DECLASSIFIED
Authority: NND 760050 (1945–1949)
By: NARA NARA Date: 1976

INOUE, SADAE and TADA, TOKUCHI (28 MAR 1949) (VOL. I) (168346)

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Case of
YAMAMOTO, Sadae
and
TADA, Tokuchi

RECORD OF PROCEEDINGS

of a

MILITARY COMMISSION

convened at

United States Pacific Fleet

Commander Naval Forces, Marianas

by order of

The Commander Naval Forces, Marianas.

1021

[redacted]

[redacted]

[redacted]

1619 17 JUN 1949

Specification 2

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Babelthuap Island, Palau Islands, on or about September 4, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to control the operations of members of his command and persons subject to his control and supervision, namely, TADA, Tokuchi, then a colonel, IJA, MIYAZAKI, Haritsune, now deceased, then a lieutenant colonel, IJA, NAKAMURA, Kazuo, then a first lieutenant, IJA, KOKUBO, Chihiro, then a sergeant major, IJA, and other members of the armed forces of Japan, names to the relator unknown, permitting them the aforesaid persons, on or about September 4, 1944, at Babelthuap Island, Palau Islands, to kill unlawfully and cause to be killed unlawfully, by beheading with swords and by shooting with firearms, exact description to the relator unknown, three unarmed American prisoners of war, names to the relator unknown, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

Specification 3

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Babelthuap Island, Palau Islands, on or about September 4, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to take such measures as were within his power and appropriate in the circumstances to protect, as it was his duty to do, three unarmed American prisoners of war, names to the relator unknown, then and there held captive by the armed forces of Japan, in that he permitted the unlawful killing of said prisoners of war by beheading with swords and by shooting with firearms, by TADA, Tokuchi, then a colonel, IJA, NAKAMURA, Kazuo, then a first lieutenant, IJA, KOKUBO, Chihiro, then a sergeant major, IJA, and other members of the armed forces of Japan, names to the relator unknown, this in violation of the law and customs of war.

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1618 17 MAR 1949

Specification 4

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Babelthuap Island, Palau Islands, on or about September 18, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to control the operations of members of his command and persons subject to his control and supervision, namely, YAZAWA, Kazuharu, then a first lieutenant, IJA, ICHIKAWA, Yokichi, then a second lieutenant, IJA, ISHIYAMA, Zenso, then a sergeant major, IJA, SUGIMOTO, Takeji, then a sergeant major, IJA, ICHIMIYA, Hisao, then a sergeant, IJA, OZAKI, Katsutoshi, then a sergeant, IJA, TAMAMOTO, Tadashi, then a sergeant, IJA, YOKOYAMA, Kyohisa, then a sergeant, IJA, ZZURE, Shigeru, then a leading private, IJA, FUJITANI, Yoshio, then a leading private, IJA, KAWAGUCHI, Wabei, then a leading private, IJA, HIDAKA, Kinnosuke, then a superior private, IJA, ITO, Mitsuyuki, then a superior private, IJA, IWAMOTO, Harukichi, then a superior private, IJA, NAKAMURA, Jiro, then a superior private, IJA, OKAMURA, Gintaro, then a superior private, IJA, UCHIDA, Fumio, then a private first class, IJA, and other members of the armed forces of Japan, names to the relator unknown, permitting then the aforesaid persons, on or about September 18, 1944, at Babelthuap Island, Palau Islands, to kill unlawfully and cause to be killed unlawfully, by shooting with firearms, exact description to the relator unknown, seven civilians, then and there held captive by the armed forces of Japan, namely, Luis BLANCO Y SUAREZ, Catholic priest, Spanish national, resident of Yap Island, Bernardo DE LA ESPRIELLA, Catholic priest, Colombian national, resident of Yap Island, Marino DE LA HOZ, Catholic priest, Spanish national, resident of Koror Island, Elias FERNANDEZ GONZALEZ, Catholic priest, Spanish national, resident of Koror Island, Francisco HERNANDEZ Y ESCUDERO, Catholic brother, Spanish national, resident of Yap Island, Emilio VILLAR, Catholic brother, Spanish national, resident of Koror Island, and Agapito C. HONDONERO, a national of the United States of America, resident of Yap Island, this in violation of the law and customs of war.

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1418 17 MCH 1947

Specification 5

In that ISOZE, Sadao, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Babelthuap Island, Palau Islands, on or about September 18, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to take such measures as were within his power and appropriate in the circumstances to protect, as it was his duty to do, seven civilians then and there held captive by the armed forces of Japan, namely, Luis BLANCO Y SUAREZ, Catholic priest, Spanish national, resident of Yap Island, Bernardo DE LA ESPRIELLA, Catholic priest, Colombian national, resident of Yap Island, Marino DE LA HOZ, Catholic priest, Spanish national, resident of Koror Island, Elias FERNANDEZ GONZALEZ, Catholic priest, Spanish national, resident of Koror Island, Francisco HERNANDEZ Y ESCUDERO, Catholic brother, Spanish national, resident of Yap Island, Emilio VILLAR, Catholic brother, Spanish national, resident of Koror Island, and Agapito C. HONRADEZ, a national of the United States of America, resident of Yap Island, in that he permitted the unlawful killing of said persons by shooting with firearms, cause description to the relator unknown, by YAMAMOTO, Kasuharu, then a first lieutenant, IJA, ICHIKAWA, Yukichi, then a second lieutenant, IJA, ISHIZUKA, Zenzo, then a sergeant major, IJA, SUGIMOTO, Takeji, then a sergeant major, IJA, ICHIKAWA, Masao, then a sergeant, IJA, OZAKI, Katsutoshi, then a sergeant, IJA, YAMAMOTO, Tadashi, then a sergeant, IJA, YOKOYAMA, Kychiro, then a sergeant, IJA, SEGAE, Shigeru, then a leading private, IJA, FUJITAKI, Yoshio, then a leading private, IJA, KAWAGUCHI, Wahei, then a leading private, IJA, KIDAKA, Kinnosuke, then a superior private, IJA, ITO, Mitsuyuki, then a superior private, IJA, IWAMOTO, Harukichi, then a superior private, IJA, KAWAMURA, Jiro, then a superior private, IJA, OKAMURA, Gintaro, then a superior private, IJA, UCHIDA, Fumio, then a private first class, IJA, and other members of the armed forces of Japan, names to the relator unknown, this in violation of the law and customs of war.

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Specification 6

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Babelthuap Island, Palau Islands, on or about December 29, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to control the operations of members of his command and persons subject to his control and supervision, namely, NAKAMURA, Kazuo, then a first lieutenant, IJA, AJIOKA, Misao, then a warrant officer, IJA, YAMADA, Kiyoshi, then a sergeant, IJA, and other members of the armed forces of Japan, names to the relator unknown, permitting them the aforesaid persons, to kill unlawfully and cause to be killed unlawfully, on or about December 29, 1944, at Babelthuap Island, Palau Islands, by shooting with firearms, one Charlie SMITH, alias JAMES, an unarmed British national, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

Specification 7

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Babelthuap Island, Palau Islands, on or about December 29, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to take such measures as were within his power and appropriate in the circumstances to protect, as it was his duty to do, one Charlie SMITH, alias JAMES, an unarmed British national, then and there held captive by the armed forces of Japan, in that he permitted the unlawful killing of the said Charlie SMITH, alias JAMES, by shooting with firearms by NAKAMURA, Kazuo, then a first lieutenant, IJA, AJIOKA, Misao, then a warrant officer, IJA, YAMADA, Kiyoshi, then a sergeant, IJA, and other members of the armed forces of Japan, names to the relator unknown, this in violation of the law and customs of war.

Specification 8

In that INOUE, Sadae, then a lieutenant general, IJA, Commanding General of the Fourteenth Division, Imperial Japanese Army, and Army Group Commander, Palau Area, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations, acting with KOICHI, Hiroe, then a captain, IJA, KATSUYAMA, Tetsuji, then a first lieutenant, IJA, and ONOSE, Ichiro, then a second lieutenant, IJA, did at Koror Island, Palau Islands, on or about May 24, 1945, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, assault, strike, kill and cause to be killed, by beheading with a sword, one Wallace F. KAUFMAN, second lieutenant, United States Army, an American prisoner of war, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

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Specification 6

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Babelthuap Island, Palau Islands, on or about December 29, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to control the operations of members of his command and persons subject to his control and supervision, namely, NAKAMURA, Kazuo, then a first lieutenant, IJA, AJIOKA, Misao, then a warrant officer, IJA, YAMADA, Kiyoshi, then a sergeant, IJA, and other members of the armed forces of Japan, names to the relator unknown, permitting them the aforesaid persons, to kill unlawfully and cause to be killed unlawfully, on or about December 29, 1944, at Babelthuap Island, Palau Islands, by shooting with firearms, one Charlie SMITH, alias JAMES, an unarmed British national, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

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In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Babelthuap Island, Palau Islands, on or about December 29, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to take such measures as were within his power and appropriate in the circumstances to protect, as it was his duty to do, one Charlie SMITH, alias JAMES, an unarmed British national, then and there held captive by the armed forces of Japan, in that he permitted the unlawful killing of the said Charlie SMITH, alias JAMES, by shooting with firearms by NAKAMURA, Kazuo, then a first lieutenant, IJA, AJIOKA, Misao, then a warrant officer, IJA, YAMADA, Kiyoshi, then a sergeant, IJA, and other members of the armed forces of Japan, names to the relator unknown, this in violation of the law and customs of war.

Specification 8

In that INOUE, Sadae, then a lieutenant general, IJA, Commanding General of the Fourteenth Division, Imperial Japanese Army, and Army Group Commander, Palau Area, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations, acting with KOICHI, Hiroe, then a captain, IJA, KATSUYAMA, Tetsuji, then a first lieutenant, IJA, and ONOSE, Ichiro, then a second lieutenant, IJA, did at Koror Island, Palau Islands, on or about May 24, 1945, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, assault, strike, kill and cause to be killed, by beheading with a sword, one Wallace F. KAUFMAN, second lieutenant, United States Army, an American prisoner of war, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

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Specification 9

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Koror Island, Palau Islands, on or about May 24, 1945, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to control the operations of members of his command and persons subject to his control and supervision, namely, KOICHI, Hiroe, then a captain, IJA, KATSUYAMA, Tetsuji, then a first lieutenant, IJA, ONOSE, Ichiro, then a second lieutenant, IJA, and other members of the armed forces of Japan, names to the relator unknown, permitting them the aforesaid persons, to kill unlawfully and cause to be killed unlawfully, on or about May 24, 1945, at Koror Island, Palau Islands, by beheading with a sword, one Wallace F. KAUFMAN, second lieutenant, United States Army, an American prisoner of war, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

Specification 10

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Koror Island, Palau Islands, on or about May 24, 1945, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to take such measures as were within his power and appropriate in the circumstances to protect, as it was his duty to do, one Wallace F. KAUFMAN, second lieutenant, United States Army, an American prisoner of war, then and there held captive by the armed forces of Japan, in that he permitted the unlawful killing by beheading with a sword, by KOICHI, Hiroe, then a captain, IJA, KATSUYAMA, Tetsuji, then a first lieutenant, IJA, ONOSE, Ichiro, then a second lieutenant, IJA, and other members of the armed forces of Japan, names to the relator unknown, this in violation of the law and customs of war.

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

cc: JAG, USN.

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INOUE, Sadae
and
TADA, Tokuchi

Trial by military commission at the Headquarters,
Commander Naval Forces, Marianas, Guam, Marianas Islands,
March 28, 1949

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FF12/A17-10(1)
02-JDM-gn

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET

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

Serial: 380 19 JAN 1949

From: The Commander Naval Forces, Marianas.
To: Rear Admiral Arthur G. ROBINSON, U. S. Navy.

Subject: Precept for a military commission.

1. Pursuant to the authority vested in me by virtue of my office as the Commander Naval Forces, Marianas and further by the specific authority vested in me by the Commander in Chief, Pacific and U. S. Pacific Fleet, and High Commissioner of the Trust Territory of the Pacific Islands (CinC U. S. PacFlt Serial 0558 of 8 Mar. '46; ComMarianas Desp. 292336Z Sept. '47; CinC-PacFlt Desp. 020103Z Oct. '47; SecNav Desp. 081946Z Oct. '47; CinCPacFlt Desp. 092353Z Oct. '47; CinCPac and CinCPacFlt ltr. dtd. 1 Aug. '48, CinCPac Serial 2955 and CinCPacFlt Serial 3490), and by the Judge Advocate General of the Navy (JAG Desp. 311730Z July '46), a military commission is hereby ordered to convene at the Headquarters, Commander Naval Forces, Marianas on Guam, Marianas Islands at 10 o'clock a.m., on Monday, January 24, 1949, or as soon thereafter as practicable, at the call of the president, for the trial of such persons as may be legally brought before it.

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

Rear Admiral Arthur G. ROBINSON, U. S. Navy, President,
Lieutenant Colonel Harry W. McCORMICK, Quartermaster Corps, United States Army,
Major John H. LOTT, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. BJORLO, Supply Corps, U. S. Navy,
Lieutenant Henry E. WAHL, U. S. Navy,
Captain Kermit H. SHELLY, U. S. Marine Corps, and
Lieutenant Commander Joseph A. REGAN, U. S. Navy, and Lieutenant David BOLTON, U. S. Navy, as judge advocates, either of whom is authorized to act as such.

TAKANO, Junjiro, furnished by the Japanese Government, and Commander Martin E. CARLSON, U. S. Naval Reserve, both of whom are lawyers, and SAWAGI, Sadamu, a former captain, Imperial Japanese Navy, furnished by the Japanese Government, are available and authorized to act as defense counsel. This authorization does not preclude as defense counsel others who are available and are desired by the accused.

In trials of accused charged with offenses against nationals of foreign governments and natives of islands of the Trust Territory of the Pacific Islands duly accredited representatives of the governments and natives concerned are authorized to participate as observers.



FF12/A17-10(1)
C2-JDM-gc

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET

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

Serial: 380 19 JAN 1949

Subject: Precept for a military commission.

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3. This military commission is hereby authorized and directed to take up such cases, if any, as may be now pending before the military commission of which Rear Admiral Arthur G. ROBINSON, U. S. Navy, is president appointed by Commander Naval Forces, Marianas precept of October 25, 1948 except such cases the trial of which may have been commenced.

4. The military commission shall be competent to try all offenses within the jurisdiction of exceptional military courts, including offenses referred to in the Commander Marianas despatch cited in paragraph 1 above. It shall have jurisdiction over all Japanese nationals and others who worked with, were employed by or served in connection with the former Japanese Imperial Government, in the custody of the convening authority at the time of trial, charged with offenses committed against United States nationals, persons referred to in the Commander Marianas despatch cited in paragraph 1 above and white persons whose nationality has not prior to ordering of the trial been established to the satisfaction of the convening authority. Nothing herein limits the jurisdiction of the military commission as to persons and offenses which may be otherwise properly established.

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

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

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

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

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

Copies to:
Members of the Commission.
Judge Advocates.
Judge Advocate General, U.S. Navy.

A true copy. Attest.

Joseph L. Regan
Joseph L. Regan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

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FF12/A17-10(1)
02-JDM-ce

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET

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

Serial: 1231

25 FEB 1949

From: Commander Naval Forces, Marianas.
To: Rear Admiral Arthur G. Robinson, U. S. Navy,
President, Military Commission, Commander Naval
Forces, Marianas (Guam, Marianas Islands).

Subject: Relief of member of military commission.

1. Lieutenant Henry E. Wahl, U. S. Navy, is hereby relieved as a member of the military commission convened by my precept of January 19, 1949, except in event of revision of cases already tried.

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

Copies to:
Lieutenant Henry E. Wahl, USN
Judge Advocate, Military Commission
Judge Advocate General, U. S. Navy.

A true copy. Attest:

Joseph A. Regan.
Joseph A. Regan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

B

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THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET

FF12/A17-10(1)
02-JDM-ga

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

Serial: 1232 25 FEB 1949

From: Commander Naval Forces, Marianas.
To: Rear Admiral Arthur G. Robinson, U. S. Navy, President, Military Commission, Commander Naval Forces, Marianas (Guam, Marianas Islands).

Subject: Change in membership of military commission.

1. Major Wilbur R. Helmer, U. S. Marine Corps, is hereby appointed a member of the military commission of which you are president, convened by my precept of January 19, 1949, vice Captain Kermit H. Shelly, U. S. Marine Corps, hereby relieved, except in event of revision of cases already tried.

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

Copies to:
Major Wilbur R. Helmer, USMC
Captain Kermit H. Shelly, USMC
Judge Advocate, Military Commission
Judge Advocate General, U. S. Navy
Commanding Officer, Marine Barracks, Guam
Commanding Officer, Fifth Service Depot, Guam

A true copy. Attest:

Joseph A. Regan
Joseph A. Regan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

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FF12/A17-10(1)
02-JDM-ce

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET

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

Serial: 1273

1 MAR 1949

From: Commander Naval Forces, Marianas.
To: Rear Admiral Arthur G. Robinson, U. S. Navy,
President, Military Commission, Commander Naval
Forces, Marianas (Guam, Marianas Islands).

Subject: Change in membership of military commission.

1. Major Laurance B. Payne, Transportation Corps, United States Army, is hereby appointed a member of the military commission of which you are president, convened by my precept of January 19, 1949, vice Lieutenant Colonel Harry W. McCormick, Quartermaster Corps, United States Army, hereby relieved, except in event of revision of cases already tried.

/s/ C. A. Pownall,
Rear Admiral, U. S. Navy,
The Commander Naval Forces, Marianas.

Copies to:
Major Laurance B. Payne, TC, USA
Lieutenant Colonel Harry W. McCormick, QC, USA
Judge Advocate, Military Commission
Judge Advocate General, U. S. Navy
Commanding General, Marianas Bonins Command

A true copy. Attest:

Joseph A. Regan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

D

1034

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET

FF12/A17-10(1)
02-JAR-ga HEADQUARTERS OF THE COMMANDER NAVAL FORCES MARIANAS
NAVAL FORCES MARSHALLS-CAROLINES AND MARSHALLS-CAROLINES AREA

Serial: 1754

22 MAR 1949

From: Commander Naval Forces, Marianas.
To: Rear Admiral Arthur G. Robinson, U. S. Navy, President, Military Commission, Commander Naval Forces, Marianas (Guam, Marianas Islands).

Subject: Appointment of member of military commission.

1. Captain Daniel J. Sweeney, U. S. Navy, is hereby appointed a member of the military commission of which you are president, convened by my precept of January 19, 1949.

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

Copies to:
Captain Daniel J. Sweeney, USN
Judge Advocate, Military Commission
Judge Advocate General, U. S. Navy

A true copy. Attest:

Joseph A. Regan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

E

1035

FF12/417-10(1)
02-JAR-hn

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET

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

Serial: 1858

25 MAR 1949

From: Commander Naval Forces, Marianas.
To: Rear Admiral Arthur G. Robinson, U. S. Navy, President, Military Commission, Commander Naval Forces, Marianas (Guam, Marianas Islands).

Subject: Appointment of member of military commission.

1. Lieutenant Colonel Ralph W. Luten, U. S. Air Force, is hereby appointed a member of the military commission of which you are president, convened by my precept of January 19, 1949.

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

Copies to:.
Lieutenant Colonel Ralph W. Luten, USAF
Commanding General, Twentieth Air Force
Judge Advocate, Military Commission
Judge Advocate General, U. S. Navy

A true copy. Attest:

Joseph A. Regan
Joseph A. Regan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

F

FF12/A17-13(2)
O2-JDM-fsk

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET

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

Serial: **1618**

17 MAR 1945

From: Commander Naval Forces, Marianas.
To : Lieutenant Commander Joseph A. Regan, USN and/or
Lieutenant David Bolton, USN and/or
your successors in office as Judge Advocate, Military Commission, Commander Naval Forces, Marianas.

Subject: Charge and Specifications in the case of INOUE, Sadae and TADA, Tokuchi.

1. The above named persons will be tried before the military commission of which you are judge advocate upon the following charge and specifications. You will notify the president of the commission accordingly, inform the accused of the date set for trial, and summon all witnesses, both for the prosecution and for the defense.

CHARGE

VIOLATION OF THE LAW AND CUSTOMS OF WAR

Specification 1

In that INOUE, Sadae, then a lieutenant general, IJA, Commanding General of the Fourteenth Division, Imperial Japanese Army, and Army Group Commander, Palau Area, and TADA, Tokuchi, then a colonel, IJA, Chief of Staff of the Fourteenth Division, Imperial Japanese Army, both attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations, acting with MIYAZAKI, Aritsune, now deceased, then a lieutenant colonel, IJA, NAKAMURA, Kazuo, then a first lieutenant, IJA, and KOKUBO, Chihiro, then a sergeant major, IJA, did, each and together, at Babelthuap Island, Palau Islands, on or about September 4, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, assault, strike, kill and cause to be killed, by beheading with swords and by shooting with firearms, exact description to the relator unknown, three unarmed American prisoners of war, names to the relator unknown, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

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Received copy of the charge and specifications, both in English and in Japanese, this 18th day of March 1949.

Sadae, Inoue
井上貞衛
INOUE, Sadae

Tokuchi Tada
多田徳知
TADA, Tokuchi

17 MAR 1948

1618

Specification 2

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Babelthuap Island, Palau Islands, on or about September 4, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to control the operations of members of his command and persons subject to his control and supervision, namely, TADA, Tokuchi, then a colonel, IJA, MIYAZAKI, Aritsune, now deceased, then a lieutenant colonel, IJA, NAKAMURA, Kazuo, then a first lieutenant, IJA, KOKUBO, Chihiro, then a sergeant major, IJA, and other members of the armed forces of Japan, names to the relator unknown, permitting them the aforesaid persons, on or about September 4, 1944, at Babelthuap Island, Palau Islands, to kill unlawfully and cause to be killed unlawfully, by beheading with swords and by shooting with firearms, exact description to the relator unknown, three unarmed American prisoners of war, names to the relator unknown, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

Specification 3

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Babelthuap Island, Palau Islands, on or about September 4, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to take such measures as were within his power and appropriate in the circumstances to protect, as it was his duty to do, three unarmed American prisoners of war, names to the relator unknown, then and there held captive by the armed forces of Japan, in that he permitted the unlawful killing of said prisoners of war by beheading with swords and by shooting with firearms, by TADA, Tokuchi, then a colonel, IJA, NAKAMURA, Kazuo, then a first lieutenant, IJA, KOKUBO, Chihiro, then a sergeant major, IJA, and other members of the armed forces of Japan, names to the relator unknown, this in violation of the law and customs of war.

T(2)

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17 MAR 1945

Specification 4

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Babelthuap Island, Palau Islands, on or about September 18, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to control the operations of members of his command and persons subject to his control and supervision, namely, YAMAMOTO, Kazuharu, then a first lieutenant, IJA, ICHIKAWA, Yokichi, then a second lieutenant, IJA, ISHIYAMA, Zenzo, then a sergeant major, IJA, SUGIMOTO, Takeji, then a sergeant major, IJA, ICHIMIYA, Masao, then a sergeant, IJA, OZAKI, Katsutoshi, then a sergeant, IJA, TAMAMOTO, Tadashi, then a sergeant, IJA, YOKOYAMA, Kyohisa, then a sergeant, IJA, EZURE, Shigeru, then a leading private, IJA, FUJITANI, Yoshio, then a leading private, IJA, KAWAGUCHI, Wahei, then a leading private, IJA, HIDAKA, Kinnosuke, then a superior private, IJA, ITO, Mitsuyuki, then a superior private, IJA, IWAMOTO, Harukichi, then a superior private, IJA, NAKAMURA, Jiro, then a superior private, IJA, OKAMURA, Gintaro, then a superior private, IJA, UCHIDA, Fumio, then a private first class, IJA, and other members of the armed forces of Japan, names to the relator unknown, permitting them the aforesaid persons, on or about September 18, 1944, at Babelthuap Island, Palau Islands, to kill unlawfully and cause to be killed unlawfully, by shooting with firearms, exact description to the relator unknown, seven civilians, then and there held captive by the armed forces of Japan, namely, Luis BLANCO Y SUAREZ, Catholic priest, Spanish national, resident of Yap Island, Bernardo DE LA ESPRIELLA, Catholic priest, Colombian national, resident of Yap Island, Marino DE LA HOZ, Catholic priest, Spanish national, resident of Koror Island, Elias FERNANDEZ GONZALEZ, Catholic priest, Spanish national, resident of Koror Island, Francisco HERNANDEZ Y ESCUDERO, Catholic brother, Spanish national, resident of Yap Island, Emilio VILLAR, Catholic brother, Spanish national, resident of Koror Island, and Agapito C. HONDONERO, a national of the United States of America, resident of Yap Island, this in violation of the law and customs of war.

T(3)

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1618

17 MAR 1946

Specification 5

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Babelthuap Island, Palau Islands, on or about September 18, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to take such measures as were within his power and appropriate in the circumstances to protect, as it was his duty to do, seven civilians then and there held captive by the armed forces of Japan, namely, Luis BLANCO Y SUAREZ, Catholic priest, Spanish national, resident of Yap Island, Bernardo DE LA ESPRIELLA, Catholic priest, Colombian national, resident of Yap Island, Marino DE LA HOZ, Catholic priest, Spanish national, resident of Koror Island, Elias FERNANDEZ GONZALEZ, Catholic priest, Spanish national, resident of Koror Island, Francisco HERNANDEZ Y ESCUDERO, Catholic brother, Spanish national, resident of Yap Island, Emilio VILLAR, Catholic brother, Spanish national, resident of Koror Island, and Agapito C. HONDONERO, a national of the United States of America, resident of Yap Island, in that he permitted the unlawful killing of said persons by shooting with firearms, exact description to the relator unknown, by YAMAMOTO, Kazuharu, then a first lieutenant, IJA, ICHIKAWA, Yokichi, then a second lieutenant, IJA, ISHIYAMA, Zenzo, then a sergeant major, IJA, SUGIMOTO, Takeji, then a sergeant major, IJA, ICHIMIYA, Masao, then a sergeant, IJA, OZAKI, Katsutoshi, then a sergeant, IJA, TAMAMOTO, Tadashi, then a sergeant, IJA, YOKOYAMA, Kyohisa, then a sergeant, IJA, EZURE, Shigeru, then a leading private, IJA, FUJITANI, Yoshio, then a leading private, IJA, KAWAGUCHI, Wahei, then a leading private, IJA, HIDAKA, Kinnosuke, then a superior private, IJA, ITO, Mitsuyuki, then a superior private, IJA, IWAMOTO, Harukichi, then a superior private, IJA, NAKAMURA, Jiro, then a superior private, IJA, OKAMURA, Gintaro, then a superior private, IJA, UCHIDA, Fumio, then a private first class, IJA, and other members of the armed forces of Japan, names to the relator unknown, this in violation of the law and customs of war.

T(4)

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17 MAR 1945

Specification 6

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Babelthuap Island, Palau Islands, on or about December 29, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to control the operations of members of his command and persons subject to his control and supervision, namely, NAKAMURA, Kazuo, then a first lieutenant, IJA, AJIOKA, Misao, then a warrant officer, IJA, YAMADA, Kiyoshi, then a sergeant, IJA, and other members of the armed forces of Japan, names to the relator unknown, permitting them the aforesaid persons, to kill unlawfully and cause to be killed unlawfully, on or about December 29, 1944, at Babelthuap Island, Palau Islands, by shooting with firearms, one Charlie SMITH, alias JAMES, an unarmed British national, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

Specification 7

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Babelthuap Island, Palau Islands, on or about December 29, 1944, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to take such measures as were within his power and appropriate in the circumstances to protect, as it was his duty to do, one Charlie SMITH, alias JAMES, an unarmed British national, then and there held captive by the armed forces of Japan, in that he permitted the unlawful killing of the said Charlie SMITH, alias JAMES, by shooting with firearms by NAKAMURA, Kazuo, then a first lieutenant, IJA, AJIOKA, Misao, then a warrant officer, IJA, YAMADA, Kiyoshi, then a sergeant, IJA, and other members of the armed forces of Japan, names to the relator unknown, this in violation of the law and customs of war.

Specification 8

In that INOUE, Sadae, then a lieutenant general, IJA, Commanding General of the Fourteenth Division, Imperial Japanese Army, and Army Group Commander, Palau Area, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations, acting with KOICHI, Hiroe, then a captain, IJA, KATSUYAMA, Tetsuji, then a first lieutenant, IJA, and ONOSE, Ichiro, then a second lieutenant, IJA, did, at Koror Island, Palau Islands, on or about May 24, 1945, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, assault, strike, kill and cause to be killed, by beheading with a sword, one Wallace F. KAUFMAN, second lieutenant, United States Army, an American prisoner of war, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

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1618

17 MAR 1946

Specification 9

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Koror Island, Palau Islands, on or about May 24, 1945, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to control the operations of members of his command and persons subject to his control and supervision, namely, KOICHI, Hiroe, then a captain, IJA, KATSUYAMA, Tetsuji, then a first lieutenant, IJA, ONOSE, Ichiro, then a second lieutenant, IJA, and other members of the armed forces of Japan, names to the relator unknown, permitting them the aforesaid persons, to kill unlawfully and cause to be killed unlawfully, on or about May 24, 1945, at Koror Island, Palau Islands, by beheading with a sword, one Wallace F. KAUFMAN, second lieutenant, United States Army, an American prisoner of war, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

Specification 10

In that INOUE, Sadae, then a lieutenant general, IJA, attached to the military installations of the Imperial Japanese Army, Palau Islands, and while so serving at said military installations as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, did, at Koror Island, Palau Islands, on or about May 24, 1945, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding General of the Fourteenth Division, and Army Group Commander, Palau Area, to take such measures as were within his power and appropriate in the circumstances to protect, as it was his duty to do, one Wallace F. KAUFMAN, second lieutenant, United States Army, an American prisoner of war, then and there held captive by the armed forces of Japan, in that he permitted the unlawful killing by beheading with a sword, by KOICHI, Hiroe, then a captain, IJA, KATSUYAMA, Tetsuji, then a first lieutenant, IJA, ONOSE, Ichiro, then a second lieutenant, IJA, and other members of the armed forces of Japan, names to the relator unknown, this in violation of the law and customs of war.

C. A. Pownall

C. A. POWNALL,
Rear Admiral, U. S. Navy,
The Commander Naval Forces Marianas.

cc: JAG, USN.

T(6)

1043

[redacted]

[redacted]

[redacted]

三日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

二日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

一日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

三十一日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

二十九日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

二十八日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

二十七日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

二十六日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

二十五日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

二十四日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

二十三日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

二十二日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

二十一日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

二十日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

十九日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

十八日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

十七日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

十六日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

十五日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

十四日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

十三日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

十二日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

十一日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

十日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

九日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

八日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

七日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

六日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

五日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

四日、ルソン島北部ラワグ飛行場に、米軍機約百機来襲、同飛行場の施設に対し、爆撃と機銃掃射を加えた。

ヤウナ風ニ見エル。ソレカラ、コノ島ニハ、ソノ外ニモ、ポルトガル人ノ旧教ノ宣教師ガ居テ、ソノ人ノ話ニヨルト、コノ島ノ人ハ、ソノ昔ハ、ポルトガル人ノ旧教ノ宣教師ニヨッテ、旧教ニ改宗サセラレタノデアルガ、ソノ後、ソノ宣教師ガ、コノ島ヲ去ッテカラ、ソノ人ノ信仰ハ、ソノ宣教師ノ居タ時ノ様ニ、熱心デハナクナッテ

罪状項目十

パラオ諸島の日本帝国陸軍軍事施設ト配属セラレシ者ハ当時陸軍中将井上定衛ハ前記軍事施設ニ於テ第十四師団長カパラオ地区ニ於ケル日本国司令官トシテ勤務中アメリカ合衆国連合諸国及其ノ属領カ日本帝国ト戦争状態ニ在リシ昭和二十年五月二十四日頃パラオ諸島コロール島ニ於テ同時同処ニ於テ日本軍隊ニ拘留セラレテヰタ一名ノ米人俘虜ニ対スルコンベンションヲ保護スル為ニ彼ノ権限内ニテ且当時ノ状況下適切且ツ手段ヲ講ズルコトカ彼ノ第十四師団長カパラオ地区ニ於ケル日本国司令官トシテノ職務ヲ尽シ得ル範囲ニ於テ為シ得ル処ナリシニ拘ラズ之ヲ為サズ又ハ之ヲ違法ニ不履行セシ為メ当時陸軍中将小高廣咲当時陸軍少将山形清当時陸軍少将野瀬一郎其他当局ハ何ヲ措キ第十四師団ノ日本帝国陸軍ノ人ヲシテ軍刀ニヨル斬首ニヨリ前記俘虜ヲ殺害スル違法ナル戦争法規並ニ慣習ニ違反セリ

以テ

写本完 弁護人 海軍検事 [illegible]

CAポーネル
合衆国海軍少将
マリアナ方面海軍部隊司令官

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FIRST DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Monday, March 28, 1949.

The commission met at 9:20 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.

Private first class Raymond L. Schalk, U. S. Marine Corps, entered with the accused and reported as provost marshal.

The judge advocate introduced Paul F. Coste, junior, yeoman first class, U. S. Navy and Archie L. Haden, junior, yeoman first class, U. S. Navy, as reporters, and they were duly sworn.

The judge advocate introduced Lieutenant (jg) Eugene F. Clark, U. S. Navy, Kimio Tsuji, Kan Akatani, Yoshio Akatani, and Frederick A. Savory, as interpreters, and they were duly sworn.

The accused requested that Commander Martin E. Carlson, U. S. Naval Reserve, Mr. Takano, Junjiro and Mr. Sanagi, Sadamu, act as their counsel. Commander Carlson, Mr. Takano, and Mr. Sanagi took seat as counsel for the accused.

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

An interpreter read a Japanese translation of the precept and modifications thereof.

The accused objected to Rear Admiral Arthur G. Robinson, U. S. Navy, as follows:

The accused, Inoue, Sadae, a former lieutenant general, IJA, and Tada, Tokuchi, former colonel, IJA, challenge the president of the commission, Rear Admiral Arthur G. Robinson, U. S. Navy because he sat as the president of the commission which tried (1) First Lieutenant Nakamura, Kazuo and Kokubo, Chihiro on January 6, 1948 under charges and specifications dated December 24, 1947, the Commander Marianas Area Serial 23113 for incidents alleged to have occurred September 4, 1944 and December 29, 1944 which are the identical incidents of Specifications 1, 2, 3, 6 and 7 and at which trial the commission sentenced Nakamura, Kazuo to death by hanging, and Kokubo, Chihiro to death by hanging. (2) The trial of Yamamoto, Kazuharu; Ichikawa, Yokichi; Ishiyama, Zenzo; Sugimoto, Takeji; Ichimiya, Masao; Ozaki, Katsutoshi; Tamamoto, Tadashi; Yokoyama, Kyohisa; Ezure, Shigeru; Fujitani, Yoshio; Kawaguchi, Wahei; Ando, Fukuichi; Hayashi, Umeji; Hidaka, Kinnosuke; Ito, Mitsuyuki; Iwamoto, Harukichi;

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Nakamura, Jiro; Okumura, Gintaro; Sagara, Masahiro; and Uchida, Fumio on February 16, 1948 under charges and specifications dated January 31, 1948 the Commander Marianas Area serial 1290 for incidents alleged to have occurred September 18, 1944 which are the identical incidents of specifications 4 and 5 and at which trial the commission sentenced the accused to a total of 320 years imprisonment. (3) The trial of Ajioka, Misao and Yamada, Kiyoshi on December 15, 1947 under charges and specifications dated December 6, 1947 the Commander Marianas Area serial 22331 for incidents alleged to have occurred December 29, 1944 which are the identical incidents of specifications 6 and 7 and at which trial the commission sentenced Ajioka, Misao to 25 years imprisonment and Yamada, Kiyoshi to 25 years imprisonment. And (4) the trial of Koichi, Hiroe; Katsuyama, Tetsuji and Onose, Ichiro on November 24, 1947 under charges and specifications dated November 10, 1947 the Commander Marianas Area serial 21048 for incidents alleged to have occurred May 24, 1945 which are the identical incidents of specifications 8, 9 and 10 and at which trial the commission sentenced each of the accused to 25 years imprisonment.

An interpreter read a Japanese translation of Commander Carlson's challenge.

The judge advocate replied as follows:

The challenge by the accused to Rear Admiral Arthur G. Robinson is in the opinion of the judge advocate not a valid ground for objection to this member. The accused have never been tried before a military commission and the accused have not alleged that this member of the commission is antagonistic or prejudiced against them or has formed any opinion concerning their guilt or innocence. In accordance with the duly authorized prior precedent of this and other military commissions the challenge to a member of a military commission should not be sustained when the challenged member is able to declare in open court that he can truly try without prejudice or partiality the case now depending according to the evidence which shall come before the commission, the rules of evidence prescribed for the trial, the customs of war in like cases, and his own conscience. Assuming that Admiral Robinson is able to so truly state, the challenge can properly be denied for challenges similar to those made by the accused in the instant case have been made in prior cases before military commissions sitting here on Guam. The challenges were not sustained in such cases and they have been reviewed and approved by convening authority, reviewing authority, and the Judge Advocate General of the Navy, and these cases should stand as sound precedent with regard to the instant challenge.

