 1946.

(Sgd)

Name, Rank and Unit of Officer effecting promulgation

Promulgated in the case of NATA ANA, And this 30th day of August 1946.

(Sgd)

Pame, Rank and Unit of Officer effecting promulgation

Promulgated in the case of Ens SUGINO, Tsuchinosuke this 30th day against 1946.

(Sgd)

Name, Rank and Unit of Officer effecting promulgation

Promulgated in the case of Ens SUGINO, Tsuchinosuke this 30th day against 1946.

(Sgd)

Name, Rank and Unit of Officer effecting promulgation of August 1946.

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Name, Rank and Unit of Officer effecting promulgation of August 1946.

(Sgd)

Name, Rank and Unit of Officer effecting promulgation of August 1946.

(Sgd)

Name, Rank and Unit of Officer effecting promulgation of August 1946.



NOTE: The records of the proceedings of the Court will be attached to this form.

- (a) If the accused is not a member of the Metal, Military, or Air Porce of an enemy or ex-enemy Power the name, openedical
- (b) Recommendation to mercy, if any, to be inserted in this column, or on a separate sheet attached to the proceedings, with the reasons for the recommendation.
- (c) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.
- (4) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schodule to be initialled by him.

I CERTIFY that the above Court assembled on the one of 1946 and chily tried the press mand in the Schodule, and that the Flex, Finding, and sentence in the case of such person were as stated in the third and fourth columns of that Schodule and that the Regulations for the Friel of Tan Criminals have been complied with.

I ALSO CHRYIPY THAT :

- 1. The Mombers of the Court
- 2. The Sudge Advocate
- 5. The Vitnesses
- 4. The Interpreter
- 8. The Shorthand writer

wore duly sworm.

SIGNED this Frish

of hay.

3946

PERSONAL OF THE PERSON.

I have dealt with the findings and contenue in the munor state in the last column of the Schodule, and, subject to what I have stated, I H RREDY CONFIRM the above findings and configure

22 July 46

PROBLIGATED in the case of

(Date) (n)

946

(a) Whon several eases are promulgated on the same day the office effecting promulgation need only sign once.

BBBB



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THE LINE WAS OF THE COURT AND FIRMS ADVIOLATE AND DURY SHOW.

Inter reter David Europe is award as interpreter (English - Gilbertess Giville: Interpreter Larrow is sworn as interpreter (English-Japanese) Kawasaki Jun is sworn as interpreter (English - Japanese)

THE CLASS IS HELD TO THE ACCUSED

all accused plend not obtain to the charge.

The prosecuting officer makes an address which he does not desire to have recorded.



Madenate seing daily award is exemined by Prosecuting efficer tore My name is Rebears and I am a mative of Situage Island in the Silvert and Silvert Silvert Silvert That is my signature on the last page. The document was read over to me before I signed it and the contents are true and collect. By consent, Prosecution officer tenders statement which is rest, salitted in avidence, which Exhibit A, signed of the Prosident and Ahmered to the proceedings. The natives on this Island prior to this execution were neives of the Silvert and Silvert the Palice Liam no there, I not the lost A. About the boy was shot. What largened during that 5 minutes.
 The toy was must said be clan't love again. The toy was still lending on the ground when we were led away. . Did the Japense do enthing about the body lying on the ground or take him away or empthing.

A. Shortly before he were led away I apa o Japansse ranging towards where the boy was lying.



10-1



or remaissnes I event to tall the truth without meeing withhold the later shatesway and also I will not add anything besides the That is my signature on the statement. It was read over no me in Japanese before I signed it and the contents are true and correct. Defending officer tenders statement which is read, somitted in evidence marked arhibit J, signed by the President and annexed to the proceedings That is my signature at the foot of the interrogation, it was read over to me before signing it. I do recall this interrogation. It is all true and oprest except for the alterations made in the statement (Ex. 7) I have been in the Mayr 24 years. I have held a commission since kerch 1948. Before going into the Mayy I was a fermer. When I left achool I was 13 years of age. I have not done any Mayy school while in the Mayy. I have never learned International Law and so I knowhothing about it. I know the war to be over as I remember it, 35th August 1945. That was after the massacre. FEMALED S. PROSECUTION OFFICER what did you mean by saying "I was somewhat optomistic about the war situation".

A. I was optomistic because I could not judge the war situation very good A. Joyan was gradually losing the war. 4. Were you then hoping that Japan would lose the war. what did you mean by saying "I was somewhat optomistic about the war situation".

A. I was not in a position to decide on the war. . What do you mean by optomastic. Do you remember giving the answer to was recorded in Exhibit B. (Answer is read over in full to withese).

A. You A do remember that. A. Yes, It is correct. How is you have been able to make certain of that since making the state ant on 20th warch.
I thought deeply after that, of my memories. A. Why did you say in the shawer to mad exhibit B "I did not go hyself" I understood from the question by the scene that it was the place of execution and therefore I was not at the place of execution.



Erest No 5 B-K

- How far were you from the mearest execution place.

 80 metres. The mearest was 50 metres and the furthers was from 300 metres.
- a. I think from 300 to 550 metres.
- Q. Gould you see that section from where you were. A. Yes I could see it.
- 4. What time in the day did the shooting take place.
- A. Yes.
- Is it cumstomery in the Japanese newy to disprove of Japanese senior officer's orders.
 No it is not customery.
- Is it oustonery in the Papeness Mavy to exgress disapproval of a senior officer's orders.
 No it is not oustonery.

- . Is it cumtomer; for senior officers to sek the symions of funior officers about orders which he contemplates issuing.

 A. Tes there are such examples. I

- You said in your statement exhibit 7 "last I known the war was over 1 would have kept the postion in check by all means". By that so you nean that you would have disobejed the order.
 I would express my opinion but 1 would still have her to carry it out.
 In your opinion was the shooting of the natives justified.
 As far as the order goes 1 believed it to be lawful but whether it was actually lawful or not 1 did not have the judgment.
- Q. Did you think the order was justified.

 A. Whether an order is justified or not 1 am not in a position to say.

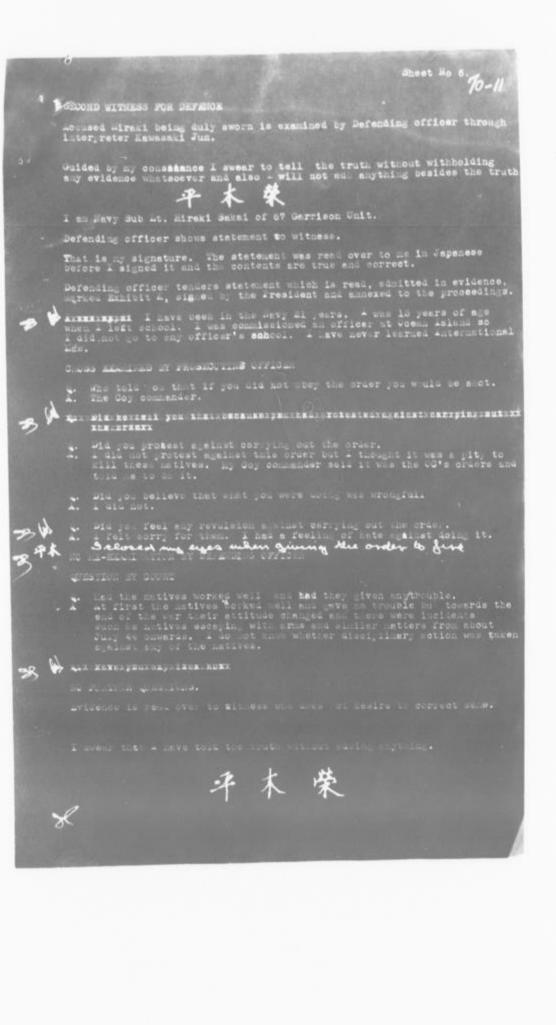
 I believe the order was lewful.

- A. He said "I understand will think it over."

2 swear that I have told the trith without sucing enything.

山口健章







of trefers to original actions in civil courts and the first paragraph and out relates specifically to the question of laws and usages of war. At 1010 hrs court is closed to consider finding. At 1020 hrs court is reopens. The prositiont announces that the court find all accused DULTY of the offence, see finite being subject to confirmation by higher authority. In R. v. Dudley and Stephens convictions of nurder in case of consect, it was been administered precise to grant pardon after conviction - R v. maxwell - cilling in mistaken sense of duty - conviction of culpacte homicide and sentence of 9 onths. I am the conviction of culpacte homicide and sentence of 9 onths. I am the conviction obedience to orders in accessing actions - paradonalizing in respect to the 5 Jub ate. The President informs the occused that the sentence of this courselect to confirmation by higher authority. Trajor Judio Luvocato



76-22

ADDX "AF

THTERROGATION CO KABUMA S

My mame is Albumard and I am a nation of NIEURAU ISLAND. I am So years of a m and single. I signed on with the Pritish Phosphate Commissioners during the "IPRISAT!" moorat at CNOTON ISLAND about 18 months before the Japanese came to OCEAN 15.

s. In work on OGSAN IS before the Japanese came was on the

3. During the Japanese cocupation I was employed as a fisherman and lived at T.Baska Villada. We fished from early in the morning until about 3 pm. Usually two men per cance. The Japanese collected all the fish, but only consistenally gave us a little for our own use. Sometimes the Japanese came down to the shore to meet us coming in but usually we took the fish up to them. The Japanese to whom I took the fish was ("OCERSAN" - phonetic analysis. If we did not calculate any fish we were shapped on the far.

4. I know Nader I was was also a fisherman. I did not hear that he was planning to escape, but I heard after he had gone. I heard that three canoes had gotsmay and thought that the Japanese would eateh them.

5. There were no Europeans alive when MABSTARI Left OCKAN IS.

66 The Europeans I remember on the Island were Mr CARTHEIGHT while died of relaministion, ir COLE, ir THIRD, Mr MINGLE, Father FUJERIT and the leather. I do not know where ir CALTHRIGHT was buried.

T. I once saw Mr COLX outside his house at TABWHWA working in the garden. He was weeding around the "Boi" plant. We were not allowed to speak to the Europeans.

8. I heard from TEIERU who escaped with ABSTARI that Mr COLE was killed by stabbing with a knife while he was assesp in his bouse at TABMANA. TRIERU also told me that Mr MARCER lied of sickness and that Father FUJEHET went into hospital for an abdominel operation. He also told me that Mr THIRD and the Brother were injected by the number two doctor (ARAHESHO)

9. About five months before the end of the war our section of fisherman at TABMENN was transferred to UMA village. We were not told why we were transferred to UMA village. There were only three of us at TABMENN - myself ERIM and ABSEAN.

io. At the we joined the rishing section there. The names of the boys there were - RIU, MITIRE, TUNSWI, TETOITION, HAITAU. FIRELEI, URIAN, TETREA, AND AN, ABA, BANEI and MACRI. We ill in the European house up shind the Billier's Plan. We fished from early to the morning, sometimes as early as Jan until effections.

11. One overing "OSAFIRO" (phoenetic) the Japanese who was in charge of the fightreen came into our acress and told us that next morning we were to came back early from fighting about sine or to. o'clock.

18. MAORI and I came back from firthing about 7 am the next morning The rest came back about nine o'clock. We came back serly because we had a lot of fish then we all went to our quertors.

13. Somewhere after nine o clock 'OBAKISO' shouted out from the Billiard Room for all us ishymmed to come down. To all came down and gathered beside the read by the Billian Room. There we got there we found all the other teys on the Island and the wardered there. Where would be over a hundred.

Janepain Major JA.



· A

26-23

the Japanese were gave, a series when we arrand. The world can be about 6. "SULLISO (Phrenetic) the No 3 Commander spoke to us through ORAE 7 the interpreter. He stood upon the verandah with the other five Japanese to it that the war is over but that we must still work for a while, and then the Japanese would be going away and leaving us here. Then we were told to go back to our houses.

5. We were too scared to show our happiness, so just bowed our heads and went to our house. Then we laughed and talked of the good news in our house.

16. We stayed in our house all the rest of the day and prepared our fishing gear for the next day. We were not allowed to go out and OSAKISO was angry if anyone asked permission to go out.

17. Next morning MACRI and I and everyone else went out fishing as usual, while it was still dark. MACRI and I came back very early about eight o'clock because we had a lot of fish. The others came back about the o'clock they reresearlier than usual too, because they had called a lot of fish.

.8. When we arrived back all the natives and a lot of the Japanese soldiers were gatherd in the same place as we were gathered the privious day. The native soldiers were told to hand in their uniforms and arms. They handed them all in to the Billiard Room. The native soldiers had marched in, in their respective groups under their Japanese Leader.

10. Then OSAKISO called us from our house to come down to the road by the Billiard Room again. We came down and joined in the parade. SUKAISO spoke to us all again. He told us we were going to change over the sections again now. OSAKISO then divided us up into our new sections as instructed by SUKAISO. Our section was the last to be divided up.

20. The first section of about fifteen men was for BUKINTERIES. One soldier went with them and they marched away. The second section of about fifteen men was for TABMEWA. One soldier went with them and they marched away. I would know the faces of each of the soldiers who with these two groups. The third group was a bigger group, about 30 or with these for TABLENG. One soldier marched said with them too. The fourth group was also about 30 or to and was for TABLENG. One soldier marched said the Chinese location one soldier went with them. This last is the Toddy Cutter's group.

It was in the fifth group of eight men. We were to go to ETANI-EANABA and marched away with one soldier in charge. I do not know the name of this soldier, but would recognise him. There were still some untives left when we marched away.

25. We marched through below the Chinese quarters and above the lastors House and then through to the police lines. The soldier in front with us behind.

23. When we arrived at the Police lines we saw a lot of Japanese soldiers in their quarters. They were all inside their houses. The Japanese soldier in charge of us told us to sid down in a line told us to face towards the East. Then he took out a little book from his pocket and saked us in turn how old we were. As each man told him how old he was the soldier wrote in his book. That was all we were asked.

24. When the soldier had almost finished writing down the ages, a (SHOTAISO) came up with another soldier from behind us and walked out in front of us. The (SHOTAISO) drew his sword and revolver and the soldier from a revolver and both pointed them at us, They did not speak to us, but called out for a de more soldiers to dome out. A zach soldier to us, but called out for a de more soldiers to dome out. A zach soldier aix inches away

Janepains

898

70-24

25. Without anything being said, the soldier who had lead us up tied each man's hands in order with same string he had in his posket. It was twine that is used for making reper. Ly hands were tied bery There was a length of rope left over loose after tying each man's hands.

E6. Then the (SHOTAISO) spoke to the soldier who had tied our hands and the soldier told us to stand up. Then the soldier gathered up all the long ends of rope so we could not run away.

E7. Then the (SHOTAISO) walked beside our group as we started walking down towards TABIANO Village. The soldier holding the ropes behind us and the other eight soldiers behind him. The one who had a had the piston with the (SHOTAISO) stayed in the Felice lines. All still had their bayonets ready as they filed down the track behind us.

28. We stopped by the engine room for about three minutes while the 45HOTAISO) spoke to the men in the Power House. I do not know what they were talking about.

29. Then we walked on down the track across the read and on down to the cliffs below T.BIANG Village.

30. Then we got to the cliff the soldier released the strings and told us to line up on the edge of the cliff and squat down close together. Then our eyes were tied up with cloth. The same man who had tied our hands tied the blindfold on us. Then I could hear movements behind and felt as though the soldiers were behind us. I was the second man to have my eyes tied up.

31. FALAILIVA was the first man to be tied and was on my left. He said to me "are you ready?" and I replied "Yes I am ready to die". Then Falailiva asked "You remember God?" and I replied "Yes I remember

32. Then everything was quiet for a moment, then I fell over the oliff. I did not try to, but just fell. Almost at the same time I heard a soream and someone fell on top of me. I think it was FALATLIVA. I heard others fell, but no more screams. Then I heard a lot of shots fired. FALATLIVA was still on top of me and some of the builtets I could hear were close to me.

33. This was about three or four o'clock in the afternoon. The water kept breaking over us, but I could breathe as the water receded each time. I could see a little bit out of my left eye past the blindfold, but I did not look up. I stayed there without moving until I thought the Japanese had gone. Then I bit FALATITYA'S shoulder to see if he was still alive. Pe was still lying partly on top of me. FALATITYA did not cry out so I knew he was dead.

I stayed about an hour in the water until I thought the Yapanese would be gone, then I gotup and went over to a sharp piace of the cliff where I out the binding from my writer. Then I removed the blindfold. Then I went around all the other bodies to see if any were alive. They were all dead and I looked at each man's face. There was a lot of blood about. I cannot say how all were killed, but I remember YALATLIVA had a wound in his left side, and blood was coming from it. UKANTHITI had a bullet hole in his head.

35. After I found they were all dead, I looked for a place to hide and found a cave where I hid myself. I stayed in this cave all night.

36. The next morning I saw some of the bodies floating outside the cave. They were swelled up bodies then. Two of the bodies washed into the entrance of the cave. I did not touch them and stayed inside the cave and only people outside.

888

Then the sames publish back to further out to see.

I do not remember anything slee

I stopped in the cave this night

The far, I do not remember anything emorph hearing the flats writing along the relia.

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G. Then I went to look for a hiding place and found a good communication above the Police lines and I hid there. By then it would a comply the next according.

66. I stayed in hiding in this bangabanga until the day I met the two Gilbertess (End Dgo 1966).

40. I saw the Union Jack flying from the staff in the Police) but thought it was another Japanese trick, so did not go near.



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54. They asked where I had hidden all the time and I should them. Then I changed from my mapkins into my sulu which I had hidden in the hole.

35. I thenked the hole for saving my life and then came down to the Police lines and TRADUMI took in to the District Sommissioner.

I swear the above to be a true correct statement of the facts.

(SGD) ELECTRICAL

(GGD)

Witnesses - R.W.MANNFIED - COMM ISLAND

TANUSI - COMM ISLAND

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A11. I told him to go to the administration office where the natures were gather and there to high ref the two nature she place where he was to go was to HE NARA'S Office. q12. why did you say he was to take 克回追推 YOSHIBA ITEUO



70-38 A12. My company commander ... 918. you have said you were very lung. AB. I was working in Headquarters doing office work such as nolls and strength returns Que so what time in the morning did AM. About 0530 les. 20 des justabout Q15. As what time old you fastle order or to Hamazahi A15. B& about 0780-ks. GIL At what time ded Hamazahi carry on All. As about 1000 los ahour the disposal of the biodies.

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10-47 Interrogation of Ensign YASUDA Harmi of 67 haval garmon unis en Rabarl on 21 mar 46 ling Cape I Achland AALC 8 MD through interpreter sep AJ Hook of ATIS att & MD. 91. I am going to ash you some questions. you are not alliged to answer them had whatever you say will be taken down in writing and may be used as budence. Do you understand 41. yes I understand Q2 Between what dates were you on been to Az. From Set 42 until the end of the 93. who wear your Company Comb A3. la yamagnehi. que so you remember you agusti gining you orders a bout to execution of natives Au yes 9 nemember ix. Q5. When did you receive the order As. Alean the middle of August 45. 96. What order did you receive At Early in the morning we were eatled to the company Commander



10-48 noom and my more tald that 97. whas action did you take. ges four natives from the administrative office takes Them to the sea shore, blindfold them and I was to report to yamaguchi when all preparation were complete. When I was dismissed I was told to do is as once I sent some soldier to puch up the four natives. #. They brougho them back to the section. The natures hands were then bound I accompanies them all down to the sea show. 98. who else mone with you A8. Sub la HINAKI was with me as the execution blace yamagudi was all another place a fair distance away. 99. when you arrived astle execution place what did you do. 1 we the soldiers on my orders blundfolded the natures and bused



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70-53

Sub-Lt.first class HIRAKI SAKAE states:-

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Regarding the accident nothing was told town me, but I was
only forced to obey the order. I was told if I had not obeyed
the order, I should have been shot. So I did against my will?
Judging from his nature, Lt.Com. BUBULI would have done so.
I thought.

3. I have nothing to say about my statement.

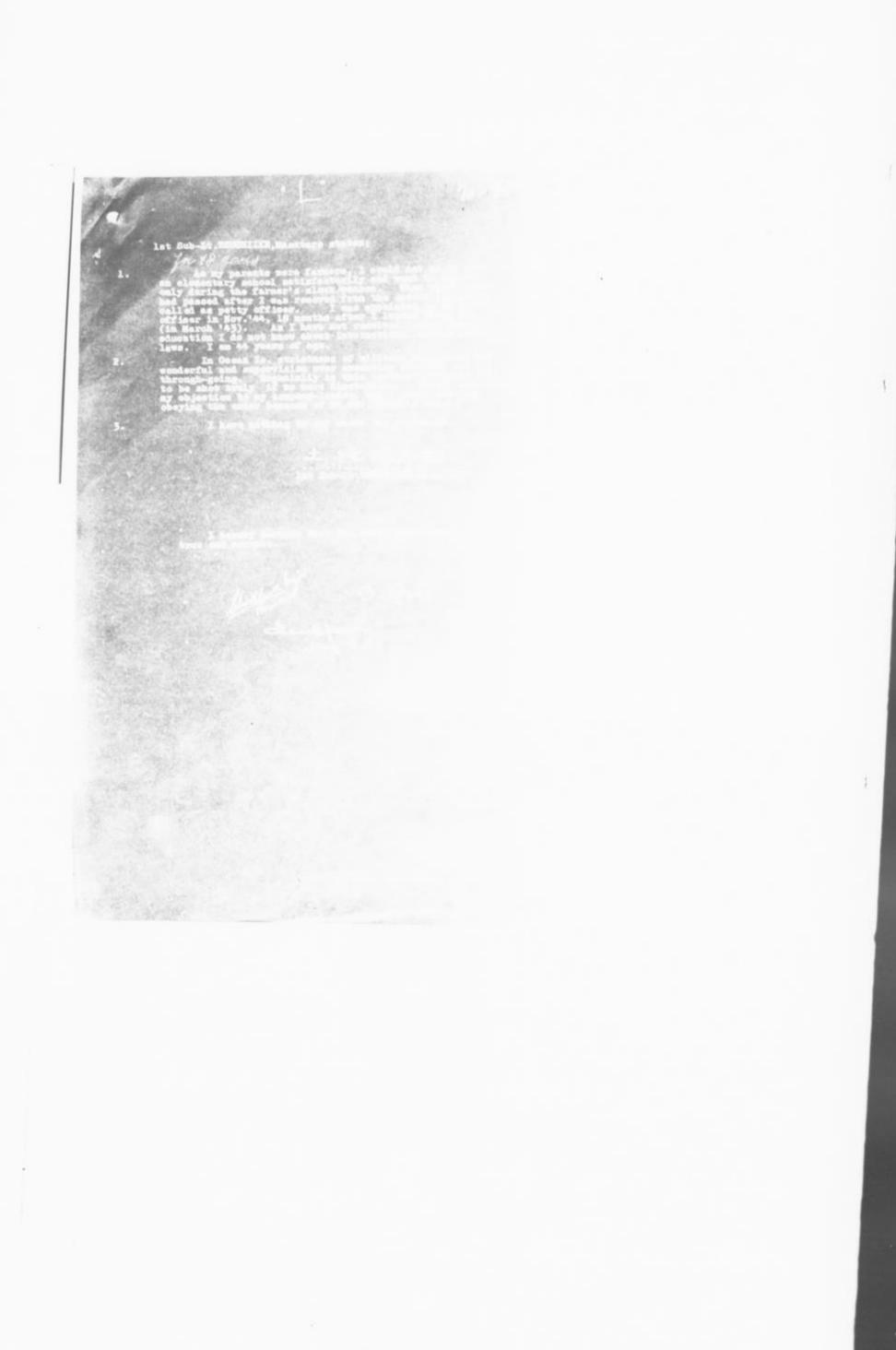
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I hereby certify that the above translation is true and correct.

Bearing .

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Therefore and solvential and solvent

Sub-It.1st Class HANAWA, Riji states;

Wy parents were farmers and I only graduated from the primary shoool with difficulty, helping my femily. I was appointed to be an officer in Nov., 1944, about four years after I was called only for the reason of officers' shortage, no replacement, so I was not regularly educated as an officer. And my duty was an officer and I do not know about the International law and so on. at all.

Execution of the order was absolute as usual. Expectally I was unwilling to shoot the natives to death, but obliged to do it.

There are no mistakes except the following items in the statement. In the Answers 6 & 7 I only stated the meaning was as follows; It was too piteous to shoot the natives to death.

In the Answers 3: It was about 400 metres to go on ready shout 250 metres straight.

In the Answer 16: To the question (Could you see the place clearly where Immaguchi stood?), I answered that I could not see there.

In the Answer 17: (I could not see, for the trees atood between us). This means as follows:

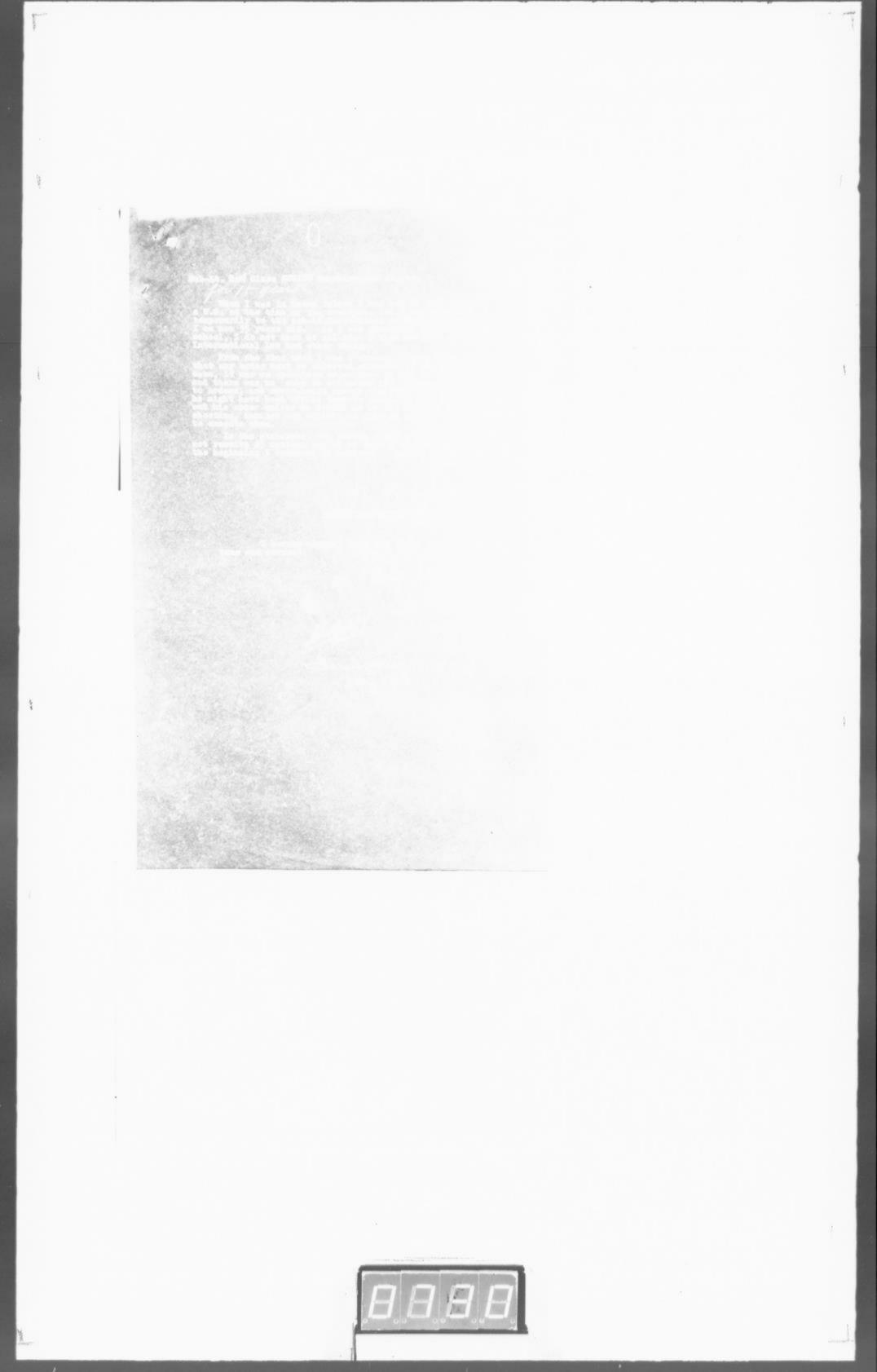
It was unable to see from the place where I stood but not from the place where my Company Commander stood

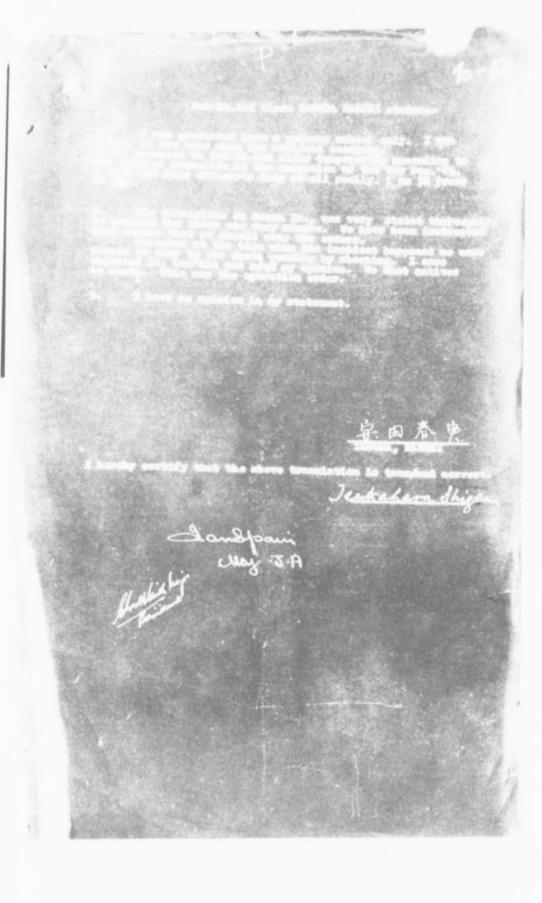
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I hereby certify that the above translation to true and correct.

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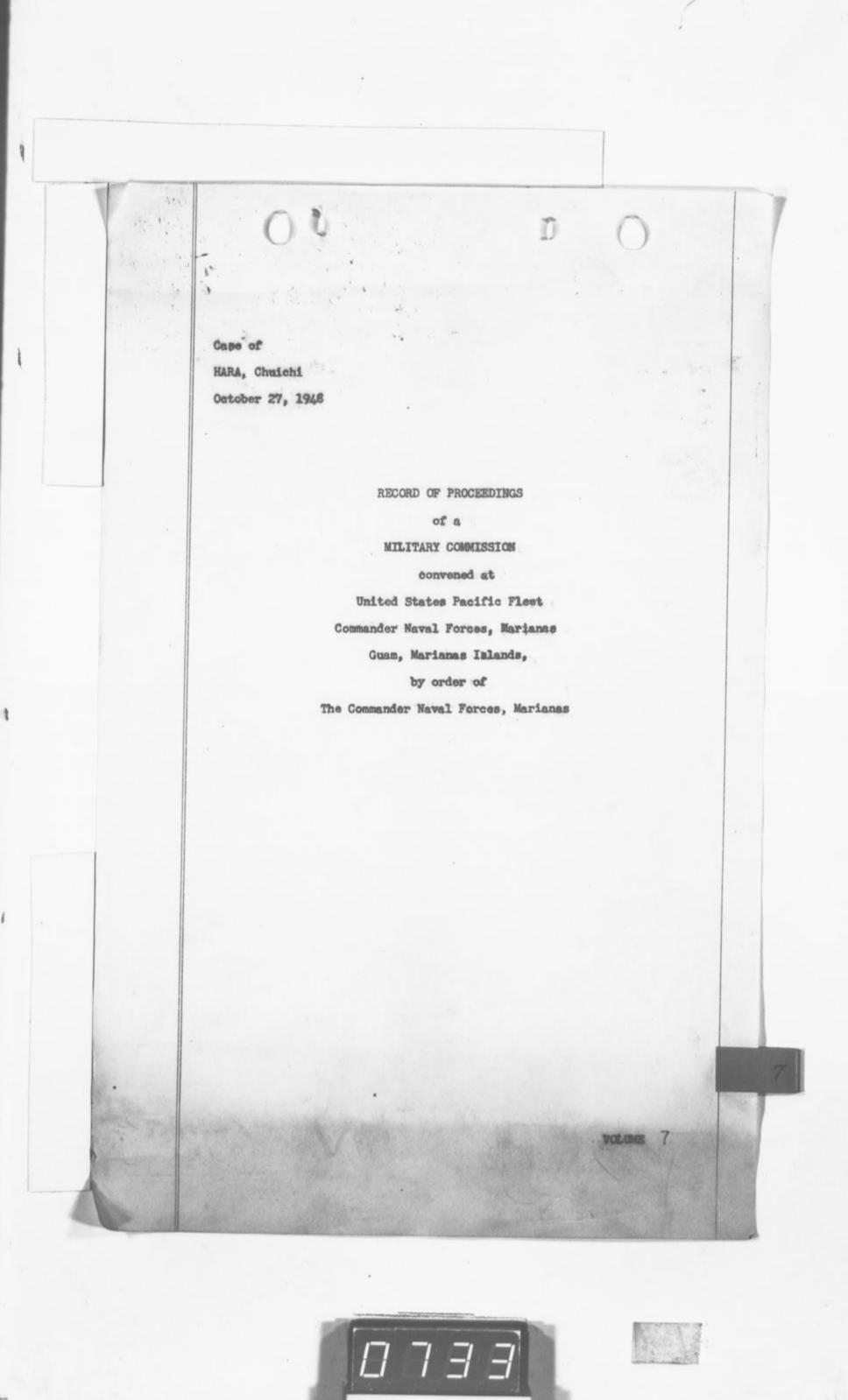


HARA, CHLIICHI (27 OCT 1948)

(VOL. VIII)

(167174) PART 10F2

D732



From about 7 m.m., of the 17th February 1944, a meeting was held at the headquarters of the 4th Naval Base Force. The persons assembled there were members of the 4th Naval Base Force Headquarters, Staff Officers of the 4th Fleet and various cognizant commanding officers of units in that area or their representatives, in all about twenty in number.

The appearance of the scating at that meeting is given in the following sketch:

INOUE AGO 4th 4th Base Force Fleet Staff Staff C.O. Of Officer Officer Air Unit 0 0 O Transportation Unit CDR. C.O. : Staff CDR. : Officer HIGUCHI WAKABA-YASHI : 4th : 0 : Fleet 0 0 0 C.O. 0 Comm. Construction l'unition Unit of Corps Member COLDR. 41st Unit CDR. N. Guard Unit. Capt. TANAKA

When each depertment head reported on the battle conditions I reported, "Prisoners have been disposed of." I gave this report in front of C.O. WAKABAYASHI, Staff Officer HIGUCHI, 4th Fleet Staff Officer KAWAMURA and other persons who assembled there.

When I gave this report C.O. WAKABAYASHI and Staff Officer HIGUCHI did not appear perticularly surprised more than usual and did not change. After that until the conclusion of the meeting, C.O. WAKABAYASHI and Staff Officer HIGUCHI did not say anything concerning this incident.

After the meeting once again I went before Gaptain HIGUCHI to make sure and reported the fact that the execution of prisoners had been carried out. Capt. HIGUCHI did not say anything.

The above facts are correct.

I sweer that the contents of the above is the truth.

/s/ TANAKA MASAHARU
Former Capt., IJN.
Former C.O., 41st G.U.

Subscribed and sworn to before me this the 22nd day of Sept. 1947.

/s/ Herbert L. Ogden Comdr., USN.

I swear that I have truly translated the administration of the above oath.

/s/ Frederick A. Savory.

-1-

Exhibit 21 (1)

554



I hereby certify that the above is a true and complete translation of the original statement written in Japanese to the best of my ability. /s/ Eugene E. Kerrick, Jr. EUGENE E. KERRICK, JR. LT., USNR., Interpreter. Certified to be a true copy of the translation of the statement of TANAKA, Masaharu, former Captain, Imperial Japanese Navy, dated 22 September 1947, and filed as Exhibit 12a in the case of KOBAYASHI, Masashi. HERBERT L. OGDEN, Commander, U. S. Navy. -2-Exhibit 21 (2) 0735

().0

2 March 1946.

Interrogation of ABE, Koso, formerly Vice Admiral, Imperial Japanese Navy, by Commander MURPHY and Lieutenant MAHONEY, Tokyo, Japan.

Interpreter - Lieutenant OSBORN.

Recorder - William A. BELL, Yeoman first class.

- Q. What is your full name?
 - A. ABE, Koso.
- Q. Were you ever stationed on KWAJALEIN?
 - A. Yes.
- Q. What date did you arrive on KWAJALEIN?
 - A. On the 8th of February 1942.
- Q. When did you leave KWAJALEIN?
 - A. Around the end of November 1943.
- Q. What was your position on KWAJALEIN?
 - A. I was the commanding officer of the 6th Base Unit.
- Q. Who were the officers immediately inferior to you by office?
 - A. There was a Captain OBARA who was commanding officer of the guard unit.
- Q. Who was your Chief of Staff?
 - A. The senior staff officer at the time was a Commander by the name of HAYASHI.
- Q. What other naval units were under you at KWAJALEIN?
 - A. The Guard Unit, the Communications Unit, and the Air Group.
- Q. Captain OBARA was the commanding officer of the guard unit?
 - A. Yes.
- Q. Who was commanding officer of the Air Unit?
 - A. At first it was Commander NAKAJIMA but he was relieved later and I don't know exactly who took his place.
- Q. Who was commanding officer of the Communications Unit?
 - A. I have forgetten it.

Exhibit 7 Page 1

/s/ E. L. Field, Lt, USNR CERTIFIED TO BE A TRUE COPY

EXHIBIT 22(1)



Q. During this time who was your immediate superior officer? A. The 4th Fleet Commander at TRUK. Q. What territory was covered by your command? A. The MARSHALL ISLANDS. Q. Does that include WAKE?

A. Yes.

Q. Who was in charge of the execution of the American flyers on or about January 1943 on KWAJALEIN?

A. There was no execution.

- Q. We have the first hand evidence, that is a witness, to the beheading of nine (9) American flyers in January 1943 on KWAJALEIN.
 - A. There was no execution.

Prisoner took oath at this time.

- Q. Do you know the seriousness and the legal effect of answering questions under oath?
 - A. Yes, I understand.
- Q. Therefore Admiral, I ask you again, what unit was in charge of the execution of the American flyers on KWAJAIEIN, on or about January 1943? A. There was no execution.
-). Were you on KWAJALEIN early in 1943 as commanding officer? A. Yes.
- Q. And yet you know nothing about the execution of American flyers at this time?
 - A. That is right I don't know anything about it.
- Q. Did you hear anything about the execution of American flyers about this time on KWAJALEIN?

A. No.

Q. In what form did you give the order to Admiral SAKAIBARA at WAKE to execute the ninety-six (96) American prisoners there in 1943?