An interpreter read a Japanese translation of the judge advocate's reply.

The challenged member replied as follows:

It is quite true that I have sat in all the previous trials mentioned by the defense counsel, however I wish to solemnly assure the accused and all parties in this trial of my belief that I can truly try without prejudice or partiality the case now depending according to the evidence adduced before this commission, the rules of evidence prescribed for this trial, the customs of war in like cases, and my own conscience.

An interpreter read a Japanese translation of Rear Admiral Robinson's reply.

The commission was cleared, the challenged member withdrawing.

The commission was opened. All parties to the trial entered; the commission announced that the challenge was not sustained.

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The judge advocate and each member were duly sworn.

Commander Martin E. Carlson, a counsel for the accused, read a written motion for a severance or separate trial, appended marked "G".

The accused waived the reading of Commander Carlson's motion in Japanese in open court.

The judge advocate read a written reply to Commander Carlson's motion for a severance or separate trial, appended marked "H".

An interpreter read a Japanese translation of the judge advocate's reply to the motion for a severance or separate trial.

Commander Martin E. Carlson requested permission of the commission to put Mr. Sanagi, Sadamu, one of the counsel for the accused, on the stand at this time in order to introduce affidavits made by each of the accused, in order to further establish their motion for a severance or separate trial.

The judge advocate replied that he was willing to accept the affidavits as is, and append them to the written motion for a severance or separate trial, but objected to the defense putting Mr. Sanagi on the stand at this time in order to save time, and to eliminate any unnecessary delay in the proceedings.

The commission announced that the affidavits would be appended to the motion for a severance or separate trial, and directed that the judge advocate read the affidavits in open court.

The judge advocate read the affidavits in open court, appended as enclosures "A" and "B" to the motion for a severance or separate trial.

The accused waived the reading of these two affidavits in Japanese in open court.

The commission was cleared.

The commission was opened and all parties to the trial entered.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

The commission announced that the motion was not sustained.

The accused stated that they had received two copies each of the charge and specifications preferred against them, one in English and one in Japanese, on March 18, 1949.

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

The accused replied in the affirmative.

Mr. Takano, Junjiro, a counsel for the accused, read a written objection to the charge and specifications, appended marked "I".

An interpreter read an English translation of Mr. Takano's objection, appended marked "J".

Commander Martin E. Carlson, a counsel for the accused, read a further written objection to the charge and specifications, appended marked "K".

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The accused waived the reading of Commander Carlson's objection in Japanese in open court.

The commission then, at 11:25 a.m., took a recess until 2:10 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The judge advocate read a written reply to the objections to the charge and specifications, appended marked "I".

The accused waived the reading of the judge advocate's reply in Japanese in open court.

The commission was cleared.

The commission was opened. All parties to the trial entered and the commission announced that the objections were not sustained. That the commission found the charge and specifications in due form and technically correct.

Tada, Tokuchi, an accused, upon his own request, took the stand and was examined on his voir dire in connection with his arrest and confinement as follows:

Examined by the judge advocate:

1. Q. State your name.
A. Tada, Tokuchi.

2. Q. Are you an accused in this case?
A. Yes.

Examined by the accused:

3. Q. State your former rank in the Imperial Japanese armed forces.
A. Former colonel, Imperial Japanese Army.

4. Q. During what period of time did you serve with the Imperial Japanese Army?
A. I served in the Japanese Army from 1924 when I was commissioned a second lieutenant until I was demobilized.

5. Q. When were you demobilized?
A. I left the Palaus in the latter part of February 1946 and arrived at Port Uraga, Japan. I landed at Port Uraga, Japan and was demobilized on the 5th of March 1946.

6. Q. After you were demobilized, where did you live?
A. I lived in Tokyo.

7. Q. Was your address in Tokyo notified to the Japanese Government authorities?
A. Yes, it was notified.

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8. Q. Were you ever arrested?
A. Yes.

9. Q. When, and by whom were you arrested?
A. A Japanese policeman called at my home during my absence on the 26th of June 1947. After I returned I left my home with this policeman and reported to the police station on the following morning. From there I was taken to Sugamo Prison by persons working for the American authorities. I arrived at Sugamo Prison and from that day onwards, I was incarcerated in Sugamo Prison.

10. Q. Prior to being taken to Sugamo Prison, were you shown a warrant of arrest?
A. I was never at any place shown a warrant of arrest.

11. Q. After entering Sugamo Prison, were you served with charges and specifications?
A. No, I was not.

12. Q. When did you arrive on Guam?
A. I left Sugamo Prison on 10 January 1948 under escort, was taken to Yokohama and from there boarded a ship. I arrived here on Guam on the 20th of January 1948.

13. Q. What happened to you after you arrived on Guam?
A. I was taken to the War Criminal Stockade and placed in solitary confinement.

14. Q. Were you shown extradition papers when you were taken into the War Criminal Stockade on Guam?
A. No.

15. Q. When you were taken into the War Criminal Stockade, were you shown or were you served with charges and specifications?
A. No.

16. Q. When were the charges and specifications first shown you?
A. They were served to me on March 18, 1949.

17. Q. When were you granted benefit of counsel for the first time?
A. I was permitted to see counsel for the first time on March 18, 1949.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness resumed his status as accused.

Inoue, Sadae, an accused, upon his own request, took the stand and was examined on his voir dire in connection with his arrest and confinement as follows:

Examined by the judge advocate:

1. Q. Will you state your name and former rank?
A. Former Lieutenant General Inoue, Sadae.

2. Q. Are you an accused in this case?
A. Yes.

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Examined by the accused:

3. Q. Have you ever served with the Imperial Japanese armed forces? If so, please state the period of time you served in the armed forces.
A. Yes, I have served with the Japanese armed forces. I was commissioned second lieutenant in the Imperial Japanese Army in 1909 and I served in the Japanese armed forces from that date until the time of the surrender.

4. Q. When were you demobilized?
A. I left the Palaus toward the end of February 1946 and arrived in early March 1946 at Port Uraga, Japan. A day or two after that I was demobilized and I returned to my permanent domicile.

5. Q. Where were you living after you were demobilized?
A. I stayed with some relatives at Yokohama for some time, but after that I returned to my permanent domicile which is at Kochi Prefecture.

6. Q. Your address at Kochi Prefecture was notified to the Japanese Government, was it not?
A. When I was demobilized, this address was sent in to the Japanese Government. I presume therefore, that the Japanese Government was notified.

7. Q. Were you ever arrested?
A. Yes.

8. Q. When and by whom were you arrested, please state.
A. In the early part of May 1947 a policeman from the Kochi Prefecture came to my home and I went with this policeman to the police station. I was accompanied by this policeman to the Home Ministry in Tokyo and there for the first time was informed orally that I was to be taken to Sugamo Prison. I was incarcerated in Sugamo Prison on 9 May.

9. Q. Concerning the date of your arrest, was it 1947 or 1948?
A. 1947.

10. Q. Were you shown a warrant of arrest when you were interned in Sugamo Prison?
A. A warrant of arrest was not shown me.

11. Q. After entering Sugamo Prison, were you served with charges and specifications?
A. No.

12. Q. When did you arrive on Guam?
A. I left Sugamo Prison on the 1st of January 1948 and boarded ship at Yokohama and I arrived here on Guam the 20th of January 1948.

13. Q. What happened to you after you arrived on Guam?
A. I was taken to the War Criminal Stockade and placed in solitary confinement.

14. Q. When you were interned at the War Criminal Stockade, were you shown extradition papers?
A. No, they were not shown me.

15. Q. Were charges and specifications preferred against you when you entered the War Criminal Stockade?
A. The charges and specifications were served on me on March 18, 1949.

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16. Q. When were you first permitted to see defense counsel?
A. I was allowed to see defense counsel for the first time on March 19, 1949.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness resumed his status as accused.

Commander Martin E. Carlson, a counsel for the accused, read a written plea to the jurisdiction, appended marked "M".

The accused waived the reading of Commander Carlson's plea in Japanese in open court.

The judge advocate read a written reply to the plea to the jurisdiction, appended marked "N".

The accused waived the reading of the judge advocate's reply to the jurisdiction in Japanese in open court.

The commission announced that the plea of the accused was overruled.

The commission then, at 3:45 p.m., took a recess until 4 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The accused stated that they were ready for trial.

Commander Martin E. Carlson, a counsel for the accused, read a written plea in bar of trial, appended marked "O".

The accused waived the reading of this plea in Japanese in open court.

The judge advocate read a written reply, appended marked "P".

The accused waived the reading of this reply in Japanese in open court.

The commission announced that the plea was denied.

Commander Martin E. Carlson, a counsel for the accused, read a written plea in abatement, appended marked "Q".

The accused waived the reading of this plea in Japanese in open court.

The judge advocate read a written reply, appended marked "R".

The accused waived the reading of the judge advocate's reply in Japanese in open court.

The commission announced that the plea was denied.

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Commander Martin E. Carlson, a counsel for the accused, read a written motion for a bill of particulars, appended marked "S".

The accused waived the reading of this motion in Japanese in open court.

The judge advocate replied.

The accused waived the translation into Japanese of the judge advocate's reply.

The commission announced that the motion was not sustained.

The commission then, at 4:20 p.m., adjourned until 9 a.m., tomorrow, Tuesday, March 29, 1949.

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SECOND DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Tuesday, March 29, 1949.

The commission met at 9:15 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

The judge advocate read the charge and specifications, in English, original prefixed marked "T".

An interpreter read a Japanese translation of the charge and specifications, prefixed marked "U".

The judge advocate arraigned each of the accused as follows:

Q. Inoue, Sadae, you have heard the charge and specifications preferred against you; how say you to the first specification of the charge, guilty or not guilty?
A. Not guilty.

Q. To the second specification of the charge, guilty or not guilty?
A. Not guilty.

Q. To the third specification of the charge, guilty or not guilty?
A. Not guilty.

Q. To the fourth specification of the charge, guilty or not guilty?
A. Not guilty.

Q. To the fifth specification of the charge, guilty or not guilty?
A. Not guilty.

Q. To the sixth specification of the charge, guilty or not guilty?
A. Not guilty.

Q. To the seventh specification of the charge, guilty or not guilty?
A. Not guilty.

Q. To the eighth specification of the charge, guilty or not guilty?
A. Not guilty.

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Q. To the ninth specification of the charge, guilty or not guilty?
A. Guilty.

Q. To the tenth specification of the charge, guilty or not guilty?
A. Not guilty.

The accused was duly warned as to the effect of his plea to the ninth specification.

The accused withdrew his plea to the ninth specification and substituted a plea of not guilty.

Arraignment continued:

Q. How say you to the charge, guilty or not guilty?
A. Not guilty.

Q. Tada, Tokuchi, you have heard the charge and specification preferred against you; how say you to the first specification of the charge, guilty or not guilty?
A. Not guilty.

Q. How say you to the charge, guilty or not guilty?
A. Not guilty.

The prosecution began.

The judge advocate read his written opening statement for the prosecution, appended marked "V".

An interpreter read a Japanese translation of the judge advocate's opening statement.

Commander Martin E. Carlson, a counsel for the accused, stated that in his opening statement, the judge advocate had requested the commission to utilize the rules of evidence promulgated by the Supreme Commander for the Allied Powers with respect to hearsay evidence, and requested the commission's ruling concerning the judge advocate's request.

The commission announced that during the course of the trial it would rule on all objections, individually as they arose.

The commission then, at 10:20 a.m., took a recess until 10:45 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The judge advocate requested the commission to take judicial notice of the following:

1. That a state of war existed between the United States of America and the Imperial Japanese Empire during the period from December 1941 to September 1945.

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2. The Geneva Prisoners of War Convention of July 27, 1929, and of the fact that although Japan has not formally ratified this convention, it agreed through the Swiss Government to apply the provisions thereof to prisoners of war under its control, and also, as far as practicable, to interned civilians; particularly Article 2 of Title I of that convention which reads as follows: "Prisoners of war are in the power of the hostile power, but not of the individuals or corps who have captured them. They must at all times be humanely treated and protected, particularly against acts of violence, insults and public curiosity. Measures of reprisal against them are prohibited."

3. The Hague Convention of October 18, 1907, and especially Article 23(c) which reads as follows: "It is especially forbidden to kill or wound an enemy who, having laid down his arms, or having no longer any means of defense, has surrendered at discretion."

The accused objected to the commission taking judicial notice of all three items on the ground that: the date of September 1945 quoted by the judge advocate in item 1 is the incorrect time of the end of the war, since hostilities were ceased on August 15, 1945; that the commission cannot legally take judicial notice of the agreement between two foreign governments which is requested in item 2 and that the judge advocate must prove this, and must also prove that it was in force from September 1944 to May 1945 and that it was binding upon the two accused; that item 3 is irrelevant and immaterial as regards these two accused; that there is nothing in the text of item 3 to show that it was binding on these two accused, that the procedure used in making this request is set forth in Naval Courts and Boards and that the judge advocate did not follow the correct procedure when making this request.

The judge advocate replied.

The commission announced that the objection was not sustained and that the commission would take judicial notice of all items requested by the judge advocate.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Yajima, Toshihiko, former lieutenant colonel, Imperial Japanese Army.

2. Q. If you recognize these accused, tell us their names and former ranks.
A. Seated on the left is former Lieutenant General Inoue, Commanding General of the Fourteenth Division, and on the right is former Colonel, Imperial Japanese Army, Tada, Tokuchi.

3. Q. Did you ever serve with the Japanese forces in the Palau Islands?
A. Yes.

4. Q. Between what dates were you there?
A. From the early part of May 1944 until the termination of the war.

5. Q. And to what particular unit were you attached?
A. I was attached to the headquarters of the Fourteenth Division.

6. Q. Were you attached to this headquarters all during your stay in the Palaus?
A. Yes.

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7. Q. What was your precise title?
A. Staff officer attached to the Fourteenth Division.

8. Q. Do you know when the Fourteenth Division arrived in the Palau Islands?
A. I do.

9. Q. When was that?
A. It was in the latter part of April 1944.

10. Q. When the Fourteenth Division arrived in the Palaus who was its commanding officer, if you know?
A. I do. The commanding general was Lieutenant General Inoue.

11. Q. Do you know the name of his chief of staff at the time the division arrived in the Palaus?
A. Yes, it was Colonel Tada, Tokuchi.

12. Q. During the time that you were on the staff of the Fourteenth Division was there ever a change in the offices of the commanding general or chief of staff?
A. No. There were no changes in these positions.

13. Q. What were your particular duties on the staff of the Fourteenth Division?
A. From May 1944 until the latter part of June 1944 I was Supply Staff Officer. From the latter date until the termination of the war I was Intelligence Staff Officer.

14. Q. What was your rank in June 1944?
A. At that time I was a major.

15. Q. Were you ever promoted?
A. Yes.

16. Q. When was that?
A. As I recall, in March of 1945.

17. Q. Other than the Fourteenth Division were there any other Japanese Army Units in the Palau Islands in June of 1944?
A. Yes, there were.

18. Q. What were the names of these units?
A. There were the Mixed Brigade, the South Seas Kempeitai, a transportation unit, and a provisional anti-aircraft unit. Besides the ones I mentioned there were other units, but I have forgotten their designations.

19. Q. Who was in charge of the Mixed Brigade?
A. A major general by the name of Yamaguchi was in charge of the brigade.

20. Q. Who was in charge of the South Seas Kempeitai?
A. Kempei Lieutenant Colonel Miyazaki, Aritsune. (T.N. Kempei is the Japanese word for Military Police. Kempeitai is the Japanese word for Military Police Unit.)

21. Q. Who was in charge of the Provisional Anti-aircraft Unit?
A. Captain, IJA, Koichi. I have forgotten his first name.

22. Q. Was the Provisional Anti-aircraft Unit a part of the Fourteenth Division in June of 1944?
A. No, at that time it was still not part of the Fourteenth Division.

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23. Q. Did it ever become a part of the Fourteenth Division?
A. Yes, later.

24. Q. When was that?
A. As I recall, it was in December of 1944.

25. Q. Did any of the units that you have mentioned ever become a part of the Fourteenth Division?
A. Yes.

26. Q. Which ones and when?
A. The South Seas Kempeitai was attached to the Fourteenth Division as reinforcement in the middle of March 1945. The Sumida Unit was made part of the Fourteenth Division in December 1944. AB

27. Q. At the time that these units were not attached to the Fourteenth Division was there anyone in overall charge of these units and the Fourteenth Division?
A. Yes.

28. Q. Who was that?
A. They were under the command of Commanding General of the Thirty-first Army, Lieutenant General Obata.

29. Q. Where were his headquarters?
A. His headquarters were at Saipan.

30. Q. Was there anyone in the Palau Islands in charge of these units and the Fourteenth Division?
A. Yes.

31. Q. Who was that?
A. It was Lieutenant General Inoue.

32. Q. Did Inoue have any particular title other than Commanding General Fourteenth Division?
A. Yes, he did have another title.

33. Q. And what was that title?
A. Army Group Commander, Palau Area.

34. Q. Do you know when Inoue got this title?
A. As I recall, towards the end of May, 1944 or the early part of June 1944.

35. Q. To your knowledge did he ever lose this title? AB
A. No, he did not.

36. Q. In September of 1944 where were Inoue's headquarters located?
A. It was located at Tropical Experimental Station on the main island of the Palaus, Babelthuap.

37. Q. In September of 1944 where were the headquarters of the South Seas Kempeitai?
A. The headquarters was at Gasupan, Babelthuap Island.

38. Q. What is the approximate distance between the Experimental Station and Gasupan on Babelthuap?
A. They were about one kilometer apart.

39. Q. In September of 1944 did you see any prisoners of war in the Palau Islands?
A. I did.

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40. Q. Where did you see them?
A. I saw them at the Tropical Experimental Station.

41. Q. How many prisoners were there?
A. There were three prisoners.

42. Q. Did you speak with them?
A. I did.

43. Q. Did you question them?
A. I did.

44. Q. Did you use an interpreter?
A. Yes, I did.

45. Q. Who was the interpreter?
A. I used a man by the name of Yamada who was an employee of the South Seas Government Office.

46. Q. What information did you secure from these prisoners concerning their nationality?
A. I learned that these three prisoners of war were American military personnel.

47. Q. Did you learn how they happened to fall into the hands of the Japanese?
A. I did.

48. Q. What did they tell you?
A. They were crew members of a B-24 which B-24 was one of the planes in a formation which bombed and raided the Ai-rai district. Their B-24 was hit by shellfire from the Ai-rai Anti-aircraft Unit and it started a fire. The plane crashed, but these three crew members had parachuted and landed in waters to the west of Koror. These three crew members were brought to headquarters separately by automobile by members of the Ai-rai Anti-aircraft Unit.

49. Q. On what island is this Ai-rai district?
A. The southernmost sector of Babelthuap Island is known as the Ai-rai district.

50. Q. To what organization did this Ai-rai Anti-aircraft Unit belong?
A. It was a naval unit.

51. Q. How many times did you speak to these prisoners?
A. I interviewed them for two days.

52. Q. Did you make any reports concerning the information you had secured from these prisoners?
A. Yes, I did.

53. Q. To whom did you report?
A. I reported to the chief of staff, Colonel Tada.

54. Q. Was this after the first day that you had spoken to them or after the second day that you had spoken to them?
A. I made two separate reports. One on the first day and the second on the second day.

55. Q. When you made your first report to Tada, did he give you any instructions?

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A. When I made my first report, the Chief of Staff Tada pointed out certain imperfections and deficiencies in the report. I made my second report on the second day. On that day I received an attack by United States carrier borne planes. I was interrupted in my interrogation of the three prisoners of war by this air raid and I had these prisoners take shelter and I myself took shelter in the jungle close to the Tropical Experimental Station. There I met Colonel Tada and the Kempeitai Commanding Officer, Lieutenant Colonel Miyazaki.

The witness was duly warned.

The commission then, at 11:30 a.m., took a recess until 2:05 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

Yajima, Toshihiko, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding and continued his testimony.

(Examination continued.)

56. Q. This first report that you made to Colonel Tada, where did you make this report?
A. I made that report in the office of the chief of staff.

57. Q. Do you remember about what time of day it was?
A. I believe it was probably in the evening.

58. Q. Do you know whether General Inoue was in headquarters at this time?
A. I do.

59. Q. Was he?
A. Yes, he was.

60. Q. About what time of the day was it that you made this second report to Tada?
A. Around three o'clock in the afternoon.

61. Q. This second report was made in the air raid shelter; is that correct?

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

The judge advocate withdrew the question.

62. Q. Where was the second report made?
A. I made the second report in the jungle close to headquarters.

63. Q. When you and the three prisoners went to this place was there anyone there when you arrived?
A. The three prisoners of war were escorted by guards to the air raid shelter and I did not go with them but went on my own to the jungle.

64. Q. Was Colonel Tada at the air raid shelter when you arrived?
A. He was.

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65. Q. Was there anyone else with him?
A. The commanding officer of the South Seas Kempeitai, Lieutenant Colonel Miyazaki, was also there.

66. Q. Was it at this time that you made your second report to Colonel Tada?
A. Yes.

67. Q. What did you report to him?
A. I reported the substance of the interrogations and the fact that the interrogations were behind schedule owing to the frequent air raids.

68. Q. Did he say anything to you?
A. The chief of staff, Colonel Tada told me to discontinue the interrogation of the prisoners of war and to take steps for their transfer to the Kempeitai.

69. Q. Did you hear him say anything else?
A. Lieutenant Colonel Miyazaki requested that the three prisoners be escorted to the kempeitai after night-fall as the air raids were intensive.

70. Q. Did Tada say anything else?
A. At that time I heard the conversation between Colonel Tada, the chief of staff and Lieutenant Colonel Miyazaki.

71. Q. Tell us about that conversation.
A. Chief of Staff Tada told Lieutenant Colonel Miyazaki that he wished to ask the execution of the three prisoners of war at the kempeitai.

72. Q. And what did Miyazaki answer, if anything?
A. He did reply and his reply was "Very well."

73. Q. Was there anything else said at this time?
A. What I recall is what I have so far stated.

74. Q. After you received this order from Colonel Tada, what did you do?
A. I relayed this to Captain Kawamata, who was at that time in charge of the division guards who were escorting the three prisoners of war.

75. Q. Do you know whether or not the three prisoners were actually sent to the kempeitai?
A. I witnessed the three prisoners of war accompanied by several guards depart on a truck at sun-down.

76. Q. Do you know what became of these three prisoners of war?
A. On the day following the departure of the three prisoners of war to the kempeitai, I received a report from Kempei Second Lieutenant Sano regarding their execution at the battle command post located at Arukoku-zan.

77. Q. Other than this report of Sano did you ever receive any other reports concerning this execution?
A. I did.

78. Q. What was this?
A. I received an official report submitted by Lieutenant Colonel Miyazaki, the commanding officer of the South Seas Kempeitai, addressed to the Army Group Commander, Palau Area.

79. Q. Do you know what became of that report?
A. This document was burned after the surrender, under my supervision.

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80. Q. Tell us what this report contained, if you remember. What did it state?
A. This report was an official document and very simple in nature. It barely stated that on a certain day in September 1944 three prisoners of war had been executed. That the execution had been completed.

81. Q. Do you remember what day it said the execution had taken place?
A. Yes, the date was mentioned.

82. Q. What was it?
A. I do not recall clearly.

83. Q. Do you know whether or not this report was received by General Inoue?
A. I received this report at the battle command post at Arukoku-zan and I showed it to Colonel Tada. At that time Lieutenant General Inoue was ill and in bed and he had remained at the headquarters at the Tropical Experimental Station, and at that time he did not see this report.

84. Q. About how long after the actual execution would you say you received this report?
A. As I recall, I believe it was about one week after the execution that I received the report.

85. Q. About how long had these three prisoners of war been kept at headquarters if you remember?
A. I recall that the three fliers were kept for two days at headquarters.

86. Q. In September of 1944 did the kempeitai have any prisoners, that you know of, other than the three you have just told us about?
A. Yes, there were.

87. Q. How many did they have?
A. I know that there were seven prisoners of war who were taken by the Navy and who had been sent from Yap.

88. Q. Were they service personnel? Were they members of the army and navy?
A. Yes.

89. Q. What became of them?
A. They were interrogated by naval units on Palau. The army desired to glean some information from these prisoners and borrowed these prisoners from the navy and they were interrogated at the kempeitai for one day. At the conclusion of the interrogation they were returned to the navy unit.

90. Q. With the exception of these three prisoners who were executed that you told us about and with the exception of these prisoners from the navy that you have told us about, did the kempeitai have any other prisoners in September of 1944?
A. No.

91. Q. Were there any interned civilians?
A. No, I do not know of such. The answer I made is not correct. There were at that time in the care of the kempeitai missionaries from Yap, missionaries and civilians from Koror. Ten-odd persons in all.

92. Q. Do you know how many of these ten were missionaries?
A. I do.

93. Q. How many of them were?
A. As I recall six of them were missionaries. The rest were servants and their families.

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94. Q. Do you know the nationalities of the six that were missionaries?
A. I do.

95. Q. What was it?
A. As I recall, five of the missionaries were Spanish, one was a Colombian, the servant was a Filipino, his wife was a native and there were two of their children with them.

96. Q. To your knowledge, did General Inoue issue any orders concerning these people?
A. I received an order from General Inoue that special rations of food be issued to these missionaries, the servant and his family. I received no other orders.

97. Q. Did the kempeitai make regular reports to headquarters concerning these persons?
A. There were reports.

98. Q. Do you know what became of these seven people that you have just told us about?
A. I do.

99. Q. What happened to them?
A. I know that these six missionaries, the servant, and his family totalling four were executed at the hands of the kempeitai in the middle of September, 1944.

100. Q. How do you know this?
A. I heard this story directly from Lieutenant Colonel Miyazaki, the commanding officer of the kempeitai, at the battle command post at Arukoku-zan.

101. Q. Did you learn it also in any other way?
A. Yes, I did.

102. Q. What was the other way?
A. I learned of this from a report made by Kempei Second Lieutenant Sano who was liaison officer and who came to the headquarters daily. And I also learned of this from an official report submitted to the Army Group Commander, Palau Area, by Kempei Commanding Officer, Lieutenant Colonel Miyazaki, which stated as in the previous case of the three prisoners of war that the execution of the missionaries had been completed.

103. Q. What became of this report, if you know?
A. I do know. This document was burned immediately after the surrender under my supervision.

104. Q. Did this document give the number of persons that were executed?
A. Yes, it did.

105. Q. Did it give the names of the persons who were executed?
A. The names were not given.

106. Q. According to the report, how many persons were executed?
A. As I recall, ten persons.

107. Q. How did you happen to see this report?
A. My duties on the staff being mainly intelligence this document was sent first to me.

108. Q. You mean you got this document before it actually went to the general?
A. Yes.

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109. Q. And after you had finished reading the document, what did you do with it?
A. After I read this document, I passed it on to Colonel Tada, the chief of staff, to have it signed by him.

110. Q. Did you ever get the document back?
A. Yes, I did, and I had the document in my custody until the surrender.

111. Q. When the document was returned to you by Tada, had it been signed by him?
A. Yes.

112. Q. Had the document also been signed by General Inoue?
A. As I testified previously, General Inoue was ill at that time and I did not receive his signature then, however later I received his signature on this document through his adjutant.

113. Q. Do you mean that this document actually was given to Inoue at some time or other?
A. I do not recall when Lieutenant General Inoue saw this document, however, I did have his signature on this document, and therefore I believe that he saw this document.

114. Q. Are you familiar with General Inoue's signature?
A. I am.

115. Q. And you actually saw General Inoue's signature on this document?
A. Yes, on this document.

116. Q. Did you also secure his signature on the document reporting the execution of the three American aviators earlier that month?
A. Yes, in similar fashion.

117. Q. Did the kempeitai have any prisoners in December of 1944?
A. I recall that there was an Englishman interned at the kempeitai.

118. Q. Do you know why the kempeitai had interned this Englishman?
A. I do.

119. Q. What was the reason?
A. There was an incident in which this Englishman with his wife and children and several Chamorro natives attempted to cross over from Babelthuap and moved off Babelthuap. As I received a report to that effect from the kempeitai I reported this to the chief of staff, Colonel Tada, and the Army Group Commander, Palau Area.

120. Q. Did you receive any orders as a result of your report?
A. On the report that I made I received an order that as there was suspicion of the Englishman and family being connected with spy activities, that they be handed over to the kempeitai to ascertain whether they were such.

121. Q. Who gave you these instructions?
A. I received these instructions from chief of staff, Colonel Tada.

122. Q. Did you receive any instructions from General Inoue?
A. As I recall, I did not receive instructions from General Inoue in particular.

123. Q. Do you remember where Colonel Tada gave you these instructions?
A. I do.

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124. Q. Where was it?
A. I received these instructions in the office of the chief of staff at headquarters of the Army Group Commander, located on Shisui-zan.

125. Q. Was there anyone with you at the time you received these instructions?
A. As I recall, there was nobody else present.

126. Q. Did you receive these instructions before or after you had spoken to General Inoue?
A. I am not clear on that point.

127. Q. Did you report to Inoue that you had received these instructions from Colonel Tada?
A. As I recall I reported receiving such instructions to General Inoue.

128. Q. After you received these instructions, what did you do?
A. After receiving the instructions I relayed them to Lieutenant Colonel Miyazaki, commanding officer of the South Seas Kempeitai, by telephone.

129. Q. Do you know the name of this Englishman?
A. I do.

130. Q. What was his name?
A. As I recall it was Charlie Smith.

131. Q. Do you know whether or not he had another name?
A. No.

132. Q. Do you know whether or not Charlie Smith was actually taken into custody by the kempeitai?
A. I do.

133. Q. Do you know what became of Charlie Smith?
A. I do.

134. Q. What became of him?
A. I know that he was executed by the kempeitai.

135. Q. How do you know this?
A. I know because Lieutenant Colonel Miyazaki, commanding officer of the South Seas Kempeitai, came to my room and told me of this. Further because I saw the official document concerning this incident which was submitted by Lieutenant Colonel Miyazaki to Army Group Commander, Palau Area.

136. Q. Do you know what became of this document?
A. I do.

137. Q. What became of it?
A. I received the signatures of chief of staff Colonel Tada and Lieutenant General Inoue, Army Group Commander on this official document. This document was burned after the surrender under my supervision. SB

The commission then, at 3:10 p.m., took a recess until 3:35 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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Yajima, Toshihiko, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding and continued his testimony.

(Examination continued.)

138. Q. Did the Fourteenth Division have any prisoners in May of 1945?
A. Yes.

139. Q. How many prisoners were there?
A. One prisoner.

140. Q. Do you know how he happened to come into the custody of the Fourteenth Division?
A. I do.

141. Q. Tell us about it.
A. In the early part of May 1945 a B-24 which was part of a formation of B-24's attacking the Koror Anti-aircraft Unit was hit by an anti-aircraft shell, caught on fire, and crashed near Koror. An officer bailed out by parachute from this plane which was aflame and landed in the vicinity of Koror. The Koror Defense Unit under Colonel Doi took this officer in charge and sent him to the headquarters at Shisui-zan in the course of this day.

142. Q. Was this Koror Defense Unit a part of the Fourteenth Division?
A. Yes, at that time it was a part of the Fourteenth Division.

143. Q. Did you ever speak to this prisoner?
A. I wish to correct my last answer. It was not a part of the Fourteenth Division, but was a unit under the command of the Army Group Commander, Palau Area.

144. Q. Did you ever speak to this prisoner?
A. Yes, I did.

145. Q. Did you learn his name?
A. Yes.

146. Q. What was his name?
A. His name was Kaufman.

147. Q. Was he an officer?
A. He was an officer.

148. Q. Do you know his rank?
A. As I recall, it was probably second lieutenant.

149. Q. How many times did you speak to the prisoner?
A. I interrogated him on three occasions.

150. Q. Did you make any reports to any of your superiors concerning the information you secured from this prisoner?
A. I did.

151. Q. To whom did you report?
A. I reported to chief of staff Colonel Tada and to Army Group Commander Lieutenant General Inoue.

152. Q. Did you receive any instructions from Inoue concerning the prisoner?
A. I did.

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153. Q. What did he tell you?
A. The first meeting Lieutenant General Inoue said that he was considering the execution of this prisoner of war at the Koror Anti-aircraft Unit for the purpose of raising the morale of this anti-aircraft unit, which unit had suffered the heaviest damages from the air raids, and therefore that I contact Colonel Doi and ask his opinion on this matter.

154. Q. Did you call Colonel Doi?
A. I told Colonel Doi of these matters over the telephone.

155. Q. Did you report back to General Inoue the results of your conversation with Doi?
A. I did.

156. Q. Did the general have anything to say?
A. When I went to report to General Inoue, the general told me that as he had already spoken directly with Captain Koichi, that the matter was settled.

157. Q. Did he say what he had told Koichi?
A. He said that as he had directly ordered Captain Koichi to execute Kaufman that it was not necessary to issue orders to Colonel Doi.

158. Q. Who was Captain Koichi?
A. Captain Koichi was the commanding officer of the Koror Anti-aircraft Unit.

159. Q. What was the relationship between Captain Koichi and Colonel Doi, if any?
A. Colonel Doi was the commanding officer of the Koror Defense Unit and the anti-aircraft unit on that island was under his command.

160. Q. At the time that you had this conversation with the general, how long had Kaufman been at headquarters?
A. The prisoner was at the kempeitai. He was merely interrogated at headquarters. At that time he was already ten days at the kempeitai.

161. Q. What was the distance between the kempeitai where the prisoner was kept, and headquarters?
A. About 500 meters.

162. Q. In these talks that you had with Kaufman, did you ever learn his nationality?
A. Yes.

163. Q. What was it?
A. He was an American national.

164. Q. Now in this conversation that you had with Inoue, did he give you any instructions?
A. Besides what he told me previously, he ordered me to have confirmed the execution, to have escorted the prisoner, and to have the private property of the prisoner of war returned. Further he ordered that an officer from the intelligence section be dispatched to Koror.

165. Q. As a result of these instructions, what did you do?
A. On the basis of these instructions, Lieutenant General Inoue further stated that the officer who was to go to Koror was to report to him directly and I nominated Second Lieutenant Onose of the intelligence section to report

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to the general and gave him the instructions which I had received from him. I further took steps to see that Sergeant Major Tsuchiya and a photographer by the name of Shimojo accompany Onose.

166. Q. Do you know whether or not Onose reported to the general?
A. Lieutenant Onose reported to me and said that he had reported to the general, and at this time when he made the report to me I handed the belongings of the prisoner over to Onose.

167. Q. Other than what you've told us, did you do anything else concerning Kaufman?
A. I put in a call to the kempeitai and as I recall, spoke to Lieutenant Colonel Miyazaki, the commanding officer, and requested that an escort be furnished by the kempeitai as a prisoner of war was being sent to Koror.

168. Q. Do you know whether or not the kempeitai turned Kaufman over to Onose?
A. I do.

169. Q. What became of Kaufman if you know?
A. I do know that Second Lieutenant Kaufman was executed by First Lieutenant Katsuyama, a company commander of the Koror Anti-aircraft Unit.

Cross-examined by the accused:

170. Q. Please explain what the duties of an intelligence officer of the staff were during the time you were an intelligence officer on the staff of the Fourteenth Division?
A. My main duty as intelligence staff officer was to gather American intelligence.

171. Q. To which organization was the South Seas Kempeitai subordinate during the time between the latter part of April 1944 and the middle of March 1945?
A. The South Seas Kempeitai was a kempeitai established by Imperial decree and was immediately subordinate to the Kempeitai Headquarters in Tokyo.

172. Q. Then during the period of time mentioned in the last question, who was the immediate superior of the commanding officer of the South Seas Kempeitai?
A. The Commanding Commandant of the kempeitai was the immediate superior.

173. Q. You testified in direct examination that units in the Palaus other than the Fourteenth Division were under the command of General Inoue in his capacity as Army Group Commander, Palaus Area; now during the period between late April 1944 and middle of March 1945, were there army units or army organizations which were not considered units outside of the Fourteenth Division, but not falling within the organization of the Palaus Area Army Group?
A. Yes, there were.

174. Q. What units or what organizations are you referring to?
A. They were supply units such as air material depots, field advance supply depots, et cetera, and ordnance depots. I have forgotten their designations.

175. Q. Was the South Seas Kempeitai under the command of Lieutenant General Inoue in his capacity of Army Group Commander, Palaus Area, prior to the middle of March 1945?
A. The South Seas Kempeitai was not under the command of the Army Group Commander, however it was a unit which received restricted commands in regard to defense matters.

176. Q. Did you testify as a witness in this courtroom on the 19th of February 1948?
A. I did.

177. Q. You testified then that around September of 1944 Lieutenant General Inoue did not have the authority of command over the South Seas Kempeitai, is that correct?
A. In the strictest sense he did not have command authority over the South Seas Kempeitai, however he had restricted authority in regard to defense matters.

178. Q. It is correct however, that you testified that he had no command authority, is that correct?
A. My recollection at the present moment is not clear on this point.

179. Q. When did the headquarters of the Fourteenth Division move to the Tropical Experimental Station on Babelthuap?
A. As I recall in the latter part of July 1944.