> Exhibit 7 Page 2

/s/ E. L. Field, Lt. USNR CERTIFIED TO BE A TRUE COPY

EXHIBIT 22 (2)



00 0

- A. I didn't issue any such order.
- Q. Was Admiral SAKAIBARA under you?
 - A. Yos.
- Q. Did Admiral SAKAIBARA report the deaths of these people to you about this time?
 - A. Yes, I received a report.
- Q. What was that report?
 - A. As I remember it, the report said roughly that WAKE Island had been subjected to a bombardment by the American fleet and that the prisoners had engaged in riotous activities against our force and that Admiral SAKAIBARA had disposed of them.
- Q. Did you pass this information on to the Navy ministry in TOKYO?
 - A. Yes, I did; in the form in which I received it.
- Q. When did you sent Lieutenant ITO Torashi to WAKE Island?
 - A. I don't remember. I do not remember Lt. Ito ever being on Kwajalein.
- Q. Was it not just prior to the American Task Force assault on WAKE in October 1943?
 - A. I didn't send him from my location.
- Q. He came from KWAJALEIN didn't he?
 - A. I believe that he just passed through KWAJALEIN, if he was ever there at all.
- Q. What was the message you gave him to Admiral SAKAIBARA with reference to the American prisoners of war?
 - A. I didn't tell him anything about the prisoners.
- Q. Did you get a report on the execution of any American prisoners of war in May, June, or July of 1942?
 - A. No.
- Q. If Liertenant ITO did not go from KWAJALEIN to WAKE, but merely passed through KWAJALEIN on his way to WAKE, where did he come from?
 - A. I don't remember.

Exhibit 7 Page 3

> /s/ E. L. Field, Lt. USNR CERTIFIED TO BE A TRUE COPY

> > EXHIBIT 22 (3)





Q. But you do remember that Lieutenant ITO passed through KWAJALEIN in early October, 1943, do you not?

A. I think it is probable that he passed through KWAJALEIN at about that time, but I did not meet him, and don't remember definitely.

- Q. Why do you think it was probable that he passed through there then?

 A. Since the route by air travel from Japan to WAKE was by way of SAIPAN, TRUK, KWAJALEIN, and then to WAKE, I think it is possible that he passed through KWAJALEIN.
- Q. How do you know that he passed through KWAJALEIN what reason do you have to believe this?

A. As I said before, because of the route for air travel.

- Q. How do you know that he was ever up there?
 - A. I don't have any definite recollection of whether Lieutenant ITO reported to WAKE in October 1943.
- Q. But you have an idea that he did?
 - A. I have no definite recollection of it.
- Q. You are reminded that you are under oath and if you are caught telling a lie while under oath, it is a crime of International Law and you can be charged with perjury. Do you understand that?

A. Yes.

MARSHALLS to KWAJALEIN?

A. Yes.

- Q. What was done with American prisoners of war that were brought to KWAJALEIN?
 - A. They were returned to JAPAN.
- Q. Were some of those brought from MALOELAP?
 - A. Yes, I remember; but not clearly.
- . How many were brought from MALOELAP, and when?
 - A. I can't remember exactely at this point.

Exhibit 7 Page 4

> /8/ E. L. FIELD, Lt. USNR CERTIFIED TO BE A TRUE COPY

> > EXHIBIT 22 (4)





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- Q. What year? What month?
 - A. I can't remember.
- Q. As you recall, during your command, about when did the first American prisoners of war arrive from these Islands?
 - A. I don't remember exactly all I know is that it seems to me that some prisoners were sent down from MALCELAP and sent back to JAPAN.
- Q. What year was this 1942, 1943, or when?
 - A. I can't remember.
- Q. When did Vice Admiral HARA leave the Marshalls?
 - A. What was his first name? I don't know him.
- Q. Who preceded you on command at the MARSHALLS?
 - A. Rear Admiral YATSUSHIRO.
- Q. Who succeeded you in command?
 - A. Rear Admiral AKIYAMA.
- Q. What was Captian YAMAGATA's position? Was he not your Chief of Staff on KWAJALEIN at some time?
 - A. No.
- Q. Who was commanding officer at MALOELAP?
 - A. I can't remember.
- Q. Did you ever hear of Admiral KOMOOA?
 - A. Yes.
- Q. Was he in command at MALOELAP?
 - A. Yes, he was.
- Q. Admiral KOMOOA is the one who told us about Captain YAMAGATA being your Chief of Staff.
 - A. I believe he was Captain of a ship.
- Q. Stationed at KWAJALEIN?
 - A. It was in KWAJALEIN for a while.

Exhibit 7 Page 5

> /s/ E. L. Field, Lt. USNR CERTIFIED TO BE A TRUE COPY

> > EXHIBIT 22 (5)

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- Q. But he was not under you?
 - A. Yes, he was under my command.
- Q. What happened to Captain YAMAGATA what became of him?
 - A. I don't know what happened to him after that.
- Q. We understand that it is a general policy of the MARSHALLS and eastern CAROLINE ISLANDS to execute American prisoners, especially where an invasion is impending. Did you give this direction, or did it come from higher authority?
 - A. No, I didn't formulate any such policy.
- Q. Who did formulate this policy?
 - A. Nobody formulated the policy.
- Q. Have you ever heard of a policy issued from the Japanese Navy regarding the security of a Japanese garrison by executing American prisoners if the need arises?
 - A. I don't remember any such policy.
- Q. In the case of the WAKE executions were these executions approved by higher authority?
 - A. I received a report about the executions . .
- Q. Were these executions approved by higher authority? We are not talking about Admiral SAKAIBARA.
 - A. When I received the report, I thought there was no help for it.
- Q. Did you get an acknowledgment of this from Tokyo?
 - A. No, I received no word from the Navy Ministry.
- Q. Were the actions ever approved, to your knowledge, by the Navy Ministry?

 A. I don't know.
- Q. Who do you think, in your opinion, ordered Admiral SAKAIBARA to execute
 - A. I don't believe anybody issued the orders.

these prisoners?

Exhibit 7 Page 6

> /s/ E. L. Field, Lt, USNR CERTIFIED TO BE A TRUE COPY

> > EXHIBIT 22 (6)





- Q. Is it the practice of the Japanese Navy for a local commanding officer to execute a great number of prisoners of war on his own initiative?
- Q. Do you think it is a little out of order for Admiral SAKAIBARA to execute these men on his own initiative?
 - A. Under those circumstances I suppose he reached a decision under his own initiative.
- Q. Generally though, that wouldn't be the practice, to execute that great number of prisoners by a local commander on his own initiative?
 - A. Unless there was some special circumstances to make it necessary.
- Q. But it is a general policy that the local commander may execute in view of special circumstances, such as an invasion is that the policy of the Japanese Navy?
 - A. I believe that under the circumstances in the case of WAKE, Admiral SAKAIBARA was forced by circumstances to reach the decision that he did.
- Q. Then he is within the Japanese policy in doing this thing at WAKE?
 - A. Admiral SAKAIBARA was, I believe, forced to execute the prisoners because of their riotous conduct and he had estimated that the Americans would make a landing on the island.
- Q. Is it not within the bounds of Japanese Naval practice to, if the special circumstances warrant, execute American prisoners of war, as for example, when an invasion is impending?
 - A. The policy is not like that,

A. In general, it is not done.

- Q. What is the policy? When is a Japanese Commander justified to execute prisoners of war within his power?
 - A. Execution is not approved under any circumstances.

Exhibit 7 Page 7

> /s/ E. L. Field, Lt. USNR CERTIFIED TO BE A TRUE COFY

> > EXHIBIT 22 (7).





or wou just got through telling us that you thought Admiral Sa

- Q. Now you just got through telling us that you thought Admiral SAKAIBARA was justified in executing these prisoners.
 - A. Since it was after the event, we received no reply higher up indicating whether it was approved or disapproved or whether it was thought bad or good.
- Q. Have you heard of any executions in the MARSHALLS or TRUK, outside of
 - A. I don't remember of hearing of any.
- Q. We have witnesses that a Navy Unit on KWAJALEIN beheaded nine (9)

 American flyers early in 1943 or about that time. If you persist in telling, what to us is apparently a lie we will have to charge you with perjury. It is not common sense that nine (9) prisoners of war could be executed on an island so small as KWAJALEIN without the knowledge of the Commanding Officer. Now either tell us the truth, or commit the crime of perjury.
 - A. I know what you are talking about. I don't think they were flyers.
- Q. Just tell us the circumstances of what you know about the executions.
 - A. They were prisoners taken in the MAKIN battle.
- Q. American prisoners?
 - A. I believe they were.
- Q. Continue with the story.
 - A. These prisoners were sent up to KWAJALEIN from MAKIN and originally I intended to ship them back to JAPAN. I intended to put them on a ship and send them back to JAPAN but the Navy Ministry informed me that they could not divert a ship to KWAJALEIN. The ship was a destroyer. I was intending to ship them back to Japan and a while passed and then a staff officer from the General Staff in TOKYO cam down to KWAJALEIN and said I was not to ship the prisoners back to JAPAN, but to dispose of them on the spot. This being the case, in accordance with Navy policy, I disposed of the prisoners there.

Exhibit 7 Page 8

> /s/ E. L. Field, Lt. USNR CERTIFIED TO BE A TRUE COPY

> > EXHIBIT 22 (8)





Q. In accordance with the Navy policy brought down by the Navy staff officer - is that what you mean by policy?

- A. The staff member did not bring back orders and he did not order me
 to carry out the execution on the spot, but he expressed the
 opinion which I took to be the Navy policy that that would
 be the thing to do and I agreed.
- Q. Who was this staff officer?
 - A. A Lieutenant Commander OKADA Sadatomo. From my present view point, I cannot definitely say whether the personal opinion expressed by Lieutenant Commander OKADA was the policy of the Navy, but at the time I believed that it was the policy of the Navy and that is why I did it.
- Q. Give us the general details of the execution where they were killed and how many.
 - A. As for the actual killing, I issued orders for that to the Guard Unit Commander.
- Q. Who was he?
 - A. Captain OBARA.
- Q. Give all the details you know what happened?
 - A. I don't remember exactly how many there were.
- Q. Approximately how many?
 - A. Seven (7) or eight (8) I think.
- Q. Do you recognize any of these men? (Abe was shown a picture of nine (9) Americans in a group.)
 - A. I don't recognize any of them.
- Q. What method of execution did you order the Guard Unit to use?
 - A. I didn't specify the means of execution when I issued the order to the Guard Unit.

Exhibit 7 Page 9

> /s/ E. L. Field, Lt. USNR CERTIFIED TO BE A TRUE COPY

> > EXHIBIT 22 (9)



0 0

- Q. What kind did they use? Was it shooting, beheading, or what?
 - A. I am not sure.
- Q. What is your opinion of how they were killed?
 - A. I believe they were beheaded,
- Q. What was that date?
 - A. About October of 1942.
- Q. How about the execution in January of 1943?
 - A. There was no execution then.
- Q. Were there any other executions on KWAJALEIN during the time you were there?
 - A. No.
- Q. Who was Captain OBARA's executive officer?
 - A. I don't remember.
- Q. What was his rank?
 - A. Around a Lieutenant Commander, but I am not sure.
- Q. Can you give us the names of any other officers in the Navy Guard Unit?
 - A. No.
- Q. What was the number of this Guard Unit?
 - A. 61st Navy Guard Unit.
- Q. Again, who was your senior staff officer at this time what was his name?
 - A. HAYASHI.
- Q. Did you pass this order to HAYASHI with instructions to pass it on to the commanding officer of the Navy Guard Unit?
 - A. I don't remember.
- Q. Would it ordinarily be the practice to pass it through your Chief of Staff with instructions to pass it on, or to give it directly?
 - A. As a rule, orders would be passed by way of the senior staff officer.

Exhibit 7 Page 10

> /s/ E. L. Field, Lt.USNR CERTIFIED TO BE A TRUE COFY

> > EXHIBIT 22 (10)

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- Q. Did you hear of any executions in any other MARSHALL islands while you were there?
 - A. Aside from WAKE, I have no recellection of any others.
- Q. In view of what you said about the representative from the General Staff, do you not think it possible that Admiral SAKAIBARA had word from higher authority to execute the Americans on WAKE?
 - A. Since I certainly did not know of the incident before it took place,
 I am sure that Admiral SAKAIBARA did not receive authority from
 higher officials.
- Q. Did you report to TOKYO that you had carried out the execution of these eight (8) Americans from MAKIN?
 - A. My staff officer made an oral report to the staff officer of the 4th Fleet at TRUK.
- Q. Was it forwarded to TOKYO?
 - A. I don't know.
- Q. Before you executed these Americans, after you had been told by the General Staff Officer that the policy was to execute them on the island and not to bring them back to JAPAN, did you check with your superior to justify this policy?
 - A. No, I didn't.
- Q. You just took the word of the Lieutenant Commander right?
 - A. There was also a staff officer from the 4th Fleet present, and he said the same thing.
- Q. And who was he?
 - A. I am not sure, but I believe it was a Lieutenant Commander by the name of IIDA.

ABE Koso

Exhibit 7 Page 11

> /s/ E. L. Field, Lt. USNR CERTIFIED TO BE A TRUE COPY

> > EXHIBIT 22 (11)



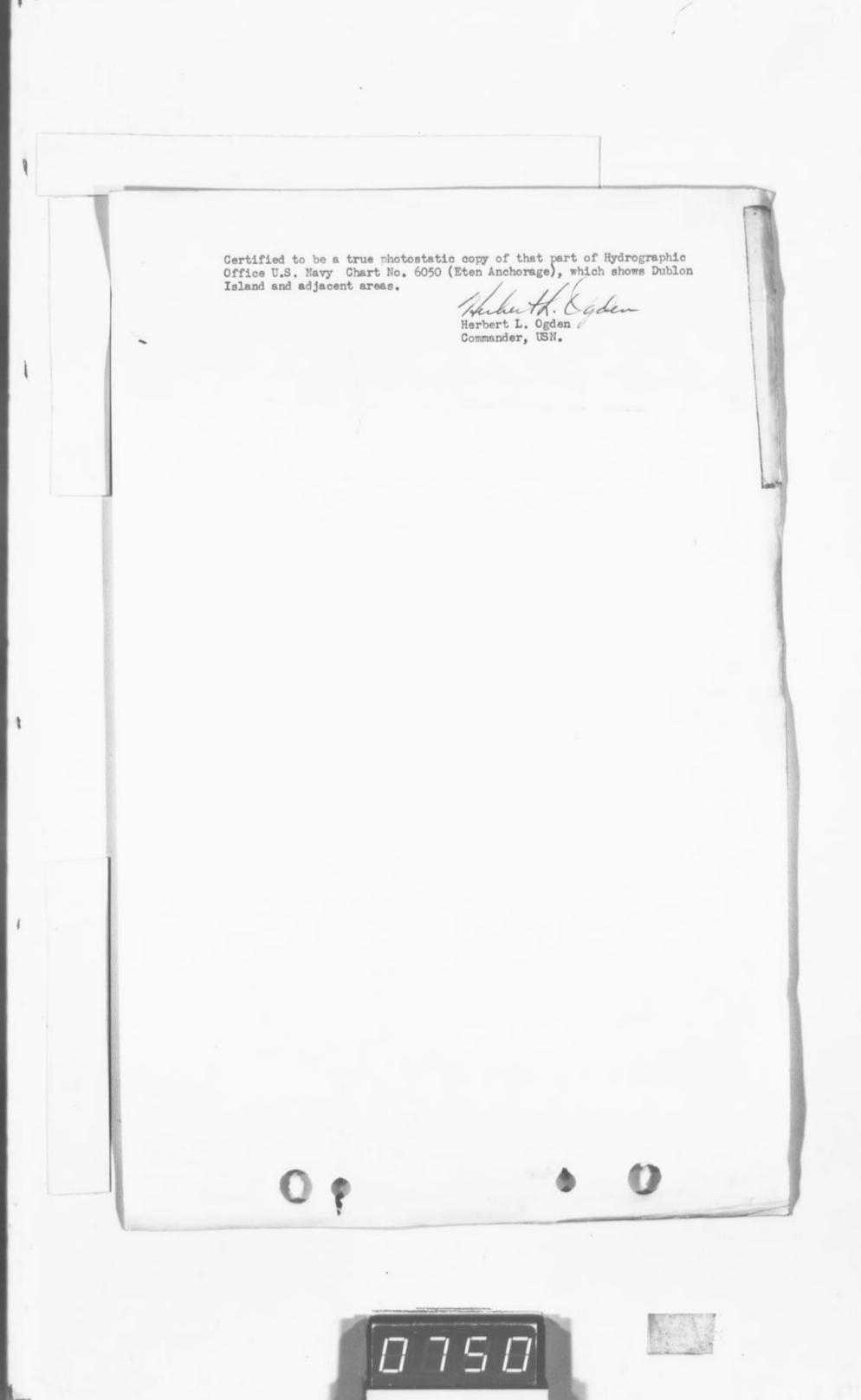


I, ABE Koso, being duly sworn on oath, state that I have had read to me and understood the translation of the foregoing transcription of my interrogation and all answers contained therein, consisting of fourteen (14) pages, are true to the best of my knowledge and belief. ABE Koso Subscribed and sworn to before me this 5th day of MARCH 1946. WILLIAM P. MAHONEY, Lieut. 154233, U. S. N. R. War Crimes Officer Exhibit 7 Page 11 /s/ E. L. Field, Lt. USNR CERTIFIED TO BE A TRUE COPY EXHIBIT 22 (12) 0747

COMMANDER NAVAL ACTIVITIES JAPAN) TOKYO, JAPAN , being duly sworn on oath, state that I truly translated the questions and answers given from English to Japanese and from Japanese to English respectively, and that after being transcribed, I truly translated the foregoing inter-rogation, containing fourteen (14) pages to the witness: that the witness thereupon in my presence affixed his signature (name or mark) thereto. DAVID L. OSBORN, Lieut, USNR. Subscribed and sworn to before me this 5th day of MARCH 1946. WILLIAM P. MAHONEY, Lieut. 154233, U. S. N. R. War Crimes Officer COMMANDER NAVAL ACTIVITIES JAPAN) TOKYO, JAPAN I, WILLIAM P. MAHONEY, LIEUTENANT, 154233, USNR certify that on the 2nd day of MARCH 1946 I personally appeared before me ABE Koso, and according to David L. Osborn gave the foregoing answers to the questions set forth therein; that after his testimony had been transcribed, the said AHE Koso had read to him by the said interpreter the same and affixed his signature (name or mark) thereto in my presence. WILLIAM P. MAHONEY, Lieut. 154233, U. S. N. R. War Crimes Officer Exhibit 7 Page 12 /s/ E. L. Field, Lt. USNR CERTIFIED TO BE A TRUE COFY EXHIBIT 22 (13) The foregoing, consisting of thirteen (13) pages is certified to be a true and correct copy of Exhibit 7 in the record of the trial of ABE, Koso, et al. HERBERT L. OGDEN, Commander, U. S. Navy. 0748

101-121111111111 IEGEND (From testimony of Inoue, Kenichi, page 223.) A - Fourth Fleet Headquarters
B - Fourth Construction Department
C - Forty-first Guard Unit
D - Submarine Base Unit
E - Repair Department
F - Seaplane Base
G - Air Arsenal
H - Supply Depot
I - Communication Corps
J - Fourth Base Force
K - Fourth Naval Hospital CAROLINE ISLANDS—TRUK ISLANDS ETEN ANCHOR . 33

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第二復員局残務處理部文書課長

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EXHIBIT 25

Cartificate Concerning the Origin of Documents This is to certify: 1. That the accompanying Ordinances and Regulations whose names are mentioned below are the ones furnished by the Second Demobilization Bureau Liquidation Division in January 1948 with the express purpose to be made use of by the Defense Councel Mission sent to Guam. Imperial Ordinances issued to the Mavy, Vol. I, 10th edition....... Maval Regulations, Vol. 1, 14th edition......one copy. Havel Regulations, Vol. IV, 14th edition......One copy. 2. That the abovementioned Ordinances and Regulations are of the edition of the Japanese Mavy, and had been in force in the Japanese Mavy until the termination of the war. 15 February 1948, Tokyo. Yashir Theidini Chief of Archives and Document Section, Second Demobilization Durasu Liquidation Division. EXHIBIT 25 (a)

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确察令

(十四股狗等清例例表)四五三一日五日見)最終改章昭和十九年初了今天正五年之间至十日年分鄉和十年

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EXHIBIT 26 (1)

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EXHIBIT 26 (2)

FLEET ORDINANCE Ordinance No. 10 of 30 Nov. 1914. Last amendment in 1944, ordinance No. 2 (Japanese Naval Regulations 14th ed. Vol. I, p 453 - 454) Article 1. - The Fleet shall be composed of two or more warships and as occasion demands, destroyer division(s), submarmine division(s), escort division(s), torpedo boat division(s), minesweeper division(s), subchaser division(s), air group(s), or destroyer(s), submarine(s), escort ship(s), transport(s), torpedo boat(s), minesweeper(s), subchaser(s), minelayer(s), and patrolboat(s) shall be assigned and necessary organs such as harbor master's office(s), defense unit(s), air group(s), special duty ship(s), etc. shall be attached. As occasion demands, a fleet moy be organized by a warship and destroyer division(s), submarine division(s), escort division(s), torpedo boat division(s), minesweeper division(s), subchaser division(s), or other units; or by two or more air groups. A fleet shall be denominated according to its organization, speciality or duty; or according to the ocean or area to which it is detached. Article 4. - There shall be a commander in chief in charge of the combined fleet. There shall be a commander in chief or a commander in charge of a floot. Article 5. - There shall a in the combined fleet and the fleet the following personnel as the staff of the commander in chief. Chief of staff. Staff officer(s). Adjutant. Chief engineering officer. Chief medical officer. Chief supply officer. According to the duty or organization of the fleet some of the above positions may be left vacant. Article 7. - The place where the commander in chief or commander carries out his duties shall be called the headquarters. Article 11. - The commander in chief of the fleet is under the direct command of the Emperor; he shall command the fleet under his command and shall have overall control of its activities. The commander in chief of the fleet shall receive commands from the Minister of the Navy concerning military administration and shall receive instructions from the Chief of the Naval General Staff concerning operational plans. Article 12. - The commander in chief of the fleet shall supervise military discipline, morals, education and training of the fleet under his command. Article 51. - Members of a Staff and personnel who participate in the work of the fleet in making reports or representations to the commander in chiefor commandant concerning their work, they will make them through the chief of staff. In case the position of the chief of staff is vacant, then they will make them through the senior staff officer, I hereby gertify that the above articles are true excerpts from the Flack Ordinance taken from the Japanese Naval Regulations Vol. I which the Chief of Archives and Document Section, Second Demobilization Bureau, Liquidation EXHIBIT 26 (1)(a) 0756

Division, YOSHII, Michinori certified to have been in effect in the Japanese Navy until the termination of the war.

December 9, 1948

Jadamu Janage
SANAGI, Sadamu,
Defense Counsel.

I hereby certify that the above is a true and complete translation of the original document in Japanese to the best of my ability.

Eugene F. Clark, Lt; USN, Interpreter.

EXHIBIT 26(2)(a)

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今 常取根規則

(土田粮海事請例則養田大五十六四一員) 元年中四日七年 改正明治之七年 第一三三年 太正三年本一四三年昭和一明治三十七年二月十七日 夏) 十三十三号

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、項置子以外件、於十旬品目襲,問題又八分傷所不禁問之以房各海官房可該可問教之且沒收名分為以其其也本国所屬一細仍百十及見傷一年月日、十三條前一條一本為以外人以上大侵當人及免至令、身

は手又、其、他、红即了り、若、列、子、此、限、至了スモノノ及及内内的、是尚、対シ以美、答の大人不同子)少其、身分階級、人以相当、守遇、考之子及外人者、其、從事から、業務及他後、心以相当一分遇、之子已分

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Exhibit 27 (1)

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- 宮坂本の軍法金の養後疾亡のる事件の是我又へび震災治事司法弘言院不同衛於新門者ととき之の以間(ひ)後书五條、三、等は治事司罪,仍にりによい項,守着のり以立りい治吏官
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- 富在及下去午三旦別之是、引演之思以等看,易效子運,海衛(之)等衛,門後可為又了了男好,傷合之於天將按同相之,以養各等以等者又了了男好,傷合以件及仍品目孫,奈人是,也以上,這事都改又八天社名、軍一部通官首,仍為到
- 豆到之里,更敢是一次事大臣一般告人公司一人是以事,到实了在之子,将校同相当自及下三年二十一十八保 鎮子所引令長后,就是衛行司令長官其一次治事官意

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- 所上たら足で、全便直、限以言所切。之子以之口又へひに又下りいしゃ、之十衛生又八川廣十為又这一問之八進走了一十九保 強于在以管衛在其一也治事首盖思之於于以各門門屋子
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Exhibit 27 (2)

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カナ三僕、三学島、兵送、身子間は、成び相当、養式を用之へ

和十四條·等看·生完主日書の、京中国海童家人·意言書了-同一一段 ながきまれいり

キナ田は、一分をありを見い田ののなり、言事の、ヤ大は、現た、水り引 そろうころりりいる(ものり) 五子はんへい りとを変の日見中はなる はしくとなっとよいショるを計シを某しげますきけるへう 治りまけるたいりいしもいる事大臣とはよしている

第十五條 龍子村司令長官 聖易衛有司令長百里,他為東官 一年、治文していからかられ、だけ、となるのはで、これののは 領墨物件及物品目等東北一切一里日東子流八月海中海京 · 門衛の一を別して、一次又へ、

前記條文日本三屋島向孫於处理却文書日孫長三年道教 後数時までの本海事に於したり、初」使用といれなるのかろことは 明一个清童清例则为一天日中的信衛现投现到《百千四相意 さいことを 生間する

S+ 香文 佐 は 級

Exhibi 27 (3)



REGULATIONS FOR THE TREATMENT OF PRISONERS OF WAR

Ordinance No. 33 of 17 Feb. 1904; Last Amendment in 1941, Ordinance 407.

(Japanese Naval Regulations 14th ed. Vol. IV, pp 639 - 641.)

- Article 1,- The personal bolongings of enemy combatants or persons who are to be accorded the treatment of prisoners of war by virtue of international treaties and usage shall be inspected forthwith upon their captivity.
- Article 2. Arms, ammunition and other articles of military use belonging to the prisoners of war shall be confiscated. All other articles shall when convenient be either left in the possession of the prisoners or received for deposit (for specific reasons.)

 A commanding officer of a naval unit is empowered to permit only those officer POW's to wear their own swords for whom it is especially necessary that their degnity be maintained. It such cases, their names and the reason for such special treatment shall be reported to the Navy Minister. The swords permitted to be worn as mentioned above shall be kept at the POW camps.
- Articlo 3.- The prisoners of war, upon completion of the procedure prescribed in the preceding two articles shall be interrogated as to their names, ages, status, ranks, permanent domiciles and affiliated vessel or office and time and place of injury if any. Moreover, a prisoner of war log shall be kept daily and an inventory of articles confiscated or received for custody from prisoners of war be made.
- Article 4.- Prisoners of war shall be classified as officers (including civilians accorded corresponding status) and netty officers and men. (non-naval personnel shall be classified according to their status and work.)

 However, this shall be apply to any persons who do not answer truthfully interrogations regarding their names and ranks or to any persons who are guilty of other offenses.
- Article 5.- In case a prisoner of war is guilty of an act of dispredience he may be subjected to confinement, to being bound or any neasure deemed necessary. In case a prisoner of war attempts escape, force of arms may be used for its prevention, if necessary.
- Article 5-2.- A prisoner of war who attempts escape or commits acts tending to disordenise discipling shall be subjected to disciplinary ministrant.

 Atricles10 through 14, 22 through 24 and 31 through 36 of the Naval Disciplinary Punishment Ordinance shall apply mutatis mutandis for punishment of acts such as above.

 The disciplinary punishment of prisoners of war shall be executed by the head of the naval establishment by whom the prisoners are actually interded at the time.
- Article 5-3.- When prisoners of war commit crimes, the naval authorities in charge of their internment at the time shall investigate as executors of the duties of naval judicial pulice authorities and after the investigation submit the case to the judge advocate of the nearest court martial.
- Articlo 6.- The Naval Commanding Officers shall deliver prisoners of war together with their roster, the prisoner of war log, their articles kept under custody and the inventory of these articles and their belongings to a Naval District, Naval Guard District, or to the nearest naval establi-

Exhibit 27a (1)



Should prisoners of war die prior to delivery, their roster, personal belongings, and all other documents and articles shall be turned over.

- Article 7.- The commanding officer of a naval unit or head of naval establishments in operational areas may, when he considers it convenient, deliver prisoners of war under his charge together with their roster, prisoners of war log, belongings of prisoners of var in his custody and the inventories of the same, to army units, quartermaster departments, transportation and communication units, after negotiating with them.

 In such cases the numbers of prisoners of var, broken down into officers (including non-naval personnel given corresponding rank) and enlisted men, shall be reported immediately to the Naval Minister.
- Article 8.- Commandants of naval districts, guard districts or heads of other naval establishments, on receiving a delivery of prisoners of war shall promptly report the number of these so delivered, broken down into officers (including non-naval personnel of corresponding rank) and enlisted men to the Navy Minister.
 - The Navy Ministor on receipt of reports as in the preceding paragraph shall designate the place and date of delivery of prisoners of war to the army authorities who are to receive these prisoners of war.
- Article 9.- A naval district, guard district, or other naval establishments on receiving a delivery of prisoners of war shall hold them until their subsequent transportation of delivery, in any temporary camp at hand which is sufficient to prevent escape.
- Article 10.- Places where prisoners of war are held shall be controlled and guarded by guards under the supervision of a naval officer.
- Article 11.- When a prisoner of var requests permission to purchase articles of comfort or daily necessities at his own expense, the supervisor shall afford him the necessary conveniences if such request is considered unobjectionable.
- Article 11-2.- When a prisoner of war is allowed interviews by visitors; proper restrictions; necessary from the standpoint of supervision, shall be imposed in the way of place, duration of interview, etc., and a guard placed to be present at the interviews.
- Article 12.- Telegrams or mail sent or received by prisoners of war shall be censored beforehand by the supervising officer. Those found unobjectionable shall be permitted but the use of code in messages and other suspicious measures shall be prohibited and the message seized.
- Article 13.- In view of the fact that the mail sent to or received by prisoners of war is exempted from postage charges by treaty (treaties), naval authorities charged with the care of prisoners of war shall negotiate with the post office of the locality and shall take the appropriate steps.
- Article 13-2.- When prisoners of war are quartered and treated at a neval hospital or clinic, a list of prisoner of war patients shall be made according to the annexed form.
- Article 13-3.- Funorals for prisoners of war shall be held with appropriate coremony befitting their ranks and positions.
- Article 14.- The will of a prisoner of war shall be handled in a manner no different from that of a member of the Imperial Japanese Navy.

Exhibit 27 a (2)



Article 14-2.- Articles of wills left by prisoners of war shall be forwarded by officials in charge to the Prisoner of War Information Bureau in accordance with provisions set forth in Article 6. However, in cases where the preservation of the articles is impossible, they shall be seld and the money forwarded instead. Then the forwarding is done as in the paragraph, the fact shall be reported to the Navy Minister. Article 15.- Commandants of Naval Districts, Commandants of Guard Districts, or other nevel establishments shall hand over prisoners of war under their care together with the reisoners of war roster, prisoners of war log, bolongings of POT's in their custody and inventories thereof and all other documents, at places designated, to army authorities who are to receive the prisoners of war. I horoby cortify that the above articles are a true copy of the Regulations for the Treatment of Prisoners of War, excepting the annexed table, taken from Japanese Naval Regulations Vol. IV which the Chief of Archive and Document Section, Second Demobilization Bureau, Liquidation Division, YCSHII, Michinori certified to have been in effect in the Japanese Navy until the termination of the war. SAMAGI, Sadamu, Defense counsel. I hareby certify that the above is a true and complete translation of the original document in Japanese to the best of my ability. Eugone E. Kerrick, Jr., Licutomant, U. S. N. R., Interpreter. Exhibit 27a (3) 0763

Exhibit 28(1)

異時国東法規圖早 100 HBY X 100 1000 WAS 80 12 + 11 my 4 am 目次 为一部沿野法想網里日次 1 1000 11 11 10 10x 本三部各等一部合二於下以中之国·秋州至我於 (支戰國-我利差成務) 獨要目次 11 114 / MEN 三五九百人 宋三為 完 我法现情中日次 11 1/ 1 1000 三九五百 米四季·二至泉、是仍白三於下以中三国、找形美衣之 (三文教国、权利美政教) 精量 目次 三九七月天 IN OBION 为五部 化元子。联、烧天、熟、祖属、照相等日次 1100000 11/12/0000 宋大部 隆泉法規構要目次 41 mg 200g 11/11/1000 本一篇, 不 # 111 3rt + 1/20 m B 11 111 回答者・変えのはなるのはなり、以答者・取及のはなる・とりませい人

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找到美務情要目次为以中去国及中主人,

三五七一页

111 41 41 MEX

(附錄) (関係條约及法令)

三十五隆戰一法理博例一图之條约 五大九良

と目三七日、住門とた人良な、大大八良田十三は一年、「は一年」は一日、「は一日、「は」、同己、十九日二十十十年

半大部 達 既法規備母

If I'M Fort + HBE

日傳"於月八之月数夏人八十十月。) 東・国本一角、月本日初き入八年月後天七月、公子及とうりり。(敵衛矢・組をはる任義務、服以及左う行心、隆戰峰規八至り右題と日、秦十子規以、収入中に国一事人十同称、清遇 月十八八郎の論、水事十八八相末日加九以外。於子八末八次の清美月上7月取扱いべり、之、をきはり加りべり入だ、

Exhibit 28(2)

一九四八年六月十十日 中語人 压 祖 教

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[34 100 ++7 040 £ 3 / (12 040)

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作者、取扱三関シテ、陸既体関力三五里、詳個

(は) 明治また(生きまをまてくないは、ちゃれ

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大十八八十年春春春秋人日日春 明治之

十七年達年三十三日為事情節級

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6 Wm 0==)

-正龍ナッなまナニないナキュトラは明えび

my 411 4/4 War 80 =

上門記へ海事人臣百孝孝行野時国常法規調至中

Exhibit 28(3)

Wartime International Law Manual

May 1937 Navy Minister Setretariat

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Part IV. Outline of the Rights and Duties of Neutral States (Rights and duties of the Belligerents) in the event of Air Warfare.

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- (1) Who may claim to be prisoners of wer.
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- (5) through (10) Omitted

Part VII. Outline of the Rights and Duties of Neutral States and Subjects in the event of Land Warfare.

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ANNEX (Related Treaties, Lows and Regulations) ***** ***** 25. Treatics concerning the customs and Law of Land Page 569 Earfare. ******** 43. Geneva Convention of 27 July 1929 concerning the treatment of Prisoners of War. Pege 668 Part VI. Outline of Land Warfare. ***** ****** 3. Prisoners of War. Persons who fell into a certain category when captured by the enemy shall be treated as prisoners of war. It goes without saying that they shall not be subjected to mistreatment, but except for the necessary restraint imposed upon them, they shall be afforded the same treatment as the soldiers of the state in whose custody they are held. The foregoing idea has been widely practiced and indeed the Treaties governing Land Variare were established pursuant to the foregoing spirit. (The officers and men of the enemy also, as they have had to obey imperative duties and have resolved to stake their lives for their country, should be treated with respect and kindness). ****** Who may claim to be prisoners of war. (2) Who may not claim to be prisoners of war. (3) Treatment of prisoners of war. Prisoners of war are in the power of the hostile government (not of the unit) and must be humanely treated. (See article 4 of Regulations respecting laws and customs of wer on land). As to the treatment of prisoners of war, a separate and new treaty was signed in addition to the detailed regulations set forth in Chapter 2 of the Treaty clauses on Land Verfare. (This treaty was not ratified by the Japanese Empire). N.B. Refer to Laws pertaining to punishment of Prisoners of War law No. 38 issued in the 38th year of Meiji (1905); Imperial Ordinance No. 192 promulgated in 1914 entitled "Prisoner of War Information Bureau Organization;" Navy Minister Order No. 33 issued in the 37th year of Meiji (1904) entitled "Navy Regulations concerning treatment of prisoners of war." I hereby certify the foregoing to be an accurate excerpt from the Wartime International Law Manual issued by the Secretarist of the Navy Minister. June 29, 1948 SANAGI, Sedamu, Defense Counsel. I hereby curtify the foregoing, consisting of two typewritten pages, to be a true and complete translation of the original document in Japanese, to the best of my ability. Eugene E. Kerrick, Jr. It., USIR, Interpreter -2-

09

福解縣員服務規是

(十日版明等清例則夏也一四七九月) 是我院改堂昭和十八年 书云四月月天正八年六月二十五日 童 为日十一年

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8-4 Wet 50 10/8

元,五里百年十十月期入(2) 該東了里田縣、銀店、京西城、銀路、原理、其人衛走、至五月日城、銀長八下、宋也又、所降中日候十月時間長八田、西路十月清楚烈、千五所、依

ま生ませいべいとまりま活地でを送り服在のたり一件は一十八年の祖長い至らりと活动地であるまりのかり一年は同知り在前十月

以以此者的一之中幸保養學子司如十万七八八任行校以及俱在中年知之之中之其外之中一至人事為一

Exhibit 29

そ子に明中了 表中の臨船職及服務改多の核等心和這点以 用サイナモラものから、こと記り、して母子活的以中一十年本一般が終就好中心の不好子といったりならなる。 まみた一次は久は知らならはれなりまり、いったりがは及及の体報处は却又幸に埋亡 及べて幸福本大臣、坊合り清了? あして至了人民国は一方のはなられるののは、ひかのかりなほのではいろってしまり、見は、よりにはられるなるのは、なりなない。

14 The X

活 雜 談

Exhibit 29

SERVICE REGULATIONS FOR PERSONVEL ON NAVAL VESSELS Ordinance No. 111 of 23 June 1919; Last amendment in 1944, Ordinance No. 24. (Japanese Naval Regulations 14th ed., Vol. I, p'479.) Chapter I General Principles Article 1.- These regulations shall set forth matters to be followed by personnel on Naval vessels in executing their daily duties. Article 2.- These regulations shall be applicable mutatis mutandis, as far as possible, to the duties of the personnel of destroyer divisions, submarine divisions, escort divisions, torpedo divisions, minesweeper divisions, subchaser divisions, defense units, air groups, communication corps, naval barracks, guard units and submarine base units, and to the duties of special duty officers and below attached to the headquarters. Chapter II Captains of Naval Vessels Article 3.- The captain is the head of a naval vessel, and in accordance with the various ordinances and regulations and with the orders of his superiors, shall, command the crew, all hands including the executive officers and below, and fully execute his duties of exercising overall control of the various affairs of the vessel. Article 21.- The captain shall promote strict military discipline and morale of his ship, maintain order, and have the members of the crew of his ship bear in mind and observe various regulations and ordinances. Article 58.- The captain shall keep under observation the personality, character, ability, and health of the members of the crew of his ship, especially those higher than warrant officers; shall always pay attention to their service; and shall give appropriate consideration to them. Article 105.- The captain of a vessel shall exercise particular prudence with regard to incidents involving international law, and shall always deal with such matters within the limitation of orders and regulations, and treaties; in case there arise incidents beyond such limitations, he shall request instructions from a higher echelon commander or directly from the Minister of the Navy. I hereby certify that the above articles are true excerpts from the Service Regulations for Personnel on Naval Vessels taken from the Japanese Naval Regulations Vol. 1 which the Chief of Archives and Document Section, Second Demobilisation Bureau, Liquidation Division, YOSHII, Michinori certified to have been in effect in the Japanese Navy until the termination of the war. June 29, 1948 Ladamu Sana SANAGI, Sadamu, Defense Counsel, I hereby certify that the above is a true and complete translation of the original document in Japanese to the best of my ability. Eugene E. Kerrick, Jr., Lieutghant, U. S. N. R., Interpreter. Exhibit 29(a)1