180. Q. Until then, where was the headquarters of the Fourteenth Division located?
A. It was on Koror.

181. Q. Do you have any recollection of the approximate date on which the three prisoners of war from the B-24 were shot down in September of 1944?
A. I know that it was in the early part of September, in the first ten days. I may say in the first five days of this month, but I do not know the exact date.

The witness was duly warned.

The commission then, at 4:25 p.m., adjourned until 9 a.m., tomorrow, Wednesday, March 30, 1949.

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THIRD DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Wednesday, March 30, 1949.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd E. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Yajima, Toshihiko, the witness under examination when the adjournment was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

182. Q. How many days after their arrest did you interrogate the three prisoners of war in September of 1944?
A. As I recall, I commenced the interrogations immediately after the three fliers arrived at headquarters.

183. You testified in court yesterday that you interrogated the three prisoners of war for two days, is that correct?
A. According to my recollection, that is correct.

184. Q. Do you recall testifying in this courtroom on January 20, 1948 in the trial of Nakamura, et al, in answer to question 35 stating that you interrogated the prisoners for three days?
A. No, I do not recall testifying to that effect.

185. Q. I will read the question and answer to you: "35. Q. How many times did you interrogate these prisoners. Answer: I think I investigated them for three days before sending them to the Kempeitai." Are there any grounds for your testifying definitely yesterday that you interrogated them for two days?
A. My recollection is not clear enough for me to state here whether the interrogations took two or three days.

186. Q. What was the distance between the office of the chief of staff Colonel Tada where you made your first report, and the air raid shelter in which you made your second report?
A. The distance between these two places in a straight line was about 100 meters.

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187. Q. You testified yesterday afternoon that the three prisoners of war were sent to the air raid shelter under escort of guards and that you alone went into the jungle air raid shelter, is that testimony correct?
A. There is no mistake in that testimony.

188. Q. Do you recall testifying in January of 1948 as follows: In answer to question 18 you answered in part as follows: "Just at this time we encountered this first raid so I led the prisoners down to the air raid shelter"; do you recall testifying to this effect?
A. I do not recall making this testimony, however on thinking the matter over, I've arrived at this new conclusion and I wish to retract my former statement. I wish to correct that statement in that previous trial. What I state now is the truth.

189. Q. Which of these following events took place first, your having received instructions from Colonel Tada to discontinue the interrogations from your air raid shelter in the jungle, or your overhearing the conversation between Colonel Tada and Lieutenant Colonel Miyazaki?
A. As I recall I was instructed to discontinue the interrogations first. My recollection is based on this that when I went to Colonel Tada to report about the interrogations and how it was difficult to conduct them because of frequent air raids I received these instructions.

190. Q. Who were present when you entered the air raid shelter in the jungle?
A. I clearly recall that chief of staff Colonel Tada and Kempei Lieutenant Colonel Miyazaki were present at the air raid shelter at that time. I do not recall who the other persons present were.

191. Q. Was staff officer Wakagawa there, do you recall?
A. As I recall there were no other staff officers present.

192. Q. I wish to read back to you your answer to question 41 in your testimony in the Wakamura, et al, trial "41. Q. When you took shelter in this air raid shelter were not General Inoue, Staff Officer Tada, Staff Officer Izumi and Staff Officer Wakagawa there? A. Staff Officer Wakagawa, Staff Officer Izumi and Staff Officer Tada were in there. General Inoue was not there because he was still in bed." I ask whether you recall this?
A. This matter is not clear in my recollection, however I am definite in my recollection as to chief of staff Colonel Tada and Kempei Lieutenant Colonel Miyazaki having been there.

193. Q. You testified that you accidentally by chance met Colonel Tada in the air raid shelter when you took the prisoners of war to the air raid shelter. Now is it not the truth that you were told by chief of staff Colonel Tada to call Kempei Lieutenant Colonel Miyazaki to headquarters and that Lieutenant Colonel Miyazaki and yourself reported at the office of the chief of staff Colonel Tada and that you there had the conversation concerning prisoners of war, is that not correct?
A. I do not know of such fact.

194. Q. Does not the recounting of what I have just said refresh your memory or recall some of it?
A. No, it does not. I met Kempei Lieutenant Colonel Miyazaki for the first time in the jungle air raid shelter that day.

195. Q. Now is the following all that you heard of the conversation between Colonel Tada and Lieutenant Colonel Miyazaki in the jungle which related to prisoners of war: Colonel Tada asking Lieutenant Colonel Miyazaki that he wished the execution of the prisoners to be performed by the Kempeitai and Lieutenant Colonel Miyazaki answering "very well"?
A. As I recall that was all that I overheard of the conversation insofar as the three prisoners of war were concerned.

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196. Q. Did Colonel Tada use a term "onegai shimasu" which is translated to mean "I wish to ask"?
A. As I recall so I have testified thus far.

197. Q. As used in the armed forces of Japan, this term "onegai shimasu", is it used when ordering someone or when relaying orders or expressing something desired?

This question was objected to by the judge advocate on the ground that it went beyond the scope of the direct examination and called for an opinion of the witness.

The accused replied.

The commission announced that the objection was not sustained.

A. Lieutenant Colonel Miyazaki was junior in rank to Colonel Tada, however Lieutenant Colonel Miyazaki graduated from the Military Academy before Colonel Tada and setting apart rank, Miyazaki was senior in the service to Colonel Tada. I had not only heard these two men in conversation on this occasion, but on numerous other occasions and on these occasions Tada always used this language in conversation with Miyazaki. Further the South Seas Kempeitai at that time was not under the command of the Fourteenth Division and in the Palaus therefore, the South Seas Kempeitai was of an equal status with the Fourteenth Division, and that is why I believe chief of staff Tada showed respect to the Commanding Officer of this South Seas Kempeitai. Furthermore, when I met chief of staff Colonel Tada and Kempei Lieutenant Colonel Miyazaki, it appeared from the circumstances that they had had some conversation prior to my arrival, therefore I cannot judge whether these words "onegai shimasu" which means "wishes to ask" expressed an order or a desire.

198. Q. Will you answer my question, in simple language. The question is whether in the Japanese armed forces the words "onegai shimasu" is used when relaying orders or to express a desire?
A. These words are not used for orders.

199. Q. In the direct examination yesterday you testified that you were not given any further instructions from chief of staff Colonel Tada. How do you recall if you received instructions to send an officer of the intelligence section together with the prisoners of war?
A. I recall that from the question you just put to me. I definitely received such instructions.

200. Q. Who did you send from the intelligence section?
A. As I recall I relayed this to Second Lieutenant Kiyomine, however this recollection is very weak.

201. Q. You testified that on the day following the dispatch of the three prisoners of war to the kempeitai, you received a report from Second Lieutenant Sano at the Arukoku-zan Battle Command, from which organization was this Lieutenant Sano do you know?
A. I was referring to Second Lieutenant Sano attached to the South Seas Kempeitai.

202. Q. What was the distance approximately between the battle command post at Arukoku-zan and the headquarters located at the Tropical Experimental Station?
A. I believe they were about four kilometers apart.

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203. Q. What was the distance between the battle command post and the kempeitai?
A. The kempeitai was slightly closer to the battle command post.

204. Q. When were you moved to the Arukoku-zan Battle Post?
A. As I recall I left the Tropical Experimental Station at around ten o'clock in the evening on the night of the day on which the three prisoners were sent to the kempeitai.

205. Q. Who were the key officers who accompanied you from headquarters to this Arukoku-zan Battle Command Post?
A. I wish to ask whether you are referring to officers who accompanied me to the battle command post or whether you are referring to officers who were at the battle command post.

206. Q. I am asking who the persons were who accompanied you from the Tropical Experimental Station to the Arukoku-zan Battle Command Post on the night that the three prisoners were sent to the kempeitai.
A. As I recall I went with a few of the officers and non-commissioned officers of the intelligence section.

207. Q. What I'm asking is whether there were officers in key positions at the headquarters who went with you to the battle command post, persons such as staff officers or the commanding officer, et cetera.
A. As I recall, we started out on that night together with Chief of Staff Tada, Staff Officer Nakagawa and Staff Officer Izumi for the battle command post, however Colonel Tada and Staff Officer Izumi rode on horseback and they went ahead and that night there were very heavy downpours and as I recall, we went to the battle command post in twos and threes.

208. Q. Did Commanding General Inoue go?
A. No, he did not.

209. Q. Now is it not true that in the early part of September when Colonel Tada and Staff Officer Nakagawa and the others moved to the battle command post that you were ordered to remain at the Tropical Experimental Station by the side of Lieutenant General Inoue as the only staff officer to remain at headquarters at the Tropical Experimental Station? Is that not correct?
A. That is quite contrary to the facts.

210. Q. Is there no mistake in your testimony that there were official documents submitted by Lieutenant Colonel Miyazaki to Lieutenant General Inoue concerning the execution of the three prisoners of war?
A. There is no mistake.

211. Q. Was the word "report" used in that official document?
A. I do not clearly recall.

212. Q. In the Japanese Armed Forces, is it correct that the word "report" is used only where a subordinate submits matters to the attention of the superior in a chain of command?
A. Yes, that is exactly so.

213. Q. Then in view of this, does not your recollection change regarding the use of the word "report" in these official documents?
A. I do not clearly recall.

214. Q. You testified in court yesterday that the three prisoners of war were kept at the headquarters for two days during which time you interrogated them, that you discontinued interrogating and sent them to kempeitai, at which place they were executed on the following day, is that testimony correct?

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A. I know from reports that the three prisoners of war were executed on the night on which they arrived at the Kempeitai.

215. Q. To refresh your memory I will read your testimony given in this court at the trial of Nakamura et al in answer to question 16 in which you answered to the question "What became of these prisoners if you know?" you answered "Four or five days after I had questioned them, these three aviators were executed at the Kempeitai."
A. My recollection is not clear.

216. Q. I wish to know whether your recollection is not clear as to the testimony in that trial or as to the actual facts.
A. I do not have a clear recollection how many days elapsed from the time I commenced my interrogations of the prisoners until the time I handed the prisoners over to the Kempeitai.

217. Q. Do you then desire to change your testimony in court yesterday when you said you had the prisoners of war for two days at headquarters and your testimony in court this morning concerning the same matter?
A. I believe that my testimony in court at this trial is the truth.

218. Q. You testified that there were ten civilians held at the Kempeitai in September of 1944. Since what date were these civilians there interned at the Kempeitai?
A. I recall these civilians were held at the Kempeitai from the latter part of June or early part of July of 1944.

The commission then, at 10:15 a.m., took a recess until 10:40 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

Yajima, Toshihiko, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

219. Q. Do you know under what circumstances these ten civilians came to be held in the custody of the Kempeitai?
A. I know of an order issued by Army Group Commander Lieutenant General Inoue that Japanese and foreign residents on Koror be evacuated to Babelthuap. The foreign residents were at first under the protection of the Governor of the South Seas Government Office, however as the situation in the Palaus became difficult, they were placed under the protection of the Commanding Officer of the Kempeitai and were moved to the Casupan area on Babelthuap.

220. Q. Do you know if there was any relationship between the South Seas Kempeitai and the Governor of the South Seas Government Office whereby the South Seas Kempeitai would receive instructions from the Governor in matters such as matters pertaining to civilians?
A. I do not know of this matter.

221. Q. Was there any sort of relationship between the South Seas Kempeitai and the Governor of the South Seas Government Office?
A. I do not know of this matter also.

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222.Q. You testified yesterday concerning the nationality of these civilians. How did you come to know of their nationalities?
A. I came to know of them by the roster which was submitted by the Kempeitai.

223. Q. You testified in court yesterday that reports were submitted regularly by the Kempeitai concerning these persons, by these persons you meant civilians, what manner of reports were submitted and when were they submitted?
A. These reports were documentary reports mainly concerned with results of investigation in regard to whether there were any spy activities on the part of the civilians. I used to receive such reports monthly.

224. Q. You testified that you heard from Lieutenant Colonel Miyazaki at the Arukoku-zan Battle Command Post concerning the executions of the missionaries and the civilians. When did you hear of these matters from Miyazaki?
A. As I recall around the middle of September 1944.

225. Q. Do you then wish to deny that you were the only staff officer remaining at the Tropical Experimental Station in September of 1944?

The accused reframed the question.

226. Q. Then do you wish to assert that you were not at the Tropical Experimental Station in the middle of September 1944 as the only staff officer of headquarters remaining at headquarters?
A. I was not at the Tropical Experimental Station where the headquarters was located.

227. Q. You have testified to official documentary reports submitted by Lieutenant Colonel Miyazaki concerning the execution of missionaries. State insofar as you remember in detail what was or were written in this or these reports.
A. This document was submitted by Lieutenant Colonel Miyazaki of the South Seas Kempeitai addressed to Army Group Commander Lieutenant General Inoue. The substance of it was that on a certain day in September 1944 the execution of such-and-such a person and ten others had been accomplished by the Kempeitai.

228. Q. Do you mean that the names of the persons executed were listed in that document?
A. As I recall, the individuals were not given.

229. Q. Was the nationality stated?
A. No, the nationality of the persons executed was not given.

230. Q. I will read from your testimony made in the Yamamoto trial to refresh your memory. "46. Q. Please explain in more detail the report which Miyazaki submitted to Inoue with regard to the execution of the missionaries and others? A. On the top were written the names and the nationality of the persons who were executed and it was written that in the middle of September 1944, these persons were executed. And this was a regular report that was submitted by the Kempeitai." Has your memory been refreshed? Now which of the two testimonies is correct?
A. My former testimony is correct. My testimony here was due to faulty recollection, and I wish to correct it.

231. Q. Do you know by whose orders these missionaries were executed?
A. No, I do not.

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232. Q. As intelligence staff officer, were you in a position to know whether Lieutenant General Inoue issued such an order for the execution of the missionaries in middle of September 1944?
A. At that time I did not have such duties.

233. Q. I wish again to refresh your recollection and will read question and answer 51 from the trial of Yamamoto et al "51. Q. Isn't it a fact that Division Headquarters gave an order to the Kempeitai to do this execution and the result of this execution was reported, isn't that true? A. Lieutenant General Inoue had no command authority with regard to affairs relating to the Kempeitai so I believe there was no order issued by Division Headquarters. If there had been an order issued by Division Headquarters I would have known it prior to the incident." Do you recall having testified to that effect?
A. Yes, I recall.

234. Q. Then were you in a position to know if such an order were issued by Lieutenant General Inoue?
A. The meaning of my testimony in the Yamamoto trial was that if an order was issued by Lieutenant General Inoue, all staff officers regardless of their duties would know of it, that was my meaning when I testified.

235. Q. I'm not asking the meaning of your testimony in the Yamamoto trial, apart from that I'm asking again if you were in a position to know if Lieutenant General Inoue issued an order?
A. No, I was not placed in such a position at that time.

236. Q. You testified that you had Colonel Tada see this official document concerning the execution at the Kempeitai and had it signed by Colonel Tada the chief of staff. By having had it signed, do you mean his signature was affixed to the document or do you mean that his seal was affixed to the document?
A. It was a signature that was placed on the document.

237. Q. Do you mean a signature by hand?
A. Yes.

238. Q. Who was the adjutant who asked Lieutenant General Inoue to affix his signature on this document?
A. I do not recall who the adjutant was.

239. Q. Was it a signature or a seal that was affixed on the document by Inoue?
A. It was a signature by hand.

240. Q. When you received instructions from Colonel Tada around December of 1944 concerning the Englishman Smith, were these instructions to the effect that the Kempeitai conduct investigations to ascertain whether there had been or there were spy activities of the Englishman Smith?
A. Yes, that is so.

241. Q. Is it correct that there were no instructions among those issued by Colonel Tada that Smith be taken to the Kempeitai for protective custody?
A. There were instructions to that effect. I went on the business of this Englishman Smith however, at the same time I received instructions that two Germans be also placed in protective custody and that they be observed for spy activities.

242. Q. Then did the Fourteenth Division or the Army Group Commander Palau Area have authority to issue orders to the Kempeitai concerning such matters?
A. I believe that these organizations did not have authority to issue orders to the Kempeitai, but that they issued these orders under their restricted authority of command.

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243. Q. What restricted authority of command did the Fourteenth Division or the Army Group Commander Palau Area possess at that time in relation to the kempeitai?
A. They had restricted authority of command in regard to defense.

244. Q. By defense was it not meant the defense in regard to enemy landing operations?
A. This restricted authority of command in regard to defense concerning which I have testified is my own opinion or impression and I do not know on what authority these actions were actually taken.

245. Q. Was any information gathered from the interrogation of Smith at the kempeitai after his internment?
A. A report was received which stated that Charlie Smith had been living separately from his wife and child for a long time and that therefore the escape of the wife and child to the mainland had no relation to Charlie Smith or his activities.

246. Q. Did you personally show the official document concerning the execution of Charlie Smith submitted by the kempeitai to Colonel Tada and to Lieutenant General Inoue?
A. As I recall I showed them this document in person.

247. Q. Did you make a report to Lieutenant General Inoue concerning the circumstances of the internment conditions of Charlie Smith at the kempeitai?
A. Yes, I did and I reported this when I received investigation reports from the kempeitai concerning Charlie Smith.

248. Q. What oral report did you make to Lieutenant General Inoue?
A. As I recall I brought in the documentary report from the kempeitai and explained to the general that this man Charlie Smith was in the custody of the kempeitai with two Germans and under investigation.

249. Q. Do you know by whose order Charlie Smith came to be executed?
A. I do not.

The witness was duly warned.

The commission then, at 11:30 a.m., adjourned until 9 a.m., tomorrow, Thursday, March 31, 1949.

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FOURTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Thursday, March 31, 1949.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John M. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Yajima, Toshihiko, the witness under examination when the adjournment was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony. JB

(Cross-examination continued.)

250. Q. You testified that in May of 1945 you interrogated Second Lieutenant Kaufman on three separate occasions. How many days did it take you to interrogate him?
A. Four or five days, as I recall.

251. Q. Who did you use as interpreter when you interrogated Lieutenant Kaufman?
A. I used Second Lieutenant Hamano.

252. Q. To which unit was this Lieutenant Hamano attached?
A. At that time he was attached to headquarters, Fourteenth Division.

253. Q. You did not use this Lieutenant Hamano as interpreter when you interrogated the three prisoners of war in September of 1944. Is that so?
A. I did not.

254. Q. How many times did you report the results of the interrogations of Lieutenant Kaufman to your superiors?
A. As I recall, I reported on two occasions.

255. Q. Did your superiors point out defects in your reports when you made your reports concerning the results of the interrogation of Lieutenant Kaufman?
A. Yes, they were pointed out to me.

256. Q. You testified that Lieutenant General Inoue ordered you to ask the opinion of Colonel Doi concerning the execution of Kaufman. On what occasion did Lieutenant General Inoue tell you this?
A. As I recall, he told me this when I went to report to him the second time.

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257. Q. How many days after Kaufman had been taken to the kempeitai did you go to report to Lieutenant General Inoue the second time?
A. As I recall, it was a week or ten days after Kaufman had been taken to the kempeitai.

258. Q. Did Lieutenant General Inoue actually tell you to get the opinion of Colonel Doi concerning the execution of Kaufman which execution was to be performed to raise the morale of the troops?
A. I definitely heard this.

259. Q. Is it not the truth that when you went to make a second report to Lieutenant General Inoue, Lieutenant General Inoue told you that he had heard that some of his subordinates were desirous of executing Kaufman and Lieutenant General Inoue admonished you for such thinking among his subordinates because such thinking was highly improper?
A. No, such a thing absolutely did not happen.

260. Q. Concerning the transfer of Second Lieutenant Kaufman to Koror did you know that Lieutenant General Inoue had some other intention for this transfer other than to execute Kaufman?
A. No, I did not know.

261. Q. When you were told by Lieutenant General Inoue to ask the opinion of Colonel Doi concerning the execution of Kaufman, did you report this matter to Colonel Tada?
A. Yes, I reported the gist of this matter to him.

262. Q. How was the physical condition of Colonel Tada at that time?

This question was objected to by the judge advocate on the ground that it was irrelevant.

The accused replied.

The commission announced that the objection was sustained.

263. Q. What did you tell Colonel Doi over the telephone?
A. The gist of my conversation with Doi over the telephone was as follows: I stated that it was the intention of Lieutenant General Inoue to have Lieutenant Kaufman executed at the anti-aircraft unit which had sustained the greatest damages recently for the purpose of raising the morale of that unit.

264. Q. And what did Colonel Doi answer to that?
A. Doi answered as follows: "I do not believe that the morale of the troops will be in any way raised by the execution of Second Lieutenant Kaufman. Is not the kempeitai there for the execution of prisoners of war?"

265. Q. Did not Colonel Doi say that he did not agree to this?
A. I believe that he used such words.

266. Q. Did you report what Colonel Doi said to Lieutenant General Inoue?
A. Yes, I did.

267. Q. When did you report the answer of Colonel Doi to Lieutenant General Inoue?
A. I do not recall the date, but I reported Doi's answer several days after I received it.

268. Q. Were there any special circumstances for several days having elapsed before you reported the answer of Colonel Doi to Lieutenant General Inoue?
A. Yes, there were circumstances.

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269. Q. Will you please explain these circumstances?
A. I had heard the intention of Lieutenant General Inoue, the Army Group Commander, concerning the execution, and I had expected that an order would be issued following this intention. The reason why I waited several days was because the fact that Colonel Doi had dissented to this opinion of Lieutenant General Inoue might be taken as poor liaison work on my part in not conveying fully the intention of the Army Group Commander to Colonel Doi and I feared that I might be reprimanded for it.

270. Q. Then is it true that you reported fully the answer of Colonel Doi to Lieutenant General Inoue several days later, fully expecting a reprimand from him?
A. Ultimately I did report to him.

271. Q. How many days after Kaufman was interned did you report the answer of Colonel Doi to Lieutenant General Inoue?
A. Fourteen or fifteen days, as I recall.

272. Q. What did Lieutenant General Inoue say when you reported?
A. Lieutenant General Inoue spoke as follows: That as Captain Koichi, the commanding officer of the anti-aircraft unit, had come to headquarters that he had directly ordered Koichi concerning the execution and that therefore not think more about it.

273. Q. Did the day on which Captain Koichi reported at the headquarters and the day on which you made the report concerning Doi's answer to Lieutenant General Inoue, fall on the same day or were they two separate days?
A. As I recall, these two events took place on the same day.

274. Q. You testified on direct examination the day before yesterday, in answer to this question put to you by the judge advocate "Q. At the time that you had this conversation with the general, how long had Kaufman been at the headquarters?" and you answered "The prisoner was at the kempeitai. He was merely interrogated at headquarters. At that time he was already ten days at the kempeitai." You testified today that Kaufman had been fourteen or fifteen days at the kempeitai when you reported the answer of Colonel Doi to Lieutenant General Inoue. Which of the two testimonies is the correct one, or has there been a lapse of memory?
A. I do not have a clear recollection of this matter. I merely have the vague recollection that it was ten or fourteen days between the time Kaufman was interned and the time I reported the answer of Colonel Doi to Lieutenant General Inoue. I believe that I testified in Japanese that about ten days had elapsed.

275. Q. You testified day before yesterday that Lieutenant General Inoue said that as he had directly ordered Koichi to execute Kaufman that it was not necessary to issue orders to Colonel Doi. But did you pass the order on to Colonel Doi, notwithstanding?
A. I told Colonel Doi that orders had been issued to Captain Koichi.

276. Q. Did you know on that day whether Captain Koichi was at headquarters when he received his order to execute Kaufman?
A. Yes, I did know. As I recall, he was in Staff Officer Nakagawa's room which room was adjacent to mine.

277. Q. Did not Koichi visit you in your room and converse with you?
A. I did not speak to Captain Koichi. Neither did he come to my room.

278. Q. You testified in the trial of Koichi, et al, on the witness stand, in answer to question 197, page 54, which was "Do you remember whether Captain Koichi was at headquarters that day when you started the prisoner back to Koror?" that "At that time I did not know." Is that answer mistaken and your answer today the correct one?

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A. I believe that my answer today is the correct one as I have in the meantime since that trial recalled certain facts to my memory.

279. Q. You testified that you handed the personal belongings of Lieutenant Kaufman to Lieutenant Onose. What personal belongings did you hand over to Onose?
A. As I recall, his personal belongings consisted of a watch, a ring, and something that was placed around his neck which I believe was a dog tag, and a purse.

280. Q. Was there no picture of Kaufman's mother among his personal belongings?
A. There was a photograph, but it was placed inside his wallet, or purse, and therefore I merely stated "purse" in my answer.

281. Q. When you dispatched Lieutenant Onose to Koror did you hand him the written order for the execution of Kaufman?
A. I did not directly hand him a written order of execution, however I heard from Onose that he was taking a written order of execution in English which had been made by the translation of it into English which had been made by Lieutenant Hamano.

282. Q. Did you see that documentary order?
A. Yes, I did.

283. Q. Did you receive the signature of Lieutenant General Inoue on this English document that you had Onose take with him?
A. I did not receive the General's signature on this document. However, there is no mistake that I did receive the order from the General.

284. Q. When did you receive this order, and in what form was this order to which you referred received from Lieutenant General Inoue?
A. Even in the event Lieutenant General Inoue issues an order directly to Captain Koichi, I would have had to draft an order in Japanese and to receive a signature thereon. I am referring to an English translation of this order.

285. Q. Then you did draft an order in Japanese. Is that correct?
A. Yes.

286. Q. And you received in person then, General Inoue's signature on the Japanese document, is that correct?
A. Yes.

287. Q. You testified that you saw the English translation of the order made by Second Lieutenant Hamano and that you handed this translation to Lieutenant Onose. Did you hand Onose the order in the Japanese original?
A. Lieutenant Onose saw the order in its original Japanese, but he did not take it with him. What I have stated is my recollection.

288. Q. What was the purpose of dispatching photographer Shimojo in company with Lieutenant Onose?
A. Among the instructions given by Lieutenant General ~~Onose~~ Inoue to Lieutenant Onose was the instruction to ascertain the death of the prisoner and when Onose submitted his opinion that he take a photographer with him so that the photographer could take a picture of the execution thereby certifying death and that was why I sent the photographer with Onose.

289. Q. Did Shimojo take pictures of the execution and bring them back?
A. He did.

290. Q. Did you see them?
A. I did.

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291. Q. Did you show these pictures to Lieutenant General Inoue?
A. I did. As I recall I did not show the photographs to the General, but Onose did. I wish to change my testimony given just now again. My recollection is not clear on this point, but I believe either Onose or myself showed the photographs to the General. I wish to retract my former testimony.

292. Q. Did you report in person to Lieutenant General Inoue that Kaufman had been executed?
A. I also did report this fact.

The commission then, at 10:15 a.m., took a recess until 10:40 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Costa, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Yajima, Toshihiko, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

293. Q. Was it the custom with Lieutenant General Inoue to ask the opinion of commanding officers of his subordinate units prior to issuing orders to them?
A. This was the first time that I spoke with Lieutenant General Inoue concerning orders. Prior to this I had always received orders through Chief of Staff Colonel Tada. Consequently I'm not able to state here whether it was a custom or not.

294. Q. Who was in charge of matter pertaining to prisoners of war among the staff officers of the Fourteenth Division?
A. I was.

295. Q. And who was in charge of matters concerning foreigners, if any such matters were brought up among the staff officers of the Fourteenth Division?
A. As I recall, after June of 1945 I was in charge of matters which concerned foreigners.

296. Q. And prior to that date, which staff officer was in charge of these matters?
A. In May of 1944 soon after I was appointed a staff officer, I was told by Chief of Staff Colonel Tada that the Commanding Officer of the South Seas Kempeitai, Lieutenant Colonel Miyazaki was the staff officer of the division in matters of civil administration. Therefore the other staff officers and myself thought such to be the case and carried on our work accordingly, and I believe that Miyazaki was in charge of matters concerning foreigners prior to the date mentioned.

297. Q. Was it not the custom in the Imperial Japanese Army that when a commanding general issued orders on certain specific matters, that the staff officer in charge of those specific matters stood by when the commanding general gave these orders to his subordinates?
A. Yes, that is exactly so.

298. Q. Then did you, when Lieutenant General Inoue gave the orders concerning the execution of the prisoner Kaufman to Captain Koichi, stand by in your capacity as the staff officer in charge of prisoners of war?
A. I did not.

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299. Q. The Koichi Provisional Anti-aircraft Unit which you testified became a part of the Fourteenth Division in December 1944; how was this done, by what authority, and for what purpose did it become a part of the Fourteenth Division?
A. I am unable to answer definitely on this matter because it was outside of my charge, however, insofar as I know I will state the matter. As I recall the Provisional Anti-aircraft Unit was locally organized in the Palaus and composed of the following components: members of the anti-aircraft units which were in the Palaus prior to the arrival of the Fourteenth Division there, personnel taken from the Fourteenth Division and organized into the Provisional Anti-aircraft Unit, and members of the light anti-aircraft unit who came to the Palaus after the arrival of the Fourteenth Division. I do not know when this unit was organized into the Fourteenth Division, but it was so done at some time. I will go into the reasons why this took place.

The commission directed the witness to come to the point.

The examining counsel for the accused stated that the next question would probably bring the witness to the point.

300. Q. Then you admit that you do not know for sure whether the Koichi Unit was a part of the Fourteenth Division, either in December 1944 or May of 1945, is that true?
A. I do not know.

301. Q. Do you know for what purpose the South Seas Kempeitai was attached to the Fourteenth Division in March of 1945?
A. I do not know the reason.

302. Q. Do you know for what purpose it was attached to the Fourteenth Division, because you testified on direct examination that it was attached to the Fourteenth Division in March of 1945?
A. I will state my personal opinion on this matter. At that time the tide of battle was going against the Japanese in the Palaus. The Palaus were surrounded by the Americans and communications with the Kempei Commandant in Tokyo had become impossible, between which Kempei Commandant and the Commanding Officer of the South Seas Kempeitai there was a direct chain of command, therefore the South Seas Kempeitai was attached to the local unit which was in the Palaus, the Fourteenth Division.

303. Q. You testified that the Sumida Unit became a part of the Fourteenth Division in December of 1944. Was the Sumida Unit also a part of the kempeitai?
A. No, that is not so.

304. Q. Before December of 1944 the Fourteenth Division had no control over this Sumida Unit then?
A. I believe that the Sumida Unit came under the command of the Army Group Commander Palau Area in June or July of 1944.

305. Q. Do you remember whether you ordered the Sumida Unit to furnish transportation to the kempeitai for the transportation of these ten missionaries in September of 1944?
A. As I recall those matters were under the charge of Staff Officer Izumi.

306. Q. Then you did not report to the general that you had authorized transportation for these missionaries by the Sumida Unit in September of 1944?
A. I believe it is correct that I did not report this matter to General Inoue because it was a matter outside of my scope of duties. It was not my main duty.

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307. Q. What command authority did you, as a staff officer have over Colonel Miyazaki of the Kempeitai?
A. I did not have any command authority over the South Seas Kempeitai.

308. Q. What command authority did Colonel Tada have over Colonel Miyazaki of the Kempeitai?
A. I believe he had no command authority.

309. Q. You testified that you were at the command battle post in September 1944 having gone there September 3, 1944. How long did you remain there?
A. As I recall I was there from the early part of September 1944 until the middle of October of 1944.

310. Q. Is this where Sano came to you and reported to you about the execution of these three prisoners of war?
A. Yes.

311. Q. Is that where Colonel Miyazaki reported to you also about the three prisoners of war?
A. Yes.

312. Q. And at any time that you were at the command battle post from the early part of September 1944 until the middle of October 1944, was General Inoue, at any time, there?
A. No, he did not come.

313. Q. You testified that you received from Colonel Miyazaki a written report regarding these three prisoners of war and that Colonel Miyazaki gave it to you at the command battle post. How did you get it to General Inoue, and when?
A. In the latter part of October 1944 I returned to the Tropical Experimental Station. At that time General Inoue was recuperating, although he had not completely convalesced. As I recall I showed General Inoue this document at that time.

314. Q. Is that the only document you showed him at that time?
A. There were numerous other documents.

315. Q. Was there also the document regarding the report on the missionaries?
A. Yes, that was also included there.

316. Q. Do you remember how many other documents you showed him at that time?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was sustained.

317. Q. Did the general sign all these documents which you took in to him at that time?
A. He did sign them.

318. Q. When you say that there was an Englishman interned at the Kempeitai, can you describe this Englishman?
A. I have not met this man so I cannot describe him.

319. Q. Then your testimony regarding his nationality is not something that you knew of your own personal knowledge, but was something based on hearsay?
A. I know that this man was an Englishman because I saw it so written in the roster of foreigners submitted by the kempeitai.

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320. Q. And from that same roster you also came to the conclusion that these missionaries that were executed by the kempeitai were of a certain nationality, five being Spanish, one a Colombian and one a Filipino, is that correct?
A. Yes.

321. Q. Did this roster also show that these persons were all residents in the Palau Islands?
A. As I recall, it did not state specifically that they were residents of the Palaus, by which I mean that it was not set forth in the report.

322. Q. Do you know of what islands they were residents?
A. Some of the missionaries were from Yap and I know that in the latter part of May or early part of June 1944 they were transported to the Palaus in naval ships.

The witness was duly warned.

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

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Yajima, Toshihiko, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

323. Q. Who was the commanding officer of the navy unit, the Ai-rai Unit, which shot down these three prisoners?
A. I do not know.

324. Q. Was this Ai-rai Unit ever a part of the Fourteenth Division or the Army Group?
A. As I recall this unit remained to the end under the command of the senior naval commander.

325. Q. Will you please state the contents of this order of execution of Lieutenant Kaufman which you drafted in Japanese?
A. I will state the order as I recall it. In substance it read "Unit Commander Koichi will execute the American prisoner of war, Second Lieutenant Kaufman, at Koror."

326. Q. Did you sign that order?
A. I did sign that order.

327. Q. Is this the same order that was translated by Hamano and which Onose took with him?
A. As I recall that was the order of which a translation was made into English.

328. Q. Did you see Katsuyama execute this prisoner, Kaufman?
A. I did not witness it.

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Reexamined by the judge advocate:

329. Q. Who was the senior army officer in the Palau Islands in 1944 and 1945?
A. It was Lieutenant General Inoue.

330. Q. Who was the senior naval officer in the Palau Islands in 1944 and 1945?
A. Vice Admiral Ito.

331. Q. And of these two officers, do you know who was the senior officer?
A. I do.

332. Q. Who was?
A. Lieutenant General Inoue was senior.

333. Q. Did this authority of Inoue's as "Shudan Shireikan" which you say was limited to defense matters, cover in any way matters concerning internal and external security?

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

The judge advocate withdrew the question.

334. Q. With respect to external security was there any command relationship between General Inoue and the kempeitai, and by external security I mean the actions of any foreign nationals working against the Japanese armed forces in the Palau Islands?

This question was objected to by the accused on the ground that it called for an opinion of the witness.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. This was a duty which the South Seas Kempeitai would have performed even if no specific orders existed. However, Kempei Lieutenant Colonel Miyazaki of his own initiative, endeavored to place himself under the restricted authority of the Army Group Commander, Palau Area, in these matters. Consequently I know that Kempei Lieutenant Colonel Miyazaki was conducting his work in these matters following the general's intentions.

The accused moved to strike out the answer from "However, Kempei Lieutenant Colonel Miyazaki" through the end of the answer on the ground that it was speculative.

The judge advocate requested permission to propound one more question to the witness prior to the commission ruling on this motion.

The commission announced that the request was granted.

335. Q. How do you know this that Colonel Miyazaki was attempting to put himself under the command of General Inoue and follow his instructions?
A. I discussed these matters after the termination of the war with the Army Group Commander, Palau Area, his Chief of Staff Colonel Tada, and Kempei Lieutenant Colonel Miyazaki. By these incidents, I refer to the execution of prisoners of war, murder of civilians, et cetera.

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The commission directed that the words in the answer objected to by the accused be stricken out and further directed that the entire last answer be stricken out.

336. Q. Was Miyazaki a frequent visitor at Inoue's Headquarters?
A. Yes.

337. Q. Did he visit General Inoue during September of 1944?

This question was objected to by the accused on the ground that it called for an opinion of the witness.

The judge advocate withdrew the question.

338. Q. Do you know whether or not Miyazaki visited Inoue's Headquarters in August of 1944?
A. I do.

339. Q. Do you know whether or not Miyazaki visited Division Headquarters in December of 1944?
A. I do.

340. Q. Do you know whether or not Miyazaki visited Inoue's Headquarters in May of 1945?
A. I do.

341. Q. This order which you drew up involving the execution of Kaufman, did you have that order signed by General Inoue?
A. Yes.

342. Q. Did Miyazaki actually visit General Inoue's Headquarters in May of 1945?
A. He did.

343. Q. Did Miyazaki actually visit Inoue's Headquarters in December of 1944?
A. He did.

344. Q. Did Miyazaki actually visit Inoue's Headquarters in August of 1944?
A. I have no recollection as to August of 1944.

345. Q. Have you any recollection of his having visited the headquarters in the very early part of September of 1944?
A. I do know.

346. Q. Did he?
A. He did.

Recross-examined by the accused:

347. Q. May we understand from your testimony just given in redirect-examination that although in matters pertaining to external security Lieutenant Colonel Miyazaki endeavored to maintain liaison between himself and Lieutenant General Inoue, there existed no command relationship in matters of external security between Lieutenant General Inoue and Kempei Lieutenant Colonel Miyazaki?
A. Are you referring to a chain of command?