SERVICE REGULATIONS FOR PERSONNEL OF NAVAL GUARD UNITS Ordinance No. 344 of 13 November 1941. (Japanese Naval Regulations 14th ed., Vol. I, pp 370-372.) Article 3.- The commander or commandant shall organize a guard detail to guard the naval establishments, warehouse, etc., in the area of a naval port or its vicinity, except those government buildings, warehouses, etc., which actually have naval sentries. Article 2.- Service regulations for personnel on Naval vessels shall be applicable mutatis mutandis, as far as ressible, to rersonnel of naval guard units, excepting those personnel already provided in the preceding articles. I hereby certify that the above articles are true excerpts from the Service Regulations for Personnel of Naval Guard Unit taken from the Japanese Naval Regulations Vol. I which the Chief of Archives and Documer. Section, Second Demobilization Pureau, Liquidation Division, YOSHII, Michinori certified to have been in effect in the Japanese Navy urtil the termination of the war. June 29, 1948 Jadamu Lange SANAGI, Sadamu, Defense Counsel. I hereby certify that the above is a true and complete translation of the original document in Jaranese to the best of my ability. Eugeno E. Korrick, Jr., Ligutement, U. S. N. R., Interpreter. Exhibit 30(a) 0773

0.4

海事計法

十四收海章诸例則奏四三六三一三七四一一夏)夏敦於改矣昭和十八年为一年四月十日法律为四八年四八年四八日十日法律为四八日十日法律为四八日十日法律

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本川山町 ton (か) たいり井

知學學可

今れるよとそうほった七年とはとなる国は、ひろろのは、日子は上有し付とは、今天の日の日のは、日子ならは、日子は、日子子のは、とうまりにいりいとし、三年前の日ス

さそい、シテムの三谁又但ご矣(後子同考と人命な日保十十者一問、ハラハムの考去なぬなは仍須人上

アナラは、存在とし、祖の、守は、子はなるのはままし

京人、清學有一维十八得納之來紀三之子留八四人以初季

Exhibit 31 (1)

るとになったまとれるといるというとうはできますとれてはなるといるというとうはできますとはなるといるとはなる、教まない始は

久是漢之3日十日百以為、情知三国、美一川、掛经人等人得在了記之之)行為、情知三国、美一川、掛经

各一个上了道用スカナ人俱不成之、刑死之(他、法人で、罪した、予行

和日本 日井

All water to the list

「夏、はは茶、子が、成っまとりいしゃ、みかっぱくカラトをは、持得ではましまして、千里里とくすならなりま

能等限のます理性とろいとへ大利之之入

(三部三從子心飲入 是十年人的称于是至少了少十十八石 孩子至上中人 保 指挥有更好的 经免免一切二十分的放了成绩一

「雑れわした、大なりかん

らましていまっかしまいを別といるまれてしないことと

ナケシテでがセナットナベス等化としなるりに、はスターとし、保持なる、飲いないまかろをある、からなりが、しないないのの、

とりいよ、一年以上一日訓茶館と此入役をひとり、江日、昭明の以後入へを得るこれを放する方法度本を与える日子を日子以得者とれば、将存自教本されて年日之八百日と天内は外で

とす、モー己的一次テンタストとはいったするでしてないとは、作作自該衛子をするとろいいいろは、なける意味を

「教をひした、みかっとる

大教好了十十一五年以上十十十十十十十年到天祖一次人

スラールーでのロナリトナ、ヨネルトーな不通った人

三從下公断へを一傷所下為しりいして、在し己別意一傷之保治時分更、臨路等限了事日成了自所花人死

1、愛にはすべばをかかく

るがなけれてきる事は子付明者過る此人

ス女化し場合として、王等以下一年後に

Exhibit 31 (2)

辛込上、彼の後、处入ころは傷じりいしゃに差別えべきとといしゃに入からたひとう場傷しりいしゃに差別えべきをにてらば、指揮有民東見致了真性的不管後沒么一致傷

オラシュッなトゥシンでとカントナハンネルエー対不過、終入をは十三年、持事人の出矣を要ねる以びの」付きるヨリア人日か

- 在酒、父人とき、我不多なり以下して」とでもアレーナにこま以下とうのは好けらなまなまなりととがですとしまい、足就ごほりりい格能で

まとすて、お、五年以下一年間、た入

と事ととなる場所、あでり、りいしゃ、たて、といいは、なりとは、まて、大は低化之名也得後、子子吏、児はまるかに書待る、

「、敬なさして、みかえに芝即しきろとべて

以下一祖不明三代入不以既以己分明百十3十七八三年

き、サバーの一場でナントナンノネストーなべ組ったス

=21)上またし己別一次子之新入水下之候的能多乃得及頃恨大部門2千里·解答了20万

「教育な」を(五年以下、日本智とかべ

りななべく就治中らしゃくりまろして一杯的しかく

ととして、子と別なるとなる人

「一般から」よいる事以下一年間に以入

三年、ピーピーかんはナツトナへ一年以下、美祖二秋人

-報をするしまいしゃ、七年以下、松仁後、た人

至了作達也了了十年又有明之同心是了至此不至一年令直報在、我各可係以仍(又(数了飲好之八事是一保令直報在、我各可係以係(及人教了學

と此人本日、とう、敬、子とと、とび、王立とかいして、五年以下、祖不明十五十八十八五年城会い「同皇的は、保工日久以看たるぐりり、

とともひとりひしゃ、一年以上十年以下、松口は、父又支人之子ととの子用のはるの外と知え、五名のままい者は十月之下を上上は、初は久八事者ではび矢を沿岸を接ばは

Exhibit 31 (3)

へ五年以上、以べ後、処入因う人、ひ、致しり)若八至期又十年以下、以べ後、処入因う人、ひ、致しり)若八至期又ヤモ工係連年、孝人(本飲食的、知路、」り」若(一年以上

といるへをしとかっは、となる天人を存ったろうろりを存ったろうりのはは、見ける気はとましてがは、よれるははなまするして、を使いまれるがはいいいののない

と見しているることで五年以下しばた後とばえて、郊は己とべ人の以ととま以下、他の後とない、一般なるしょ、入り以とと事以下、他の後と然か

へろうにがえ アモナとはのまかるとはのまからしてとは、不道事をとしては、アモナとは、アモナとはのまかことは、アモナとは、アモナとは、アモナとは、アモナとは、アニナとは、アニナとは、アモナとは、アモナとは

ヤナツサくななるの1 四人へらは歩

といして、三年以上し付別間は父父人を見らばをりとととしてははなる、高年へに違足とい者見ららちの出走もとく

京以下、後後、父又不明之、免り近りをとりとない一年以上十二十分をあまらいべて行為、為しるいるととなて、似には、父又は一百十五年でしいいはいる以下是を見るによいまか地走ったとは上は不らなる、題をしとといれてま以下、始はは、如又

そんて強いなるのでないないないこれへとまなし、時期ははは、

五年以下しばか後二代入かれてまり及にきの母もしよりとおへ

タイナに焼をかし味の主かれては一米らとれているこれへ

法。 近年、加屋ててきり、任明之ととてとり、西州等的等流的別をを中しるを形とるをは例がみにを中しるを利益なりの外がとうのかのきとれてはみ、原用のうるるはれたを都大書準をなる

年護人 任難 毅

Exhibit 31 (4)

JAPANISE IN MAL CRIP ITAL CODE

Inv No. 48, April 30, 1908; Last Amendment Law No. 3, 1944.

(Japanese level leculations, 14th ed., Vol. IV, op 363-374-1, incl.,)

We, the Emperor of Japan, sanction the Maval Criminal Code approved by the Imperial Diet and hereupon have it promulgated.

Naval Criminal Code.

Part I General Provisions

Part II Crimes

Chapter 1. Crime of Rebellion

Chapter 2. Crime of Abuse of Authority Chapter 3. Crime of Disgrace in Office Chapter 4. Crime of Resisting Orders

Chapter 5. Crimes of Violence, Threat, Murder and Injury

Chapter 6. Crime of Insulting Chapter 7. Crime of Desertion

Chapter 8. Crime of Damage and Destruction of Military Property

Chapter o. Crimes of Plunder and Rape

Chapter 10. Crimes relating to Prisoners of War

Chapter 11. Crime of Violating Orders

Part I General Provisions

Article 1.- This law shall be applied to nava! personnel who have committed crimes.

Article 2.- Superior officers are those with the right of command among the naval personnel who have command relationship to them.

Among persons not having command relationship, the person senior in rank or grade, shall be treated as a superior officer; but the enlisted men shall all be treated as equals.

Article 13.- By commanding officers are meant naval personnel who command vessels or men.

Naval personnel who are on hoard a military or naval vessel or a captured vessel, and command the same, shall be treated as a commanding

Article 17.- Unaveidable actions taken in order to quell mass violence, or, in order to maintain dicipline in the face of the enemy or when a ship is in an emergency, shall not be punished.

Punishment of actions which exceed the limits of necessity may be reduced or remitted in consideration of the extenuating circumstances.

Article 18.- The preceding article shall be applied to actions prescribed as crimes in the Criminal Code and in other laws and ordinances.

Si

(1)

Exhibit 31 (a)(1)



Part II Crimes

Chapter 3 Disgrace in Office

Article 35.- When a commanding officer capitulates to the enemy or surrender his ship or post to the enemy without fulfilling his duty, as he should have done, he shall be condemned to death.

Article 36.- When a commanding officer deserts with his ship or men without fulfilling his duty as he should have done, in face of the enemy, he shall be condemned to death.

Article 37.- When a commanding officer, without justification for his act, fails to exercise rescue measures, or leaves his ship before the others, in the event of his ship is in an emergency, he shall be punished according to the following:

1. In the face of the enemy, he shall be condemned to death.

2. In other cases, he shall be punished with confinement for life or not less than three years.

Article 38.- When a commanding officer, without justification for his act, fails to capture a ship of an enemy when he should have done so, he shall be punished with confinement for not more than three years.

Article 39.- When a commanding officer, in the face of the enemy, without justification for his act, fails to rescue a ship of the Japanese Empire or that of a country with which joint operations are being conducted, when he should have done so, he shall be punished with limited confinement for not less than a year.

Article 40.- When a commanding officer, without justification for his act, abandons the ship which he is ordered to escort, he shall be punished according to the following:

1. In the face of the enemy, he shall be condemned to death.

2. In time of war, he shall be punished with limited confinement for not loss than three years.

3. In other cases, he shall be punished with confinement for not more than three years.

Article 41.- When a commanding officer, commanding his ship or men, without justification for his act, refrains from assuming his post or station, or leaves such position, he shall be punished according to the following:

1. In the face of the enemy, he shall be condemned to death.

 In time of war, he shall be punished with limited confinement for not less than five years.

3. In other cases, he shall be punished with confinement for not more than three years.

Article 42.- When a commanding officer or member of the crew, without justification for his act, sinks or destroys the ship, he shall be condemned to death; and when he inflicts damage upon the ship, he shall be punished with confinement for life or not less than three years.

Article 43.- When a commanding officer upon receiving a request for despatching men from government officials having authority to request therefor, fails to comply with such request, without justification for his act, he shall be punished with confinement for not more than two years.

(2)

Exhibit 31 (a)(2)



Article 44.- When a commanding officer upon receiving a request for rescue of ships in such danger as collision, running aground or otherwise, fails to comply with such request without justification for his act, he shall be punished with confinement for not more than two years.

Article 45.- A person who upon encountering his subordinates committing an offense in joinder, fails to take measures to quell it, shall be purished with confinement for not more than three years.

Article 46 - Then a duty officer, guard or other person assigned to important and urgent duty on board ship, leaves his post without justification for his act, he shall be punished according to the following:

In the face of the enemy, he shall be condemned to death or with confinement for life.

 In time of war or when the ship is in danger of running aground or for some other reason, he shall be punished with confinement for not more than three years.

3. In other cases, he shall be punished with confinement for not more than one year.

Article 47.- When a duty officer on board ship neglects his duty by falling asleep or by intoxication, he shall be punished according to the following:

1. In the face of the enemy, he shall be punished with confinement for not more than five years.

2. In other cases, he shall be punished with confinement for not more than two years.

Article 48.- When a guard or person assigned to important or urgent duty commits the crime set forth in the previous article, he shall be punished according to the following:

1. In the face of the enemy, he shall be punished with confinement for not more than five years.

2. In other cases, he shall be punished with confinement for not more than one year.

Article 49.- When a person engaged in reconnaissance duty gives false reports in time of war or emergency, he shall be punished with confinement for not more than seven years.

When a person in charge of transmitting military orders, information or reports, without justification for his act, falsely transmits them or fails to transmit them, in time of war or emergency, he shall be punished as set forth in the previous paragraph.

Article 50.- When a person in charge of the custody of classified documents and articles, fails to take measures to prevent them from falling into the hands of the enemy, in time of exigency, he shall be punished with confinement for not more than five years.

Article 51.- When a person in charge of the transportation of arms, ammunitions, provisions, clothing and other goods provided for military use, without justification for his act, allows a shortage in any of the above, in time of was or emergency, he shall be punished with imprisonment with hard labor for not less than one year nor more than ten years.

Article 52.- A person who distributes food and beverages injurious to health, shall be punished with confinement for not less than one year nor more than ten years; and the person who by such practice caused the death of another person, shall be punished with imprisonment with herd labor for life, or not less than five years.

(3)

Exhibit 31 (a)(3)





Article 53.- A person who malingers or feigns or produces illness, or injures himself, or commits fraudulent acts, in order to exempt himself from military service or to escape hazardous duty, shall be punished according to the following:

 In the face of the enemy, he shall be condemned to death, or punished with imprisonment with hard labor for life or not less toom five years.

2. In time of war, he shall be purished with imprisonment with hard labor for not less than six months nor wore than seven years.

3. In other cases, he shall be purished with imprisonment with hard lanor for not more than five years.

Article 52. Attempts of the crimes of article 35 through article 37, article 40 through article 42, article 46, article 49, article 51 through article 53, shall be punished.

Chapter 10 Crimes Relating to Prisoners

Article 90.- When a person who guards or escorts prisoners of war allows them to escape, he shall be punished with limited imprisonment with hard labor for not less than three years.

Article 91.- A person who allows prisoners of war to escape shall be punished with imprisonment with hard labor for not more than ten years.

A person who provides instruments for the purpose of allowing prisoners of war to escape, or commits an act to facilitate their escape, shall be punished with imprisonment with hard labor for not more than seven years.

A person who commits violence or exercises a threat with the purpose mentioned in the preceding paragraph, shall be punished with imprisonment with hard labor for not less than one year nor more than ten years.

Article 92.- A person who takes away prisoners of war shall be munished with limited imprisonment with hard labor for not less than one year.

Article 93.- A person who shelters or conceals escaped prisoners of war shall be punished with imprisonment with hard Jabor for not more than five years.

Article 94.= Attempts of the crimes set forth in article 90 through article 92 shall be punished.

I hereby certify that the above articles are true copy of the Japanese Naval Criminal Code taken from Japanese Navy Regulations Vol. IV which the Chief of Archives and Document Section, Second Demobilization Bureau, Liquidation Division, YOSHII, Michinori certified to have been in effect in the Japanese Navy until the termination of the war.

June 15, 1948 Jademu Jaagu SANAGI, Sadamu, Defense Counsel.

I hereby certify that the above is a true and complete translation of the original document in Japanese to the best of my ability.

> Eugene E. Kerrick, Jr., Lieutepant, U. S. N. R., Interpreter.

(4)

Exhibit 31 (a)(4)



中國 學 原

明治四十一年九月三十八日朝今天三百三十九号 改正昭和十九年一户五七年

联起露開一部前子經三軍軍後四副令成正,件子 教司三江海三ステいなヤンシム(海路、海軍大臣自用者)

本一章樂順

不一條本令、海軍軍人三之子通用人

不四條本令、刑子是人力心法人三三月月十十十八十十四年 云多國用 DX 刑事裁判于續中一事件二付不同,2

下七條長百八編八八年今初後長鎮守一付目令 西本で「an、ないの本を「子」「四人とこれ、「西海海」「四人と目かいるは、ま」」 腦隊司令是公臣其一他親補職之心而隊又八百年

三年の日日 届軍大臣三直屬心里部下三群居里の一十十八十十四日 (灵于县中江至上至田城人。

不八條、所轉長上衛之以海軍大臣及其中一百三條人 三、精隊司令三隸展入八者可除人)近三届軍者百里的一个人職能、形像、了是所及等於、星內(艦船、星三在了 懂其食具苦、造似当天室村目長、地才在勤、田里 我一日及墨京公道了三年 清水一日 不明明了。 海軍次官、海軍大臣、百、年、所居職員、外田配在 員及外国留為生三科、シスタ、所襲着上看做入

天二年 的行

アルほとってまるしいにきずなまで、出かから過失 三出グルトラ南いスライを発送し

一服後、直童とタルトキ

三成現三達とりし处置う気ンタルトキ三職務、包閉う張りのルトキ

五、命令了限り又、爾役三戰カヤルトキ四、上申下達其、他、天朝了心事件了審延」を上

Exhibit 32 (1)



八、製る、今ろろと以ナノ引着、期限、後しタルトキ 九、酩酊シテ事を省サルトナ 十七個能力與損之分化十十十 ナ」、腹能を管定と生はま、他ノュルを、けいタルトキ ナニ、「目物り数損、こまは、まる又、子はり、シタルトキ ナミ、いる物を選用、フタルトキ 十四、魔能兵兵男所官事及等十七大江路,神人、工事了器— 一五、兵营,擅的女、物品、調惠,保存,便概又、 供给、大法ラ誤りタルトキ、 一三、置三點的一卷射之又、爆發物了使用了多几年 一七、火姜、取扱了農職路ニンタルナキ 一八暴行节里里、小事又、体展、任意了少少以上午 一九、蒜麼三年也三百種又、行為力如久日十十 ニナ、治子又、伏見ようダストタか物品、原門、伏見信し又、生人 定数ラヤンタルトを 三十一、情見、魔部内、局質、精動、シタルトキ ニナニ、秘密き属性ンス、属性やムトンタルトチ 三十三、即はお目文、指首で、首づき光とタルトキ 11十四、職務上一处区户前用、2科前、19回日夕日十年 11+4. 14 1/2 11 4mm n 25 - To ニナニ、新想又、命人こより」とう心根性をう者、レタルトキー ニナヤ、山間なり、外間部ラとび、一方、瞬は上、美務二 北月十人、記賞」青った、成果、原用ラ夫フへ下 行るはちーカラトキ

六、福三職役了蜀し又、職役三就カナルトキ

0783

16 川州 海山 美沙田西

·不十年、食品。(左·如)

一、李雪山里

三位為

三株子足

干工學謹慎、準生一日以上、村村不久林平足、下十八百、 兵ニスタ科ス但ひ物ないころる軍属三届用はス アナニ保護場、六十日以内トン勤務ラ原×居室内又、 艦能其一也勒能一場下三屏屋翻譯中25 平十三條指禁:三十日以四十三節羽及教育,也勤務 子童×1公至三用鎖人

不一四保禁足、六十日以内上少勤能,处腦脏,而除, 一百日後、出子技文、居己モラ出いかコトラ林子又

15 图 Hall 新江田山 校园家

不十五任分隊長及請隊事司令三隸庸人心瞪能 是、部下一十十年及天三社三十五日以内、街季又、 三十日以内、在不是一种人行等日本公司随後以前 、大限三届人は男人日う除り、外部下海軍軍人ラ 長いは、下難事を、一郎十三年でとかると、外部下

海星童人了際門司又

海軍大成(最)四处於衛生,第十二届七十分海里 聖人と後に思問え

不十几條 野」とは軍大臣日子承ところを懲罰引入

上則記除之任而二復員局發移处理面之主日雖長 老井道教下炎蘇時了了日本海軍是九十有到に 使用せいれたるとのはることを説明したは軍弱例則 市田巻中の海軍後で買べるの投き十日相直は: こと の中華調品