348. Q. Yes, I mean exactly that.
A. I do not know whether there existed any command relationship between Lieutenant General Inoue and Kempei Lieutenant Colonel Miyazaki.

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349. Q. I am referring to your former testimony given in redirect-examination by the judge advocate. I am asking whether I may take your testimony to mean that there existed no chain of command relationship between Lieutenant General Inoue and Lieutenant Colonel Miyazaki?
A. I believe there was no chain of command relationship.

350. Q. In September of 1944 when, as you testified, Lieutenant Colonel Miyazaki visited Lieutenant General Inoue's Headquarters, did you see these officers in conversation?
A. I did not.

351. Q. In December of 1944 when as you testified Miyazaki called at General Inoue's Headquarters, did you see these officers in conversation?
A. I know that around that time Lieutenant Colonel Miyazaki often called on Lieutenant General Inoue and on Chief of Staff Colonel Tada.

352. Q. Did you, around May of 1945, see Kempei Lieutenant Colonel Miyazaki and Lieutenant General Inoue in conversation?
A. I did not see them in conversation. All I saw of Lieutenant Colonel Miyazaki was when he passed while I was interrogating the prisoner of war, Kaufman.

353. Q. When did you receive Lieutenant General Inoue's signature on the documentary execution order of Lieutenant Kaufman?
A. When I reported to Lieutenant General Inoue concerning the answer given me by Colonel Doi, I was told by the General that he had given the order directly to Koichi verbally to execute Kaufman and I went back and wrote this order into an official form and I went back and received his signature on that document, immediately thereafter.

354. Q. And on receiving the signature of General Inoue on this document, did you give this documentary order immediately to Captain Koichi?
A. I did not hand the order to Koichi.

355. Q. Then there was no order of execution handed to Captain Koichi?
A. I did not hand the order to Koichi in person.

356. Q. There is, however, no mistake that the order signed by Lieutenant General Inoue read that Koichi perform the execution?
A. There is no mistake.

357. Q. After you had the General sign this order of execution, what did you do with this document then?
A. I had this order printed and filed in the field diary.

358. Q. When was it translated?
A. As I recall, I took the order back to my room and had it translated there.

359. Q. Did you translate it yourself?
A. No, I did not.

360. Q. When it was translated did it have the signature of Lieutenant General Inoue on it?
A. No. I do not recall clearly whether it was signed or not.

361. Q. This Japanese document which you drafted, the order for execution of Kaufman, isn't it true that that document was not signed by General Inoue before the execution of Kaufman?
A. That is not so.

362. Q. When did Onose leave to go to Koror?

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This question was objected to by the judge advocate on the ground that it was beyond the scope of the redirect-examination.

The accused replied.

The commission announced that the objection was sustained.

363. Q. Was the document which you state you had signed by General Inoue ever given to Onose or any of the people that left to escort the prisoner to Koror?
A. No, it was not handed over to any of them.

364. Q. Did you ever show this original Japanese order of execution to anyone else besides General Inoue?
A. The non-commissioned officer of the intelligence section who printed this order saw it, and the officer who was in charge of compiling the field diary.

365. Q. What were the names of those two persons?
A. As I recall, the officer's name was Captain Watanabe and the non-commissioned officer who printed this order was either Sergeant Major Yamagishi or Sergeant Major Toda.

Examined by the commission:

366. Q. Will the witness tell the commission if he gave the English translation of that order to Onose?
A. Yes, that is so. The English translation was given to Onose.

367. Q. What was the purpose of giving him the English translation?
A. It was for the purpose of reading it out to Lieutenant Kaufman at the scene of the execution.

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

The witness made the following statement:

After the surrender Lieutenant Colonel Miyazaki came to where Staff Officer Nakagawa, Staff Officer Izumi and I were and very angrily spoke the following concerning matters related to incidents of execution of prisoners of war and murder of foreigners.

The accused objected to the witness continuing this statement on the ground that this conversation took place after the surrender.

The judge advocate concurred in the objection.

The commission announced that the objection was sustained.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 3:30 p.m., took a recess until 3:50 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Former Sergeant Major, IJA, Kokubo, Chihiro.

2. Q. If you recognize these accused, tell us their names and former ranks.
A. On the left Lieutenant General Inoue and former Colonel Tada.

3. Q. Have you ever had duty with the Japanese Armed Forces in the Palau Islands?
A. Yes, I have.

4. Q. Between what dates did you serve there?
A. From the middle part of September 1943 until I was repatriated after the surrender.

5. Q. To what unit did you belong when you were in the Palau Islands?
A. When I first went to Palau I was attached to the South Seas Detachment of the Kempeitai, and later the name was changed to Detached Unit of the South Seas Kempeitai.

6. Q. When was the name changed, if you remember?
A. I believe it was in December 1943. I'm not clear on the date.

7. Q. In September of 1944 who was the commanding officer of the kempeitai?
A. The highest ranking officer was Kempei Lieutenant Colonel Miyazaki who was commander of the kempeitai, Captain Nakamura was commanding officer of the Kempeitai Detached Unit. The commanding officer of the kempeitai headquarters was Kempei Lieutenant Colonel Miyazaki. Other than this, there were the First, the Second and the Third Detached Units. They were sometimes called the South Seas Detached Units. I do not recall the date of activation of these units.

8. Q. To which particular unit did you belong?
A. I belonged to the First Detached Kempeitai which was under the command of Captain Nakamura.

9. Q. Have you been tried and convicted of a war crime?
A. Yes, I was.

10. Q. Did that war crime involve the killing of three unarmed prisoners of war?
A. That is so.

11. Q. Tell us about it?
A. I believe it was around the beginning of September 1944 at Gasupan, Babelthuap. I was at the First Kempeitai where I was assigned to the duty of general affairs by Captain Nakamura which consisted of custody of materials and supplies. I was given strict orders regarding one thing and that was the ashes of Ikushima, which I was to guard closely and not to have it damaged or to lose it, and to keep it in immediate possession. Even at night I kept it in my bedroom beside my pillow and even when I went out I always took it with me. I believe it was around the beginning of September 1944, but I'm not definite as to what date it was, but in that afternoon I was clearing up my work at the office which was situated on a corridor and Nakamura came back from the outside and ordered me to come immediately. I at once put on my belt and sword and as usual taking with me the Ikushima ashes, went out to where Nakamura was. A truck came up and he told me to ride on the truck, but I recall that Nakamura did not go with us.

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12. Q. Who was Ikushima?
A. He was a non-commissioned officer who was attached to the Kempeitai Detachment.

13. Q. Had he been killed?
A. Yes, he was killed in battle.

14. Q. Had his body been cremated?
A. Yes, he was cremated and the ashes were kept in the kempeitai.

15. Q. All right, now tell us what happened when the truck got there.
A. Captain Nakamura told me to ride on this truck but did not give details or orders.

16. Q. Did you get on the truck?
A. Yes, I boarded the truck.

17. Q. Was there anybody else on the truck?
A. Yes, there were.

18. Q. Who were they?
A. I could not recognize their faces but there were several military personnel in the truck, whether they were officers or servicemen, I do not know, and there were three foreigners who were watched over by these army personnel. The army personnel were from other units.

19. Q. Were these foreigners blindfolded?
A. I recall that they were.

20. Q. Were their hands tied?
A. Yes, they were.

21. Q. Where did you go in the truck?
A. I do not know which road we took or where we went, but we reached a jungle area.

22. Q. What happened there?
A. The military personnel of the other units led the way into the jungle and I do not know the distance, but we followed on foot and reached a certain section of the jungle.

23. Q. These military personnel of other units, do you know what units they belonged to?
A. I do not know.

24. Q. Do you know where that truck had come from?
A. The direction from which it came was the Tropical Experimental Station, but I do not know which unit it belonged to.

The witness was duly warned.

The commission then, at 4:25 p.m., adjourned until 9 a.m., tomorrow, Friday, April 1, 1949.

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FIFTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Friday, April 1, 1949.

The commission met at 9:05 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Kokubo, Chihiro, the witness under examination when the adjournment was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

25. Q. What happened after this truck reached the jungle area?
A. Before answering this question I would like to say a few things on the names of the Kempeitai Units to which I did not refer yesterday.

The commission directed the witness to answer the question put to him.

A. When we arrived at this certain point in the jungle I discovered that there were holes dug in the ground and standing by there was Kempei Lieutenant Colonel Miyazaki the commanding officer of the kempeitai and Kempei Captain Nakamura and Kempei Second Lieutenant Sano attached to the headquarters, and there were several other military personnel who were attached to other units.

26. Q. Were the prisoners taken from the truck and brought to this place?

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

The judge advocate withdrew the question.

27. Q. What was done with the prisoners?
A. Kempei Lieutenant Colonel Miyazaki was telling something to the three foreigners and then one of them squatted on the ground in front of one of the holes and Kempei Lieutenant Colonel Miyazaki shot him from behind.

28. Q. What happened to the other two?
A. Then another foreigner was told to squat in front of the hole and then Kempei Captain Nakamura decapitated him.

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29. Q. What happened to the third prisoner?
A. The third prisoner was told to squat on the ground in front of the same hole and then Kempei Lieutenant Colonel Miyasaki ordered Kempei Captain Nakamura to order Sergeant Major Kokubo to kill the prisoner. Then Kempei Captain Nakamura directly ordered me to execute. I did not know how to use a sword and the sword which I possessed was blunt. I could not refuse the orders of Kempei Lieutenant Colonel Miyasaki and the direct orders of Kempei Captain Nakamura so I was compelled to obey. The third prisoner I recall was wearing a jumper with the collar turned down. The sword that I brought down on the prisoner connected with the collar of the prisoner and it did not cut at all, so Kempei Lieutenant Colonel Miyasaki shot the prisoner with his pistol.

30. Q. What did he shoot the first prisoner with?
A. I recall that Kempei Lieutenant Colonel Miyasaki shot the prisoner with a pistol.

31. Q. After Miyasaki shot this third prisoner, what was done with the bodies?
A. What happened afterwards, I do not know.

32. Q. Do you remember approximately when this happened?
A. This happened early September 1944. I am not definite on the date, but it was around the fifth.

Cross-examined by the accused:

33. Q. In what position was the accused, Lieutenant General Inoue?
A. He was the Supreme Commander of the Palau Area as I recall.

34. Q. How about Colonel Tada?
A. I recall that he was chief of staff of the Army Group Palau Area.

35. Q. Were they in that capacity while you were on the Palaus?
A. Not during all the time that I was on the Palaus, but during a certain period.

36. Q. You testified that Kempei Lieutenant Colonel Miyasaki was the highest ranking commanding officer of the South Seas Kempeitai. Do you know under whose command this Kempei Lieutenant Colonel Miyasaki was?
A. As a matter of common sense, I did know.

37. Q. Who was that?
A. When I went to Palau in the middle part of September 1943 I was attached to the South Seas Kempeitai Detachment and as a matter of common sense I knew that the commanding officer of the unit was the Commandant of the Kempeitai in Tokyo. Around December 1943 a South Seas Kempeitai Headquarters, and First Kempeitai, Second Kempeitai, and Third Kempeitai Detachments were formed. The chain of command was, I believe, the same as the South Seas Kempeitai Detachment, but at a certain date after this, I recall that we were told that we were a part of the Fourteenth Division Headquarters.

38. Q. When was the date when you became a part of the Fourteenth Division Headquarters?
A. I do not recall the date, but it was around the latter part of July 1944 that our unit moved from Koror to Babelthuap and the date was after we moved.

39. Q. Was it before September of 1944 or after?
A. I do not recall the date clearly.

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40. Q. How about the month?
A. I am not clear on that also.

41. Q. Do you recall this incident which occurred in September 1944, was it after or was it prior or subsequent to this incident?
A. I do not recall clearly.

42. Q. Where was the kempeitai headquarters situated around September of 1944?
A. On Babelthuap, Gasupan.

43. Q. Was the First Kempeitai Detachment and the Headquarters of the South Seas Kempeitai located in the same spot?
A. We were in the same Gasupan Area, but we had different duties.

44. Q. Were you the only one who was ordered by Kempei Captain Nakamura to board the truck?
A. I recall that there were others.

45. Q. Who were the other persons from your unit?
A. There was one non-commissioned officer who came from my detachment. I do not recall his name.

46. Q. Do you know what status those foreigners who were on the truck had?
A. I do not know their names or their status. I knew them just as foreigners.

47. Q. Then you did not know their nationalities?
A. Yes, I did not know.

48. Q. You answered to the judge advocate's questions, when you used the words "prisoners", did you mean them to be foreigners?
A. When I answered those questions I meant foreigners.

49. Q. If that is the case does it mean that you did know they were prisoners?
A. All that I recall is that they were foreigners and I do not know anything about prisoners.

50. Q. Had you ever seen those foreigners previously on Palau?
A. I recall that it was the first time I saw them.

51. Q. Was there any blood on your sword after you had struck the foreigner with it?
A. There was no blood.

52. Q. Then you actually didn't kill this foreigner, is that right?
A. Yes, I did not kill him.

53. Q. Were you reprimanded by Nakamura or Colonel Miyazaki for not killing the foreigner?
A. Yes, I was reprimanded.

54. Q. Was General Inoue there at this scene of execution?
A. I do not recall.

55. Q. Did you see him there?
A. Do you mean at the scene of the execution?

56. Q. Yes.
A. I do not recall.

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57. Q. Did you see Colonel Tada there?
A. I do not recall.

58. Q. Did you see Colonel Yajima there?
A. I do not recall.

59. Q. Was Colonel Miyasaki in charge of the execution that day?
A. I do not know the details whether he was commander or not, but the jungle was dark and all I know is that Miyasaki ordered Nakamura to order Kokubo to kill the foreigner, and I heard Nakamura order "Sergeant Major Kokubo, kill the foreigner."

The judge advocate did not desire to reexamine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. Will you state your name and former rank?
A. Former Kempei Sergeant Yamada, Kiyoshi.

2. Q. If you recognise these accused, will you tell us their names and former ranks?
A. On the left Lieutenant General Inoue. To the right Colonel Tada.

3. Q. Have you ever served with the Imperial Japanese armed forces in the Palau Islands?
A. I have.

4. Q. When did you arrive on the Palaus?
A. On the 29th of December 1943.

5. Q. To what unit did you belong while you were there?
A. The First Detachment of the South Seas Kempeitai.

6. Q. Who was the commanding officer of the First Detachment of the South Seas Kempeitai?
A. Kempei Captain Nakamura, Kazuo.

7. Q. And who was the commanding officer of the South Seas Kempeitai?
A. Lieutenant Colonel Miyasaki, Aritsune.

8. Q. Have you been tried and convicted of a war crime?
A. I have.

9. Q. For what crime have you been tried and convicted?
A. The incident of Charlie Smith.

10. Q. When did the incident happen?
A. I recall it was around 27 or 28 of December 1944.

11. Q. Tell us about it.
A. It was a morning of 27 or 28 December 1944. In accordance with the order of Captain Nakamura I shot him with a pistol.

12. Q. Where did this happen?
A. It was in the jungle in the Gasupan Area, Babelthuap, Palau Islands.

13. Q. And who was present with you at the scene of the killing of Smith?
A. Captain Nakamura, a warrant officer Ajioka and myself.

14. Q. Had you been a member of the party that arrested Charlie Smith?
A. I was.

15. Q. Tell us about that.
A. It was around 20 December 1944. In those days I was attached to the Gasupan Detachment of the kempeitai. At that time I was ordered by my Detachment Commander Ajioka to go to the headquarters of the kempeitai. Then I went to a village called Garasumao on the Babelthuap Island with Second Lieutenant Sano, Sergeant Tamamoto, myself and two or three assistant kempeis. Second Lieutenant Sano, Sergeant Tamamoto and myself entered the house of Charlie Smith. Then Second Lieutenant Sano ordered me to escort Charlie Smith to the Gasupan Detachment, so I escorted him to the Gasupan Detachment.

16. Q. At this time, where were the headquarters of the kempeitai?
A. It was in the mountain called Shisui-san Babelthuap Island.

Cross-examined by the accused:

17. Q. What was the position of Second Lieutenant Sano at the headquarters of the kempeitai?
A. He was a chief of special higher section.

18. Q. Do you know the reasons why Charlie Smith was arrested?
A. Second Lieutenant Sano didn't tell me the reason in detail. He just told me that Charlie Smith and two Germans would be investigated as spy suspects.

19. Q. Was Charlie Smith held in the Gasupan Detachment until he was executed?
A. As you said.

20. Q. Were you also in the Gasupan Detachment at that time?
A. As I was attached to the Gasupan Detachment, I was.

21. Q. Do you know whether any investigation was held about Charlie Smith before he was executed?
A. I do.

22. Q. Tell us about it.
A. I don't recall the exact date. The commanding officer, Lieutenant Colonel Miyazaki and the detachment commander were investigating him.

23. Q. Do you know what was found out as a result of this investigation?
A. No, I don't.

24. Q. Was it the duty of the kempeitai to investigate Charlie Smith?
A. I do not know.

25. Q. Can you describe this Charlie Smith?
A. I don't recall exactly, but I think I can tell you.

26. Q. Describe him.
A. He was not so tall, his skin was very dark, his hair was grayish, and I recall he was a nice looking man. His clothings were very dirty and very shabby short sleeved shirt and shorts. He was not wearing a pair of shoes. That is all I can recall.

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27. Q. Do you know whether he was married?
A. I don't know.

28. Q. Do you know how long he had been living in the Palaus?
A. I don't know how long, but I heard he had been living for a long time.

29. Q. Fifty years?
A. I don't think so long. I heard he had been staying there about twenty or twenty-five years.

30. Q. Now when Colonel Miyazaki investigated him, do you know whether they found he was guilty of treason or spying?
A. I don't know.

31. Q. Did Captain Nakamura shoot this Charlie Smith?
A. He didn't.

32. Q. Did Ajioka?
A. He didn't.

33. Q. Was Colonel Miyazaki at this scene?
A. He wasn't.

34. Q. Was General Inoue there?
A. He wasn't.

The judge advocate did not desire to reexamine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 10:15 a.m., took a recess until 10:40 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The accused submitted to the commission for approval interrogatories to be propounded to Watanabe, Toshio.

The judge advocate did not desire to add any cross-interrogatories.

The commission announced that it assented to the submission of the interrogatories and directed the judge advocate to forward them to the proper authorities.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Katsuyama, Tetsuji, first lieutenant, Imperial Japanese Army.

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2. Q. If you recognise these accused, tell us their names and former ranks.
A. From the left, Inoue, Sadae, former lieutenant general, and Tada, Takuchi, former colonel, Imperial Japanese Army.

3. Q. Did you serve with the Imperial Japanese armed forces in the Palau Islands?
A. Yes, I did.

4. Q. When did you arrive in the Palau Islands?
A. On the twenty-fourth of March 1944 I arrived on Palau.

5. Q. To what unit were you attached while you were there?
A. To the Fifty-ninth Infantry Regiment.

6. Q. To what unit were you attached in May of 1945?
A. I was attached to the Provisional Anti-aircraft Unit of the Fourteenth Division.

7. Q. Who was the commanding officer of the Provisional Anti-aircraft Unit?
A. It was Koichi, Hiroe, former captain, Imperial Japanese Army.

8. Q. Who was the commanding officer of the Fourteenth Division?
A. Lieutenant General Inoue.

9. Q. Do you know when the Provisional Anti-aircraft Unit became attached to the Fourteenth Division?
A. I do not know.

10. Q. What were your duties with this Provisional Anti-aircraft Unit?
A. I was a company commander.

11. Q. In May of 1945 where was this unit located?
A. On Koror Island.

12. Q. Was Koichi your immediate superior officer?
A. Yes, he was.

13. Q. Do you know who the immediate superior officer of Koichi was?
A. He was the Commanding General of the Fourteenth Division.

14. Q. Who was Colonel Doi?
A. He was the commanding officer of the Defense Unit on Koror.

15. Q. Was the Provisional Anti-aircraft Unit a subordinate command under Colonel Doi?
A. It was not the direct subordinate unit.

16. Q. Was there any command relationship to your knowledge between Colonel Doi and the Koichi Anti-aircraft Unit?
A. There was a command relationship.

17. Q. Have you been tried and convicted of a war crime?
A. Yes, I was.

18. Q. For what were you actually convicted?
A. I was convicted for executing a prisoner.

19. Q. Do you know the name of that prisoner?
A. I recall that it was Kaufman.

20. Q. Do you know who Kaufman was?
A. He was the man whom I executed.

21. Q. Do you know whether or not Kaufman was an American?

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

The judge advocate made no reply.

The commission announced that the objection was sustained.

22. Q. Do you know the nationality of Kaufman?
A. He was an American national.

23. Q. When did you execute him?
A. I believe it was the middle part of May 1945.

24. Q. Tell us the circumstances under which this happened?
A. At that time we were subjected to intensive bombing. Enemy vessels surrounded the Palau Islands. The situation was such that we anticipated enemy landing operations at any time. What other circumstances do you want to know other than what I have said?

25. Q. Do you know how Kaufman happened to become a prisoner?
A. I do.

26. Q. How was it?
A. He became a prisoner in the early part of May 1945 on Koror Island when a formation of about twenty B-24's bombed the Anti-aircraft positions there.

27. Q. Was his plane shot down?
A. Yes, his plane was shot down.

28. Q. In this particular bombing raid was the Provisional Anti-aircraft Unit damaged?
A. Yes, we suffered damages.

29. Q. What unit captured Kaufman?
A. I do not know.

30. Q. Do you know whether or not Kaufman was ever sent to divisional headquarters?
A. I do not know.

31. Q. Was Kaufman ever brought to the Koichi Anti-aircraft Unit?
A. I do not know.

32. Q. Did you ever see Kaufman at your unit?
A. I saw him at the scene of the execution.

33. Q. Was that the first time you had ever seen him?
A. That is correct.

34. Q. Where was this scene of execution?
A. It was at the naval cemetery on Koror Island.

35. Q. About what time of the day was Kaufman executed?
A. I believe it was a little past seven in the morning.

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36. Q. Was Kaufman at the scene of the execution before you arrived there?
A. He was not there.

37. Q. Who brought him to the scene of the execution?
A. Captain Koichi, another officer, and the prisoner came together.

38. Q. What was the name of the other officer?
A. I was told at that time by Captain Koichi that this officer was Second Lieutenant Onose from the headquarters.

39. Q. Were there any other persons from headquarters present at that scene of execution?
A. There were no officers from the headquarters.

40. Q. I said were there any other persons.
A. I do not know.

41. Q. About how many people in all were present at that execution?
A. I do not recall how many persons were there. All I can remember is that at the scene there were Koichi, Onose, Kaufman, and myself.

42. Q. How did you happen to be there?
A. On that morning when it was still dark, I received orders from Captain Koichi by phone that I should report at the naval cemetery at seven o'clock in the morning.

43. Q. Did he tell you why you were to report there?
A. No, he did not.

44. Q. What happened when you got there?
A. When I arrived there Captain Koichi gave me the following order. It was an order that, in accordance with the orders from the Commanding General of the Fourteenth Division, Katsuyama should execute the prisoner at the Katsuyama Unit.

45. Q. What else did he say, if anything?
A. That is all.

46. Q. Was this the first time that you had been told that you were to executed Kaufman?
A. The first time I was told to execute Kaufman was about two days prior to the execution.

47. Q. Who told you this two or three days prior to the execution?
A. It was Captain Koichi.

48. Q. What did Koichi say to you?
A. I heard from Koichi that the Army Group Headquarters were intending to execute the prisoner at the Provisional Anti-aircraft Unit.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the motion was not sustained.

49. Q. What did you say to him, if anything?
A. I told him that I was in complete agreement with him regarding his opposition to the performance of the execution and I requested him to inform the Army Group Headquarters to that effect.

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50. Q. What did he say, if anything, to that?
A. He said that he would relay this to the Army Group Headquarters.

51. Q. In this bombing raid that you told us about, had your guns been damaged?
A. Yes, they were damaged.

52. Q. Was it necessary to report this damage to headquarters?
A. It was the duty on the part of Captain Koichi and I just needed to report it to Koichi.

53. Q. After Koichi had told you to execute the prisoner, what happened?
A. I obeyed his orders.

54. Q. What, actually, did you do?
A. I decapitated him with a Japanese sword.

55. Q. Prior to the execution did you see anyone reading anything to the prisoner?
A. Yes, I saw.

56. Q. What did you see?
A. Second Lieutenant Onose was reading from a paper written in English to the prisoner.

57. Q. Were you ever advised of the contents of that paper?
A. I heard the gist of the contents.

58. Q. And what was that, if you remember?
A. I was told that the substance of this document was that by orders from the Army Group Commander that he was to be executed.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the motion was not sustained.

59. Q. Who was the Army Group Commander, if you know?
A. It was Lieutenant General Inoue.

60. Q. Did you see anyone taking any pictures at this scene of the execution?
A. No, I did not see.

Cross-examined by the accused:

61. Q. Do you know whether Koror Island, in comparison to Babelthuap, was a more healthful place?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused withdrew the question.

62. Q. Were you ever given a citation by the Army Group Commander?
A. No, I was not.

63. Q. What about the Katsuyama Unit?
A. We were given a citation as the Koichi Unit.

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64. Q. You testified that there was an air raid in May of 1945, but were there any other units besides yours that were damaged on Koror?
A. No, there were none.

65. Q. Was the Koichi Unit the only unit on Koror?
A. Yes, the Koichi Unit was the only one.

66. Q. Where was the Doi Unit?
A. The Doi Unit was on Koror.

67. Q. Then is the Doi Unit the same unit as the Koichi Unit?
A. It is the same unit under the Army Group Commander.

68. Q. Then is it correct that there was a Doi Unit besides the Koichi Anti-aircraft Unit?
A. The Koichi Unit was receiving orders from the Defense Unit, by virtue of his restricted authority.

The witness was duly warned.

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

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Katsuyama, Tetsuji, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

69. Q. Were there any other companies besides your company in the Koror Provisional Anti-aircraft Unit?
A. There was an anti-aircraft machine gun unit.

70. Q. And what else?
A. That was all.

71. Q. When did you first know that the prisoner's name was Kaufman?
A. I heard it from Second Lieutenant Onose at the scene of the execution.

72. Q. Did you not know his name prior to that?
A. No, I did not know it.

73. Q. Did you know whether there was a captured prisoner before the execution?
A. I heard it in rumors.

74. Q. Tell us what sort of rumors they were.
A. I heard it from someone that there was one prisoner.

75. Q. When did you hear this - in other words, how many days prior to the execution?
A. I recall that it was in early May 1945.

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76. Q. You testified that there were intensive bombings around the middle of May 1945, but do you know whether there were damages sustained on Babelthuap?
A. I do not know.

77. Q. Subsequently to the capture of this prisoner, do you know where he was confined and for how many days?
A. I do not know.

78. Q. Around May of 1945 where was the Army Group Headquarters?
A. It was on Babelthuap.

79. Q. What part of Babelthuap was this?
A. On Shisui-zan.

80. Q. Around May 1945 where was the Fourteenth Division Headquarters located?
A. On Babelthuap on ~~Suishi~~ Shisui-zan. AB

81. Q. Usually, where did your superior officer Koichi maintain his office?
A. At the battalion headquarters.

82. Q. Where was he when off duty?
A. I believe he was at the battalion headquarters.

83. Q. Then is it true that he was living at the battalion headquarters?
A. Yes, that is so.

84. Q. When the phone call came, where were you?
A. What telephone call do you mean?

85. Q. The phone call from Koichi which you testified to this morning.
A. I was at my quarters. AB

86. Q. Was it the same building as that of Koichi?
A. No, it was a different one.

87. Q. In the telephone conversation, did Koichi order you to go to the naval cemetery immediately, or did he mention a time?
A. He said seven o'clock.

88. Q. Did you leave immediately?
A. No, I did not.

89. Q. Why did you not leave immediately?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused withdrew the question.

90. Q. How were you dressed when you went to the cemetery?
A. I was at my post and a courier came to me so I left.

The accused repeated the question.

A. Do you mean the dress I wore the next morning?

91. Q. You testified that there was a telephone call from Koichi and you went to the naval cemetery; how were you dressed then?
A. I went to the cemetery in the same dress that I was wearing at the field position.

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92. Q. Then you did not directly hear from Koichi on the phone?
A. Yes, I heard from Koichi.

93. Q. Then the telephone call came to the position, is that correct?
A. There were living quarters separate from the position and the telephone call came close to the position.

94. Q. When you went to the scene of the execution, was the prisoner there?
A. He was not there.

95. Q. Was there anybody else at the scene of the execution prior to the arrival of the prisoner?
A. I do not remember.

96. Q. After your arrival, how many minutes or hours was it before the prisoner came?
A. About ten minutes after.

97. Q. Who brought him there?
A. Captain Koichi and another officer brought him.

98. Q. Was that officer Onose whom you testified in your direct examination?
A. That is so.

99. Q. Before the execution was something handed to the prisoner or not?
A. Yes, Second Lieutenant Onose handed the prisoner something.

100. Q. Do you know what it was?
A. As far as I can recall, Onose handed a wrist watch to the prisoner. The other items I do not know.

101. Q. You testified that you heard it was the intention of the Army Group Headquarters to execute the prisoner, but was it the intention of the Army Group Area Commander or the intention among the members of the Army Group Headquarters?
A. I recall that it was the intention of the Army Group Commander.

102. Q. From whom did you hear this?
A. From Captain Koichi.

103. Q. You testified that the orders were to have Katsuyama order his unit to perform the execution, do you know the reason why the order was issued?
A. I do not know.

104. Q. You testified that Captain Koichi was opposed to this execution and that you were in agreement with him and asked Koichi to relay this to the headquarters, but what was your reason for this opposition?
A. Koichi told me as follows: "Colonel Doi told me (Koichi) that it was the intention of the Army Group Headquarters to have the prisoner executed at your unit, but Commander Doi said that the execution of a prisoner was no part of the duties of the anti-aircraft unit and I (Koichi) also agree with Colonel Doi." As Koichi told me this fact and because I was also busy and because I had to devote myself to the battle duties, I agreed with Koichi.

105. Q. Did you ascertain whether Koichi later relayed your opposition feelings to the headquarters?
A. Koichi told me that he relayed it to the headquarters by telephone.

106. Q. You testified that an English document was read at the scene of the execution, but did someone have a Japanese document concerning the execution?
A. I did not see that.

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107. Q. Did you see such a document anywhere else other than at the scene of the execution?
A. No, I did not see it.

108. Q. Did you learn anything regarding this?
A. No.

109. Q. What did you do after you executed the orders of Koichi?
A. I returned to my position.

110. Q. Did anyone remain behind after you left the scene of the execution?
A. Nobody remained. We returned together.

111. Q. Do you know whether a report was made to the headquarters that the execution was performed?
A. I do not know.

112. Q. Who told you that this person was an American national?
A. Second Lieutenant Onose told me.

113. Q. You said you heard the gist of the document which Onose had, when did you hear that?
A. Prior to the execution at the scene.

114. Q. Then Onose was reading in Japanese, was he?
A. No, that is not so.

115. Q. Do you understand English?
A. No, I do not.

116. Q. How, then, did you understand what Onose was reading?
A. Onose told me that he had informed the prisoner that he was to be executed by orders from the Army Group Headquarters.

117. Q. Did Onose read from this document in English or in a language that you did not understand?
A. Yes, he read from the document in a language I did not know.

118. Q. Now you said that you cut the prisoner, did Koichi also cut the prisoner?
A. No, Koichi did not.

119. Q. Did Onose cut the prisoner?
A. No, Onose did not.

120. Q. Did anyone take part in cutting the prisoner except yourself?

This question was objected to by the judge advocate on the ground that it called for an opinion of the witness.

The accused replied.

The commission announced that the objection was sustained.

121. Q. Was General Inoue there at the scene of the execution?
A. No, he was not at the scene.

122. Q. Was Yajima there?
A. Yajima was not there.

The judge advocate did not desire to reexamine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Koichi, Hiroe, former captain, Imperial Japanese Army.

2. Q. If you recognize these accused, tell us their names and former ranks.
A. Seated left, Lieutenant General Inoue, Sadae. Seated right, chief of staff Colonel Tada.

3. Q. Did you ever have duty with the Japanese Army in the Palau Islands?
A. Yes.

4. Q. When did you arrive in the Palaus?
A. I arrived in the Palaus in March 1944.

5. Q. Were you on duty there in May of 1945?
A. Yes, I was.

6. Q. In May 1945, to what unit were you attached?
A. I was attached to the Fourteenth Division in the Palau Area.

7. Q. Who was the commanding officer of the Fourteenth Division?
A. Lieutenant General Inoue.

8. Q. Did you yourself have command of a unit?
A. Yes.

9. Q. What was the name of this unit?
A. Provisional Anti-aircraft Unit. Different designations: Koror Anti-aircraft Unit or still further designation, Koichi Battalion.

10. Q. Was this unit located on Koror?
A. Yes.

11. Q. Do you know an individual by the name of Colonel Doi?
A. Yes, I did.

12. Q. Who was Colonel Doi?
A. He was commanding officer in charge of the Koror Defense Unit.

13. Q. Was ~~there~~ there any command relationship between Colonel Doi and yourself? 26
A. There was no direct command relationship. In other words there was no direct operational command relationship.

14. Q. Well who was your immediate superior then?
A. Commanding General Fourteenth Division.

15. Q. Was Colonel Doi also under the command of the Fourteenth Division?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes, I believe so.

16. Q. Have you been tried and convicted of a war crime?
A. Yes.

17. Q. For what crime have you been convicted?
A. I was sentenced to twenty-five years for the crime of having relayed the orders of Commanding General Inoue.

18. Q. And as a result of relaying these orders, was someone killed?
A. Yes.

19. Q. Do you know the name of the individual killed?
A. I do. Kaufman.

20. Q. Do you know the nationality of Kaufman?
A. I do.

21. Q. What was his nationality?
A. I believe American.

22. Q. When was the first time that you heard anything about Kaufman?
A. I believe around the middle of May in 1945.

23. Q. And what was it that you heard?
A. I heard that headquarters was desirous of executing Kaufman.

24. Q. From whom did you hear this?
A. From Colonel Doi.

25. Q. Do you remember just what Doi told you?
A. I do not recall clearly, but I know generally what he said.

26. Q. Tell us.
A. In gist it was this. That it was desired that the prisoner held at headquarters be sent to Koror Island and there executed. Whether on the first occasion I heard that the execution was to be done at the anti-aircraft unit or not, I do not recall.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the motion was not sustained.

27. Q. How many conversations did you have with Colonel Doi?
A. I believe I conversed with him on two or three occasions.

28. Q. When he told you of the headquarters' plans, what did you tell him?
A. I recall this but vaguely, and what I answered was this "that as I cannot think of the morale being raised by the execution of the prisoner, and as I cannot endure the execution of the prisoner of war for pity's sake, and further as I am very busy at the present time, please to refuse this execution for me", and Colonel Doi was of much the same opinion as I.

The commission then, at 3:15 p.m., took a recess until 3:40 p.m., at which time it reconvened.

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Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Koichi, Hiroe, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and dontinued his testimony.

(Examination continued.)

29. Q. Did you ever discuss the information you had gotten from Doi with any of your subordinates?
A. I did not.

30. Q. Who were your subordinates?
A. Are you referring to the names of the companies?

31. Q. Yes.
A. They were the Katsuyama Company, the Tanaka Company and the Hanishi Company.

32. Q. In May of 1945 did you have occasion to visit General Inoue's Headquarters?
A. Yes.

33. Q. Was this after the telephone conversation with Colonel Doi?
A. Yes, after.

34. Q. Why did you visit General Inoue's Headquarters?
A. I went because I was told by Lieutenant Colonel Nakagawa who was operational staff officer, that there were instructions concerning operations.

35. Q. While you were at headquarters, did you have a conversation with General Inoue?
A. I did.

36. Q. How did you happen to visit the general personally?
A. Staff Officer Nakagawa told me to report to the general concerning the orders in regard to which he had just given me instructions, also to report the damages sustained by the unit positions.

37. Q. Did Nakagawa take you in to the general?
A. Yes.

38. Q. Tell us with all the detail you can remember of the conversation you had with General Inoue.
A. I will outline the meeting and the conversation. To begin with I entered his presence. Staff Officer Nakagawa prompted me to explain the battle situation and I therefore did so. Then he told me to show the operation as ordered by the general and therefore, I explained the operational procedure as ordered by the general. Then I was told to report the damages sustained by the units and I did so, breaking down the damages under the various units. When I had concluded my report on the damages sustained by the Katsuyama Unit, I was asked whether morale was high in that unit. I said at that time that the morale was high in the Katsuyama Unit. The Commanding General of the Division then ordered that the prisoner be executed at the Katsuyama Unit.

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39. Q. Do you remember exactly what he said?
A. The general said, as I recall, that Lieutenant Katsuyama, whose unit shot down the American plane, execute the prisoner.

40. Q. Did you say anything?
A. I believe the Commanding General issued this order because he feared that the morale was not high in the Katsuyama Unit.

41. Q. The question was "Did you say anything?" to what the general told you.
A. I did not say anything.

42. Q. Was the name of the prisoner mentioned in this conversation?
A. As I recall the prisoner's name was not mentioned.