子道文人

作 謹 談

Exhibit 32 (3)



NAVAL DISCIPLINARY PUNISHMENT ORDINANCE Imperial Ordinance No. 239 of 28 Sept. Amended in 1944, No. 57. We, the Emperor of Japan, having referred the amendment of the Naval Disciplinary Punishment Ordinance to the Privy Council for deliberation, sanction it and hereby have it promulgated. (Signets of Prime Minister and Navy Minister affixed.) Chapter I General Provisions Article 1 .- This ordinance shall apply to naval personnel. Article 4.-This ordinance shall not apply to cases which should be dealt. with according to laws which carry with them (criminal) punishment(s), and likewise to cases pending criminal court procedure. Article 7.-The designation Commander-in-Chief shall be applied to the Chief of the Naval General Staff, C's-in-C of Naval Stations, C's-in-C of Naval Districts, C's-in-C of Fleets, C's-in-C of Independent Fleets and chiefs of units and establishments appointed by the Emperor. Those officers who are directly subordinate to the Navy Minister but who have bureaus under them shall be considered as C's-in-C. Article 8.-The designation cognizant commanding officers (T.N. Shokatsu Cho) shall apply to the commands of warships, units, establishments and schools excluding the Navy Minister and C's-in-C, (in the case of heads of warhips, those subordinate to the commandants of units (fleets) shall be excluded), and Bureau Chiefs of the Navy Ministry, Chairman of the Committee for the Equipment of Ships, Chief Superintendents of ship construction and armaments, naval attaches overseas and chief legal officers of Courts Martial. The Vice Minister of the Navy shall consider as cognizant commanding officers members attached to the Secretariat of the Navy Minister, officers residing overseas, and student officers studying abroad. Chapter II Offenses Article 9.-When the following acts are committed, they shall be punished whether they be done intentionally or through mistake. 1. Violating the code of obedience. 2. Mistaking the powers vested in the position. 3. Taking measures in violation of statutory regulations. Delaying routine affairs such as relaying orders to subordinates or submitting reports to superiors. 5. Mistaking orders or relaying orders in mistaken form. 6. Leaving one's post arbitrarily or arbitrarily refusing to assume one's post. Arbitrarily leaving a place which should not be left. 8. After receiving a summons, arriving at the place destined late without cause or reason. 9. Neglecting one's duty while in a state of intoxication. 10. Causing damage to ships of war. Exhibit 32 (a)(1)

11. Colliding or running agrounding ships of war or in other ways jeopardizing the same. 12. Destroying, losing, injuring or damaging government property. 13. Misusage of government property. 14. Mistakes in planning or construction of warships, arms, engines, and engineering projects. 15. Mistakes in the method of preparation, preservation, transportation, and supply of arms and provisions. 16. Arbitrary firing of rifles and guns and misuse of explosives. 17. Careless handling of burning matter (T.N. Kaki). 18. Violent acts, threats, fights or insults. 19. Deception by words or acts. 20. Arbitrary subloan, or loss of a fixed amount of goods issued or loaned. 21. Wilful carrying of commercial cargo aboard warships. 22. Disclosing secrets or allowing secrets to be disclosed, 23. Losing means of supervision and leadership. 24. Planning private profit through utilization of official position. 25. Violating of courtesy regulations. 26. Wearing of uniforms other than those fixed by dress regulations 27. Besides the above points, when neglecting duty or violating official duties or violating disciplines or committing acts tending to cause loss of authority or confidence. Chapter III Punishments Article 10.-Punishments are as follows: 1. Confinement to quarters. 2. Restriction to quarters. 3. Restriction. Article 11.-Confinements to quarters are meted out to warrant officers and above, restrictions to quarters and restrictions to non-commissioned officers and enlisted men. However, confinement may not be applied to gunzokus. Article 12,-Confinement to quarters shall be for less than 60 days and the person subjected to it shall be suspended from duty and remain isolated in his private residence, aboard his ship or at his duty station and made to repent. Article 13.-Restriction to quarters shall be for less than 30 days. Outside of training and education, the person confined shall not be assigned duties and shall be confined in a room. Article 14.-Restriction shall be for less than 60 days and outside of duties the person subjected to this punishment shall not be permitted to leave the ship, unit, office, school or home. Chapter IV Authority to Punish Article 15 .- Division officers and captains of ships subordinate to commanders shall be empowered to punish their subordinate non-commissions! officers and enlisted men with restriction to quarters up to 15 days and restriction up to 30 days. Exhibit 32 (a)(2) 0786

Cognizant commanding officers shall punish their subordinate naval personnel in all cases except those cases coming under the cognizance of the persons authorized to mete out disciplinary punishment mentioned in the aforegoing paragraph. Commanders-in-Chief shall mete out disciplinary punishment to all subordinate naval personnel except those persons who are subordinate to cognizant commanding officers. The Minister of the Navy shall mete out disciplinary punishment to all naval personnel except to those persons who are subordinate to C's-in-C and cognizant CO's. Article 19 .- Flag officers shall be reported to the Navy Ministry and be punished by him. I hereby certify that the above articles are a true copy of the Naval Disciplinary Punishment Ordinance taken from Japanese Naval Regulations Vol. IV which the Chief of Archives and Document Section, Second Demobilization Bureau, Liquidation Division, YOSHII, Michinori certified to have been in effect in the Japanese Navy until the termination of the war, Defense Counsel. I hereby certify that the above is a true and complete translation of the original document in Japanese to the best of my ability. EUGENE F. CLARK, Lieutenant (junior grade), U. S. Navy, Interpreter. Exhibit 32 (a)(3)

履歷概要

本籍也 島根縣八東郡朝的村大字西尾百二十番地

成为 原忠一

生年1月日 明治二十二年三月十五日

明治四十年十月十四 海季矢学校生徒 海季矢学校主菜 海季夕新候補生

大正海十二月一日 海季力标 海军中尉

5年十二月一日 油车中街 七年十二月一日 油车大尉

十二年一月十八日 海乳水高学校二動移中銀電熱 心実富装粘机上演習着7割来 シ多大・努力テルテンラ京成ン教 育上裨益2~3トマ告りの下全百円

7黄11号入

十三年十二月一日 海季力亿 海军大学孩甲梅学生

十五年十二月一日 和驱逐舱長

昭和二年十二月一日 第二年血疗养参谋 三年十二月十日 第一水富致移参谋

四年十一月三十日 确等中位

" 码条水富学核致官

七年十一月一日 安全的長 海季大佐

リートー日 横須賀録寺社では リートラント日 で欠本各日へ出張をするス

-1-

EXHIBIT 33 (1)

十三年九月十五日

十四年十一月十五日

ナ六年九月一日ナヤキ 七年七月十四日

十七年十一月一日

十八年到十五日

五月十八日

十九年2月十九日 2十年五月十七日 2十二年五月3日 净朝

港田船長

旅顺要港部参謀長 海多能政本部部为東

0

确多技術会議文奏

海季中全部主任兼支那方面 婚的分司令部的行为五种的分司 令部的

厦门八工长7年又 南支油等特務部長代理

酒多力将 为一造支施隊参謀長 为五批主致隊司令官

サーながよう令官

珀多中将

多令部立仕

海多转合8架的的主教队司令官系第十一联合的到外的

中四轮队司令丧官

越一等10日大按章

昭和二十二年政会中五十二号二级1退官十十七

0 0

る記二条列成心察忠一,殷「概要八、大日本政社會生有後 員局为二後教局務処理部人事課長本国正框が同部 二保行文心殿「な教」為行り原教ト和異十八十二四十分近明 にり履「意か」、正い牧符でルントケアをり入って

一人の八年十二月の日

红瓣 毅 杂渡人

OUTLINE OF CAREER OF HARA, CHUICHI.

Name: HARA, Chuichi, former Vice Admiral, I.J.N.

Permanent Domicile: No. 120, Oaza Nishio, Asakumi-mura, Yatsuka-gun, Shimane-ken.

Date of Birth: 15 March, 1889.

14 Sept. 1908 Cadet, Paval College.

18 July 1911 Graduated from above College.

Midshipman.

1 Dec. 1912 Ensign.

1 Dec. 1914 Lieutenant (j.g.)

1 Dec. 1918 Lieutenant.

Avarded 100 yen in recognition of his invention of the Device of Torpedo Firing Exercise on Table which he studied and achieved with zealous assiduity during his service at Maval Torpedo School and

which benefits much in education of torpedo firing.

firing.

1 Dec. 1924 Lieutenant Commander.

Student Officer, A Course, Naval War College.

1 Dec. 1926 Commanding Officer, Destroyer TSUGA.

1 Dec. 1927 Staff Officer, 2nd Fleet.

10 Dec. 1928 Staff Officer, 1st Destroyer Squadron.

30 Novl 1929 Commander.

" Instructor, Naval Torpedo School.

1 Dec. 1932 Commanding Officer, ATAKA.

15 Nov. 1933 Captain.

11 Dec. 1933 Attached to Yokosuka Naval Station.

20 Dec. 1933 Ordered to make official trip to Europe and U.S.A.

1 Sept. 1934 Returned to Japan.

1 Nov. 1934 Commanding Officer, TATSUTA.

15 Nov. 1935 Chief of Staff, Ryojun Minor Naval Station.



1 Dec. 1937 Member, Naval Technical Department and concurrently Member, Naval Technical Council. 15 Sept. 1938 Attached to Naval General Staff and concurrently to H.Q., China Seas Fleet and H.Q., 5th Fleet. Ordered to make official trip to Amoy. Acting Chief, South China Naval Special Service Dept. 15 Nov. 1939 Rear Admiral. Chief of Staff, 2nd China Coast Fleet. 1 Sept. 1941 Commandant, 5th Air Squadron. 14 July 1942 Commandant, 8th Squadron. 1 Nov. 1942 Vice Admiral. 15 Mar. 1943 Attached to Naval General Staff. 18 May 1943 Commandant, Naval Flying Training Combined Forces and concurrently 11th Combined Flying Corps. 19 Feb. 1944 Commander-in-Chief, 4th Fleet. 17 May 1945 1st Class Order of Merit, Order of Rising Sun with Grand Cordon. Official rank and status abolished by 3 May 1947 Cabinet Order No. 52 of 1947.

Certificate

This is to certify that the above "Outline of Career of HARA, Chuichi, consisting of two (2) pages is a true and correct excerpt from a true and correct copy of the original curriculum vitas kept in custody by SUEKUNI Masao, Chief, Personnel Section, Second Demobilization Bureau, Liquidation Division, Welfare Ministry.

4 December, 1948

Sademu fanag (signed) SANAGI, Sadamy

Counsel for the accused.

(海李诸例刘奏四) 第今海外八年人正三年十月七日海默法規

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路察法規

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陳法,原则"準禄人(2) 五春月,日之(国) 五人為之之,得、吏、則至年事則,日之(国及及教事,目例子違之公之父母十八一切,指是及條约,規查,恨,爾上間復吏,此,就不不会,其他,法令

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Exhibit 34 (1)



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并十三三年 教女孩都由一份是不不一五年 前衛門 高月二十五年 教部 医原子 克罗丁子 表示 激彩 化工工单 激彩

第二十八三年 百年期能知是我一年院

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旅 雜 额

Exhibit 34 (2)

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RULES OF NAVAL WARFARE

Ordinance No. 8 of October 7, 1914. (Naval Regulations Vol. IV)

We, the Emperor of Japan, enact the Rules of Naval Warfare, and hereby cause them to be promulgated. (Signature of the Navy Minister affixed.)

Chapter 1. General Rules.

Article 1.- H.I.J.M. Warships are empowered to effect captures at sea, to carry out hostile actions, or to take all other measures that are necessary in accomplishing the object of war, in compliance with the present rules or other laws or conventions. With regard to matters for which no provision is made in afcresaid rules, laws, or conventions, principles of international law shall be complied with.

Chapter 2. Bombardment of Undefended Port, Towns, Villages, Deellings or Buildings.

Chapter 3. Use of Submarine Mines.

Chanter 4. Submarine Cables.

Chapter 5. Conversion of Merchant Ships into Warships.

Chapter 6. Hospital Ships.

Chapter 7. Laws and Custems of War on Land.

Article 17.- When carrying out warlike operations on land, Treaty No. 4 of the 45th year of Meiji (1912), Convention concerning the 'aws and customs of war on land and its Annex and Treaty No. 1 of the 41st year of Meiji (1908), Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field shall be complied with.

Chapter 8. Enemy.

Article 18.-

Chapter 9. Transfer to a Neutral Flag.

Chapter 10. Enemy Ships.

Chapter 11. Japanese Vessels.

Chapter 12. Blockade.

Chapter 13. Contraband of War.

Chapter 26. Procedure as regards taking a Prize to a Port for Adjudication.

- 1 -

Exhibit 34 (a) (1)



I hereby certify that the above articles are true excerpts of the Rules of Naval Warfare taken from Japanese Naval Regulations Vol. IV which the Chief of Archives and Document Section, Second Demobilization Bureau Liquidation Division, YOSHII, Michinori certified to have been in effect in the Japanese Navy until the termination of the war.

SANAGI, Sadamu, Defense Counsel.

I hereby certify that the above is a true and complete translation of the original document in Japanese to the best of my ability.

> Eugene F. Clark, Lieutenant (jg), U. S. N., Interpreter.

> > Exhibit 34 (a) (2)

Remarks	Eliminated on 20 Apr. 22nd Sub-chaser Div. dissolved & Sub-chasers No.28 & 32 newly added on 10 May. Sub-chasers Nos. 28, 30 Sub-chaser Div. eliminated on 18 July.		4th Transportation Corps newly added on 10 Mar. and eliminated on 18 July.			Reorganized into 30th Special Base Force on 10 Jan. Newly added on 1 Dec.	Eliminated on 1 May, newly added on 1 Dec.	
Commanding Officer	6-	ARIMA Kaoru (up to 30 April)		ASANO Shinpei (Up to the end of War)	NAITO Atsumf (Up to the end of War)		MIYATA Yoshinobu (Up to the end of War)	(IMAGAWA Fukuo since
Location				Truk	Ponape	Palau	Meleyon	Truk 3
			(32nd Sub-chaser (Div., Sub-chasers (No.31, 32, 33, (KOEI-MARU, 57th (Sub-chaser Div.	(41st Naval (Guards	(42nd Naval (Guards	(43rd Naval (Guards	(44th Naval (Guards	(902nd Flying (Corps
Organization	-NAG ARA	4th Base Force						
	Combined Fleet TOYODA Scemu	(Up to 18 Jul.)	4th Fleet HARA Chuichi					
	Location Commanding Officer	Combined Fleet TOYODA Soemu Central Pacific	Combined Fleet TOYODA Soemu Central Pacific Area Fleet NAGUMO Chuichi (Up to 18 Jul.) Criganization Location Commanding Officer 7 ARIMA Kaoru (up to 30 April)	Combined Fleet TOYODA Soemu Central Pacific Area Fleet NAGARA Central Pacific Area Fleet NAGUMO Chuichi (Up to 18 Jul.) Force (Up to 18 Jul.) Force (Up to 18 Jul.) Force (Up to 18 Jul.) Syth (Wo.31, 32, 33, KNEI-MARU, 57th) (Sub-chaser Div.)	Combined Wlest TOYODA Soemu Central Pacific Area Fleet NAGMNO Chuichi (Up to 18 Jul.) 4th Fleet HARA Chuichi (Up to 18 Jul.) 4th Fleet (S2nd Sub-chaser HARA Chuichi (Up to 30 April) (S2nd Sub-chaser HARA Chuichi (Up to 30 April) (Up to 30 April) (Up to 30 April) (Up to 30 April) (Up to 40 Shinpet (Guards	Combined Fleet TOYODA Soemu Central Pacific Area Fleet NACUMO Chuichi (Up to 18 Jul.) - Force (Up to 18 Jul.) - Force (Up to 18 Jul.) - Kore (Up to the end of War) (Guards (Up to the end of War)	Combined Pleet TOYODA Scenu Central Pacific Area Fleet NAGIMO Chuichi (Up to 18 Jul.) 4th Fleet ARRA Chuichi (Up to 18 Jul.) 4th Fleet ARRA Chuichi (Last Naval Area Fleet (Last Naval A	Combined Pleet TOYOUA Scenu Central Pacific Area Fleet NACHA Chukchi ARTMA Kacru (ap to 30 April) Ath Pleet MACHA Chukchi ARTMA Kacru (ap to 30 April) Ath Pleet (auxida Chukchi (auxida Chukchi (biv., Sub-chaser (clarida (duarda (dua

Rebert L. Ogden,
Commander, U. S. Navy.

Exhibit 35 (2)



(6cth Naval Mille SHIGA Masanari (Guards (Up to the end of War) (962nd Flying Kwajalein ? (Up to the end of War) (6th Submarine Kwajalein (Up to t March) (6th Comminica- Kwajalein WADA Sumihisa (tion Corps (tion Corps (March))			Eliminated on 4 March	
	(Up to the end of War)	64	Y MAGATA Selji (Up to 4 March)	WADA Sumihisa (4 March)
(6th Naval (Guards (962nd Flying Corps (6th Submarine Base Corps (6th Comminication Corps (tion Corps	Mille	Kwajalein	Kwajalein	Kwajalein
	(66th Naval (Guards	(962nd Flying (Corps	(6th Submarine (Base Corps	(6th Comminica- (tion Corps

Exhibit 35 (3)

The following Army Forces came successively in the Jommand of C-in-C, Central Pacific Area Fleet since early March 1944. (3rd South Seas Branch Force (Ponape) (52nd Division (Truk) (Independent Mixed Ragiment (Truk) (4th South Seas Branch Force (Mortolok) (7th South Seas Branch Force (Enderbe) (35th Division (Palau inclusive of Independent Mixed Brigade (Guam) (8th South Seas Branch Force (Yap) (Saipan (Tenian (Rota (Pagan) 5th South Seas Branch Force (Moleyon) (29th Division (Mariana Area Corps (Palau Area Corps (Truk Area Corps -- 31st Army Central Pacific Area Fleet (Remarks CERTIFIED TO BE A TRUE COFY Herbert L. Ogden, Commander, W. S. Navy.

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Exhibit 35 (4)

(Meleyon), C.O., MIYATA Yoshinobu, newly added on 1 Dec. 1944.3 43rd Naval Guards (Palau), C.O., KOJIMA Seishi, newly added on 15 Dec. 1944. (Truk), C.O., IMAZATO Yoshimitsu, newly added on 20 Dec. 1944. (Truk), C.O., FURUTANI Yoshijiro, newly added on 1 May 1945. 49th Naval Guards (Truk), C.O., MIURA Tomojiro, newly added on 1 May 1945. 44th Naval Guards Remarks As of 15 August 1944 (Un to early Sept. since) (Up to the end of War) (Up to the end of War) SUEDA Hisayuki (Up to the end of War) (Wp to the end of war) ISOBE Atsushi (KANEKO Kitaru since) (mid-July) Commanding Officer TAKASHIMA Sanji (then unknown ASANO Shimpei NAITO Atsushi Location (44th Naval Guards Meleyon Ponape Tenian Saipen Nauru (4th Harbormaster's Truk Guam 4th Communication Truk Truk (41st Naval Guards Organization 67th (56th 42nd 54th 55th 4th Base Force 5th Base Force Combined Fleet
TOYODA Soemu
(OSAWA Jisaburo)
(since late May)
(1945 to the end)
(of war 9 Annex table No. (To the end of 4th Fleet HARA Chuirhi CERTIFIED TO BE A TRUE COPY Herbert L. Ogden, Commander, U. S. Na y.

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Exhibit 36 (1)

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(Up to the end	KAMADA Shoichi (Up to the end of war)	YOSHIMI Shin-ichi (Up to the end of war)	SAKAIBARA Shigematsu (Up to the end of rar	SHIGA Masanari (Up to the end of war)
Jaluit	ฟลไกคใงทู	Wotje	Wake	Mille
62nd Naval Guards Jaluit	=			=
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	Base	902		

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Herbert L. Ogden, Commander, U. S. Navy.