43. Q. Did the general have anything else to say about the execution?
A. In the conclusion he said something which I did not catch and therefore I asked back "What was that, sir?" and he said "You must give back the personal belongings of the prisoner to him and not appropriate it yourself."

44. Q. Was anything said about when the prisoner would be sent to Koror?
A. I am not clear on this time faster, whether such was mentioned.

45. Q. Do you remember whether anything was said as to when the execution was to take place?
A. I may have heard, but have forgotten it.

46. Q. When did you first see this prisoner?
A. At the pier at the Tropical Experimental Station.

47. Q. When was this in relation to the conversation which you had with the general?
A. It was after the conversation with the general.

48. Q. Was it on the same day that you had the conversation with the general?
A. Yes.

49. Q. At the time that you saw this prisoner was there anyone else with him?
A. Yes.

50. Q. Who was with him?
A. Second Lieutenant Onose. I believe he was a second lieutenant at that time, and as I recall, there were several guards with him at that time.

51. Q. Do you remember the names of any of them?
A. I came to know Tsuchiya in this court room.

52. Q. After you met these people on the pier, what happened then?
A. The prisoner was sent to Koror under escort.

53. Q. Was he sent in a boat?
A. Yes.

54. Q. Did you go along?
A. I did.

55. Q. What happened after you reached your outfit with the prisoner?
A. Then we discussed where the scene of the execution was to be in conformance with the order.

1114

56. Q. With whom did you have this discussion?
A. I discussed this with Lieutenant Onose and other staff members of the companies such as sergeants major.

57. Q. When did this discussion take place?
A. It took place immediately after our arrival.

58. Q. Was this during the nighttime?
A. Yes.

59. Q. When did you advise Katsuyama that he was to conduct the execution?

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

The judge advocate withdrew the question.

60. Q. Who was to perform this execution?
A. Katsuyama.

61. Q. When did you advise him of that fact?
A. After the scene of the execution was decided upon, as I have just stated, I believe I gave Katsuyama his instructions over the telephone.

62. Q. Do you remember what you told Katsuyama?
A. In general outline I told him as follows: "When I left here I was resolved to oppose this execution, however, I was presented with the order of the Commanding General of the Division. The prisoner has been brought to Koror under his order and you, Katsuyama, will perform the execution."

63. Q. Did you tell him what time the execution was to be?
A. I did.

64. Q. What time was it?
A. As I recall, I instructed him that the execution was to take place early in the morning of the next day - around seven o'clock.

65. Q. Did you attend this execution?
A. I did.

66. Q. When you arrived at the scene was the prisoner there?
A. Yes.

67. Q. Do you know who had brought him to the scene?
A. That I do not know.

68. Q. Besides yourself and the prisoner, who else was present at the scene of the execution?
A. First Lieutenant Onose, First Lieutenant Katsuyama, Tsuchiya, and First Lieutenant Tanaka. These were the officers that I remember.

69. Q. Were Kaufman's possessions given back to him?
A. Yes.

70. Q. Who gave them back to him?
A. As I recall, Tsuchiya.

71. Q. At the scene of the execution did you see Onose do anything?
A. Onose, at the scene, related in outline the order of the Commanding General that he would be executed.

72. Q. After this was done by Onose, what happened?
A. Onose gave the prisoner a cigarette.

1115

73. Q. What did Katsuyama do?
A. Katsuyama started his preparations as the executioner.

74. Q. Did Katsuyama actually execute Kaufman?
A. Yes.

75. Q. Did you notice whether or not anyone took pictures of this execution?
A. Shimojo took photographs.

76. Q. Who was Shimojo?
A. I believe he was one of the escort party.

77. Q. What was done with the body after Katsuyama cut it?
A. The body was buried according to the Japanese burial rites with courtesy and respect.

78. Q. After the execution had been completed, did you make any reports to anyone?
A. I recall that I did make a report.

79. Q. To whom did you report?
A. I do not recall who made the report, whether it was a non-commissioned officer, or First Lieutenant Tanaka, however either one or the other made a report to the Doi Unit. The report submitted to the Doi Unit was to be forwarded to headquarters, and I believe I asked Lieutenant Onose to report this matter to headquarters, to which he was sure to return. NB

80. Q. Did you, yourself, report to headquarters?
A. I did not.

Cross-examined by the accused:

81. Q. Have you ever seen the charges and specifications preferred against you?
A. Yes.

82. Q. In those charges and specifications were the words used that you, Koichi, relayed the orders of Lieutenant General Inoue?
A. As I recall these words were not in the charges and specifications.

83. Q. When did you first learn of Kaufman's name?
A. I have a recollection that I heard Kaufman's name being spoken by Second Lieutenant Onose.

84. Q. How did you come to know of Kaufman's nationality?
A. As to Kaufman's nationality, as he was shot down in an American plane, I presumed his nationality to be American.

85. Q. Did you ascertain the fact that the plane which was shot down was an American?
A. I did not.

86. Q. Then you thought the plane to be American?
A. Yes.

87. Q. In your previous testimony you stated that there was no direct command relationship between Colonel Doi and yourself. Is that correct?
A. The anti-aircraft was a special unit and there was no question concerning anti-aircraft operations. As I recall anti-aircraft units were attached to organizations because of supplies, et cetera.

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88. Q. Is it correct that in answer to question 22 or thereabouts put to you by the judge advocate, which was "What did Colonel Doi tell you in the first conversation?" you made no reference in your answer to the headquarters being desirous of executing the prisoner. That is what I have in my Japanese in the notes I have taken down in Japanese and I wish to check whether or not what is I have taken down in Japanese is correct.

This question was objected to by the judge advocate on the ground that it was improper.

The accused withdrew the question.

The witness was duly warned.

The commission then, at 4:30 p.m., adjourned until 9 a.m., tomorrow, Saturday, April 2, 1949.

1117

SIXTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Saturday, April 2, 1949.

The commission met at 9:20 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance E. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Koichi, Hiroe, the witness under examination when the adjournment was taken, entered. He was warned that the oath previously taken was still binding and continued his testimony.

(Cross-examination continued.)

89. Q. Concerning your conversations with Doi, in regard to prisoners of war, state briefly the main points in the second and third conversations you had with him.
A. The substance of the second and third conversations were much the same except for the fact that in the third conversation there were specific orders which were most strongly termed which stated that Katsuyama perform the execution.

90. Q. Was it an order?
A. I do not recall whether it was an order. It was very strongly termed.

91. Q. While you were holding these conversations with Doi did you directly contact headquarters?
A. I did not.

92. Q. You testified yesterday in court that you were directly subordinate to the Fourteenth Division. Now concerning this prisoner of war you were in contact with Doi and you contacted Doi on two or three occasions but never directly contacted headquarters. Were there any reasons for this? AB
A. I do not clearly recall the circumstances at that time, but I believe Unit Commander Doi stood in the relation of a guardian or ward over me, to use an analogy from every-day usage. AB

93. Q. Was there a direct telephone to Fourteenth Division Headquarters?
A. There was an operational command telephone line. In all other matters it was customary to relay matters through the Doi Unit.

94. Q. Did Colonel Doi tell you with whom at headquarters he got in touch?
A. I believe he said with Staff Officer Yajima.

95. Q. Do you know the time when Lieutenant Kaufman was shot down or when he was captured?
A. I do know the approximate time.

96. Q. When, approximately, did these things occur?
A. As I recall, in the early part of May, 1945.

97. Q. After approximately how many days did Colonel Doi first contact you concerning the prisoner of war after Kaufman had been captured?
A. I do not clearly recall.

98. Q. Did you discuss the execution of the prisoner of war with Lieuteant Katsuyama on the basis of the third conversation you had with Colonel Doi and prior to your reporting to division headquarters?
A. I did.

99. Q. In the direct examination yesterday you testified that you did not discuss the execution with any subordinate after the telephone conversation with Colonel Doi. Was that testimony a mistake on your part?
A. I answered in that manner yesterday because I thought the judge advocate was asking whether I had any discussions with my subordinates after the first telephone conversation, and as I did not discuss the matter with Katsuyama after the first telephone conversation, I answered in that manner.

100. Q. How many days after you had had the first telephone conversation with Colonel Doi did you report to division headquarters because you were called there by Staff Officer Wakagawa?
A. I do not clearly recall. I believe it was about two or three days later.

101. Q. Between what hours were you at division headquarters when you reported there?
A. I arrived at headquarters early in the morning and left around one or two o'clock in the afternoon.

102. Q. At about what hour did you report to the general?
A. As I recall, after the noon meal.

103. Q. During your conversations with General Inoue, did Staff Officer Yajima put in an appearance at any time?
A. Staff Officer Yajima was not there.

104. Q. Were not the exact words of General Inoue when he spoke to you concerning the prisoners of war in the Japanese "Furyo o koshahotai ni yaruzo". (T.N. "I will give the prisoner of war over to the anti-aircraft unit.")?
A. What do you mean by the question?

105. Q. What I mean by that is that did not Lieutenant General Inoue use these Japanese words when discussing the prisoner of war with you?
A. I do not recall these words.

106. Q. You testified yesterday that there was a portion of what General Inoue said which you did not clearly understand, is that correct?
A. Are you referring to the final phase of the conversation?

107. Q. It does not matter in what phase of the conversation this came out, but were there any portions which you did not understand clearly?
A. Yes, there were.

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106. Q. In May of 1945 when Koror was bombed by the American planes were your ears injured due to the bombings?
A. Yes, it was then that my ears were injured.

109. Q. Will you turn to the commission and show the commission your injured ears?
A. (The witness showed his ears to the commission).

110. Q. When you went into the presence of Lieutenant General Inoue were your ears still bandaged?
A. Yes, they were still bandaged.

111. Q. When Lieutenant General Inoue spoke to you did he tell you specifically that Lieutenant Katsuyama or the Katsuyama Unit was to perform the execution?
A. He did.

112. Q. Did he say that the execution was to be performed by Lieutenant Katsuyama or by the Katsuyama Unit?
A. He said by First Lieutenant Katsuyama.

113. Q. In the Imperial Japanese Army was it customary for a Commanding General when issuing orders to subordinate unit commander in his order specifically to designate a specific person subordinate to the subordinate unit commander to carry out certain orders?
A. Customarily this procedure was not followed.

114. Q. Did you see a documentary order concerning the execution of Kaufman?
A. I did not.

115. Q. Do you mean when you say you did not see such document that you did not see such document on the day that you went to the headquarters?
A. I did not see such a document.

116. Q. Did you at a later date receive a printed copy of the order of execution of Kaufman?
A. I do not have such recollection.

117. Q. Is it correct that you were told by Lieutenant General Inoue to return the personal belongings to Kaufman?
A. That is correct.

118. Q. Please explain what steps you took on receiving these instructions from General Inoue?
A. After I had received my order?

119. Q. After you had received your order.
A. I acted exactly in conformance with the order.

120. Q. My question is, will you explain what you actually did after you received the order from the general in regard to returning the personal belongings of the prisoner of war.
A. Are you referring merely to the personal belongings?

121. Q. Yes.
A. The personal belongings were returned to the prisoner by Sergeant Major Tsuchiya who was a member of the escort party.

122. Q. What I am asking is what measures you personally took on the basis of this instruction you received from the general?
A. I merely confirmed the order.

123. Q. Then you did not take any steps personally or directly concerning the personal belongings of the prisoner of war up until the time you left headquarters?
A. The general did not hand me the personal belongings himself and tell me how to return them to the prisoner. As I recall he merely stated after giving me the instructions that these instructions be observed.

124. Q. I am merely asking you if it is true that you did not take any steps personally concerning the personal belongings of the prisoner of war prior to your departure from headquarters? I wish to know if that is correct.
A. Yes, that is correct.

125. Q. Prior to your departure from headquarters did you contact a member of the headquarters staff concerning the execution of the prisoner of war?
A. I did not speak with anyone.

126. Q. You did not speak with Staff Officer Yajima?
A. I did not.

127. Q. Please state what you did on arriving at the scene of the execution on the day of the execution.
A. When I woke that morning and went to the naval cemetery which place had been designated for the execution, I found everybody assembled. They saluted me, and the Sergeant Major Tsuchiya, returned the personal belongings to the prisoner. Next, Onose handed a cigarette to the prisoner of war. I took the towel which I had in my belt and handed it over so that the prisoner might be blindfolded. Prior to this I told Onose to tell the prisoner the reason for the execution. The prisoner was lead to the front of the hole and he was executed by First Lieutenant Katsuyama.

128. Q. As a person to whom the order to execute was given by the general did you not think of pronouncing the sentence to the prisoner?
A. I thought that if I were to pronounce sentence I would have to reveal before all these people the reason for the execution as given by the Commanding General. I spoke as follows "The prisoner of war is about to be executed, in conformance with the orders of the Army Group Commander".

129. Q. I am not asking you whether you explained the execution to the persons there present, but am asking why you did not think, as the person ordered by the commanding general --

This question was objected to by the judge advocate on the ground that it called for the thoughts of the witness, was irrelevant, and immaterial.

The accused withdrew the question.

130. Q. As the person who received direct orders from Lieutenant General Inoue concerning the execution of Kaufman, was there any reason for you not pronouncing sentence of execution to Kaufman?
A. As I was not versed in English, I could not do this.

131. Q. Did Onose tell you how he prepared the translation into English?
A. I do not recall.

132. Q. Is it not customary in the Imperial Japanese Army for a commanding officer who has directly received orders from his Commanding General to report concerning the result of the execution of the General's order?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

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The accused made no reply.

The commission announced that the objection was sustained.

133. Q. Is it correct that as commanding officer of the Koichi Unit you did not submit a report to Lieutenant General Inoue?
A. I did not submit a documentary report. However, as I was certain that Onose who accompanied the prisoner would report, I asked him to report instead.

134. Q. Are you a graduate from the Military Academy of the Imperial Japanese Army?
A. Yes.

The witness was duly warned.

The commission then, at 10:25 a.m., adjourned until 9 a.m., Monday, April 4, 1949.

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SEVENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Monday, April 4, 1949.

The commission met at 9:15 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John M. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance E. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present. AB

Koichi, Hiroe, the witness under examination when the adjournment was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony. AB

(Cross-examination continued.)

135. Q. Was your unit, the Koichi Provisional Anti-aircraft Unit, subordinate to the Fourteenth Division for operational purposes only?
A. Not only in connection with operations, but the unit was under the command of the division in all matters.

136. Q. Isn't it true that at your trial that you were tried for murder and that you were found guilty of murder of a prisoner of war?
A. Yes.

137. Q. Did you see Katsuyama shoot down a prisoner?
A. I did not.

138. Q. Since the first time that you saw this prisoner that you testified was executed was at the Tropical Experimental Station, you do not know for sure that this was the prisoner that you saw shot down, is that true?
A. I believe it was the same prisoner of war.

139. Q. How did this prisoner that you saw shot down by the Katsuyama Unit get out of your custody?
A. I do not grasp the meaning of your question.

140. Q. After the Katsuyama Unit had shot down a flier, how did this flier happen to leave the Koichi Unit? AB

This question was objected to by the judge advocate on the ground that the accused was misquoting the testimony of the witness.

The accused replied.

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The commission announced that the objection was sustained.

141. Q. After the Katsuyama Unit had shot down the flier, was he ever in the custody of the Koichi Unit?
A. No, he was not interned at the Koichi Unit.

142. Q. Then you do not know whether this prisoner was ever rescued or taken into custody?
A. I know that he was interned.

143. Q. Who rescued this flier that was shot down then?
A. The Doi Unit rescued him.

144. Q. Do you know where the prisoner that you saw for the first time at the Tropical Experimental Station Dock was when you were talking to General Inoue?
A. I do not.

145. Q. At the scene of the execution, did Onose read from a paper?
A. I recall that such was the case.

The judge advocate did not desire to reexamine this witness.

The commission did not desire to examine this witness.

The witness made the following statement:

I have nothing in particular to state, however it may be said that the battle conditions at that time were extremely harrowing. A half month prior to this bombing there was an intense bombing carried out by small aircraft. As I recall there were twenty-five men killed in action in that battle by the incendiary bombs that were dropped by the Americans, and the only persons who lived through that battle after receiving wounds were Katsuyama and myself. In one unit there were fifteen personnel buried alive in a hole. The battle was a continuous one and it was seldom that one did not observe four or eight planes in the sky at any time.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Onose, Ichiro, at the time Second Lieutenant, Imperial Japanese Army Reserve.

2. Q. If you recognize these accused, tell us their names and former ranks.
A. Lieutenant General Inoue, Sadae, Colonel Tada, Tokuchi.

3. Q. Have you ever had duty with the Japanese Army in the Palau Islands?
A. Yes.

4. Q. When did you arrive on the Palau Islands?
A. In April of 1944.

5. Q. To what unit were you attached while you were in the Palau Islands?
A. Headquarters, Army Group Palau Area.

6. Q. Who was the Palau Army Group Commander?
A. Lieutenant General Inoue, Sadae.

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7. Q. Were you also attached to the Fourteenth Division?
A. Yes.

8. Q. Had you arrived in the Palaus with the Fourteenth Division?
A. Yes.

9. Q. Where had you and the Fourteenth Division come from?
A. Chichihar Province, Manchukuo.

10. Q. In May of 1945 what were your duties?
A. Officer attached to intelligence section of the staff.

11. Q. Who was your immediate superior officer on the staff?
A. Intelligence Staff Officer Lieutenant Colonel Yajima.

12. Q. And who was the chief of staff?
A. Colonel Tada, Tokuchi.

13. Q. And who was the commanding general?
A. Lieutenant General Inoue, Sadae.

14. Q. Have you been tried and convicted of a war crime?
A. Two years ago in December I was sentenced to twenty-five years confinement in this court room.

15. Q. What was the crime of which you were convicted?
A. Up to the present moment, I do not know of what crime I have committed, but the charge read murder.

16. Q. You were tried and convicted of murder, is that correct?
A. Yes.

17. Q. Do you know the name of the person that was murdered?
A. I do.

18. Q. What was it?
A. Kaufman.

19. Q. Tell us in detail all you remember about the Kaufman case.
A. It was early in May of 1945 a B-24 was shot down by the Koror Anti-aircraft Unit. I learned of this from a report from, I believe, the intelligence officer of the Doi Unit. The information received further stated that the American officer had parachuted and had been taken into custody by the Doi Unit and was held at the headquarters of that unit. I believe it was soon thereafter when this prisoner was sent over to the headquarters which in turn handed him over to the kempeitai, where, I believe he was confined. And as I recall this prisoner was interrogated by Intelligence Staff Officer Yajima and Second Lieutenant Hamano who acted as interpreter on two occasions. Days passed and it was around the 24th of May I believe, that I was called by Staff Officer Yajima in the afternoon and was given the following assignment in regard to the prisoner of war: There were three orders. First order was to escort the prisoner to Koror Island, second to return the personal belongings of the prisoner at the time of the execution, and third to confirm the circumstances of the execution at the Koror Anti-aircraft Unit. And I received detailed instructions concerning the three assignments from Intelligence Staff Officer Lieutenant Colonel Yajima, and included in these instructions was the instruction to take with me a photographer from the photographic section and a non-commissioned officer, and further I was instructed to report to the general before leaving because there had been specific instructions given by the general to Lieutenant Colonel Yajima.

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In the Imperial Japanese Army there was a custom or regulation whereby a person receiving an order, in that there be no mistake in the execution of this order, repeated the order to the officer who originated the order and to his immediate superior. This custom or tradition was known as "shinjoku". I went into the presence of Lieutenant General Inoue and stated the order given me by Staff Officer Yajima and reported that I would leave to fulfill this order. At this time Lieutenant General Inoue told me that this was an important assignment and that in escorting the prisoner, all courtesy and respect should be shown him in conformance to the traditional "Bushido", or the way of the Samurai, and at Koror, if in the event an officer of the anti-aircraft were to hesitate in front of numerous subordinates and thereby lose prestige, that I, Onose, execute the prisoner for the anti-aircraft unit.

20. Q. Did the general say anything else to you?
A. His Excellency was greatly concerned about the personal belongings of the prisoner and he said that the prisoner will be buried with his personal belongings.

21. Q. By "His Excellency", do you mean General Inoue?
A. Yes.

22. Q. Is that all he said to you?
A. As I recall that was all he told me.

23. Q. What happened after you had this conversation with the general?
A. I went to the kempeitai taking with me one non-commissioned officer and one photographer from the photographic section.

24. Q. You went to the kempeitai after leaving the general; did you have a conversation with anyone?
A. I think that I spoke with Staff Officer Yajima and with Second Lieutenant Hamano. AB

25. Q. Did either of those two men give you anything?
A. Staff Officer Yajima handed me the personal belongings of the prisoner of war. And from Second Lieutenant Hamano I received the paper on which was written the reason why the prisoner of war was to be executed.

26. Q. Along with this paper, did you receive any instructions as to what to do with it?
A. From Hamano, no.

27. Q. From anyone?
A. I did not.

28. Q. Did you actually get the prisoner from the kempeitai?
A. I did.

29. Q. Did you take him to Koror?
A. I did.

30. Q. Were you present at the scene where he was executed? AB
A. I was.

31. Q. Tell us about the execution.
A. Early on the morning of the day after my arrival on Koror around 6:30 in the morning, the prisoner of war was escorted from the Koichi Anti-aircraft Unit to the Naval Cemetery, three hundred or four hundred meters away, escorted AB by guards from the anti-aircraft unit. As I had rested that night (the previous night) in the same quarters as Captain Koichi, I was at that time having breakfast with Captain Koichi. At this time a non-commissioned officer

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of the Koichi Unit reported to Captain Koichi that preparations had been completed for the execution, whereupon Captain Koichi and myself went to the scene of the execution which was the Naval Cemetery. Approximately fifty to sixty persons were there assembled, who I believe belonged to the anti-aircraft unit. And they saluted Captain Koichi. And as I recall Captain Koichi at that time gave an address of instructions to these men. And as I stated previously, the prisoner was there at the scene of the execution under escort of guards. After his address was over he said to me that as the prisoner of war does not know for what reason he is to be executed, it is pitiful, and though I cannot speak the English language, but "if you, Onose, can speak the language, will you tell the prisoner the reason for his execution?" Although I was not very good at speaking the language, it was most opportune that I had this paper with me and I answered that I would read to the prisoner from this paper. Koichi asked me to do so, namely to read from the paper, and therefore I read to the prisoner the paper.

32. Q. Do you remember what was on the paper? Do you remember the words on the paper?
A. These things took place four years ago and I do not recall them clearly. In gist however, it was that the prisoner of war was to be executed at the Koror Anti-aircraft Unit by order of Lieutenant General Inoue.

33. Q. Was the prisoner executed?
A. Yes.

34. Q. How was he executed?
A. The prisoner was beheaded with a samurai sword by Lieutenant Katsuyama.

35. Q. After the execution did you return to headquarters?
A. I did.

36. Q. Then did you report to anyone that the execution had been completed?
A. I did, to Staff Officer Yajima.

37. Q. Did you report to anyone else?
A. When I returned from Koror it was late in the night and I made this report to Staff Officer Yajima, and at that time I said to Staff Officer Yajima that I would report also to the general as the general had stated the assignment to be an important one. Yajima said that as it was late in the night that was not required, that he would make a report to the general in my stead.

38. Q. Were there pictures taken of this execution to your knowledge?
A. Yes.

39. Q. Did you see the pictures, the developed pictures?
A. Yes.

40. Q. Who showed them to you?
A. Shimojo, attached to the photographic section.

41. Q. Did you show the pictures to anyone?
A. I did not.

The commission then, at 10:20 a.m., took a recess until 10:45 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

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No witnesses not otherwise connected with the trial were present.

Onose, Ichiro, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

Cross-examined by the accused:

42. Q. Since when did you serve with the Intelligence Section of the Fourteenth Division?
A. From March of 1944.

43. Q. You testified that the B-24 on which Kaufman was flying was shot down in the early part of May 1945. Would you know the approximate date?
A. As I recall, it was on the third or fourth of May.

44. Q. You testified that you were called by Staff Officer Yajima around the twenty-fourth. Do you have any basis for that recollection?
A. I do not know whether you can consider what I will now state as a reason for my recollection. At the time I took the prisoner to Koror he knew twenty or twenty-odd simple Japanese words. Now it might be said that his stay there was not a short duration such as for four or five days. When I testified that the execution took place on the twenty-fifth or thereabouts that was my recollection of the day of execution.

45. Q. You testified that you were given three assignments by Staff Officer Yajima and that he further gave detailed instructions concerning these assignments. Will you explain these detailed instructions?
A. The instructions were in regard to the first assignment, the escort of the prisoner of war, to carry a pistol to eliminate opportunities of dishonor being visited on the prisoner of war by the troops; second, in regard to the belongings the instructions were that I witness with my own eyes the burial of the prisoner of war with his belongings on his person, in regard to the third assignment, mainly confirmation of the death of the prisoner of war, to take a photographer with me and have him photograph the execution as he, Yajima, intended to show these photographs to the general, besides confirming the prisoner's death by witnessing it in person.

46. Q. Is it true that when you went into the presence of Lieutenant General Inoue he told you to return the belongings to Kaufman?
A. It is true.

47. Q. Do you recall making a statement on 4 August 1947 concerning this instance?
A. I do.

48. Q. Was that statement submitted into evidence in your trial?
A. Yes, it was.

49. Q. Is it correct that in that statement in which you went into great details that you stated the three assignments as follows: one, escort the prisoner of war; two, confirmation of death of prisoner of war; and three, in event of escape of prisoner to shoot the prisoner; and that there is no mention of the prisoner's personal belongings in your conversation with General Inoue?
A. Yes, that is exactly so.

50. Q. Then is it correct that you have recalled the matter of personal belongings after you wrote that statement?
A. Yes, that is correct. I recalled that matter during the course of my trial through the statements and testimony on the witness stand made by other parties to the trial.

51. Q. Please state what you said in your report to Lieutenant General Inoue prior to your departure to Koror.
A. I stated the assignment given me by Staff Officer Yajima as it was.

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52. Q. In other words, you mean to say that you stated what you testified to this morning?
A. Yes.

53. Q. You testified that the reason for the execution was written on this paper you received from Second Lieutenant Hamano. Will you state the reason or reasons therein mentioned?
A. The order of the Army Group Commander.

54. Q. You testified that prior to your departure you were handed the personal belongings of the prisoner by Staff Officer Yajima. What were these personal belongings? AB
A. I believe they were a watch, a ring, a wallet. I believe that was all. AB

55. Q. Did you meet Captain Koichi at headquarters the day that you received your order from Staff Officer Yajima?
A. I did not meet him, but I saw him.

56. Q. Do you know under whose direction Hamano made his translation?
A. I do not.

57. Q. You have testified to the substance of the English translation of the document that you read at the scene of the execution. Were the words "We feel great pity, but ..." in that translation?
A. As I recall, these words were not on the paper.

58. Q. Do you recall writing these words in your statement which appears as Exhibit ' in the trial of Koichi, et al, "I approached 2nd Lieutenant Kaufman and read to him the English which I had received from our colleague, 2nd Lieutenant Hamano, before we started out (words which meant, 'We are sorry but according to the order of the commanding officer you have been sentenced to be executed.')"?
A. I recall that. However, that is not what I wrote, but that is a translation of what I wrote.

59. Q. Have you ever seen the paper which is the original of that English translation?
A. No, I have never seen it.

60. Q. Did not Yajima show you the Japanese original of the translation which you received?
A. I did not see the Japanese original.

61. Q. In November of 1947 after you were served with the charges and after you were given benefit of counsel and were able to meet the Japanese defense counsel did you not tell the three Japanese defense counsel that you explained that it was at your suggestion that Second Lieutenant Hamano made the translation of the document?

The judge advocate stated that the witness could not be cross-examined on statements made to his defense counsel while he was an accused, and requested the commission to direct the witness that he need not answer. The judge advocate also requested the commission to admonish counsel that it was improper to cross-examine on confidential matters learned as a result of the attorney-client relationship.

The commission informed the defense counsel (Mr. Sanagi, Sadamu), that it considered this question improper in that, by asking it, he was revealing statements, and cross-examining on statements made to him by this witness when he was his client.

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The accused withdrew the question.

62. Q. You testified in court in the present trial that after your return at the conclusion of the execution of Kaufman, that you did not report to General Inoue. Do you recall writing in Exhibit 6 of the Koichi trial that you did report to General Inoue after your return on the completion of the execution? Do you recall the following: "In the evening of the day the execution of 2nd Lieutenant Kaufman was completed, I again returned to headquarters on Babelthuap Island. I made a report to Staff Officer Yajima and to the commanding officer concerning the circumstances of the execution and reported the completion of my duties."?
A. This is not the document that I executed but I believe that I did write so. AB

63. Q. I have read this portion of the statement. Now, which is correct? Did you report to the Commanding General or did you not report to the Commanding General after the execution?
A. At my trial I recalled that the true situation was that I did not report to the Commanding General.

64. Q. Is it correct that in the order you received from Staff Officer Yajima there was no mention of your reading any document at the scene of the execution?
A. That is correct.

The witness was duly warned.

The commission then, at 11:25 a.m., took a recess until 2:10 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Onose, Ichiro, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

65. Q. Did you ever see this prisoner at the division headquarters?
A. No, I didn't.

66. Q. You were never present at any time when Yajima was interrogating him then?
A. No, never.

67. Q. From whom and when did you get the prisoner at the kempeitai?
A. I received the prisoner from Second Lieutenant Sano with one assistant kempei on the day when I received the order.

68. Q. How do you know you got the right prisoner from Sano?
A. I knew he was the right prisoner because I believed an officer of the kempeitai.

69. Q. Did you say anything else other than to read the paper to him at the execution? AB
A. I did.

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70. Did the paper state the reason for his execution?
A. It was so stated.

71. Q. What reason was stated in the paper for the execution of the prisoner?

This question was objected to by the judge advocate on the ground that it was repetitious.

The accused replied.

The commission announced that the objection was not sustained.

A. The reason was in accordance with the orders of Army Group Commander.

72. Q. Was that the only reason that you gave the prisoner for his execution?
A. That is right.

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

The commission did not desire to examine this witness.

The witness made the following statement:

If it please the commission, I would like to explain about the English translation made by Second Lieutenant Hamano. I received orders from Yajima and before I reported to the general I told Hamano as follows: I told Hamano that although I can read English I cannot speak it very well so he had better go and escort the prisoner in place of me. I asked Hamano's opinion saying that if the prisoner dies without knowing the reason of his execution, it is very pitiful and how Hamano thinks about it. Then Hamano told me that since I could read English he would write a copy of the English translation for me. Then I said to Hamano, please do it, and I reported to the commanding general. Therefore, I don't know whether Hamano was ordered to make a translation or not because I asked him to do so. And when I was cross-examined by defense counsel I was asked whether Hamano made a translation from Japanese original, but I'm not sure about the details. I also don't know whether this Japanese original existed or not. That is all I have to say.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Former Army Kempei Captain Nakamura, Kazuo.

2. Q. If you recognize these accused tell us their names and former ranks.
A. Former Lieutenant General Inoue, Sadae, Japanese Army and former Colonel Tada. I don't recall his first name.

3. Q. Have you ever served in the Palau Islands?
A. I have.

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4. Q. When did you arrive in the Palau Islands?
A. On the 9th or 10th of March 1944.

5. Q. And when did you leave there?
A. On the 26th of December 1945.

6. Q. To what particular unit were you attached while you were in the Palau Islands?
A. South Seas Kempeitai.

7. Q. And during the time you were attached to the South Seas Kempeitai, who was the commanding officer of this unit?
A. Kempei Lieutenant Colonel Miyazaki, Aritsune.

8. Q. Who was the senior army officer in the Palau Islands when you were there?
A. Lieutenant General Inoue.

9. Q. Did Lieutenant General Inoue have any particular title by which he was known?
A. He was known as Army Group Commander, however his original title was Fourteenth Division Commanding General.

10. Q. Do you know when Inoue got the title of "Shudan Shireikan" in relation to the time of his arrival in the Palaus?
A. I don't recall the exact date, however it was immediately after his arrival on Palau Islands.

11. Q. When you arrived in the Palau Islands, was there a civil government there?
A. It was.

12. Q. Was there a governor?
A. He was.

13. Q. Do you know how long that civil government continued to exist?
A. It was on Koror until around June 1944. After that until the end of the war it was on Babelthuap Island.

14. Q. Was there a governor on Babelthuap until the end of the war?
A. He was there at any rate.

15. Q. Was the governor a civilian to your knowledge?
A. I don't recall exactly, but I think he was a Naval Reserve Officer.

16. Q. Where were kempeitai headquarters in September of 1944?
A. It was on Babelthuap.

17. Q. And where were General Inoue's headquarters in September of 1944?
A. It was on Babelthuap.

18. Q. Approximately what was the distance between these two places, if you remember?
A. I think it was five or six hours walk.

19. Q. Did you see any prisoners at the kempeitai headquarters in September of 1944?
A. He was not at the headquarters.

20. Q. The question is did you see any prisoners at kempeitai headquarters in September of 1944?
A. I saw prisoners.

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21. Q. How many prisoners did you see?
A. Three prisoners.

22. Q. How long were the prisoners at the headquarters of the kempeitai, if you remember?
A. About five or ten minutes.

23. Q. Do you know where those prisoners had come from?
A. They came from Headquarters of the Army Group Commander at the Tropical Experimental Station. AB

24. Q. Do you know the nationality of those prisoners?
A. I heard that they were Americans.

25. Q. From whom did you hear this?
A. From Commanding Officer Miyazaki.

26. Q. What else did Miyazaki tell you about these prisoners?
A. He told me something else.

27. Q. What else did he tell you?
A. He told me that three prisoners were to be executed by orders of Army Group Headquarters.

The accused moved to strike out this answer on the ground that it was hearsay and a self-serving declaration.

The judge advocate replied.

The commission announced that the motion was not sustained.

(The witness continued his answer:)

Miyazaki told me that there was no mistake because he heard the order directly through chief of staff from division commanding general.

The accused moved to strike out this answer on the ground that it was hearsay and a self-serving declaration.

The judge advocate made no reply.

The commission announced that the motion was not sustained.

28. Q. Who was the chief of staff if you know?
A. Chief of Staff Tada.

29. Q. Is that the same Tada who is here in this court room?
A. He is the same person.

30. Q. After you had this conversation with Miyazaki, what happened?
A. The conversation continued some more. Every personnel of the kempeitai should go. Then everybody including the commanding officer took a car and went to the scene of the execution.

31. Q. What happened at the scene?
A. In accordance with the orders of the commanding officer the three were executed.

32. Q. Who actually executed the prisoners?
A. The commanding officer shot one of them.

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33. Q. Who killed the second one?
A. Then according to the commanding officer's order, I and Kokubo executed the rest of the prisoners.

34. Q. In September of 1944, did the kempeitai have any other prisoners in their custody?
A. No.

35. Q. Weren't there several missionaries being held by the kempeitai?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. There were missionaries.

36. Q. Weren't they being held by the kempeitai?
A. They were not held by the kempeitai but were living in a house away from the kempeitai.

37. Q. How far away from the kempeitai?
A. I think it was more than one thousand meters away.

38. Q. Were they under guard?
A. Sometimes there were guards, sometimes there were not. When there were no guards we were sending some patrol personnel.

39. Q. And weren't the patrol personnel a part of the kempeitai?
A. They were.

40. Q. Do you know why all these missionaries were living in one house?
A. I know.

41. Q. What was the reason?
A. There was information that these missionaries were sending signals by fire and by reflection light whenever American planes bombed the Palau Islands and for that the reason the bombings were very accurate.

42. Q. Where had the missionaries been living, if you know, before they were all put in this one house?
A. They were in Murata Unit which was a construction unit. Before they were in custody of the Murata Unit these missionaries were in various places, however this army group headquarters asked the South Seas Government to gather these prisoners. Then the battle situation became very intense and since this Murata Unit was a unit in operation, keeping these missionaries was troublesome for operations, therefore the kempeitai was requested to keep them is custody.

43. Q. Who requested the kempeitai to keep them in custody?
A. I don't know who, but the order came from division headquarters and the commanding officer of the kempeitai received the order. And the commanding officer said the kempeitai was very busy and cannot keep them in custody, however he was told that this was an order from division headquarters and he had to do it.

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The accused moved to strike out this answer on the ground that it was hearsay and a self-serving declaration.

The judge advocate replied.

The commission announced that the motion was not sustained.

44. Q. What ultimately became of these missionaries?
A. They were executed.

45. Q. Do you remember just about when they were executed?
A. I don't recall the exact date, it was around September.

46. Q. How many people were executed at that time?
A. Ten persons.

47. Q. Do you know the names of any of the people who were killed?
A. I don't remember ~~any~~ of their names.

48. Q. Do you know the nationality of any of the people that were killed?

This question was objected to by the accused on the ground that it called for an opinion of the witness and was speculative.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I don't know their nationality, however I heard that they are Spanish. There were also two persons like natives and two children who were with the missionaries.

The accused moved to strike out this answer on the ground that it was speculative.

The judge advocate concurred.

The commission directed that the answer be stricken out.

49. Q. Do you know why these persons were killed?
A. I know.

50. Q. Why were they killed?
A. They were suspected as spies and if we let them as they are, we will not win the war, however there was no court martial system to try them. Then orders came from the division that they were to be executed and the commanding officer executed them in accordance with the orders.

51. Q. How do you know orders ~~from~~ came from the division?
A. The commanding officer, Miyazaki, assembled the officers and relayed the order.

The accused moved to strike out this answer and the previous answer on the ground that they were hearsay and self-serving declarations.

The judge advocate replied.

The commission announced that the motion was not sustained.

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52. Q. When did Miyazaki hold this conference in relation to the time of the execution of the missionaries?
A. It was immediately before the execution.

53. Q. What did he tell you?
A. He assembled Second Lieutenant Ichikawa and Second Lieutenant Sano and he told us that the missionaries had to be executed because it was decided so by the Army Group Headquarters, and that we are going right away. He also told me that we were going to the scene right away and that all available personnel of the unit, excepting sick persons had to go.

The accused moved to strike out this answer on the ground that it was hearsay, an opinion of the witness, and incompetent.

The judge advocate replied.

The commission announced that the motion was not sustained.

54. Q. Did the kempeitai have any prisoners in December 1944?
A. By prisoners, do you mean prisoners of war in international law?

The judge advocate withdrew the question.

55. Q. Were there any civilians being held in custody in the kempeitai in December 1944?
A. There was a civilian.

56. Q. What was his name?
A. The name was Smith.

57. Q. What happened to Smith?
A. He was also executed.

58. Q. Do you know why Smith was executed?
A. I do.

59. Q. Why?
A. There were occasions when the natives living at Garasmao, Babelthuap escaped to American ships which were at anchorage around Koso Straits. I testified Garasmao but I would like to change it to Garasmao Area. At that time the family of Smith escaped with them. Therefore the army group headquarters ordered kempeitai to watch Smith at the kempeitai. Then Sano, who was in charge of intelligence, was investigating him I think and it was found out that Smith was a spy suspect and he also attempted deserting to the enemy.

60. Q. Did you receive any orders concerning Smith?
A. I did.

61. Q. From whom did you receive the orders?
A. From the commanding officer, Miyazaki.

62. Q. What did Miyazaki tell you?
A. Smith who was in the custody of the Ajioka Detachment at Gasupan was sentenced to death by the Army Group Headquarters, therefore I had to relay the orders to the Ajioka Detachment and to have him executed there. He also told me to have Yamada perform the execution and he also told me some other minute things.

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The accused moved to strike out this answer on the ground that it was hearsay, speculative, and self-serving.

The judge advocate replied.

The commission announced that the motion was not sustained and that it would give the answer its proper weight.

63. Q. Did you have Yamada shoot Smith?
A. Yes, I did.

64. Q. Have you been tried and convicted in a war crimes trial?
A. I was convicted.

65. Q. Were you convicted of the execution of Charlie Smith and also the three American prisoners in September of 1944?
A. Yes.

The commission then, at 3:15 p.m., took a recess until 3:30 p.m., at which time it reconvened. AB

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

Nakamura, Kazuo, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding and continued his testimony.

Cross-examined by the accused:

66. Q. Do you know how many different kinds of kempei there are?
A. I do.

67. Q. Tell us about it briefly.
A. There were kempeis and auxiliary kempeis, who are assisting kempeis.

68. Q. Do you know other than this is there any substantial distinction of two different kempeis?
A. There are Imperial Ordinance Kempeis and Military Ordinance Kempeis.

69. Q. Under whose command was this Imperial Ordinance Kempeis? AB
A. There were kempeis which were under the highest kempei commanding officer and other kempeis which were under the command of the army.

70. Q. Are the kempeis which are under the command of the army Military Ordinance Kempeis?
A. No. Article One of the Kempei Ordinance states "Kempei are under the jurisdiction of Army Minister and mainly in charge of military police and at the same time in charge of administrative police and judicial police." Article Two of the Kempei Ordinance states "Concerning military police of the army, the kempei are under the command of the army minister, however in cases when kempeis are stationed in Korea, Formose and Kwantung peninsula they will be under the command of the army commanding general of such area." AB

71. Q. The South Seas Kempeitai to which you were attached, was it Imperial Ordinance Kempei or Military Ordinance Kempei?

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A. After April 1945 it was Military Ordinance Kempei and before that time it was Imperial Ordinance Kempei.

72. Q. When the South Seas Kempeitai was an Imperial Ordinance Kempeitai was there any command relationship between the South Seas Kempeitai and Army Group Commander or Division Commander?
A. There was command relationship. However the command relationship is limited only to the matters of military police and the kempeis were receiving restricted command from the Army Group Commander.

73. Q. Then as a principle, is it correct that there was no command relationship between the two units?
A. It is correct when I say that so far as military police was concerned the kempeitai was under the command of Army Group Commander. "Kusho" or restricted command means to give orders or to supervise to certain limited matters. Therefore, we think that limited command (Kusho) means to order. The word "Kusho" is used in that sense in order to clarify that it is an order on some limited matters excluding all other matters, such as personal intendance, or supply.

74. Q. What kind of persons were under the jurisdiction of the military police? Please state briefly.
A. Military police controlled military personnel and gunzokus so that they would not commit crimes. The military police also control civilians who have connection with the military. The military police would take charge of guarding and keep peace and order and also prevent espionage only so far as they concerned police affairs. In the front the military police would take charge of prisons or jails according to the prison regulations at the front, et cetera.

75. Q. Do you know whether in the South Seas Islands, especially in the Palau Islands, the division was in charge of protection of civilian persons?
A. As a principle the Governor of the South Seas Government was in charge of the protection. However, as the South Seas Government became difficult to administer such affairs the army group headquarters took its place and was in charge of the protection. The personnel of the South Seas Government including the Governor, were very busy to protect themselves, therefore they could not perform their duties.

76. Q. From July 1944 to December 1944 was there any command relationship between the South Seas Government and Army Group Headquarters? Please state it briefly.
A. I believe there was no formal command relationship but as a matter of fact the South Seas Government was continuing its functions in accordance with instructions from Army Group Commander.

77. Q. How do you know that?
A. I'd like to tell you some examples. It was around June 1944 when the second air raid was made. The evacuation of the South Seas Government to Babelthuap and also the evacuation of ourselves on Koror were made by the South Seas Government in accordance with the intention of Army Group Commander.

78. Q. ~~He~~ Do you know where Commanding Officer Miyazaki is? xB
A. I heard that he committed suicide.

79. Q. When?
A. In my trial there was testimony to that effect.

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80. Q. You testified that the South Seas Governor was a navy reserve officer, but was his status a civilian?
A. Yes, his status was civilian.

81. Q. Were you attached to the kempeitai headquarters or were you attached to a detachment of the kempeitai?
A. Until October or November of 1944 I was ordered to be detachment commander, and after that I became attached to the headquarters.

82. Q. What was the title number of the detachment?
A. It had a number.

83. Q. What detachment? AB
A. The First Detachment.

84. Q. There was your detachment?
A. It was at the same place where the headquarters was.

85. Q. Were you considerably with Lieutenent Colonel Miyazaki?
A. By considerably I mean not all the time, but I was with him -- I'd like to withdraw that. I was always with him except ten days during which time I first was evacuated to the main island and later the commanding officer joined me. It was about July of 1944.

86. Q. You testified that three prisoners of war came to the kempeitai in September of 1944. Were you at the kempeitai at that time?
A. I was at the same place where headquarters was. I was about 100 meters away from the commanding officer.

87. Q. Were the three prisoners of war coming to the kempeitai for the first time?
A. They came to the kempeitai before.

88. Q. About how many days before?
A. I am not sure about how many days before, but it was about ten or twenty days or one month before.

89. Q. Do you know whether an investigation was conducted by the kempeitai of the prisoners?
A. No investigation was made by the kempeitai however I saw Yajima and one interpreter interrogating them at the kempeitai.

90. Q. Was this the first occasion or the second occasion that you saw the prisoners?
A. The first occasion I saw the prisoners.

91. Q. On this second occasion when the prisoners were executed when did they arrive at the headquarters?
A. Around four or five o'clock in the afternoon. AB

92. Q. You testified that after you had a conversation with Miyazaki, Miyazaki told you that everybody had to go to the scene of the execution. Was this scene of execution already decided at that time?
A. The scene of the execution was near the holes which the commanding officer ordered dug some time before.

93. Q. How far was this scene of execution from the kempeitai?
A. It was in the hill about 1500 or 2000 meters away from the kempeitai.

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94. Q. You testified that you went to the scene in your car. Who was with you in that car?
A. Commanding Officer Miyazaki, myself, and Sano. There may have been some orderlies, but I am not sure.

95. Q. Did the prisoners go on foot?
A. The prisoners came from the division headquarters by truck and on the truck there was a sergeant major, some non-commissioned officers and enlisted men. They joined with kempei personnel and went to the scene.

96. Q. When you arrived at the scene around what time was it?
A. I am not sure what time but it was about thirty minutes after I left the kempeitai.

97. Q. After the three prisoners were executed, was any notification made to the headquarters?
A. I didn't but the commanding officer or some other officers at kempeitai headquarters notified this to the division.

98. Q. From whom did you hear this?
A. I heard this from the commanding officer.

99. Q. You testified that there was information concerning missionaries that they were making signals by fire and so-on to American planes. From whom did you get this information?
A. Since Sano was in charge of intelligence, I believe he got this information and told the commanding officer about that information. I myself heard this from the commanding officer.

100. Q. You testified concerning the construction corps. Under whose command was this unit?
A. It was under the army group commander.

101. Q. You testified that Miyazaki received an order to keep the prisoners in custody because the battle conditions became intense. How did you know this?
A. I knew this because the commanding officer told me to that effect.

102. Q. You testified that the army group commander ordered Commanding Officer Miyazaki to keep the prisoners in custody, however since there is no command relationship between the kempeitai and army group commander, wasn't this a request and not an order?

This question was objected to by the judge advocate on the ground that counsel was miscuoting testimony.

The accused replied.

The commission announced that the objection was sustained.

103. Q. Do you know whether it was an order or a request?
A. It was an order. I would like to explain one example to clarify this. Around April or May of 1944 the commanding general of the Thirty-first Army on Saipan, Lieutenant General Obata came to Palau. At that time Lieutenant General Obata gave us an order concerning daily routine of the division in which the following matters were stated. The kempeitai shall dispatch two enlisted men to guard the roads around the area and also the kempeitai shall dispatch some enlisted men to protect the commanding general and there was also stated copy to the units under Thirty-first Army and also, copy to

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the kempeitai. This order was mimeographed and around June or July of the same year the South Seas Government was evacuated to Babelthuap. At that time in the building of the South Seas Government some official funds of the South Seas Government was left and some Japanese soldiery found the funds and stole it. He was found out and the commanding officer, Miyazaki, told him he should suffer disciplinary punishment. AB

The accused moved to strike out this answer on the ground that it was not responsive.

The commission directed that the answer be stricken out.

The witness was duly warned.

The commission then, at 4:30 p.m., adjourned until 9 a.m., tomorrow, April 5, 1949.

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EIGHTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Tuesday, April 5, 1949.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Nakamura, Kazuo, the witness under examination when the adjournment was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

104. Q. During the time when the missionaries were kept in custody, under whose custody were they?
A. Commanding Officer Miyazaki kept them in his custody in accordance with the order of the Army Group Commander.

105. Q. Was it the same way when the missionaries were kept in a civilian house?
A. At the beginning the missionaries were under the custody of the South Seas Government. Next it was under the custody of the Murata Unit and next it was under the custody of the kempeitai.

106. Q. Who interrogated these missionaries?
A. I do not recall exactly, but the Commanding Officer Miyazaki could speak Spanish, so I believe that Commanding Officer Miyazaki also investigated them. I think Second Lieutenant Sano also investigated the missionaries.

107. Q. Yesterday you testified that Second Lieutenant Sano was in charge of intelligence. In what unit was he in charge of intelligence?
A. He was in charge of intelligence at the kempeitai.

108. Q. As a result of the investigation what did you find out?
A. I heard from the commanding officer to the effect which I testified yesterday.

109. Q. Do you know whether the result of the investigation was reported to the Army Group Headquarters or not?

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A. I didn't report it, but the commanding officer reported that. At that time the staff officer, Yajima, frequently visited the kempeitai and the commanding officer also went to the Army Group Headquarters.

110. Q. You testified that the Commanding Officer Miyazaki, assembled you, Ichikawa, and Sano. Was there any other officer at the kempeitai other than these three?
A. There was another officer, Paymaster Second Lieutenant Tamano.

111. Q. At the scene of the execution of the missionaries was there any personnel of other units than the kempeitai?
A. There were.

112. Q. Who took them to the scene of the execution? Were they taken by the kempeitai?
A. They went to the scene by a truck as a unit, however, the members of the kempeitai were escorting them.

113. Q. Do you know whether they notified the result of the execution to the Army Group Headquarters?
A. After the execution was completed I recalled hearing Miyazaki telling to Sano that Sano had to report this to the Army Group Headquarters and the details of the execution would be reported by Miyazaki himself, later.

114. Q. Do you know in what manner Sano notified the result of the execution to the Army Group Headquarters?
A. I don't know.

115. Q. Do you know whether he reported it by telephone, by letter, or by oral report?
A. I believe he reported by both of the ways, but I am not sure.

116. Q. What do you mean by both?
A. I imagine that he reported by telephone first and after that he made both oral and written reports, but I am not sure.

The accused moved to strike out this answer on the ground that it was pure conjecture on the part of the witness.

The commission directed that the answer be stricken out.

117. Q. Concerning the incident of Smith, on December 1944. Where was he executed?
A. He was executed in the hill in the Gasupan Village Area, Babelthuap Island, the place was about one and one-half hours or two hours walk from the kempeitai.

118. Q. Were you present when the Army Group Commander gave the order to Miyazaki?
A. I didn't see them talking so I don't know.

119. Q. Then concerning the matter, you know nothing other than what you heard from Miyazaki. Is that correct?
A. When the three prisoners were taken on truck to the kempeitai there was a sergeant major who escorted the prisoners of war. I think there may have been an officer on the truck, but I am not sure, but anyway there was a sergeant major and Commanding Officer Miyazaki asked the sergeant major some questions and the sergeant major told him that the staff officer told him to have the prisoners executed at kempeitai and the detail of the execution was known to the commanding officer of the kempeitai. This conversation took place by the truck.

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120. Q. You testified that Miyazaki received orders concerning the execution of the missionaries. Were you present when these orders were given?
A. Are you asking me if I was present when Commanding Officer Miyazaki received orders from the headquarters?

121. Q. Yes.
A. I was not present.

122. Q. So you just heard from Miyazaki about it?
A. That is correct.

123. Q. Concerning the execution of Smith in December 1944, were you present when the orders were given to Miyazaki or did you just hear of this from Miyazaki?
A. At the time the commanding officer came back from the Army Group Headquarters and he told me about the order immediately. In the other instances he also told me about the orders in the same manner. On the three occasions since I didn't go to Army Group Headquarters with the commanding officer I was not present when the orders were given.

124. Q. Do you know the reason why the execution of Smith was assigned to the Ajioka Detachment?
A. I do.

125. Q. Please explain briefly the reason.
A. Ajioka Detachment was a short distance from the scene of the execution, therefore I believe in view of the intense air raid it was better to have him executed at a unit which is a short distance from the scene of the execution because the headquarters were far away from the scene.

126. Q. Why did the commanding officer, Miyazaki not give orders directly to Ajioka instead of relaying the order to Ajioka through you?
A. The commanding officer was, at that time, suffering from hemorrhoids therefore he could not go. The commanding officer expressed his idea that since the execution was an important matter it was better that an officer should go and relay the order.

127. Q. When you went you relayed the orders of Colonel Miyazaki to Ajioka, didn't you?
A. I did.

128. Q. How long have you been in the Japanese Army, Nakamura?
A. About nineteen years.

129. Q. During those nineteen years were you always in the kempeitai?
A. Only two years I was in an infantry department.

130. Q. This Army Group Headquarters that you keep referring to. Was that a different headquarters than the Fourteenth Division Headquarters?
A. It was the same headquarters. The original title was the Fourteenth Division, however in view of the assignment of forces in the Palau Islands from the operational viewpoint, all units on Palau were organized and the highest headquarters was Army Group Headquarters.

131. Q. How then, do you distinguish between Fourteenth Division Headquarters and Army Group Headquarters? In other words, why didn't Miyazaki do his business at the Fourteenth Division Headquarters rather than the Army Group Headquarters?
A. There were many units under the command, or restricted command of the Army Group. They were stationed on various places. The kempeitai was not an exception which was stationed at a different place from the Army Group.

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131. Q. Was the kempeitai under the command of the Commanding General, Fourteenth Division?
A. As I testified to yesterday, so far as the military police was concerned the kempeitai was under the command, or in other words the restricted command, of the Fourteenth Division.

132. Q. In April and May of 1944 was the kempeitai under the command of Lieutenant General Obata?
A. So long as the military police is concerned, it was under the command of Lieutenant General Obata. In other words, it was under his restricted command.

133. Q. In what way was Lieutenant General Obata's command over the kempeitai restricted?
A. Originally speaking, the kempeitai was under the command of highest Kempeitai Commander in Tokyo. Since the kempeitai was quite away from Tokyo it was under the command of Army Commander concerning only the execution of military police affairs.

134. Q. Did the same restriction apply to Lieutenant General Inoue?
A. Yes.

135. Q. Was the Fourteenth Division a part of the Thirty-first Army commanded by Lieutenant General Obata?
A. Yes.

136. Q. Were the army groups on the Palau Islands a part of Lieutenant General Obata's command?
A. No. The army group headquarters was the same as the division headquarters however the division headquarters was an official name and the army group headquarters was made by the assignment of forces, especially made on Palau Islands.

137. Q. Was this Army Group Command then under the command of Field Marshal Terauchi?

This question was objected to by the judge advocate on the ground that it was beyond the scope of the direct examination.

The accused replied.

The commission announced that the objection was sustained.

138. Q. How many incidents did you participate in in which the kempeitai killed civilians and military personnel?
A. Will you explain the word participate?

139. Q. At which you were present and took an active part?
A. In no incidents did I take an active part.

140. Q. Did you shoot or behead one of the three prisoners of war under the orders of Colonel Miyazaki?
A. Yes.

141. Q. Weren't you present as a senior officer and relayed the orders of Miyazaki to Ajioka when he killed Charlie Smith?
A. Yes.

142. Q. Weren't you present as the next senior officer to Colonel Miyazaki at the time the missionaries were killed by the kewpeitai?
A. Yes.

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143. Q. And at that time didn't you also participate by shooting at least one of those missionaries?
A. No.

144. Q. Was the family of Smith natives?
A. I heard that they were natives.

145. Q. This execution of the missionaries. Where was that held?
A. Everything was at the same place.

146. Q. Where was that?
A. It was in the hill in the Gasupan Area, Babelthuap Island.

147. Q. Did you ever see a written order signed by Lieutenant General Inoue ordering the execution of any of the persons which you said were executed by the kempeitai, that is, the three aviators, the missionaries, and Charlie Smith?
A. No.

148. Q. Was General Inoue present at any of these executions?
A. No.

149. Q. Was Colonel Tada ever present at any of these executions?
A. No, he wasn't.

150. Q. Was Colonel Yajima ever present?
A. No, he wasn't.

151. Q. Were any officers from the Fourteenth Division ever present?
A. As I testified to last time I am not sure, but there may have been an officer from the division at the execution of the three prisoners of war.

The commission then, at 10:15 a.m., took a recess until 10:35 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Nakamura, Kazuo, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

Reexamined by the judge advocate:

152. Q. You testified that the "shudan shireikan" took over from the South Seas Government the protection of civilians, is that correct? AB
A. It is correct.

153. Q. When did he take over from the South Seas Government this protection of civilians?
A. In accordance with the intentions of Army Group, the South Seas Government gathered the civilians around April or May of 1944.

The commission announced that the answer did not appear to be responsive and directed the witness to be more responsive in his answer.

A. Around April or May 1944.

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154. Q. Were you ever told by Miyazaki that the three prisoners that had been executed had been given a trial?
A. No, I didn't hear.

155. Q. Did Miyazaki ever tell you that Charlie Smith had been given a trial?
A. He didn't.

156. Q. Did Miyazaki ever tell you that the missionaries had ever been given a trial?
A. He didn't tell me.

157. Q. Did anyone ever tell you that the missionaries had been given a trial?
A. Nobody told me.

158. Q. Of your own knowledge as a member of the kempeitai, were any of these individuals ever given a trial at the kempeitai? AB
A. I don't know.

Recross-examined by the accused:

159. Q. Yesterday, did you testify that Army Group Command would cooperate with the South Seas Government concerning the protection of civilians, or did you testify that the Army Group Commander took over the protection of the civilians from the South Seas Government?
A. In accordance with the intentions of the Army Group Commander, the South Seas Government by their own initiative gathered these civilians, then the civilians were interned at the Murata Unit. I believe at this time the civilians were under the custody of Army Group Headquarters.

The judge advocate stated that this answer did not appear to be responsive to the question.

The commission directed the witness to make a more responsive answer.

A. It was not officially taken over, however, as a matter of fact, since the South Seas Government ceased its function, the Army Group Headquarters immediately took over the protection.

160. Q. When was it that it was taken over?
A. It was after the South Seas Government had been evacuated to Babelthuap.

161. Q. How do you know the affairs between the South Seas Government and the Army Group Headquarters?
A. I heard this from the Commanding Officer Miyazaki and also the fact appeared during the course of our daily work.

162. Q. In your testimony concerning the affairs between the South Seas Government and the Army Group Headquarters, is it just your imagination?

The accused reframed the question.

163. Q. Is your knowledge concerning the affairs between the South Seas Government and the Army Group Headquarters just your imagination? Please make a brief answer. AB
A. I heard this from an officer, first lieutenant, I believe, of the Murata Unit.

164. Q. Was Lieutenant General Inoue appointed Army Group Commander and made responsible for all civilians in the Palau Islands at the same time?
A. I don't know.

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165. Q. Was it a written order from Tokyo making Lieutenant General Inoue responsible for all civilians in the Palaus in April and May of 1944?
A. I don't know.

166. Q. Did you ever see any written orders to this effect?
A. I have never seen.

167. Q. When were these civilians evacuated?

This question was objected to by the judge advocate on the ground that it went beyond the scope of the redirect examination.

The accused withdrew the question.

168. Q. How do you figure the date as April or May of 1944?
A. I'm talking about the missionaries.

169. Q. Then you are not talking about all civilians in the Palaus?
A. That is correct.

170. Q. If Lieutenant General Inoue were responsible for these missionaries, why didn't he keep them at Division Headquarters instead of at the kempeitai?

This question was objected to by the judge advocate on the ground that it went beyond the scope of the redirect examination.

The accused made no reply.

The commission announced that the objection was sustained.

171. Q. Do you know how many civilians there were in the Palaus in April and May of 1944?
A. I never counted them, so I have no idea.

172. Q. There were more than ten though, weren't ~~they~~ there? AB
A. Much more.

173. Q. Was General Inoue only responsible for only ten of those civilians in April and May of 1944?
A. I don't know.

174. Q. But you do know that he was responsible for those ten civilians, is that correct?

This question was objected to by the judge advocate on the ground that it called for an opinion of the witness.

The accused reframed the question.

175. Q. But you do know that General Inoue was responsible for the protection of those ten civilians, is that correct?
A. I don't know whether Inoue or Murata or kempeitai were responsible for the protection. I can only testify that in accordance with the order of Army Group Commander, the Murata Unit and then the kempeitai took over the protection of the civilians.

176. Q. Did Colonel Miyazaki have authority to execute persons without holding a trial on them?
A. I don't know.

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177. Q. Now notwithstanding that you were never told by your commanding officer, Miyazaki that the persons who were executed were never given a trial, you never questioned or opposed the order to execute them?

This question was objected to by the judge advocate on the ground that it was irrelevant, immaterial, and went beyond the scope of the redirect examination.

The accused made no reply.

The commission announced that the objection was sustained.

178. Q. Do you know why you were never told that these persons were not given a trial before they were executed?
A. I don't know why.

179. Q. Now although you were never told by Colonel Miyazaki or by anyone else that these persons had never had a trial, did you ever ask if these persons ever had a trial?
A. When the commanding officer gave me the order his decision was very firm and I could not ask the reason, and in those days the court of the South Seas Government was dissolved and the judges and prosecutors were already evacuated to Japan. Besides, there were no legal officers at the division and it was impossible to hold a court martial, therefore I believe that in view of such special circumstances of the war, the Division Headquarters might have made some plans to hold a very simplified trial.

180. Q. Then it isn't true that just because you weren't told that these people didn't have a trial, they did not have a trial?

This question was objected to by the judge advocate on the ground that it was indefinite and not clear.

The accused made no reply.

The commission announced that the objection was sustained.

Reexamined by the judge advocate:

181. Q. When in time, was the South Seas Government moved from Koror to Babelthuap?
A. I believe it was around August or September 1944.

Examined by the commission:

182. Q. In your testimony in connection with the execution of Smith, you didn't make it clear just what part Ajioka personally took in this execution, will you please explain it?
A. Ajioka relayed my order to Yamada and the other personnel of the detachment, and he made them ready to start and they all went. And at the scene of the execution he told Yamada to execute.

183. Q. When were you promoted to captain?
A. I recall it was on the 10th of June 1945, or it may have been July 10.

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

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The witness made the following statement: When I testified concerning the definition of military police yesterday, I testified just "police" without saying military, so I wish to add this word "military" to my testimony when I said "The police had jurisdiction over military personnel, gonzokus and other persons who have connection with military." I add a word military affairs before military personnel and gonzokus. At the time of the third execution the battle conditions were very pressing because the enemy started landing on Peleliu. Bombings and bombardments were very intense and people were nervous because of that. The incident of the missionaries happened at the time when the battle conditions on the Palaus were against us and it was expected that the American troops would invade the Palau Islands. At the time of the Smith incident about one hundred natives deserted to the American forces. If we left them as they were doing, almost all natives would desert to the enemy and consequently the defense of the Palaus would be jeopardized. In addition the bombings became more and more intense and we thought everything was hopeless. That is all.

The witness was duly warned and withdrew.

The commission then, at 11:30 a.m., took a recess until 2:10 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate: AB

1. Q. State your name and former rank.
A. Sano, Giichi, kempei first lieutenant.

2. Q. If you recognize these accused, tell us their names and former ranks.
A. From the left Army Group Commander, Palau Area, Inoue, Sadae and his chief of staff, Colonel Tada, Tokuchi. AB

3. Q. Have you ever served with the Imperial Japanese forces on Palau Islands?
A. Yes, I have.

4. Q. Between what dates were you in the Palaus?
A. I served at Palau from February 18, 1944 till March 14, 1946.

5. Q. To what unit were you attached while you were in the Palau Islands? AB
A. I was attached to the South Seas Kempeitai.

6. Q. Was the name of that unit ever changed to your knowledge?
A. The name of that unit was not changed.

7. Q. Who was the commanding officer of the unit while you were there?
A. Commanding Officer Kempei Lieutenant Colonel Miyazaki, Aritsune.

8. Q. In September of 1944 what were your duties?
A. At that time I was ordered by the commanding officer to collect information regarding the peace and security and to do liaison work between division headquarters and the kempeitai.

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9. Q. At any time were you an intelligence officer on the staff of the kempeitai?
A. I served in the capacity of the officer in charge of intelligence.

10. Q. Of the kempeitai?
A. Yes.

11. Q. In September of 1944 where were the headquarters of the kempeitai?
A. The headquarters was situated at Gasupan on Babelthuap Island.

12. Q. Where were division headquarters at that time?
A. At the Tropical Experimental Station.

13. Q. In September of 1944 did you see any prisoners at the kempeitai headquarters at Gasupan?
A. Yes, I did.

14. Q. How many prisoners were there?
A. I saw three of them on a truck.

15. Q. Do you know the nationality of those men?
A. I learned that they were three American fliers from the commanding officer who told me of this at that time.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the motion was not sustained.

16. Q. When you say the commanding officer, who are you referring to?
A. Kempei Lieutenant Colonel Miyazaki.

17. Q. With relation to the time when you saw these three prisoners on a truck, when did Miyazaki tell you this?
A. Immediately after the commanding officer told me they came on a truck.

18. Q. Did you have a conversation with Miyazaki?
A. At the time of the execution when I came back from Mizuho, Lieutenant Colonel Miyazaki told me that he had been to the headquarters and had met the Chief of Staff, Colonel Tada, and that he, Miyazaki, was told to execute the three prisoners at the kempeitai.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the motion was not sustained.

19. Q. Did he tell you who had told him to execute the three prisoners at the kempeitai? NB
A. I heard from Lieutenant Colonel Miyazaki that he, Miyazaki, was told to execute the prisoners by Chief of Staff, Colonel Tada.

20. Q. Were the prisoners actually executed?
A. They were.

21. Q. Were you present at the execution?
A. Yes, I was.

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22. Q. How were the prisoners executed?
A. After I heard this from Lieutenant Colonel Miyazaki we came down the steps from the headquarters and there on a truck were three prisoners and we came to the so-called Gasupan Plateau and there the prisoners were executed.

23. Q. How were they executed?
A. First Commanding Officer Miyazaki shot one of the prisoners with a pistol. Then, the second prisoner was decapitated by Kempei Captain Nakamura. Sergeant Major Kokubo attempted to decapitate the third prisoner but he did not succeed and Lieutenant Colonel Miyazaki shot him.

24. Q. Did you make any reports concerning this execution?
A. At that time I believe I recall that at the scene of the execution Second Lieutenant Kiyomine and other service men from the headquarters were present and therefore I do not recall making a report myself.

25. Q. Do you know where the divisional battle command post was in September of 1944?
A. I do.

26. Q. Where was it?
A. On the Arekoku mountain on Babelthuap.

27. Q. After the execution of these three Americans did you visit that battle command post?
A. Yes, I did.

28. Q. In relation to the date of the executions when did you visit the battle command post?
A. Perhaps twenty days elapsed between the time of the execution and the time I went to the command post.

29. Q. Why did you go to the command post?
A. I went to report concerning the killing of the missionaries.

30. Q. Who were these missionaries at that were killed?
A. By these missionaries I mean two Spanish missionaries who were residing on Palau and six others who came from Yap and their families, totalling ten.

31. Q. When were these people killed?
A. I recall that it was the middle or the latter part of September 1944.

32. Q. Where were they killed?
A. In the same place where the three prisoners were killed.

33. Q. Do you know why these missionaries were killed?
A. On the day of the execution Kempei Captain Nakamura, Ichikawa and myself were called before Lieutenant Colonel Miyazaki and we were told by Lieutenant Colonel Miyazaki that by orders of the Army Group Commander that ten missionaries were to be executed.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the motion was not sustained.

34. Q. Did you see these people executed?
A. Yes, I went to the scene of the execution with Lieutenant Colonel Miyazaki and witnessed the execution.

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35. Q. How were they killed?
A. At that time the ten missionaries were all staying at the residence of the South Seas Development Company at Gasupan. They were taken on two trucks to the Gasupan Plateau. They were shot with pistols and rifles.

36. Q. To what unit did the individuals who shot these missionaries belong?
A. Those persons were kempeis, auxiliary kempeis, and soldiers from the Sumida Unit who came on the truck.

37. Q. To whom did you report at the battle command post concerning this execution?
A. I made the report to Staff Officer Yajima at the Arukoku Command Post.

38. Q. Did you say anything to Yajima about the first execution?

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

The judge advocate withdrew the question.

39. Q. Other than this, did you say anything else to Yajima?
A. I do not remember.

40. Q. Do you know whether or not Miyazaki made any report to the shudan shireikan concerning the first execution?

This question was objected to by the accused on the ground that it called for a speculative and self-serving statement.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do not know.

41. Q. Do you know whether or not there were any written reports to the headquarters of the shudan shireikan on this second execution of the missionaries?
A. I do not know.

42. Q. Was anyone executed by the kempeitai in December of 1944?
A. Yes, there was. I learned from Commanding Officer Miyazaki that a Charlie Smith was executed.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the motion was not sustained.

43. Q. Did you learn who executed Charlie Smith?
A. I learned later that Sergeant Yamamoto of the kempeitai detachment executed him.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied.

The commission announced that it would delay ruling until after the next question.

1153

44. Q. From where did you learn this?
A. I heard it from Lieutenant Colonel Miyazaki at the time of the surrender.

The commission directed that the two previous answers be stricken out.

45. Q. Who was the senior army officer in the Palau Islands while you were there?
A. Do you mean in the Palau Islands?

46. Q. Yes.
A. Lieutenant General Inoue, Army Group Commander.

47. Q. Do you know whether or not there was any command relationship between the kempeitai to which you belonged and the shudan shireikan?
A. After one or two months subsequent to May of 1944 when the Fourteenth Division landed on Palau, I learned from Lieutenant Colonel Miyazaki that the Army Group Commander had authority of restricted command on defense matters over the units.

48. Q. What do you mean by restricted command?
A. There was no overall chain of command but for instance, regarding defense, the authority is vested in the commander to issue orders regarding defense. Consequently the matters pertaining to peace and security and as to defense, which is the normal function of the kempeitai, will come under the restricted authority of the Army Group Commander.

49. Q. Do you know how the Army Group Commander gave orders to the kempeitai?
A. I do not understand the question.

50. Q. Do you know the method by which the Army Group Commander gave orders to the kempeitai? Were they in writing, or were they oral?
A. I recall that the orders were given directly to Commanding Officer Miyazaki orally. But by the word directly, I mean it was issued through Staff Officer Yajima who gave the orders orally to Lieutenant Colonel Miyazaki.

51. Q. How do you know this?
A. I know of this because in regard to all the executions in which I participated, Lieutenant Colonel Miyazaki told me that he was given the order by Staff Officer Yajima.

52. Q. Do you know by whose orders the missionaries were kept at that house?
A. I learned from Lieutenant Colonel Miyazaki that around the latter part of July 1944 orders from Army Group Headquarters were issued to the effect that the protection of the civilians hitherto in charge of the South Seas Government should be taken over by the kempeitai.

53. Q. Do you know whether or not the three American prisoners of war who were executed in September 1944 were given any sort of a trial before their execution?
A. Yes, I do know. They were not given a trial.

The accused moved to strike out this answer on the ground that it was speculative and an opinion of the witness.

The judge advocate replied.

The commission announced that the motion was not sustained.

1154

54. Q. Do you know whether or not the missionaries and the individuals who were executed in September of 1944 in the second incident were given a trial before they were executed?
A. I do not recall that they were tried.

55. Q. Do you know whether or not Charlie Smith was given a trial before he was executed?
A. I do not recall that he was tried.

Cross-examined by the accused:

56. Q. What was your position in the kempeitai around September of 1944?
A. I was Kempei Second Lieutenant.

57. Q. I want to know what your position was in the unit.
A. I took up duties in accordance with orders from Commanding Officer Miyazaki as the officer in charge of Special Higher Section.

58. Q. What are the duties of the Special Higher Section?
A. The gathering of information regarding peace and security and liaison work with the Army Group Headquarters and the kempeitai.

59. Q. What is the distance between the kempeitai headquarters at Gasupan and the Army Group Headquarters at Tropical Experimental Station?
A. About thirty minutes on foot.

60. Q. What is the distance between the command post on Arukoku mountain and the kempeitai headquarters?
A. The command post was in the middle of the jungle and it took about four or five hours on foot.

61. Q. Was it only once that you saw the three prisoners around September of 1944 at the kempeitai?
A. Yes, only once on the day of the execution.

62. Q. Did not Yajima interrogate the three prisoners at the kempeitai?
A. No, he did not.

63. Q. Around what date in September did you first see the three prisoners?
A. I recall that it was on the fourth of September 1944 that I first saw the three prisoners who were executed.

64. Q. Do you have any basis by which you recall this date?
A. It was the first execution and I was also ordered by the commanding officer to write it down in the field diary and the fact that I dislike the fourth day and this impressed me deeply.

65. Q. When you spoke to Lieutenant Colonel Miyazaki about these prisoners was there anybody present?
A. I recall that I was there along with Lieutenant Colonel Miyazaki.

66. Q. Did Lieutenant Colonel Miyazaki at that time have some document with him?
A. I do not recall that he had such a thing.

67. Q. You testified that you did not make any report regarding the execution of the three prisoners of war. Is that correct?
A. I do not recall that I made the report myself.

68. Q. If a written report should be forwarded to the Army Group Headquarters from the kempeitai, was this not within the scope of your duty?
A. On important matters the commanding officer makes the report and he himself submits the report. Therefore it is not my duty to make the report.

69. Q. What I am asking is, if a written report should be made, would that not be within the scope of your duty?
A. Yes.

70. Q. Then is it correct that insofar as you remember you did not make a written report to the headquarters?
A. As I recall I never made a written report.

71. Q. You testified that after twenty days from the first execution you went to the command post on Arukoku. Did you ever go there prior to this?
A. No, I have not gone.

The commission then, at 3:15 p.m., took a recess until 3:40 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Sano, Giichi, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

72. Q. On your liaison missions, until you went to the Arukoku Command Post, were you performing your duties in liaison work during the early and middle part of September with the headquarters at the Tropical Experimental Station?
A. I do not recall ever going to the Tropical Experimental Station during that time for liaison.

73. Q. Then do you mean that you did not do any liaison with the headquarters during that time?
A. The liaison work did not necessitate my going to the headquarters every day regularly, but it was sporadic and perhaps once a week or on occasions when the commanding officer ordered me to go. And around that time I was told that the headquarters moved to the command post on Arukoku and that Intelligence Staff Officer Yajima was also there and that is why I did not go to the Tropical Experimental Station.