Exhibit 36 (2)



Annex I 1. As the directives and copies of telegrams regarding POWs kept in file in the defunct Navy Ministry were either burnt up around the termination of hostilities or lost by fire at the time of the burning down of the Ministry buildings by war-fire, it can not be made clear whether the dispatch as requested was sent by the Navy in November of 1044 directing prompt return of POWs to Japan after a preliminary interview or not. 2. It is also not known to us whether such directive was issued rrior to November of 1044 or not, but the general circumstances of the transportation of POWs seem to be summed up as follows: It was stipulated in the Rules Concerning the Treatment of POWs that all the POWs should be transferred to the War Ministry, the competent Government agency and it was generally instructed by the Navy that the POWs should be interned temporarily by the Navy up to the transfer of them to the Army. As to the transportation of POWs as requested, to facilitate

As to the transportation of POWs as requested, to facilitate their transportation, directions were given that the combatant wessels may be used for that purpose; thus it shows the central officer of the Navy had intention to send them to Japan in Principle but it seems that any specific directive was not issued.

b. In the central office of the Navy, it was not always that the complete informations concerning the conditions of the POWs at the various spots were available. Conservently regarding the POWs whose conditions were clear to the contral office, the specific directives directing the concrete business of dispositions such as their removal, transporation of them to Japan, transfer of them to the Army and others seem to have been issued in each case but the details of the directives can not be made clear to us.

(Ex: Transportation of POWs of Ambon, Wake and Rabaul.)

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Herbert L. Ogden,

Commander, U. S. Navy.

Exhibit 37



Annex 2 Rules requested in para. 1 j of 11652 LS-Z of 4 Sept. 1947. In regard to conforming to international rules, particularly the rules of land warfare, there are no specially complied personnel rules for information containing the responsibility of officers and enlisted men other than Rules of Navel Warfare (Art. 1, Art. 8, Art. 16 and Art. 17), Rules Concerning Treatment of POWs, Regulations Concerning Supplies for POWs and others. To cope with the circumstances where occasion might necessitate the treatment of POWs on the spot or referring to international rules was deemed necessary from the operational point of view, it is most likely that the commanding officers of various classes is gued instructions or distributed instruments to their appropriate subordinates giving the guiding principle or concrete particulars as to application of international rules within the scope of their authority under naval rules either in advance or in each case of necessity. But we in the central office can not make clear what the actual practice was on the spot. Books requested in para. 1 k of the above memorandum. The following are the books compiling together Rules of Naval Warfare and Land Warfare: (I) Outline of Wartime International Law (Senji Kokusaihoki Koyo). (2) Supplement to the above (Prisoner of War Convention of 1924). (3) Annexed Tables to the above (Pocket Edition). each
A copy/of the above is attached hereto. These books are the naval official annotation of Rules of Naval Warfare which is incorporated in Maval Regulations, rules and customs of warfare (inclusive of land warfare) and were distributed to each naval unit and also to any person who might desire to have them. To the outline of Wartime International Law are appendixed the necessary troaties and national rules and regulations. -1-Td. Vaden Herbert L. Ogden, Exhibit 38 (1) Commander, U. S. Navy. 0804

Besides the above the following were distributed as reference books: Rules relating to Naval Warfare of Each Nation.

12 Vols. complete attached hereto.

These books were compiled by the Japanese Navy covering rules and regulations of various nations in the last world war and the features as to their applications, and distributed to each naval vessel and unit for reference to carry on their duties.

CERTIFIED TO BE A TRUE COPY

Herbert L. Ogden,

Commander, U. S. Navy.

__ Exhibit 38 (2)



IMPERIAL JAPANESE GOVERNMENT CENTRAL LIAISON OFFICE

TO : GENERAL HEADQUARTERS OF THE SUPREME COMMANDER FOR THE ALLIED POWERS.

FROM : Central Liaison Office, Tokyo.

SUBJECT: Naval Laws and Regulations.

C.L.O. No. 2976(PM)

21 April 1947

1. Reference: Legal Section's Check Sheet No. 7517 LS-Z dated 9 April 1947, subject: "Request for Documents."

- 2. a. There was no fleet regulations which particularly pertain to Jaluit Island.
 - b. (1) The defense of the Marshall Islands was assigned to the 4th Fleet. When an army unit was detailed to this area, it was placed, as a rule, under the operational command of the Commander-in-Chief of the Fourth Fleet in accordance with an Imperial Naval Order, Though the Commander-in-Chief of the 4th Fleet provided later for the chain of command of his forces, the document thereof is lost. It is recalled, however, the senior officer present, whether he be an army officer or a naval one, was usually made responsible for the overall command of both the army and navy units stationed in his locality in the case of the defense of a remotely isolated island.
 - (2) In the Combined Fleet there were regulations concerning the military punishment and the execution of the same. All of the Japanese fleets applied these regulations to their respective occupation areas, and there were no similar regulations peculiar to each fleet. A Copy each of the Military Punishment Regulation of the Combined Fleet and the Military Punishment Execution Regulation of the same fleet and their translations are herewith enclosed as Annex 1 and Annex 2, respectively.
 - c. Herewith are enclosed as Annex 3 a copy of the Martial Law Proclamstion as promulgated in the form of the DAJOKAN Proclomation No. 36 of the 15th year of Meiji (1882) and its English translation.
 - (1) The ordinance which made this proclamation applicable to the Marshall Islands is the Imperial Ordinance No. 1099 dated 13 December 1941 concerning the "Martial Law and Requisition on the Mandated South Sea Islands", which was still effective in 1945. A copy of the whole part of the Ordinance and its translation are attached hereto as Annex 4.

Exhibit 57

EXHIBIT 39 (2)



(2) The Imperial Ordinance No. 1099 of 1941 was put into force on the day of its promulgation, and was in full force and effect on Jaluit in the period from January to 15 August 1945. To put the ordinance into effect on Jaluit Island no other factors, conditions, proclamations, orders, etc., were necessary.

3. A copy each of 'rmy Court Martial Law and Army Criminal Law are enclosed herewith as Annexes 7 and 8.

4. A copy each of the Japanese Naval Court Martial Law and the Japanese Naval Criminal Law and their translations are herewith enclosed as Annexes 5 and 6.

FOR THE PRESIDENT:

Enclosures: Annexes 1 through 8 as indicated above

/s/ K. Asakai (K. ASAKAI) Director of General Affairs Central Liaison Office.

Certified to be a true copy

/s/ J. P. Kenny, Lt. USN

Exhibit 57

The foregoing, consisting of two (2) pages, is certified to be a true and correct copy of Exhibit 57 in the record of the trial of KOBAYASHI, Masashi.

HERBERT L. OGDEN, Commander, U. S. Navy.

EXHIBIT. 39 (2)





HEADQUARTERS OF THE COMMANDER NAVAL FORCES MARIANAS NAVAL FORCES MARSHALLS-CAROLINES AND MARSHALLS-CAROLINES AREA

The attached is certified to be a true and correct copy of the War Crimes Act, Act Number 48 of 1945, of the Commonwealth of Australia, as received in the office of the Director of War Crimes, Pacific Fleet.

HERBERT L. OGDEN, Commander, U. S. Navy.

EXHIBIT 40 (1)



THE COMMONWEALTH OF AUSTRALIA WAR CFIMES No. 48 of 1945 An Act to provide for the Trial and Punishment of War Criminals. (Assented to 11th October, 1945.) Whereas it is expedient to make provision for the trial Preamble. and punishment of violations of the laws and usages of war committed during any war in which His Majesty has been engaged since the second day of September, One thousand nine hundred and thirty-nine, against any persons who were at any time resident in Australia or against certain other persons: Be it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:-This Act may be cited as the War Crimes Act 1945. Short title. This Act shall come into operation on the day on Commencement. which it receives the Foyal Assent. Definitions. In this Act, unless the contrary intention appears-"any war" means any war in which His Majesty has been engaged since the second day of September, One thousand nine hundred and thirty-nine; "Australia" includes the Territories of the Commonwealth; "military court" means a military court convened under this Act; "officer" means an officer of any part of the Defence Force or of any naval, military or air forces of any Power allied or associated with His Majesty in any war; "this Act" includes all regulations and rules made thereunder; "war crime" means ---(a) a violation of the laws and usages of war; or (b) any war crime within the meaning of the instrument of appointment of the Board of Inquiry appointed on the third day of September, One thousand nine hundred and forty-five, under the National Security (Inquiries) Regulations (being Statutory Rules 1941, No. 35, as amended by Statutory Rules 1941, Nos. 74 and 114 and Statutory Rules 1942, No. 273), committed in any place whatsoever, whether within or beyond Australia, during any war. This Act shall extend to every Territory of the Application of Act to Commonwealth. Territories. FXHIBIT 40 (2) -1-

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5. -(1) The Governor-General may --(a) convene military courts for the trial of persons charged with the commission of war crimes;
(b) appoint officer to constitute military courts;
(c) confirm the finding or finding and sentence of any military court or send back the finding and sentence or either of them for revision;
(d) mitigate or remit the punishment or any part of the punishment awarded by any

(e) suspend the execution or currency of any sentence on such terms and conditions (if any) as the Governor-General

sentence, or commute the punishment for any less punishment to which the

determines.

(2) Any appointment of an officer under this section may be by name or by designation of an office and may be subject to such restrictions, reservations, exceptions and conditions as the Governor-General determines.

(3) A military court shall consist of not less than two officers in addition to the President of the court.

- (4) Notwithstanding anything contained in this Act, the Governor-General or any person authorized under this Act to conven military courts may appoint as a member (other than the President) of the court one or more officers of the naval, military or air forces of any Power allied or associated with His Majesty in any war, who are serving under his command or placed at his disposal for the purpose.
- (5) The number of officers appointed in any case under the last preceding sub-section shall not comprise more than half the members of the court, excluding the President.
- 6. -(1) The Governor-General may delegate any of his powers under the last preceding section, either generally or in relation to any particular case of class of cases.

Delegation of powers.

- (2) Any such delegation shall be revocable at will and shall not prevent the exercise of any power by the Governor-General.
- (3) No revocation of a delegation shall affect anything done under the delegation prior to the revocation.

- 2 -

7. A military court shall have power to try persons charged with war crimes committed, at any place whatsoever, whether within or beyond Australia, against any person who was at any time resident in Australia, and for that purpose, subject to any direction by the Governor-General, to sit at any place whatsoever, whether within or beyond Australia.

Power of military

FXHIDIT 40 (3)

8. -(1) If it appears to an officer authorized under this Act to convene military courts that a person within the limits of his command has, at any place, whether within or beyond those limits, committed a war crime, he may direct that that person, if not already in military custody, shall, pending trial, be taken into and kept in military custody in such manner and in the charge of such military unit as the officer directs.

Arrest of person suspected of war crimes.

- (2) The commanding officer of the unit having charge of the person shall be deemed to be commanding officer of the person for the purpose of all matters preliminary and relating to trial and punishment.
- (3) Nothing in the last preceding sub-section shall authorize the commanding officer to dismiss the charge or deal with the accused summarily for a war crime.
- 9. -(1) At any hearing before a military court the court may take into consideration any oral statement or any document appearing on the face of it to be authentic, proficed the statement or document appears to the court to be of assistance in proving or disproving the charge, notwithstanding that the statement or document would not be admissible in evidence before a field general court martial.

Fwidence.

- (2) Where there is evidence that a war crime has been the result of concerted action upon the part of a unit or group of men, evidence given upon any charge relating to that crime against any member of the unit or group may be received as evidence of the responsibility of each member of that unit or group for that crime.
- (3) A military court shall take judicial notice of the laws and usages of war,

10. Except so far as is inconsistent with this Act, and subject to such exceptions, modifications, adaptations and additions as are prescribed by or under the <u>Pefence Act</u>

1903-1045 or this Act, the provisions of the Imperial Act known as the Army Act and any Imperial Acts amending or in substitution for it and for the time being in force and the Fules of Procedure made thereunder, in so far as they relate to field general courts-martial and to any matters preliminary or incidental thereto or consequential thereon, shell so far as applicable, apply to and in relation to military courts and any matters preliminary or incidental thereto or consequential thereto or consequential thereto or consequential thereon, in like manner as if military courts were field general courts-martial and the accused were persons subject to military law charged with having committed offences on active service.

Laws
applicable
to military
court.

11. -(1) A person found guilty by a military court of a war crime may be sentenced to and shall be liable to suffer death (either by hanging or by shooting) or imprisonment for life or for any less term; and, in addition or in substitution therefor, either confiscation of property or a fine of any amount, or both.

Punishment

(2) Where a war crime consists wholly or partly of the taking, distribution or destruction of property, the court may, in addition to any such sentence, order the restitution so far as practicable of such property,

FXHIBIT 40 (4)

and, in default of complete restitution, award a penalty determined by the court to be equal in value to the property which has been so taken, distributed or destroyed, and not restored.

(3) Sentence of death shall not be passed on any person by a military court without the concurrence of ---

(a) the members of the court-if the court consists

of not more than three members; or (b) at least two-thirds of the members of the court-if the court consists of more than three members.

12. The provisions of this Act shall apply in relation to war crimes committed, in any place whatsoever, whether within or beyond Australia, against British subjects or citizens of any Power allied or associated with His Majesty in any war, in like manner as they apply in relation to war crimes committed against persons who were at any time resident in Australia.

Fxtension of application of Act.

13. Every military court shall be auxiliary to, and act in aid of ---

Military courts to act in aid.

(a) every other military court; and
(b) every court of any other part of His
Majesty's deminions or of any Power
allied or associated with His Majesty
in any war, constituted to try persons
charged with war crimes, where those
courts are required to be auxiliary to,
and act in aid of, military courts.

14. The Governor-General may make regulations or rules prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary to convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing matters providing for or in relation to ---

Power to make regulations or rules.

(a) the constitution of military courts;

(b) the laying of charges for war crimes;
 (c) matters preliminary or incidental to the trial of war crimes;

(d) the segregation, arrest and custody of persons charged with, or suspected of having committed war crimes;

(e) the powers, duties and procedure (including the reception and admissibility of evidence and the omus of proof), and the revision, confirmation, effect and consequences of the findings and sentences, of military courts, and the mitigation, remission and commutation of the sentences imposed by those courts; and

(f) the powers, functions and obligations of any person or class of persons in relation to the trial and punishment of war crimes or in relation to matters preliminary to the trial of war crimes.

Canberra. F. 6111.-2.

FXHIBIT 40 (5)

-4-



THE NATIONAL ARCHIVES

To all to whom these presents shall come, Greeting:

3 Certify That the annexed copy, or each of the specified number of annexed copies, of each document listed below is a true copy of a document in the official custody of the Archivist of the United States.

Instrument of Surrender of Japanese Forces on Nauru and Ocean Islands, September 13, 1945

From the Naval Records Collection of the Office of Naval Records and Library

In testimony whereof, I, WAYNE C. GROVER, Archivist of the United States, have hereunto caused the Seal of the National Archives to be affixed and my name subscribed by the Director, War Records Division of the National Archives, in the District of Columbia, this 29th day of November 1948.

Archivist of the Writed States

NA Form 42 (5-48)

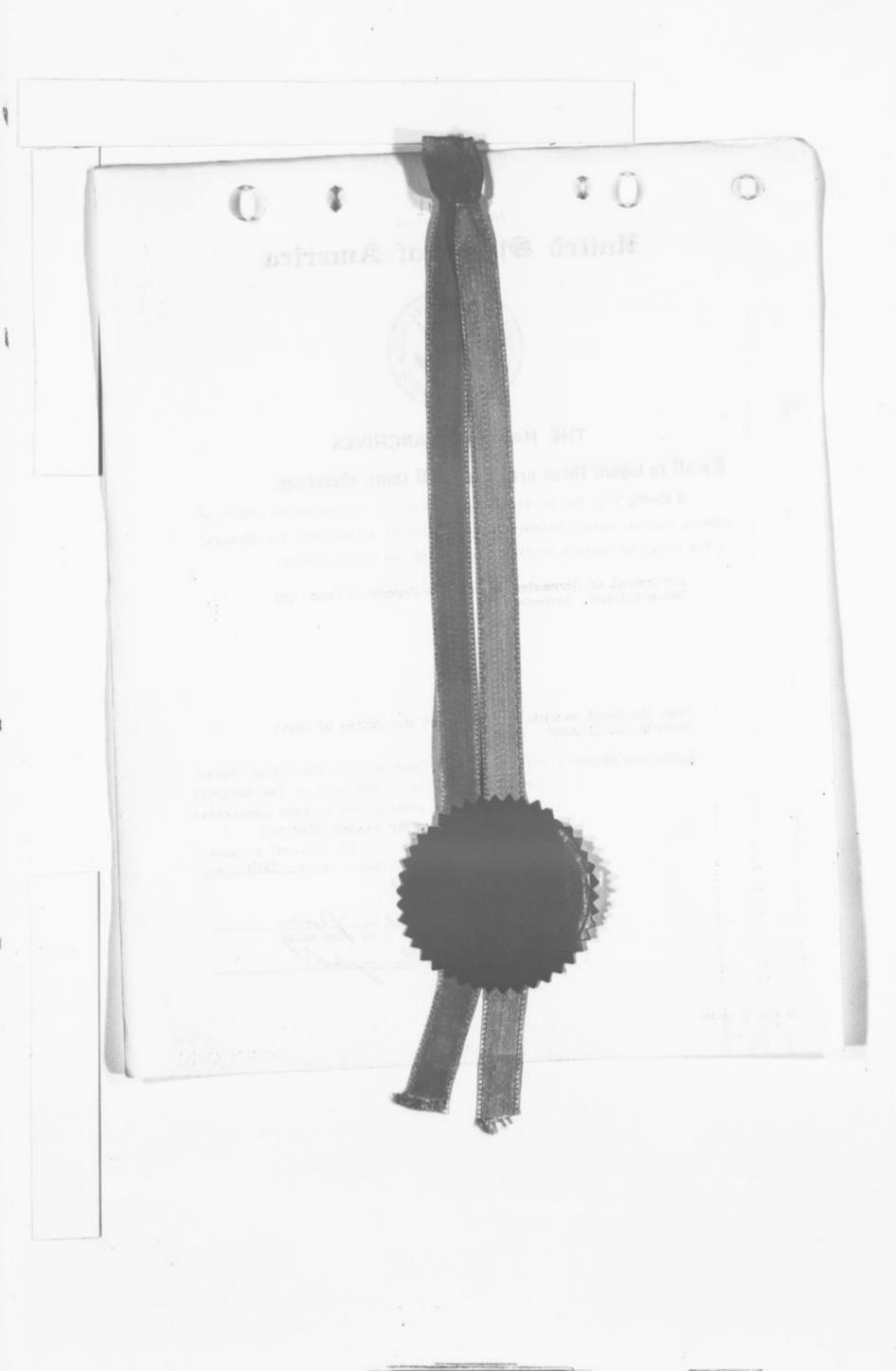
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(7-1-2)

Exhibit 41 (1)







INSTRUMENT OF SURRENDER

The Japanese Emperor having at 1600 hours on the Sixteenth day of August 1945 surrendered unconditionally to the Allied Forces I Captain HISAYUKI SOEDA

DO NOW UNCONDITIONALLY SURRENDER all such Forces AND DO AGREE

- All Japanese forces on NAURU and OCEAN ISLANDS will
 forthwith cease all hostile action. The term
 "Japanese Forces" in these Terms of Surrender includes
 netives friendly to the Japanese.
- surrender themselves without delay to the Australian forces in the coastal area NORTH of DINESOMODU where immediate arrangements will be made for TWO THOUSAND PIVE HUNDRED Japanese officers and men to be embarked on Australian ships for evacuation. Japanese sick and wounded who are medically unfit to move will be suitably accommodated, treated and provided for by the Japanese forces until such time as it is possible for the Australian forces to care for and maintain them. The numbers and locations of such sick and wounded will be notified immediately to Brigadier J.R. STEVENSON DSO, Officer designated by General Officer Commanding First Australian Army to accept the surrender of Japanese Forces on NAURU and OCEAN ISLANDS on behalf of the
- 3. Full particulars regarding the location, strength and armament of all Japanese forces on NAURU and OCEAN ISLANDS will be given forthwith to Brigadier J.R. STEVENSON DSO.
- 4. Japanese forces will be responsible to remove and render harmless all mines, booby and other traps laid by them and will forthwith disclose the location of marine mines and mine fields in waters adjacent to NAURU and OCEAN ISLANDS, and will also disclose the

15. 11



- 5. All coastal defences and anti-aircraft guns and installations will be left intact and undamaged in their present positions which will be disclosed to Brigadier J.R. STEVENSON DSO.
- 6. All military equipment, vehicles, arms and weapons will be surrendered intact and undamaged in concentration areas which will be nominated by the Australian Commander.
- 7. All barges and other craft in waters adjacent to
 NAURU and OCEAN ISLANDS will be delivered up intact
 and undamaged at the nearest boat harbour.
- 8. Safe passage and escort will be provided at all times to members of the Australian forces entering, passing through or leaving any area in which Japanese forces are located.
- All prisoners of war and all natives friendly to the Allied forces who are now in Japanese custody on NAURU and OCEAN ISLANDS will be released forthwith and will be kept unharmed and properly fed, and will be handed over to the Australian forces.