74. Q. Then is it true that the liaison with the headquarters at Arukoku was done by Lieutenant Colonel Miyazaki himself around the middle part of September?
A. I recall that Lieutenant Colonel Miyazaki went to Arukoku.

75. Q. When Lieutenant Colonel Miyazaki told you about the execution of the prisoners, did he actually use the words "by orders of the Army Group Headquarters"?
A. I recall that he did say "by orders of the Army Group Headquarters".

1156

76. Q. Did you ever see a written document concerning the execution of the missionaries?
A. I do not recall seeing a written document.

77. Q. Do you know the nationality of the six missionaries?
A. Yes, I do.

78. Q. Please tell us what they were.
A. There were four Spanish missionaries, one Portuguese, one Colombian, and a Filipino who accompanied these missionaries together with his wife who was a native, and two children. AB

79. Q. How did you obtain the knowledge of these nationalities?
A. When I assumed my tour of duty there was at the kempeitai foreign national roster and the two Spanish missionaries were listed in that roster. Concerning the other Spanish, Portuguese and Colombian missionaries, I was notified of their nationality by the South Seas Government when they came to Palau from Yap. AB

80. Q. Did the residence of the South Seas Development Company, where the missionaries were interned, belong to the army or was it under civil authorities?
A. It belonged to the civil authorities.

81. Q. Do you know where these missionaries were interned before they were interned at the residence of the South Seas Development Company?
A. Those missionaries who came from Yap, who were evacuated from Yap to Palau were taken to the South Seas Development Company residence through the arrangements made by the South Seas Government. The two Spanish missionaries who were on Palau were renting a native house on Gasupan.

82. Q. Do you know whether these missionaries were interned at the Murata Unit or not?
A. I recall that I heard it from the Commanding Officer Miyazaki.

83. Q. Were you not in charge of intelligence regarding foreign nationals?
A. That was one of my duties but due to the air raids they were dispersed at various points of the island and I did not know their locations at that time.

84. Q. While they were at the residence of the South Seas Development Company, under whose protection were they?
A. Around the latter part of July 1944 the air raids increased in intensity and the headquarters directed that the missionaries should be taken into custody by the kempeitai in order that they may protect and supervise over these persons as one group and they were all interned at the residence of the South Seas Development Company and there protected by the kempeitai.

85. Q. How many days had elapsed after the execution of the missionaries when you said that you reported verbally to the headquarters regarding their execution?
A. I was ordered to report by Lieutenant Colonel Miyazaki on that day and I recall that it was on the next day that I went to Arukoku to report to Staff Officer Yajima.

86. Q. Regarding the execution of these missionaries, was there a written report made to the headquarters?
A. Insofar as I recall there were no written reports.

1157

87. Q. Do you know the reason why Charlie Smith was executed?
A. One of the reasons was that through the investigation which we conducted it was discovered that Charlie Smith's wife and children had deserted the island and he was under suspicion because there was danger that his family might have given information to the enemy.

88. Q. Do you know whether there were any reports made to the headquarters concerning the execution of Charlie Smith?
A. I do not recall that I made the report.

89. Q. Who is the direct superior of the South Seas Kempeitai?
A. The Kempei Commandant.

90. Q. What was the original duties of the South Seas Kempeitai?
A. The performance of military police duties in its broadest sense.

91. Q. Was there not restricted command relationship between the South Seas Kempeitai and the South Seas Government regarding the administrative and judicial police functions?
A. I do not recall that there was such relationship.

92. Q. You testified that you recalled seeing a written document giving restricted authority to the Arukoku Group Commander in regard to defense; who issued this document?
A. I do not recall the name of the person who issued that document but I merely saw a printed copy of that document.

93. Q. Were the words "peace and security" mentioned in that document?
A. I recall that the word "defense" was mentioned only.

94. Q. How do you know that there was no trial for the three fliers?
A. I did not hear about it from the commanding officer or on the occasions when I went to the Army Group Headquarters.

95. Q. Did you ever go to the headquarters for liaison regarding these three fliers?
A. I do not recall ever going to the headquarters for the purpose of getting information regarding these three fliers.

96. Q. How do you know that there were no trials for the missionaries?
A. I have never heard that there was a trial nor did I ever see one and that is what I said.

97. Q. Did Miyasaki investigate all the persons that were confined at the kempeitai who were executed?
A. I don't understand the question.

98. Q. Did Miyasaki, the commanding officer of the kempeitai, investigate all these persons who were confined at the kempeitai and who were later on executed at the kempeitai?
A. Miyasaki investigated Charlie Smith and the missionaries.

99. Q. Did you also investigate Charlie Smith and the missionaries?
A. By the word "investigate", do you mean the actual examination of the person or would you include in your investigation such acts as going to the South Seas Government to get information regarding the nationality and so forth?

100. Q. Both.
A. Regarding the missionaries, outside of the obtaining of information from the South Seas Government, Lieutenant Colonel Miyasaki did not conduct an interrogation of the missionaries. Regarding Charlie Smith, I went to his home at Gasupan and I conducted an interrogation and made a report and that is all.

1158

101. Q. Did you conduct any interrogation or investigation of the missionaries?
A. I have never directly interrogated the missionaries.

102. Q. Do you know whether Yajima interrogated or investigated the missionaries while they were at the kempeitai?
A. I do not recall.

103. Q. Did you interrogate the three prisoners that you testified were executed while they were at the kempeitai?
A. I never investigated or interrogated them.

104. Q. You said you made a report on Charlie Smith; to whom did you make a report?
A. I submitted the report to Commanding Officer Miyazaki.

105. Q. Was it on the basis of that report that Charlie Smith was executed?
A. I think differently on that point.

106. Q. Did you report then that he should not have been executed?
A. I never attached my judgment regarding the performance or nonperformance of the execution in my report. I only recall that as a result of the investigation I made at the residence of Charlie Smith, there were no grounds for suspicion.

107. Q. Did Colonel Miyazaki ask you whether it was your judgment that Charlie Smith should be executed?
A. He did not.

108. Q. You testified that Colonel Miyazaki shot the third prisoner, are you sure about that?
A. Yes, I witnessed it.

109. Q. Was there anyone else present at this execution besides you, Miyazaki, Nakamura and Kokubo?
A. I recall that Sergeant Major Nagatome was there and also some non-commissioned officers and service-men. About three or four non-commissioned officers and service-men from the Army Group Headquarters.

110. Q. Was Colonel Miyazaki in charge of this execution?
A. Yes, he was.

111. Q. Wasn't it a part of your duties as the kempeitai intelligence officer to make a report of the execution of these three prisoners of war?
A. No, I considered that was not one of my duties.

112. Q. Did you make any official record at the kempeitai of this execution of these three prisoners?
A. Do you mean whether a written report was made on it?

113. Q. Yes.
A. I do not recall.

114. Q. For what purpose were you present at the execution?
A. When I came back from Mizuho I was ordered by the Commanding Officer Miyazaki. I was told by Commanding Officer Miyazaki that I should attend the execution and that is why I went and besides myself, an intendant second lieutenant Tomano was also there.

The witness was duly warned.

The commission then, at 4:30 p.m., adjourned until 9 a.m., Thursday, April 7, 1949.

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NINTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Thursday, April 7, 1949.

The commission met at 9:25 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Sano, Giichi, the witness under examination when the adjournment was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

115. Q. How long had you been in the kempeitai in September of 1944?
A. How do you mean how long had I been in September?

116. Q. Well, had you been in only three months or ten years?

The accused withdrew the question.

117. Q. How many years had you served in the kempeitai prior to September of 1944?
A. I arrived on Palau March 18, 1944 and served there until February 14, 1946.

118. Q. Then you had never been in the kempeitai organization prior to the time you arrived in the Palaus. Is that correct?
A. Until that time I served in the Osaka kempeitai.

119. Q. When did you first enter the kempeitai?
A. I entered the kempeitai December 1, 1929.

120. Q. Did your investigation of the missionaries show how long these people had been living in Yap and the Palaus under the protection of the Japanese?
A. Yes, I heard from the South Seas Government.

121. Q. How long had they been there?
A. The Spanish missionary on Koror lived there from two to six years. I do not recall how long the missionaries from Yap lived there.

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122. Q. Were these missionaries executed on the basis of intelligence information regarding their treasonable actions?
A. From the time these missionaries came under protection of the kempeitai I learned of no treasonable acts on the part of these missionaries. But before this there were reports regarding these missionaries who had signalled to the enemy allied planes with flash signals, cloths, and mirrors. This was reported to the kempeitai by neighboring residents and Japanese units and the kempeitai reported these circumstances to the Group Headquarters.

123. Q. Did Colonel Miyazaki tell these missionaries and others why they were being executed?
A. I recall that he spoke to these missionaries at the scene of the execution in some foreign language but as to the contents, I do not know.

124. Q. Do you know whether he spoke to the kempeitai who executed these persons as to why the missionaries were being executed?
A. He did not explain to the kempeitai. He merely said that they would be executed by orders from Army Group Headquarters and there were no other explanations given. At the time of the execution the enemy had already landed on Peleliu and there were various rumors being disseminated among the native residents and restlessness prevailed among them.

125. Q. But you or no other member of the kempeitai knew why these missionaries were executed that night. Is that correct?
A. The spy activities on the part of these missionaries were reported prior to this and in view of the enemy landing on Peleliu and the anticipated landing on Palau, there was a danger that these missionaries under such circumstances might contact the enemy.

126. Q. Is that the reason you ordered some of your personnel to attend the execution?
A. I learned of this prior to the execution from Kempei Lieutenant Colonel Miyazaki.

127. Q. But didn't you order certain of your personnel to attend the execution?
A. Kempei Lieutenant Colonel Miyazaki ordered that all kempeis and auxiliary kempeis at the headquarters should be present at the execution.

128. Q. Did all kempeis that attended the execution kill these missionaries?

This question was objected to by the judge advocate on the ground that it called for an opinion of the witness.

The accused withdrew the question.

129. Q. Did all the persons from the kempeitai who attended the execution shoot missionaries that night, or other persons that were executed?
A. I recall that kempeis, auxiliary kempeis and members of the Sumida Unit shot the missionaries.

130. Q. Do you recall if Yamamoto, Kazuharu shot one or more of the missionaries that night?
A. I do not recall Captain Yamamoto actually did the shooting but I remember that some member of the Sumida Unit did shoot the missionaries.

131. Q. Do you recall if Lieutenant Ichikawa shot any of the missionaries that night?
A. Lieutenant Ichikawa and myself were standing beside the commanding officer and I do not recall him having shot the missionaries.

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132. Q. Do you recall if Lieutenant Colonel Miyazaki shot any of the missionaries?
A. I recall that Kempei Lieutenant Colonel Miyazaki shot a missionary with a pistol.

133. Q. Do you recall if Captain Nakamura shot a missionary that night?
A. Captain Nakamura was in charge of the execution and I do not recall him shooting any missionary.

134. Q. Do you recall if Fujitani, Yoshio was there and shot a missionary?
A. I do not recall.

135. Q. Do you mean by that that you do not recall that he was there?
A. Yes, I do not recall him being there.

136. Q. Who was your orderly who was there that night?
A. Corporal Ezure.

137. Q. Did he shoot one of the missionaries with a pistol or a rifle that night?
A. I recall that the non-commissioned kempei officers did the shooting with pistols and auxiliary kempeis used rifles.

The question was repeated.

A. I do not recall.

138. Q. By that you mean that Ezure did not shoot any of the missionaries that night, isn't that true?
A. I do not recall witnessing the shooting by Ezure.

139. Q. You didn't order him to attend the execution in order to shoot any of the missionaries, did you?
A. Yes, that is so.

140. Q. He was only there to act as your orderly; is that true?
A. Yes, that is so.

141. Q. Did Colonel Miyazaki order you to go and report to Colonel Yajima at the battle command post concerning these executions?
A. That is so.

142. Q. What did Yajima say to you when you made this report to him at the battle command post?
A. I do not remember exactly what he said other than "Is that so?"

143. Q. You testified previously that you knew because Colonel Miyazaki told you that in all executions in which you participated, including the missionary execution, that Yajima had given Colonel Miyazaki orders to carry out the executions. When did Miyazaki tell you this?
A. I do not know whether Yajima ordered the executions to Lieutenant Colonel Miyazaki or not.

144. Q. But according to your testimony the other day Colonel Miyazaki told you that he did. Do you remember when Colonel Miyazaki told you that he had been given the order by Staff Officer Yajima in regard to all executions by the kempeitai?
A. Do you mean the executions of the missionaries?

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145. Q. That execution and the other executions that you participated in. When did Colonel Miyazaki tell you that Yajima had given the orders for these executions?
A. I only recall that because Staff Officer Yajima came frequently to see Lieutenant Colonel Miyazaki he must have told him so on those occasions.

146. Q. Did Colonel Miyazaki ever tell you who at headquarters ordered these executions?
A. I do not know. I only heard from him on that day that the execution was to be performed by orders from the headquarters.

147. Q. When you reported to Yajima in the battle command post he said nothing else except "Is that so?"?
A. He also asked me how many missionaries were executed and I answered "Six missionaries and Filipino husband and wife and two children" to Colonel Yajima.

148. Q. Did he tell you to make this report on the execution of the missionaries to Colonel Tada?
A. He did not.

149. Q. Since defense was only mentioned in this written document that you testified gave the Arukoku Group Commander authority over the kempeitai, did the kempeitai continue in their work as regards peace and security in the Palaus?
A. It is not the Arukoku Commander who had the restricted authority on defense matters but I recall saying that the Army Group Commander had that authority.

150. Q. Did the kempeitai continue their regular work on peace and security even after this order?
A. On the basis of this restricted authority regarding defense matters, the kempeitai reported to the Army Group Commander concerning the spy activities of these foreigners.

151. Q. You testified that you disliked the fourth day. Why then did you attend all these executions?

This question was objected to by the judge advocate on the ground that it didn't make sense.

The accused replied.

The commission announced that the objection was sustained.

152. Q. Did the execution of the three prisoners of war in September of 1944, the execution of Charlie Smith in December of 1944 and the execution of the missionaries in September of 1944 have to do with your work of peace and security as an officer of the kempeitai?
A. Yes, that is so.

The commission then, at 10:25 a.m., took a recess until 10:40 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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Sano, Giichi, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

Reexamined by the judge advocate:

153. Q. To what units did the individuals who participated in the killing of the missionaries belong?
A. They belonged to the kempeitai and to the Sumida Unit. The Sumida Unit was under the command of the Army Group Commander.

154. Q. Was the Sumida Unit a part of the kempeitai?
A. No, it was not.

155. Q. Do you know who of the members of the Sumida Unit were present at that execution?
A. Yes, I do know. Those present were Captain Yamamoto, adjutant of the Sumida Unit and three or four other service men.

156. Q. Do you know the names of any of these three or four who were with him?
A. Other than Captain Yamamoto, I recognized the faces of these service-men as members of the Sumida Unit, but I do not know their names.

157. Q. Now on this first execution of the three American prisoners of war, do you remember who Colonel Miyazaki said had given him the orders to execute these prisoners?
A. Commanding Officer Miyazaki told me that he was told by Colonel Tada, chief of staff.

Recross-examined by the accused:

158. Q. What were the duties of the Sumida Unit?
A. It is the transportation unit.

159. Q. Do you know how it came about that the Sumida Unit became involved in the execution of the missionaries?
A. I do not know the reason why they happened to be there but I saw Captain Yamamoto speaking to Lieutenant Colonel Miyazaki on the roadside and Captain Yamamoto had some service-men of the Sumida Unit with him.

160. Q. Is it not a fact that the kempeitai requested the Sumida Unit to furnish trucks?
A. There were two trucks from the Sumida Unit that came to the kempeitai on the day of the execution. I saw this, but as to the circumstances by which these trucks were requisitioned, I do not know.

161. Q. Was Kawaguchi there at the scene of the execution as the orderly for Captain Nakamura?
A. I do not remember.

162. Q. Did Staff Officer Tada have authority to order Commanding Officer Miyazaki of the kempeitai to execute?

This question was objected to by the judge advocate on the ground that it called for an opinion of the witness.

The accused replied.

The commission announced that the objection was sustained.

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The judge advocate did not desire to further examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The judge advocate was called as a witness for the prosecution and was duly ~~warned~~. sworn. MB

Examined by the judge advocate:

1. Q. State your name, rank and present duty station.
A. Joseph A. Regan, lieutenant commander, U. S. Navy, judge advocate of this military commission.

2. Q. If you recognize these accused, state their names and former ranks.
A. I recognize the accused as former Lieutenant General Inoue and former Colonel Tada.

3. Q. Do you have in your possession any documents pertaining to the issues of this case?
A. I have.

4. Q. Are you the legal custodian of these documents?
A. I am.

5. Q. What are these documents?
A. One of the documents is a statement of Colonel Tada dated 25 September 1947, and the other document is a statement of General Inoue dated 21 May 1948.

6. Q. How did these documents come into your possession?
A. The statement of Colonel Tada dated 25 September 1947 was forwarded to the office of the Director War Crimes on 20 October 1947. It was forwarded by Captain Moriarty, who, at that time was the liaison officer of the office of the Director of War Crimes in Tokyo. And since that time this document has been kept in the official files of the Director of War Crimes. The statement of General Inoue was made pursuant to a conference which I had with the general in the latter part of May 1948. I visited the War Criminal Stockade where the general was confined and conversed with Inoue through an interpreter, Mr. Fred Savory. I asked the general for particulars involving the execution of three American prisoners of war in September 1944. He answered my questions and I asked him to reduce to writing the information he had given me. He did this, but not in my presence. A few days after I had talked to the general, Mr. Savory brought to the office General Inoue's statement in Japanese which has subsequently been translated into English.

7. Q. Did you make the general any promises or threaten him in any way to write out this statement?
A. I did not.

8. Q. Do you know whether or not any promise or any threats were made to Colonel Tada to make him write out his statement?
A. I do not.

The documents produced by the witness were submitted to the accused and to the commission, and by the judge advocate offered in evidence.

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Cross-examined by the accused:

9. Q. Our first questions concern Inoue's statement. Did Inoue make this statement voluntarily?
A. Yes.

10. Q. On the original statement in Japanese, did Inoue sign it?
A. I do not read Japanese but on the English translation of the document his signature appears. I assume that his signature appears on the original in Japanese.

11. Q. Does the signature of Inoue appear at the beginning or at the end of the statement?
A. Whether or not the Japanese original is signed at the beginning or at the end I do not know because I do not read Japanese, but on the English translation it would appear that it appears at the end.

Mr. Takano, Junjiro, a counsel for the accused, requested the commission to direct the official interpreter to state where in the statement the signature appears.

The commission directed the official interpreter to comply with the request of Mr. Takano.

The official interpreter stated that the signature appears at the beginning of the statement.

(Cross-examination continued.)

12. Q. Does the statement show that Inoue was sworn?
A. No, it does not.

13. Q. When you asked Inoue to write this statement, did you warn him that the statement would be used against him later?
A. I did not.

14. Q. Who made the translation from Japanese?
A. The statement is certified to be a true and complete translation by Lieutenant (jg) Clark; however of my own knowledge, I know that at least two other interpreters, Mr. Yoshio Akatani and Mr. Kimio Tsuji looked over the statement, so that the ultimate is the result of three interpreters.

15. Q. Did you read the English translation, or did you have somebody read the English translation to Inoue?
A. No.

16. Q. How long was it from the time you asked him to make a statement until the time Mr. Savory brought the statement to the office?
A. Within two days I believe.

17. Q. These next questions will concern the statement of Tada. Does the statement of Tada show that it was voluntarily made?
A. It does not.

18. Q. Was Tada's statement sworn to?
A. No.

19. Q. Does the statement show that Captain Moriarty warned Tada that the statement would be used against him?
A. It does not show that.

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20. Q. Who made the translation?
A. Initially the translation was made by Lieutenant Tremayne, but recently I've had this translation rechecked by certain of the Japanese interpreters and also by Lieutenant Clark who has certified that it is a complete and correct translation.

21. Q. Do you know whether Tada read the English translation or somebody read it to Tada in Japanese?
A. That I do not know.

22. Q. Do you know whether Tada's statement was made in the presence of Inoue?
A. That I do not know.

23. Q. Does the statement indicate to that effect?
A. The statement does not indicate whether or not it was written in the presence of General Inoue.

24. Q. Does the statement indicate that it was shown to Inoue after it was made?
A. The statement does not indicate that it was shown to General Inoue.

25. Q. Does Tada's statement relate to the incidents now being charged against Inoue?
A. Yes, it does.

26. Q. Do these documents show the information on which the charge and specifications in this case are based?
A. I don't know that I understand your question.

27. Q. Do these two documents, the purported confessions of Tada and Inoue show the circumstances on which the charge and specifications are based?
A. There is certain information contained in these documents concerning each of these accused regarding the charge and specifications of the present case, however the information that we have, that the judge advocate has on this case does not depend solely on these documents.

28. Q. On September 25, 1947, the date of the confession of Colonel Tada, do you know how long he had been held in confinement?
A. I believe Colonel Tada had been placed in Sugamo Prison sometime in June of 1947 and had been there from that time when he wrote this statement.

29. Q. How long had General Inoue been confined at the time when you first talked to him at the War Criminal Stockade?
A. I don't remember when General Inoue was interned, nor do I remember just when General Inoue reached Guam, but I do believe he was in confinement over a year when I talked to him.

30. Q. Where is Mr. Savory today?
A. Mr. Savory is, I assume, some place on the island of Guam.

31. Q. Isn't he available as a witness regarding these two purported confessions?
A. To my knowledge he has absolutely no knowledge concerning Colonel Tada's statement of 25 September 1947. I know he is available to testify concerning General Inoue's statement, but then it would take some time to get him into this courtroom.

32. Q. Do the two purported confessions, one signed by Colonel Tada and the other by General Inoue, involve the other defendant, that is does Colonel Tada's confession involve General Inoue?

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A. Colonel Tada's statement definitely involves General Inoue, not only in the incident of the three prisoners of war in September, but also certain other incidents of which the general is charged. General Inoue's statement confines itself solely to the first execution in September of 1944 and in my opinion does involve Colonel Tada.

33. Q. Are these two documents marked official, or are they authenticated or sealed by Commander Naval Forces Marianas?
A. They are not.

The commission then, at 11:25 a.m., took a recess until 2:05 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

Joseph A. Regan, the judge advocate, the witness under examination when the recess was taken, resumed the stand as a witness for the prosecution. He was warned that the oath previously taken was still binding and continued his testimony.

Mr. Takano, Junjiro, a counsel for the accused objected to the receipt in evidence of the statement of Colonel Tada as follows: (1) The statement does not show that it was voluntarily made by Tada according to Section 174 Naval Courts and Boards which reads in part as follows "A confession is an acknowledgment of guilt. If admissible, corroborated, and believed, nothing further is necessary for a finding of guilt. A confession, strictly speaking, is hearsay. However, it may be repeated in evidence by a person hearing it if it was given voluntarily. It must be affirmatively shown that the confession was entirely voluntary on the part of the accused. A confession is, in a legal sense, 'voluntary' when it is not induced or materially influenced by hope of release or other benefit or fear of punishment or injury by one in authority ...." (2) The statement was not sworn to. (3) A confession for one of the defendants made after the commission of the crime cannot be admitted into evidence. In Underhill's Criminal Evidence, Section 274, Confessions of codefendants and third persons, a part of which is quoted. "A confession or incriminating statement uttered by a person engaged with others in a conspiracy to commit a crime, made in the prosecution of the common enterprise and during its existence, is admissible against any or all of those associated together. After the common enterprise is completed or abandoned a confession made by a conspirator implicating a coconspirator, not made in the presence of the coconspirator nor authorized by him, is admissible against the maker, when restricted as to him by ruling or instruction, but is not admissible against the coconspirator."

Commander Martin E. Carlson, a counsel for the accused, made a further oral objection to the receipt in evidence of the statements of both of the accused, a brief of which is appended marked "W".

The accused waived the translation of Commander Carlson's objection into Japanese in open court.

The judge advocate replied.

The accused waived the translation of the judge advocate's reply into Japanese in open court.

The commission announced that the objections were not sustained. The commission further announced that it would give no evidential value to any portions of the statements of one defendant as it may involve or affect a co-defendant. There being no further objections, the documents were so received and are appended marked "Exhibit 1" (Japanese), "Exhibit 1(a)" (English translation), "Exhibit 2" (Japanese) and "Exhibit 2(a)" (English translation).

Reexamined by the judge advocate:

34. Q. Will the witness read the statement of General Inoue which is Exhibit 1?

(The witness read Exhibit 1.)

35. Q. Will the witness read the statement of Colonel Tada which is Exhibit 2?

(The witness read Exhibit 2.)

The accused did not desire to recross-examine this witness.

The commission did not desire to examine this witness.

The witness resumed his seat as judge advocate.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. Will you state your name, rank and present duty station.
A. Herbert L. Ogden, commander, U. S. Navy, attached to the office Director War Crimes, Pacific Fleet.

2. Q. If you recognize these accused, will you tell us their names and former ranks?
A. Lieutenant General Inoue and Colonel Tada.

3. Q. Do you have in your possession a Commander Marianas copy of the trial of Nakamura, Kazuo, et al?
A. I have.

4. Q. Do you have in your possession the Commander Marianas copy of the trial of Yamamoto, Kazuharu, et al?
A. I have.

5. Q. Do you have in your possession the Commander Marianas copy of the trial of Ajioka, Misao, et al?
A. I have.

6. Q. Do you have in your possession the Commander Marianas copy of the trial of Koichi, Hiroe, et al?
A. I have.

7. Q. Are you the legal custodian of these various records?
A. I am.

8. Q. From these various copies, have you made certified excerpts which deal with the issues in this case?
A. I have excerpted the charges and specifications, the findings of the military commission, the action of the convening authority, the action of the

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reviewing authority, and when necessary or when taken, the action of the Secretary of the Navy.

9. Q. Are all these excerpts certified to be correct?
A. They are.

10. Q. Have you excerpts from all these four cases?
A. Excerpts are prepared from each of the records.

The excerpts produced by the witness were submitted to the accused and to the commission, and by the judge advocate offered in evidence.

Cross-examined by the accused:

11. Q. Do the documents which are here offered into evidence show the information upon which the charges and specifications in this case are based?

This question was objected to by the judge advocate on the ground that it was not clear.

The accused made no reply.

The commission announced that the objection was sustained.

12. Q. Are the records which you took these excerpts from marked official? Are they authenticated? Are they sealed and signed by Commander Naval Forces Marianas or by his flag secretary?
A. The Commander Marianas copy of the record of proceedings is certified as a true and correct copy by the judge advocate, but it is not otherwise certified.

13. Q. Isn't it necessary in order that a document may be an official document in the navy, that a department or official of a department mark it official and that it be signed and sealed?

This question was objected to by the judge advocate on the ground that it called for an opinion of the witness.

The accused replied.

The commission announced that the objection was sustained.

14. Q. Isn't it necessary in order that a document may be official in Commander Naval Forces official files, that it be marked official and it be signed or authenticated by his flag secretary?
A. I do not consider that that is necessary to make it part of the official records of Commander Naval Forces Marianas files.

15. Q. Do these documents that are being offered into evidence contain much that is opinion rather than facts?
A. They do not.

Commander Martin E. Carlson, a counsel for the accused, made an oral objection to the receipt in evidence of the excerpts submitted by the judge advocate, a brief of which is appended marked "X".

The accused waived the translation of Commander Carlson's objection into Japanese in open court.

The judge advocate replied.

The accused waived the reply of the judge advocate into Japanese in open court.

The commission was cleared.

The commission was opened and all parties to the trial entered.

The commission announced that the objection was not sustained, that it would consider only factual matter contained therein, and would disregard any opinions that may appear in the documents. There being no further objections, the documents were so received and are appended marked "Exhibit 3", "Exhibit 4", "Exhibit 5" and "Exhibit 6".

Reexamined by the judge advocate:

16. Q. Will the witness take up Exhibit 3 which is the matter in the Nakamura case and tell us what the first specification of charge one in that case indicates.
A. Specification one of charge one indicated that Nakamura, Kazuo, then a first lieutenant, IJA, Kokubo, Chihiro, then a sergeant major, IJA, Nagatome, Yoshimori, then a corporal, IJA, and other members of the armed forces of Japan acting with Miyazaki, Aritsune, deceased, then a lieutenant colonel, IJA, did, at Babelthuap Island on or about September 4, 1944, kill three unarmed American prisoners of war held captive by the armed forces of Japan.

17. Q. Do you mean that this specification alleges that they were charged with that crime? Is that correct?
A. That is correct.

18. Q. And what is alleged in specification two?
A. Specification two alleges that Nakamura, Kazuo, then a first lieutenant, IJA, acting with other members of the armed forces of Japan, did, on or about December 29, 1944, kill one Charlie Smith, alias James, an unarmed British national held captive by the armed forces of Japan, at Babelthuap Island.

19. Q. Looking at the findings of the commission, will the witness tell us what the findings of the commission was on the first two specifications of the first charge?
A. As to the accused Nakamura, Kazuo, the first specification of the first charge proved in part, proved except the words "Nagatome, Yoshimori, then a corporal, IJA," which words are not proved. The second specification of the first charge proved. And that the accused Nakamura, Kazuo, is of the first charge, guilty. As to the accused Kokubo, Chihiro: The first specification of the first charge proved in part, proved except the words "Nagatome, Yoshimori, then a corporal, IJA," which words are not proved. And that the accused Kokubo, Chihiro, is of the first charge, guilty. As to the accused Nagatome, Yoshimori: The first specification of the first charge not proved. And that the accused Nagatome, Yoshimori, is of the first charge, not guilty; and the commission does therefore acquit the said Nagatome, Yoshimori, of the first charge.

20. Q. Will the witness tell us what action the convening authority took on these two specifications of the charge?
A. On 24 April 1948 the Commander Marianas, the convening authority, subject to remarks, approved the proceedings and findings of guilty in this case.

21. Q. Will the witness tell us what the action of the reviewing authority was in this case?
A. On May 11, 1948 the Commander in Chief Pacific and U. S. Pacific Fleet, the reviewing authority, approved the proceedings, findings of guilty, and sentences of the accused.

22. Q. And what was the action of the Secretary of the Navy in this case?
A. The Secretary of the Navy on 23 August 1948 acted on this case by commuting to imprisonment at hard labor for the terms of their natural lives, the sentences of death of former first lieutenant Kasuo Nakamura, Imperial Japanese Army and Chihiro Kokubo, former sergeant major, Imperial Japanese Army.

23. Q. Will the witness consult Exhibit 4 which has to do with Yamamoto, Kazuharu et al and tell us what is alleged in specification one of charge one in this case?
A. Specification one of charge one alleges that Yamamoto, Kazuharu, then a first lieutenant, IJA, Ichikawa, Yokichi, then a second lieutenant, IJA, Ishiyama, Zenzo, then a sergeant major, IJA, Sugimoto, Takeji, then a sergeant major, IJA, Ichimiya, Masao, then a sergeant, IJA, Ozaki, Katsutoshi, then a sergeant, IJA, Tamamoto, Tadashi, then a sergeant, IJA, Yokoyama, Kyohisa, then a sergeant, IJA, Ezure, Shigeru, then a leading private, IJA, Fujitani, Yoshio, then a leading private, IJA, Kawaguchi, Wahei, then a leading private, IJA, Ando, Fukuichi, then a superior private, IJA, Hayashi, Umeji, then a superior private, IJA, Hidaka, Kinnosuke, then a superior private, IJA, Ito, Mitsuyuki, then a superior private, IJA, Iwamoto, Harukichi, then a superior private, IJA, Nakamura, Jiro, then a superior private, IJA, Okamura, Gintaro, then a superior private, IJA, Sagara, Masashiro, then a superior private, IJA, Uchida, Fumio, then a private first class, IJA, and other members of the armed forces of Japan, acting with Miyazaki, Aritsune, deceased, then a lieutenant colonel, IJA, did, on Babelthuap Island, on or about September 18, 1944, kill one Agapito C. Hondonero, a national of the United States of America, then held captive by the armed forces of Japan.

24. Q. And what is alleged in specification two of charge one?
A. Specification two of charge one alleges that Yamamoto, Kazuharu; Ichikawa, Yokichi; Ishiyama, Zenzo; Sugimoto, Takeji; Ichimiya, Masao; Ozaki, Katsutoshi; Tamamoto, Tadashi; Yokoyama, Kyohisa; Ezure, Shigeru; Fujitani, Yoshio; Kawaguchi, Wahei; Ando, Fukuichi; Hayashi, Umeji; Hidaka, Kinnosuke; Ito, Mitsuyuki; Iwamoto, Harukichi; Nakamura, Jiro; Okamura, Gintaro; Sagara, Masahiro; Uchida, Fumio; and other members of the armed forces of Japan, acting with Miyazaki, Aritsune, deceased, then a lieutenant colonel, IJA, on Babelthuap Island, did, on or about September 18, 1944, kill six civilians, namely Luis Blanco Y Suarez, Catholic priest, Spanish national, resident of Yap Island, Bernardo de la Espriella, Catholic priest, Colombian national, resident of Yap Island, Marino de la Hoz, Catholic priest, Spanish national, resident of Koror Island, Elias Fernandez Gonzales, Catholic priest, Spanish national, resident of Koror Island, Francisco Hernandez Y Escudero, Catholic brother, Spanish national, resident of Yap Island, and Emilio Villar, Catholic brother, Spanish national, resident of Koror Island.

25. Q. Is it true that with the exception of Hayashi, Umeji and Sagara, Masahiro, all the other individuals whose names you mentioned were found guilty of the charge; and specifications one and two found proved against them?

This question was objected to by the accused unless the judge advocate would add the words "found proved by the military commission", in which case the accused stated there would be no objection.

The judge advocate reframed the question.

26. Q. Is it true that with the exception of Hayashi, Umeji and Sagara, Masahiro, all the other individuals whose names you mentioned were found guilty of the charge; and specifications one and two were found proved, by the military commission, against them?
A. That is correct.

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27. Q. Turn to the action of the convening authority and will you tell us what that action was?
A. On 13 May 1948 the Commander Marianas, the convening authority, subject to remarks, approved the proceedings, findings of guilty, and sentences in this case.

28. Q. Will you tell us what the action of the reviewing authority was in this case?
A. On 17 June 1948 the Commander in Chief, Pacific and United States Pacific Fleet, the reviewing authority, disapproved the sentence with respect to Ando, Fukuichi, and the convening authority's action thereon regarding the proceedings, findings and sentence. With that exception, the findings, proceedings and sentences were otherwise approved.

29. Q. Will the witness turn to Exhibit 5 which is the excerpts from the Ajioka trial and tell us what is alleged in the specification of charge one?
A. The specification of charge one in this case alleges that Ajioka, Misao, then a warrant officer, IJA, Yamada, Kiyoshi, then a sergeant, IJA, and others names to the relator unknown, did, at Babelthuap Island, on or about December 29, 1944 kill one Charlie Smith alias James Sally, an unarmed British national, then held captive by the armed forces of Japan.

30. Q. Will you tell us what the findings of the military commission were with respect to the specification of charge one?
A. As to the accused, Ajioka, Misao: The specification of the first charge proved in part, proved except the word "Sally", which word is not proved. And that the accused, Ajioka, Misao, is of the first charge guilty. As to the accused, Yamada, Kiyoshi: The first specification of the first charge proved in part, proved except the word "Sally", which word is not proved. And that the accused, Yamada, Kiyoshi, is of the first charge guilty.

31. Q. Will you tell us what action was taken by the convening authority in this case?
A. Commander Marianas, the convening authority on 31 March 1948, subject to remarks approved the proceedings, findings of guilty on charge one thereunder and also remarked that Ajioka, being deceased, the sentence could not be executed. They also attached a certified copy of the death certificate to the action.

32. Q. And what was the action of the reviewing authority in this case?
A. The Commander in Chief Pacific and U. S. Pacific Fleet, the reviewing authority, on 18 April 1948 approved the proceedings, findings on charge one and the specification thereunder and the sentence, noting that the accused Ajioka was deceased and the sentence as to him could not be executed. They also approved the action of the convening authority.

33. Q. Turn to Exhibit 6 which is the Koichi, Hiroe et al excerpts and tell us what is alleged in the specification of charge one?
A. The specification of charge one alleges that Koichi, Hiroe, then a captain, IJA, Katsuyama, Tetsuji, then a first lieutenant, IJA, Onose, Ichiro, then a second lieutenant, IJA, and Tsuchiya, Naohiko, then a sergeant major, IJA, did, at Koror Island on or about May 24, 1945 kill one Wallace F. Kaufman, second lieutenant, United States Army, then held captive by the armed forces of Japan.

34. Q. Will the witness tell us what the findings of that military commission were with respect to the findings of the specification of charge one?

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A. The commission found as to the accused Koichi and Katsuyama that the specification of the first charge proved in part, proved except the words "and Tsuchiya, Naohiko, then a sergeant major, IJA," which words are not proved and that the accused Koichi, Hiroe and Katsuyama, Tetsuji were guilty of the charge. As to the accused Tsuchiya, Naohiko: The specification of the first charge not proved. And that the accused, Tsuchiya, Naohiko, is of the first charge not guilty; and the commission does therefore acquit the said Tsuchiya, Naohiko, of the first charge.