The names of all such prisoners of war will be notified immediately to Brigadier J.R. STEVENSON DSO.

- 10. Lieutenant-Colonel J.L.A. KELLY Australian Military
 Forces is appointed Military Commander of NAURU and
 OCEAN ISLANDS and all orders issued or given by him
 will be carried out by the Japanese forces without
 question or hesitation.
- 11. All Japanese officers and soldiers (not including natives friendly to the Japanese) will be treated strictly in accordance with the terms of the Geneva Convention 1929 relative to the treatment of prisoners of war.
- 12. Captain HISAYUKI SOEDA

 acknowledges that these terms have been interpreted
 to, and are fully understood by, him.

(SIGNED



-3-

SIGNED on board HMAS DIAMENTINA by Captain HISAYUKI SOEDA

·海默作别旧么荣. 海军力化半本股

ACCEPTED on board HMAS DIAMENTINA
by Brigadier J.R. STEVENSON DSO as
representative of United States
Theatre Commander on behalf of the
Commander in Chief Pacific and
Pacific Ocean Area this Thirteenth
day of September 1945.

Mumon

by Brigadier J.R. STEVENSON DSO as representative of the Government of the Commonwealth of Australia as Territorial Authority in respect of NAURU ISLAND this Thirteenth day of September 1945.

Astronon



No. 594

United States of America



THE NATIONAL ARCHIVES

To all to whom these presents shall come, Greeting:

B Certify That the annexed copy, or each of the specified number of annexed copies, of each document listed below is a true copy of a document in the official custody of the Archivist of the United States.

Instrument of Surrender of Japanese Forces on Ocean Island, October 1, 1945

From the Naval Records Collection of the Office of Naval Records and Library

In testimony whereof, I, WAYNE C. GROVER, Archivist of the United States, have hereunto caused the Seal of the National Archives to be affixed and my name subscribed by the Director, War Records Division

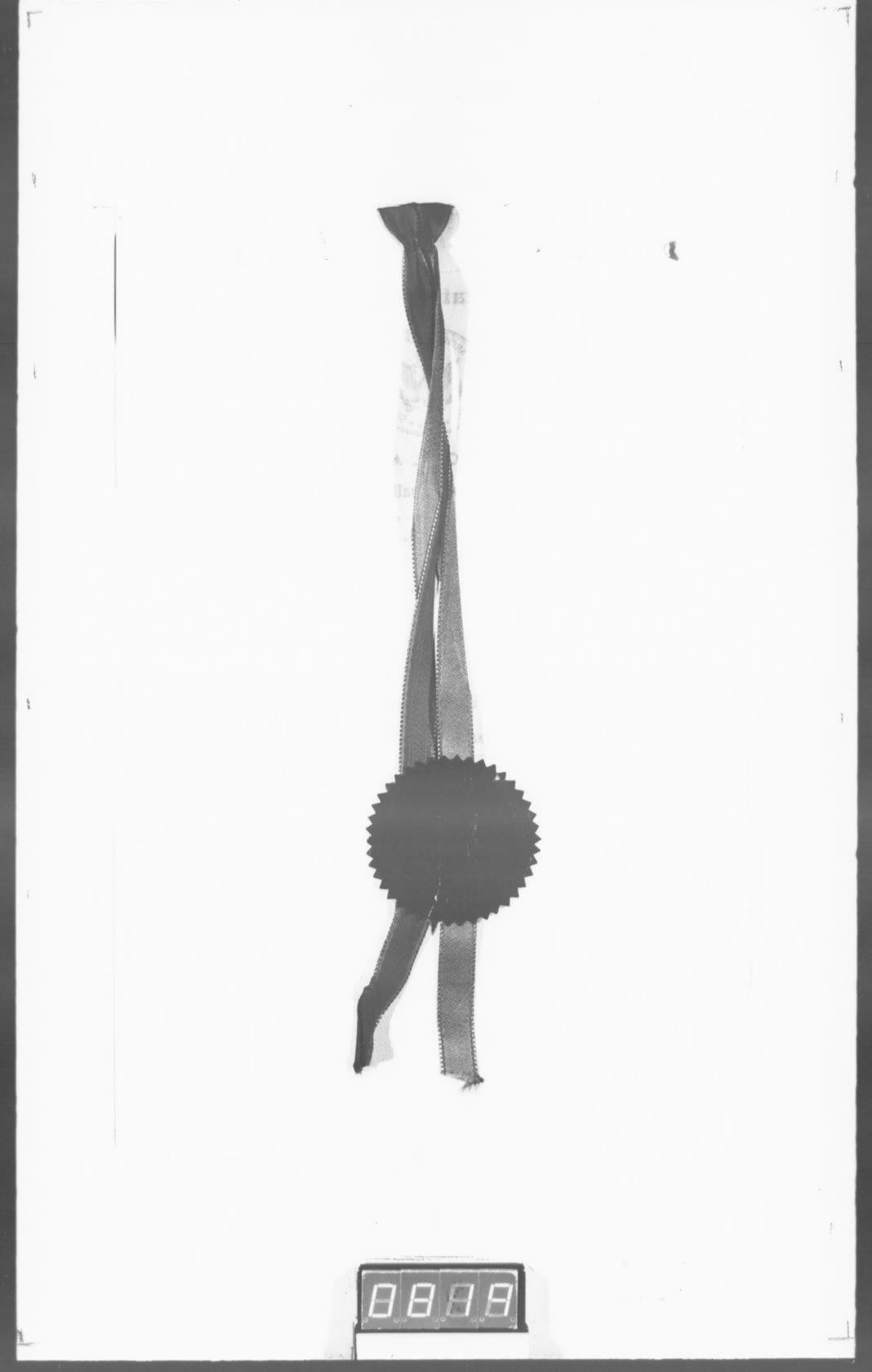
of the National Archives, in the District of Columbia, this 29th day of November 10 48.

By Jolf

NA Form 42 (5-48)

(7-1-2)





INSTRUMENT OF SURRENDER

The Japanese Emperor having at 1600 hours on the Sixteenth day of August 1945 surrendered unconditionally to the Allied Forces I Lieut-Comdr NAHOOMI SUZUKI

Commander of Japanese Forces on OCEAN ISLAND DO HOW

UNCONDITIONALLY SURRENDER all such forces AND DO AGREE

to the following terms of surrender:-

- All Japanese forces on OCEAN ISLAND will forthwith cease all hostile action. The term "Japanese Forces" in these terms of surrender includes natives friendly to the Japanese.
- All such forces on OCEAN ISLAND will assemble and 2. surrender themselves without delay to the Australian forces in the married Kanaka lines South of Government Offices at TABIANG, where immediate arrangements will be made for all Japanese officers and men to be embarked on Australian ships for evacuation. Japanese sick and wounded who are medically unfit to move will be suitably accommodated, treated and provided for by the Japanese forces until such time as it is possible for the Australian forces to care for and maintain them. The numbers and locations of such sick and wounded will be notified immediately to Brigadier J.R. STEVENSON DSO Officer designated by General Officer Commanding First Australian Army to accept the surrender of Japanese Forces on OCEAN ISLAND on benalf of the Commander in Chief Pacific and Pacific Ocean Area.
- 3. Full particulars regarding the location, strength and armament of all Japanese forces on OCEAN ISLAND will be given forthwith to Brigadier J.R. STEVENSON DSO.
- 4. Japanese forces will be responsible to remove and render harmless all mines, booby and other traps laid by them and will forthwith disclose the location of marine mines and mine fields in waters adjacent to OCEAN ISLAND, and will also disclose the location of all dumps of ammunition and explosives.

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- 5. All coastal defences and anti-aircraft guns and installations will be left intact and undamaged in their present positions which will be disclosed to Brigadier J.R. STEVENSON DSO.
- 6. All military equipment, vehicles, arms and weapons will be surrendered intact and undamaged in concentration areas which will be nominated by the Australian Commander.
- 7. All barges and other craft in waters adjacent to

 OCEAN ISLAND will be delivered up intact and undamaged
 at the nearest boat harbour.
- 8. Safe passage and escort will be provided at all times to members of the Australian forces entering, passing through or leaving any area in which Japanese forces are located.
- 9. All prisoners of war and all natives friendly to the Allied forces who are now in Japanese custody on OCEAN ISLAND will be released forthwith and will be kept unharmed and properly fed, and will be handed over to the Australian forces.

The names of all such prisoners of war will be notified immediately to Brigadier J.R. STEVENSON DSO.

- 10. Lieutenant-Colonel J.L.A. KELLY Australian Military
 Forces is appointed Military Commander of NAURU and
 OCEAN ISLANDS and all orders issued or given by him
 will be carried out by the Japanese forces without
 question or hesitation.
- 11. All Japanese officers and soldiers (not including natives friendly to the Japanese) will be treated strictly in accordance with the terms of the Geneva Convention 1929 relative to the treatment of prisoners of war.
- 12. Lieut-Gomdr NAMCOMI SUZUKI
 acknowledges that these terms have been interpreted
 to and are fully understood by, him.

SIGNED



SIGNED on board HMAS DIAMANTINA by
Lieut-comdr NAHOOMI SUZUKI
on behalf of the Japanese Forces
on OCEAN ISLAND this First
day of October 1945.

海軍少佐、東京、東軍大尉、海軍大尉、海軍大尉、海軍大尉、海軍大尉、海

WHOLESED BY LA SUKUMA - Senior Staff Officer

ACCEPTED on board HMAS DIAMANTINA
by Brigadier J.R. STEVENSON DSO as
representative of United States
Theatre Commander on behalf of the
Commander in Chief Pacific and
Pacific Ocean Area this First
day of October 1945.

Adlimenon

SIGNED on board HMAS DIAMANTINA
by Brigadier J.R. STEVENSON DSO as
representative of the Government
of the United Kingdom of Great
Britain as territorial Authority/
in respect of OCEAN ISLAND this
First day of October
1945.

Astumon



INTERROGATORIES

UNITED STATES
v.
HARA, Chuichi

4. November 1948

The following interrogatories are requested to be propounded to the Chief of the Second Demobilization Bureau, Japanese Government, in Tokyo, a witness for the defense in the above entitled case now being tried before the Military Commission convened by authority of Commander Naval Forces, Marianas (by precept dated 25 October 1948) in accordance with authorization of the Military Commission, subject to objections and exceptions, in accordance with the authority of Paragraph 5 of said precept, and the authority contained therein and the rules of evidence promulgated by the Supreme Commander for the Allied Powers, SCAP, ltr. A.G. 000.5 (5 Dec. 45) LS, Subject "Regulations Governing the Trials of Accused War Criminals," especially Section 5 d (1) (c) thereof, which authorizes the use in evidence of affidavits, depositions or other signed statements.

These interrogatories are respectfully forwarded to the Supreme Commander for the Allie Powers, Legal Section, Tokyo with the request that some suitable officer may be assigned to take, or cause to be taken, the deposition of the said witness thereon.

Concerning C.L.O. document No. 7376 (PD) dated September 19, 1947.

First Interrogatory: Who determined the area of jurisdiction shown in Annex Chart No. 3 -- The Area of Jurisdiction of the Fourth Fleet (March 1944 - June 1944)? What

was the object for determining it?

Second Interrogatory: What assignment does the Free of Jurisdiction of the Fourth Fleet as shown in Annex Charts No. 3 and 4

indicato?

Third Interrogatory: Was the Central Pacific Area Floot and the Fourth
Fleet as of Annex Chart No. 3 parallel Fleets or was
there commend relation between them? If so, please

there command relation between them? If so, please state concerning it.

state concerning it.

Fourth Interrogatory: In Annex Chart No. 3, was the jurisdiction of the Fourth Fleet part of the Area of Jurisdiction of the

Central Pacific Area Fleet or was it not included?

Fifth Interrogatory: Fere there any Army units in the area shown in Annex Charts No. 3 and No. 4? If there were, please state the command relation between the supreme Army command-

ing officer and the supreme Navy commanding officer of the South Sea Islands? Who was senior, the commanding officer of the Army or the commanding officer of the

Navy?

Sixth Interrogatory: Was the civil administration of the area shown in Annex Charts No. 3 and No. 4 as the area of jurisdiction of the Fourth Fleet under the command of the

Commander in Chief of the Fourth Fleet?

Seventh Interrogatory: If not, under whose command was the civil administration during the period from February 23, 1944 through

tion during the period from February 23, 1944 through September 2, 1945?

Dated at the Headquarters, Commander Naval Forces, Marianas, Guam,

Marianas Islands, November 4, 1948.

ARTHUR C. ROBINSON, Rear Admiral, U. S. Navy, President of the Commission.

DAVID BOLTON Lieutenant, U. S. Navy,

and Dal

Judge Advocate. Exhibit 43 (1)



Deposition

Iwao Kawai, the Director of the Second Demobilization Bureau Liquidation Division, Demobilization Bureau, Repatriation Relief Agency, Japanese Government, the witness above named, having been first duly sworn by me, Commander Maurice E. Currie, United States Naval Reserve, the Commander Naval Forces Marianas Liaison Officer for War Crimes, Tokyo, Japan, doth depose and say for full answers to the foregoing interrogatories, as follows:

- 1 -

Exhibit 43 (2)



Concerning C.L.O. Document No. 7376 (PD) dated September 19, 1947.

Answer to First Interrogatory:

The C-in-C the Combined Fleet determined it. The object for determining it lay in fixing the bordaries between the areas of jurisdiction of the various stationary Fleets where assignments of operational duties of the said Fleets should be executed respectively.

Answer to Second Interrogatory:

The assignments of operational duties to be executed in the area referred to in the Interrogatory were defensing of the area, patrolling in the area, protecting the sea traffic in the area and cooperating with the forces under other commands operating in the area (supplying, communications, encampment, repairing, replenishing of personnel, etc.).

Answer to Third Interrogatory:

The Central Pacific Area Fleet and the Fourth Fleet were not parallel Fleets. The C-in-C of the Fourth Fleet was under the command of the C-in-C of the Central Pacific Area Fleet.

Answer to Fourth Interrogatory:

The area of jurisdiction of the Fourth Fleet was a part of that of the Central Pacific Area Fleet.

Answer to Fifth Interrogatory:

1. On the principal group islands within the area were stationed Army units.

Exhibit 43 (3)



- 2. The command relations were as follows:
 - a. From 10 March 1944 to 18 July 1944 (during the period of the existence of the Central Pacific Area Fleet).

The supreme Army commanding officer was the Commanding General of the 31st Army and the supreme Navy commanding officer was the C-in-C of the Central Pacific Area Fleet. By virtue of the "Central Agreement between the Army and Navy Concerning the Operations in the Central Pacific Area", Imperial Directive No. 341 issued on 25 February 1944, the Commanding General of the 31st Army was placed under the command of the C-in-C of the Combined Fleet (the C-in-C of the Central Pacific Area Fleet).

b. From 19 July 1944 to 7 May 1945.

The supreme Army commanding officer was the Commanding General of the 31st Army and the supreme Navy commanding officer was the C-in-C of the Fourth Fleet. The 31st Army was attached directly to the Combined Fleet and had no command relation with the Fourth Fleet.

c. On and after 8 May 1945.

The supreme Army commanding officer was the Commanding General of the 31st Army and the supreme Navy commanding officer was the C-in-C of the Fourth Fleet. There was no command relation between the two commanding officers as same as the preceding paragraph.

However, as the Commanding General of the 31st
Army was stationed on Truk during this period, according

Exhibit 43 (4)



to the "Central Agreement between the Army and Navy"
mentioned in paragraph a above, the C-in-C of the
Fourth Fleet was to receive orders from the Commanding
General of the 31st Army, the senior commanding officer
on the spot, as regards the land operations on Truk.

- 3. The relations of seniority of the Army and Navy supreme commanding officers were as follows:
 - a. From 10 March 1944 to 18 July 1944.

Senior: C-in-C of the Central Pacific Area Fleet,
Vice-Admiral NAGUMO Chuichi.

Junior: Commanding General of the 31st Army,
Lt.-General OBATA Hideyoshi.

b. From 19 July 1944 to 7 May 1945.

Senior: Commanding General of the 31st Army,
Lt.-General OBATA Hideyoshi.

Junior: C-in-C of the Fourth Fleet,
Vice-Admiral HARA Chuichi.

c. On and after 8 May 1945.

Senior: Commanding General of the 31st Army,
Lt.-General MUGIKURA Shinzaburo.

Junior: C-in-C of the Fourth Fleet,
Vice-Admiral HARA Chuichi.

Answer to Sixth Interrogatory:

- 1. The civil administration of the Mandatory Territory was not under the command of the C-in-C of the Fourth Fleet.
- 2. The civil administration of Guam had been under the command of the C-in-C of the Fourth Fleet till 3 March 1944 but on and after 4 March 1944 it was transferred under the command

Exhibit 43 (5)



of the C-in-C of the Central Pacific Area Fleet.

3. The occupied-area administration of Nauru, Ocean and Wake was under the command of the C-in-C of the Fourth Fleet.

Answer to Seventh Interrogatory:

The civil administration of the Japanese Mandatory Territory was under the command of the Chief of the South Sea Islands
Government Office.

Exhibit 43 (6)



ALLIED OCCUPATION FORCES TOKYO, JAPAN I, Iwao Kawai, the Director of the Second Demobilization Bureau Liquidation Division, Demobilization Bureau, Repatriation Relief Agency, Japanese Government, being duly sworn on oath, state that I have read and understand the foregoing transcription of my testimony consisting of four (4) pages, and that the foregoing testimony, obtained from competent authorities of the Japanese Government, is true to the best of my knowledge and belief. . J. Kawai Subscribed and sworn to before me this twelfth day of November, 1948. Commander, United States Naval Reserve. CERTIFICATE We, Maurice E. Currie, commander, United States Naval Reserve, and Joseph Kase, junior, yeoman first class, United States Navy, certify that on the 12th day of N vember, 1948, Iwao Kawai, the Director of the Second Demobilization Bureau Liquidation Division, Demobilization Bureau, Repetriation Relief Agency, Japanese Government, appeared before us and gave the foregoing answers to the several questions set forth therein; that the said Iwao Kawei, the Director of the Second Demobilization Bureau Liquidation Division, Demobilization Bureau, Repatriation Relief Agency, Japanese Government, read his testimony and affixed his signature thereto in our presence. Maurice E. Currie, Commander, United States Naval Reserve. Joseph Kase, jr., Tooman First Class, United States Navy. Exhibit 43 (7) 0829