35. Q. And what were the findings of that military commission as to the accused Onose, Ichiro?
A. The commission found the specification of charge one proved in part, proved except the words "and Tsuchiya, Naohiko, then a sergeant major, IJA," which words are not proved. And that the accused, Onose, Ichiro, is of the first charge guilty.

36. Q. And what was the action of the convening authority on this case?
A. The Commander Marianas, the convening authority on 20 March 1948 subject to remarks approved the proceedings, findings, and sentences in the case of Koichi, Hiroe; Katsuyama, Tetsuji and Onose, Ichiro.

37. Q. And what was the action of the reviewing authority in this case?
A. The Commander in Chief Pacific and U. S. Pacific Fleet, the reviewing authority on 18 April 1948 subject to remarks approved the proceedings and sentences in the foregoing case and the action of the convening authority thereon.

The accused did not desire to recross-examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The judge advocate stated that he was ready to rest the prosecution providing the commission would grant him permission to reopen the prosecution in the event further evidence, in the form of a death certificate of Miyazaki, Aritsune, should arrive from Japan.

The accused had no objection to the judge advocate's request.

The commission announced that the request of the judge advocate was approved.

The prosecution rested.

The accused requested an adjournment of one week in order to prepare their defense.

The judge advocate stated that he had no objection to this adjournment, and further stated that due to the shortage of clerical personnel, this time could be utilized in getting the smooth record up to date.

The commission announced that the request for an adjournment for one week was granted, and directed both the judge advocate and the defense to use that time in the preparation of their final arguments, in order that too long an adjournment would not be necessary after the defense rested.

The commission then, at 4:25 p.m., adjourned until 9 a.m., Saturday, April 16, 1949.

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TENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Saturday, April 16, 1949.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

The defense began.

Mr. Sanagi, Sadamu, a counsel for the accused, read a written opening statement for the defense, appended marked "Y".

An interpreter read an English translation of Mr. Sanagi's statement appended marked "Z".

Commander Martin E. Carlson, a counsel for the accused, requested the commission to take judicial notice of the following:

1. Civil Affairs Handbook, West Caroline Islands, OpNav 50E-7, Office of the Chief of Naval Operations, Navy Department, 1 April 1944, particularly Chapter 13, Section 132, and which reads in part as follows:

> "In March 1922, the Provisional Naval Garrison was abolished, and in the following month its place was taken by the South Seas Government, a civilian administrative organization which has governed the mandated islands ever since."

and particularly Chapter 21, Section 213, which reads in part as follows:

> "On November 5, 1943, it was announced that the former Commander-in-Chief of the China Fleet, Vice Admiral Ishiro Hosokaya had been appointed governor....."
>
> "Since 1942, the governor has presumably been responsible solely to the Minister of Greater East Asia."

2. That the United States forces commenced landing on Peleliu Island on 15 September 1944 (Source: War Report of Admiral King, C-in-C of U. S. Fleet).

3. That Peleliu Island is one of the islands of the Palau Group.

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An interpreter made a Japanese translation of Commander Carlson's request for judicial notice.

The judge advocate objected to the commission taking judicial notice of item one citing Section 309, Naval Courts and Boards, but stated that he had no objection to the commission taking judicial notice of items two and three.

The commission was cleared.

The commission was opened and all parties to the trial entered.

The commission announced that it would take judicial notice of items two and three, but would not take judicial notice of item one requested by the defense.

The commission then, at 10 a.m., adjourned until 9 a.m., Monday, April 18, 1949.

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ELEVENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Monday, April 18, 1949.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Nakagawa, Kiyoshi, former colonel, Imperial Japanese Army.

2. Q. If you recognize these accused, state their names and former ranks.
A. From the left, former Lieutenant General Inoue, Sadae and on the right former Colonel Tada, Tokuchi.

Examined by the accused:

3. Q. Did you ever serve in the Japanese military establishment on Palau?
A. Yes, I did.

4. Q. When did you land on Palau?
A. 4 April 1944.

5. Q. When did you leave the Palau Islands?
A. February 26, 1946.

6. Q. During your tour of duty to what unit were you attached in the Palau Islands?
A. The headquarters of the Fourteenth Division and the headquarters of the Army Group, Palau Area.

7. Q. What was your position and duties while you were serving in the headquarters of the Fourteenth Division and the headquarters of the Army Group, Palau Area?
A. The duties pertained to operational matters, as well as organization and education.

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8. Q. What was your post?
A. Staff officer of the Fourteenth Division.

9. Q. Who was the commanding general of the Fourteenth Division during your tour of duty?
A. Inoue, Sadae.

10. Q. The chief of staff?
A. Tada, Tokuchi.

11. Q. Were there any transfers in the commanding general of the Division or the chief of staff during your tour of duty?
A. There were no changes.

12. Q. While you were in the Palaus was there a kempeitai?
A. Yes, there was a South Seas Kempeitai.

13. Q. Who was the commanding officer of the South Seas Kempeitai while you were on Palau?
A. Former Kempei Lieutenant Colonel Miyazaki, Aritsune.

14. Q. During your tour of duty to what unit was the South Seas Kempeitai subordinate?
A. It was subordinate to the Kempeitai Commandant in Tokyo.

15. Q. During your tour of duty were there any changes made in this respect?
A. There were no changes up until March 16, 1945.

16. Q. To what unit was the South Seas Kempeitai attached after March 16, 1945?
A. It was the Fourteenth Division Headquarters.

17. Q. Did Lieutenant General Inoue have any other post other than commanding general of the Fourteenth Division?
A. Until May 26, 1944 his position was the Commander Army Group, Palau Area and from May 27, 1944 he became Army Group Commanding General, Palau Area.

18. Q. By whom was the organization of the Army Group, Palau Area, determined?
A. It was determined in accordance with the order of battle issued by the Imperial General Headquarters.

19. Q. Did you see the organization chart which you say was issued by the Imperial General Headquarters?
A. By orders from the Thirty-first Army I saw this organization chart.

20. Q. Tell us the main units under the command of the Army Group, Palau Area.
A. The Fourteenth Division, the Fourth Dispatch Unit. Later the Forty-ninth Mixed Brigade and the First Mobile Transportation Battalion.

21. Q. You testified in regard to the Commander Army Group, Palau Area and the Army Group Commanding General, Palau Area. Were there any changes before or after May 1944 in the organization of the Army Group, Palau Area?
A. There were.

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22. Q. Please tell us.
A. At that time on Palau Islands there were units which were subordinate to the Eighth Area Army and the Eighteenth Army which were stationed in the East New Guinea and the Bismarck Islands and the Second Area Army which was stationed in West New Guinea and places west of that. These units were incorporated into the Army Group, Palau Area during the middle and the latter part of June 1944. For instance, the units such as the Fifty-third Mixed Brigade, the Independent Twenty-third Automobile Battalion and the Twenty-third Clearing Hospital and the Twenty-third Epidemic Prevention Water Department. There were other miscellaneous units but they were all incorporated into the organization of the Army Group, Palau Area by September 1, 1944.

23. Q. What I am asking is whether you know of any actual changes made in the organization of the Army Group, Palau Area immediately before and after May 26, 1944.
A. There were no changes in regard to the duties and assignments but there was a difference in the strength which increased after May 27.

24. Q. Were there any units outside the organization of the Army Group, Palau Area on Palau?
A. There was.

25. Q. What was it?
A. It was the South Seas Kempeitai.

26. Q. Until when was the South Seas Kempeitai outside the Army Group, Palau Area?
A. Until March 16, 1945.

27. Q. After March 16, 1945 to what unit was the South Seas Kempeitai attached?
A. It was additionally attached to the Fourteenth Division Headquarters.

28. Q. Prior to March 16, 1945 was there any command relationship between Lieutenant General Inoue and the South Seas Kempeitai?
A. Between Lieutenant General Inoue and Kempei Lieutenant Colonel Miyazaki only in regard to land defense matters. This was based on the orders of the Central Pacific Area Fleet which issued Manual for the Unification of Defense in accordance with which in the event of an enemy landing in regard to land operations the senior commanding officer of the army or navy units on Palau would assume command of all the Naval and Army units on Palau. But in actual fact, there were no orders issued in this regard by the Army Group Commander, Palau Area to the South Seas Kempeitai. Furthermore regarding other duties, no order was ever issued to the South Seas Kempeitai from the Army Group Commander, Palau Area.

29. Q. Do you know the duties of the South Seas Kempeitai?
A. Yes, I do.

30. Q. Please state briefly.
A. The South Seas Kempeitai was composed of one headquarters and four detachments. The headquarters and the First Detachment was stationed on Palau Islands and the Second Detachment was stationed on Saipan and the Third Detachment on Truk. They were in charge of the military police, the administrative police affairs and the judicial police affairs in general. The South Seas Kempeitai performed their duties in regard to military police affairs by orders from the War and Navy Ministers and under the direction of the Kempeitai Commandant. In regard to administrative and judicial police affairs it was under the command of the Minister of the Greater East Asia Ministry and under the direction of the South Seas Government Office.

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31. Q. Do you know which office was in charge of foreign residents on Palau?
A. I do.

32. Q. Please state.
A. It was in charge of the South Seas Government Office and the South Seas Kempeitai. When I say the South Seas Kempeitai was in charge, I mean that among the duties of the Imperial Ordinance Kempei was that of external security police in which the kempeitai concerned themselves with intelligence and espionage.

33. Q. What duties did the Army Group, Palau Area have?

This question was objected to by the judge advocate on the ground that the title was not definite.

The accused withdrew the question.

34. Q. Among the duties of the Army Group Headquarters, Palau Area, since May of 1944 was there any duties regarding foreign residents on Palau involved?
A. There was no such duties involved. The duties of the Army Group Headquarters were of a purely operational nature.

35. Q. You testified that Lieutenant General Inoue had no authority over the South Seas Kempeitai except in regard to actual land fighting, but in actual fact do you know under what relations with Lieutenant General Inoue did Lieutenant Colonel Miyazaki put himself?
A. Kempei Lieutenant Colonel Miyazaki was a man of strong will and character and he maintained vigorously his authority over the rights and duties of an Imperial Ordinance Kempeitai and was antagonistic against any infringement of his rights even by a superior officer, but he was credited with ability for political tact and shrewdness and in order that he may not hurt the feelings of the headquarters and in order to court their favor he always endeavored to keep close contact with them.

36. Q. During your tour of duty on Palau who was the Governor of the South Seas Government Office?
A. Former Vice Admiral Hosogaya.

37. Q. Do you know who is the senior, Lieutenant General Inoue or Hosogaya?
A. I do. Former Vice Admiral Hosogaya was the senior.

38. Q. Since May of 1944 was there any command relationship between the Army Group Commander, Palau Area and the South Seas Government?
A. There was no command relationship between the two because the Governor of the South Seas Government Office was the administrative officer of all the South Seas Area whereas the Army Group Commander was the operational commander of just the Palau Islands.

39. Q. Who was the immediate superior of the Governor of the South Seas Government?
A. The Minister of the Greater East Asia Ministry.

40. Q. During your tour of duty on Palau did the functions of the South Seas Government Office ever cease?
A. No, it never ceased.

41. Q. Was there any occasion whereby the functions of the South Seas Government was in some way taken over by the Army Group, Palau Area?
A. There wasn't.

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42. Q. Who was the immediate superior of the Army Group Commander, Palau Area?
A. Until the latter part of August 1944 it was the Commanding General of the Thirty-first Army. Since 1 September 1944 the Army Group, Palau Area became subordinate to the Commanding General of the Southern Army, General Terauchi and received commands direct from the Commander, Third Southern Expeditionary Fleet, Vice Admiral Okawachi.

43. Q. Who was the Commanding General of the Thirty-first Army?
A. Lieutenant General Obata.

44. Q. Do you know whether or not the Commanding General of the Thirty-first Army, Lieutenant General Obata, gave any directions regarding prisoners of war?
A. Yes, I do.

The commission then, at 10:15 a.m., took a recess until 10:40 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Nakagawa, Kiyoshi, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

45. Q. State what you yourself know regarding the directions given by Lieutenant General Obata concerning prisoners of war.
A. I recall that it was around the early part of June 1944 Lieutenant General Obata, Major General Tamura, the assistant chief of staff, and other staff officers came to the Palaus to direct the AGO operations, which was an operation to be executed in the event of enemy offensive on the Palau area. A conference was held at the residence of the manager of the South Seas Development Company for the purpose of directing this operation and attending were Lieutenant General Inoue, Commanding General of the Fourteenth Division, Chief of Staff Colonel Tada and myself from the Fourteenth Division Headquarters. After the conference was over I recall that it was in the corridor that Lieutenant General Obata told Chief of Staff Tada that in the event where an enemy landing was inevitable, that steps should be taken to dispose of the prisoners. I do not recall the details of this conversation.

46. Q. In what relative position were you at the conversation which took place between Lieutenant General Obata and Colonel Tada?
A. I do not recall clearly but I was a little distance away from the two.

47. Q. If you know the general reputation of Colonel Tada, please state briefly.
A. After graduating from the Army Staff College, Lieutenant Colonel Tada enrolled in the Tokyo Imperial University - majored in history, and he studied exhaustively in the field of leading principles of warfare. He was a man with a strong sense of righteousness and an outstanding man. In the attainment of the intentions of his superiors, he was a person who asserted his efforts to accomplish to the best of his ability.

48. Q. If you know, please state briefly the general reputation of Lieutenant General Inoue.

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A. Lieutenant General Inoue was an experienced man in actual warfare and a good fighter. Although outwardly he was as strict and stringent as an old warrior, in his inner feelings he was a warm hearted man and was very popular among his subordinates. He had a strong sense of justice and abhorred all evils.

Cross-examined by the judge advocate:

49. Q. When did you become the operational officer for Inoue?
A. I received orders to this position on February 11 at Chichihar prior to my coming to Palau.

50. Q. Were you with the division when it was in Manchuria?
A. Yes, that is right.

51. Q. On General Inoue's staff, was there an intelligence officer?
A. Yes, there was.

52. Q. Was the intelligence officer a subordinate of yours?
A. He was not my subordinate.

53. Q. Do you know the name of the intelligence officer?
A. At first the intelligence officer was called Ito, Kiyoshi and later Yajima became the intelligence officer.

54. Q. Do you know when Yajima became the intelligence officer?
A. I recall that it was around the latter part of April 1944. That was a mistake, I recall that it was around May 1944.

55. Q. Now when the division arrived in the Palau Islands, where did it take up its headquarters?
A. The division landed on April 24, 1944 on Palau Island and made their headquarters on Koror Island at the South Seas Hotel, then the headquarters moved to the Tropical Experimental Station on Babelthuap and later was moved to the Shisui-zan located south of Yamato-mura.

56. Q. On what island is the Shisui-zan?
A. Babelthuap Island.

57. Q. While the headquarters were located at this South Seas Hotel, where were the headquarters of the Governor of the South Seas Government?
A. It was on Koror.

58. Q. Did the headquarters of the South Seas Governor ever move from Koror?
A. Yes, it did move.

59. Q. When and to where?
A. Around August 1944 it moved to the southern part of Babelthuap immediately across Koror and later was moved to a spot south of Yamato-mura in the mountains.

60. Q. To your knowledge was there any liaison between Inoue's headquarters and the headquarters of the Governor of the South Seas Government?
A. There was.

61. Q. Who was the liaison officer?
A. No special officer was assigned as liaison officer. The commanding officer of the kempeitai mainly assumed this duty.

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62. Q. Well was this liaison under any particular staff officer of General Inoue? Was it under you or some other staff officer, for example?

The judge advocate withdrew the question.

63. Q. Was this liaison an operational matter or an intelligence matter?
A. Intelligence matter.

64. Q. To your knowledge was Miyazaki a frequent visitor at Inoue's headquarters?
A. Yes, he was a frequent visitor.

65. Q. Now when he came to headquarters, did he come to see you?
A. He used to see the Commanding General of the Division, the chief of staff, and the various staff officers.

66. Q. Did he also come to see Yajima?
A. Yes, he was frequently speaking to Yajima.

67. Q. Would you say he spoke more to Yajima than he did to you?
A. Yes, I can say so.

68. Q. As a matter of fact your operational office had absolutely nothing to do with the liaison work between the kempeitai and the headquarters, is that correct?
A. I cannot say that there was absolutely no connection.

69. Q. Well if there was any connection, tell us what it was.
A. Where operational demands necessitated my requesting kempeitai on certain matters, I would do so. For instance those residents in areas where an enemy landing was anticipated I would request the kempeitai to evacuate those persons in that area to the jungle areas on Babelthuap.

70. Q. Did you ever make such request to the kempeitai?
A. In the presence of the kempeitai, the commanding officer of the kempeitai and officials from the South Seas Government Office, I did make that request around the beginning of July 1944.

71. Q. Did you make a like request at any other time?
A. No, I did not make any other requests.

72. Q. Well then the only contact that you, as the operational officer, made was that one request in July, is that correct?
A. Yes, that is correct.

73. Q. So with the exception of one incident, you had absolutely nothing to do with the liaison work between the kempeitai and the headquarters, is that correct?
A. There was no official relationship other than this one incident and also in March or April 1945 liaison was made between the kempeitai in regard to courts martial which was established around April and May of 1945 and in connection with this I contacted the kempeitai.

74. Q. With the exception of the contact in July 1944 and the contact of March or April of 1945 did you, as the operational officer have anything else to do with the liaison work between Miyazaki of the kempeitai and Inoue's headquarters?
A. Other than this I did not have any liaison.

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75. Q. Now on these frequent visits which Miyazaki made to headquarters, when he spoke to Inoue, Tada or Yajima, would he then tell you what he had discussed with them?
A. On every occasion when he came over to the headquarters he would come and tell me in casual conversation the gist of his liaison.

76. Q. Would Yajima also come and give you the gist of his liaison?
A. He came occasionally to tell me.

77. Q. Why would Colonel Miyazaki come and tell you what he had spoken to the general about?
A. Miyazaki was my classmate.

78. Q. What was his rank?
A. He was a lieutenant colonel, IJA.

79. Q. And what was your rank?
A. I was colonel.

80. Q. Was the kempeitai attached to Inoue through the operational office in his headquarters?

The judge advocate withdrew the question.

81. Q. Did he ever tell you in one of these conversations that he had been asked to execute three American prisoners of war?
A. He did not come to tell about it. Around that time it was immediately prior to the American landing on Peleliu and Angaur and we were moving headquarters to Arukoku mountain and I was engrossed in operational matters, and during this time I did not meet Miyazaki.

82. Q. Then it is possible that Miyazaki had some conferences with the chief of staff and the general without coming and telling you about it; is that correct?

This question was objected to by the accused on the grounds that it was speculative and called for the opinion of the witness.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes, there was a possibility.

The witness was duly warned.

The commission then, at 11:25 a.m., took a recess until 2:15 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Nakagawa, Kiyoshi, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding and continued his testimony.

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(Cross-examination continued.)

83. Q. How did you happen to request the kempeitai to evacuate some civilians in June of 1944?
A. At that time in the Palau Area the highest concentration of population was on Koror. The Army Group Headquarters judged that the enemy offensive will first come on Peleliu, as it was an air base, and Angaur which was adjacent to Peleliu and then to Koror which had the best harbor facilities. In view of this fact the headquarters decided to strengthen the defenses on Koror and to prepare for the invasion but these preparations were impeded by the existence of these native residents, and they would also obstruct the actual fighting and it was decided that they would be evacuated to Babelthuap.

84. Q. Was it General Inoue's idea to move these people?
A. Yes.

85. Q. Did he tell you to arrange it?
A. Yes.

86. Q. Did he tell you to use the kempeitai to do it?
A. The commanding officer of the kempeitai was told to attend because the Army Group could not give direct orders to the members of the South Seas Government, the kempeitai was asked to become the intermediary and after the necessary introductions, the members of the government office and the neighborhood groups in the presence of the commanding officer of the kempeitai were asked to evacuate.

87. Q. Who was given the job of moving these people, the South Seas Government or the kempeitai? Come to the point please.
A. It was assigned to the South Seas Government Office.

88. Q. In other words the arrangement was made between the South Seas Government and General Inoue by the kempeitai; is that correct?

The judge advocate withdrew the question.

89. Q. Then the liaison between the South Seas Government and General Inoue's headquarters was carried out by the kempeitai; is that correct?
A. Yes.

90. Q. You have told us that it was part of the kempeitai's duties to have charge of external security; is that correct?
A. Yes, that is correct. It can be proven by the fact that in the organization of the Tokyo Kempeitai there is a Third Section which is in charge of external police.

91. Q. Did the kempeitai also have to do with intelligence and espionage?
A. Yes.

92. Q. Did the kempeitai make any reports to General Inoue's headquarters concerning intelligence and espionage?
A. Yes.

93. Q. Did General Inoue's headquarters, to your knowledge, ever ask the kempeitai to organize any investigations concerning espionage?
A. No. There was no such thing because it was an integral part of the duties of the kempeitai.

94. Q. Did the kempeitai make regular reports to General Inoue's headquarters?
A. They did not report regularly, but only when necessary.

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95. Q. If the report was not concerned with operational matters, how would you know about it?
A. In case such reports were received it was the custom to have the intelligence officer first inspect it and then by request it was available to all the staff officers. We were ordered by the chief of staff to be conversant with various situations and that is why I saw it.

96. Q. In other words, if you requested a report from the kempeitai even though it was not directed to you, you were shown it; is that correct?
A. Yes.

97. Q. And if you didn't request a particular report it wasn't shown you; is that correct?
A. No. Even if I did not request it, it was shown to me.

98. Q. Then what is the use of saying that it was necessary to request these reports before they were shown to you? How does that come into it?
A. It was shown to us regardless of our requesting the reports to be shown because the reports were circulated and we were supposed to sign it after reading the reports.

99. Q. Did the kempeitai make many reports to General Inoue's headquarters?
A. I recall that they did report frequently. The reports were sometimes made orally and sometimes written.

100. Q. Was General Inoue in a habit of calling staff conferences of all his staff officers?
A. Very seldom.

101. Q. To your knowledge, did Miyazaki attend any of these conferences?
A. I recall that he did not.

102. Q. While you were the operational officer of the Fourteenth Division did the division ever take any prisoners?
A. Yes.

103. Q. Did the kempeitai guard the prisoners for the division?
A. Yes, they did.

104. Q. Is that true concerning all the prisoners that you know of, that they were guarded by the kempeitai?
A. Yes, it was true, but sometimes the army group also had the prisoners directly under their own custody.

105. Q. With respect to the prisoners that were held by the kempeitai for the division, did the division tell the kempeitai how to treat the prisoners?
A. I recall that the kempeitai was directed to accomodate the prisoners with sufficient food supplies.

106. Q. And did the kempeitai make reports to division headquarters concerning these prisoners?
A. I recall that they did report.

Reexamined by the accused:

107. Q. When were you promoted to Colonel?
A. On June 10, 1945.

108. Q. When the native residents on Koror were evacuated, did Lieutenant General Inoue issue any orders to the South Seas Government Office?
A. He did not issue any orders.

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109. Q. To whom did the kempeitai make the reports; to the Fourteenth Division or the Army Group Commander, Palau Area?
A. The South Seas Kempeitai reported to the Army Group, Palau Area.

110. Q. To what officer did they make these reports regarding prisoners of war?
A. It was passed on to the intelligence officer, Yajima, and then submitted to Lieutenant General Inoue.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

Sanagi, Sadamu, a counsel for the accused, was called as a witness for the defense and was duly sworn.

Examined by the judge advocate:

1. Q. Will you state your name?
A. Sanagi, Sadamu.

2. Q. If you recognize these accused, will you state their names and former ranks?
A. From the left former Lieutenant General Inoue, Sadae and former Colonel Tada, Tokuchi.

Examined by the accused:

3. Q. Are you one of the defense counsel?
A. Yes, I am.

4. Q. Do you have in your possession documents which you desire to introduce in evidence?
A. I have.

5. Q. What documents are they?
A. There are four documents. The first is a document relating to the circumstances by which the following documents were procured and it certifies that the other documents were in effect in the Japanese Army during the war. The second and third documents are excerpts of matters relating to kempeis. The fourth document is a chart of the organization of the Army Group, Palau Area.

6. Q. In respect to the first document, who drew up the document?
A. The Chief of the General Affairs Section, First Demobilization Bureau, Repatriation Relief Agency, Miyama, Yozo.

7. Q. Is there a signature or a seal affixed to the document?
A. This document bears the official seal of Miyama, Yozo.

8. Q. In what language is it written?
A. The original is written in Japanese.

9. Q. Have you prepared a translation?
A. Yes, I have prepared a translation which was translated by the official interpreter of this court.

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The document produced by the witness was submitted to the judge advocate and to the commission and by the accused offered in evidence. There being no objection it was so received and is appended marked "Exhibit 7" (Japanese original) and "Exhibit 7(a)" (English translation).

10. Q. Will you read the covering letter, Exhibit 7?

(The witness read Exhibit 7.)

11. Q. What is the document you refer to as the second document?
A. It is excerpts from the ordinance governing kempeis.

12. Q. What is the content of this excerpt?
A. This is an excerpt from the original Volume I of Army Regulations and relates to the rules, allocation, and personnel of kempeis which is relevant to this case.

13. Q. Did you ascertain whether these excerpts were true and correct?
A. Yes, I ascertained.

14. Q. Was this in effect during the war in the Japanese Army?
A. This excerpt was taken from the Army Regulations by Miyama, Yoko the Chief of General Affairs Section, First Demobilization Bureau, who certified that this Army Regulations, Volume I, was in effect during the war in the Japanese Army.

15. Q. Have you prepared a translation of the excerpts?
A. Yes.

16. Q. Who made the translation?
A. It was translated by the official interpreter of this court.

The document produced by the witness was submitted to the judge advocate and to the commission and by the accused offered in evidence. There being no objection, it was so received and is appended marked "Exhibit 8" (Japanese original) and "Exhibit 8(a)" (English translation).

17. Q. Will you read Exhibit 8?

(The witness read Exhibit 8.)

18. Q. What is the third document?
A. It is the excerpts from the Service Regulations for Kempei.

19. Q. Where did you obtain these excerpts?
A. I obtained it from the Army Regulations, Volume I, to which I referred previously.

20. Q. What is the content of this document?
A. Excerpts were made wherever it related to the duties of the kempeitai wherever it related to this case.

21. Q. Did you ascertain that these excerpts were true and correct?
A. I personally ascertained.

22. Q. Have you prepared an English translation?
A. I have prepared an English translation. It was made by the official interpreter of this court.

The document produced by the witness was submitted to the judge advocate and to the commission and by the accused offered in evidence. There being no objection it was so received and is appended marked "Exhibit 9" (Japanese original) and "Exhibit 9(a)" (English translation).

23. Q. Will you read Exhibit 9?

(The witness read Exhibit 9.)

The commission then, at 3:15 p.m., took a recess until 3:40 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Sanagi, Sadamu, the witness under examination when the recess was taken, resumed the stand and was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

24. Q. What is the fourth defense document?
A. It is a chart of the organization of the Army Group, Palau Area.

25. Q. Who is the maker of this chart?
A. This was made by the Demobilization Bureau Repatriation and Relief Agency.

26. Q. What were the circumstances by which you procured this document?
A. Defense counsel made the request through the War Crimes Office to the Japanese Government who is the custodian of the original chart. The Demobilization Bureau made up this chart on the basis of the materials that were available to them and through the Supreme Commander for the Allied Powers, sent it to Guam.

27. Q. Is the document certified by the maker?
A. It is certified by Miyama, Yozo, Chief of the General Affairs, Demobilization Bureau Repatriation and Relief Agency.

28. Q. In what language is the original written?
A. One of the two covering letters is written in English. The other covering letter and the chart is in Japanese.

29. Q. Have you prepared an English translation of the Japanese original?
A. There are four charts and the fourth is a chart indicating the organizations of the Navy Units, and therefore we have omitted translation of the fourth chart.

30. Q. By whom was this translation made?
A. It was translated by the official court interpreter.

The covering letters and the charts produced by the witness were submitted to the judge advocate and to the commission and by the accused offered in evidence. There being no objection they were so received and are appended marked "Exhibit 10" (Japanese original) and "Exhibit 10(a)" (English translation).

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31. Q. Will you please read the covering letter of Exhibit 10?

(The witness read from Exhibit 10 as requested.)

32. Q. From chart one, please omit the reading of the sub units and read the remaining portion.

(The witness read from Exhibit 10 as requested.)

33. Q. Do you know whether the South Seas Kempeitai is included in the sub units?
A. They are not included.

34. Q. Please read the comment on chart one.

(The witness read from Exhibit 10 as requested.)

35. Q. Please read chart two and omit the reading of the names of units in the sub units.

(The witness read from Exhibit 10 as requested.)

36. Q. Do you know whether the South Seas Kempeitai is included in the sub units of this chart two?
A. No, it is not included in the chart in the sub units.

37. Q. Please read the comment on chart two.

(The witness read from Exhibit 10 as requested.)

38. Q. In regard to this chart two, do you know the relationship between the Army Group Headquarters, Palau Area and the Generalissimo Southern General Army? AB
A. In regard to the relationship between the two, the word "subordinate" is used.

39. Q. Will you read chart three and omit the names of the sub units?

(The witness read from Exhibit 10 as requested.)

40. Q. Is the kempeitai included in the sub units of chart three?
A. Yes, it is included in the units immediately subordinate of the Army Group.

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

The commission did not desire to examine this witness.

The witness resumed his status as counsel for the accused. AB

The commission then, at 4 p.m., adjourned until 9 a.m., tomorrow, Tuesday, April 19, 1949.

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TWELFTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Tuesday, April 19, 1949.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Herbert L. Ogden, a witness for the prosecution, was recalled as a witness for the defense and was warned that the oath previously taken by him was still binding.

Examined by the accused:

1. Q. State your name, rank and present station.
A. Commander Herbert L. Ogden, attached to the office Director War Crimes, Pacific Fleet.

2. Q. Do you have in your possession a document marked defense document number five?
A. I have.

3. Q. What kind of document is it?
A. It is a deposition of Kozuki, Yoshio and Murakami, Masaichi.

4. Q. Does the document contain also the interrogatories propounded to the deponents?
A. It does.

5. Q. How did you come to possess the document?
A. It was obtained by the Commander Naval Forces Liaison Officer in Tokyo upon interrogatories submitted by defense counsel in this case.

6. Q. Do the interrogatories, and the deposition or the answers thereto, relate to the matters with which the accused Inoue and Tada are now on trial?
A. They do.

7. Q. Does the document show that the depositions were sworn to?
A. It does.

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8. Q. Are the interrogatories and the deposition signed by the parties concerned?
A. The interrogatory is signed and the translation of the deposition is signed. I assume that the original in Japanese is likewise signed.

9. Q. In what language is the original written?
A. Japanese.

10. Q. Is it translated into English?
A. It is.

11. Q. By whom?
A. The original translation was apparently made by the Japanese in Tokyo. That translation was checked by the official court translators upon receipt.

The document produced by the witness was submitted to the judge advocate and to the commission, and by the accused offered in evidence. There being no objection, it was so received and is appended marked "Exhibit 11" (Japanese), and "Exhibit 11a" (English translation).

12. Q. Will the witness read Exhibit 11?

(The witness read Exhibit 11 as requested.)

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

Tada, Tokuchi, an accused, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Tada, Tokuchi, former colonel, Imperial Japanese Army.

2. Q. Are you an accused in this case?
A. Yes.

Examined by the accused:

3. Q. Will you briefly outline your military background?
A. I was commissioned a second lieutenant in 1924 and entered the War College in 1929. Was graduated from the War College in 1932 when I was a first lieutenant and was assigned to the War Ministry as an advisor in military affairs. I attended the Tokyo Imperial University as an extra-curricular student and served at the Army General Staff as a staff officer. Later I was instructor of logistics at the War College and in November of 1943 when I was a lieutenant colonel, was appointed chief of staff of the Fourteenth Division. On March 1, 1944 I was promoted to colonel.

4. Q. Have you ever served with the Japanese Armed Forces in the Palaus?
A. Yes, I have.

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5. Q. Will you state your tour of duty in the Palaus?
A. I served in the Palaus from the end of April 1944 until the end of February 1946.

6. Q. And what was the designation of the unit to which you were attached while you were in the Palaus?
A. Headquarters, Fourteenth Division.

7. Q. When did the Fourteenth Division arrive in the Palaus?
A. It arrived at the end of April 1944.

8. Q. What was your duty station within the Fourteenth Division?
A. Chief of staff.

9. Q. What, briefly, were the main duties of the chief of staff of the division?
A. The main duty of the chief of staff was to assist the commanding general of the division. At the same time he drafted operational plans and in various ways assisted in maintaining the full fighting strength of the division.

10. Q. Were there staff officers in the Fourteenth Division besides yourself?
A. Yes, there were.

11. Q. How many staff officers were there at the Fourteenth Division after August of 1944 and what were their names and ranks?
A. Between the latter part of August 1944 and the middle of September 1944 there were two staff officers at the Fourteenth Division Headquarters; they were Lieutenant Colonel Nakagawa and Major Yajima. After September of 1944 Lieutenant Colonel Izuma was added to the staff and there were three staff officers in the staff of the division.

12. Q. Where were the headquarters of the Fourteenth Division?
A. From the end of April 1944 when the Fourteenth Division arrived in the Palaus until the middle of May 1944 the headquarters were located at the Tropical Experimental Station on Babelthuap Island, Palau Islands. Between the middle of May and the end of July 1944 the headquarters were located on Koror Island. On August 1, 1944 the headquarters returned to the Tropical Experimental Station on Babelthuap Island. In the early part of December 1944 the headquarters moved to Shisui-zan (T.N. - mountain) which was located in the center of Babelthuap Island. AB

13. Q. Who was the commanding general of the Fourteenth Division?
A. Lieutenant General Inoue.

14. Q. Are you referring to Lieutenant General Inoue who is in the court here today?
A. I refer to the same man.

15. Q. Do you know the reason why the Fourteenth Division was sent to the Palaus?
A. I do.

16. Q. Will you explain the reason briefly?
A. The Palaus were very important islands from the operational standpoint about that time. Lieutenant General Inoue was a soldier with a brilliant war record and the Fourteenth Division, from its history, tradition and training was rated one of the first divisions in the Japanese Army. I will briefly state how the division was moved to the Palaus. In the early part of March 1944 the Fourteenth Division was in Manchuria and it was there mobilized for duty on Biak Island in New Guinea.

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The commission directed the examining counsel to bring the witness to the issues of this case.

17. Q. Until when was the Fourteenth Division stationed in the Palaus?
A. The division was in the Palaus until the end of February 1946.

18. Q. During the time the Fourteenth Division was stationed in the Palaus, was there a unit superior to the Fourteenth Division in the Palaus?
A. There was.

19. Q. What was this unit?
A. This organization was known as the Headquarters Army Group Palau Area, and the commanding officer was known as the Army Group Commander Palau Area or the Army Group Commanding General Palau Area.

20. Q. What was the organization of this army group?
A. The army group was organized at the same time as the Thirty-first Army which was in March of 1944 and at the time of its activation it was composed of the Fourteenth Division and the Forty-ninth Independent Mixed Brigade which was to arrive on Yap Island. A surface transportation unit was added to this, but the surface transportation unit of the Fourteenth Division was in New Guinea and therefore this new unit was more in the nature of a replacement. Between the middle of May and the end of June 1944 the following units were added to the army group:

The commission again directed the examining counsel to bring the witness to the issues of this case.

21. Q. Who was the commanding general of this army group?
A. Lieutenant General Inoue.

22. Q. Where was the headquarters of the army group?
A. They were at the same places at the same time as the headquarters of the Fourteenth Division.

23. Q. Were you in any way connected with the army group?
A. Yes, I was.

24. Q. What was the connection or relationship?
A. I was chief of staff of the army group.

25. Q. Until when were the Fourteenth Division and the Army Group in existence?
A. The army group was in existence until the termination of the war. The Fourteenth Division was demobilized a half year later.

26. Q. Were there any headquarters superior to the army group?
A. Yes.

27. Q. What were these headquarters?
A. Until it was officially confirmed that the headquarters of the Thirty-first Army had been annihilated on Guam in August of 1944, the headquarters of the Thirty-first Army was the headquarters superior to the Army Group. After this was confirmed, the army group was placed under the headquarters of the Generalissimo Southern General Army and under the direct command of the Commander in Chief of the Third Southern Expeditionary Fleet.

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28. Q. Who was the commanding general of the Thirty-first Army?
A. Lieutenant General Obata.

29. Q. Who was the generalissimo of the Southern General Army?
A. Colonel General Terauchi.

30. Q. Were there any units in the Palaus which were not subordinate to the army group?
A. There were.

31. Q. Please name the major units which were not subordinate to the army group and give the names of their commanding officers?
A. The Thirtieth Naval Base Force under the command of Rear Admiral Ito. South Seas Kempeitai under the command of Kempei Lieutenant Colonel Miyazaki. I refer to the South Seas Kempeitai up to the time of its deactivation in March of 1945. There were army units which were not placed under the command of the army group commander right to the end, among which I cite one which was the Palau Branch of the Harbor Unit under the command of Lieutenant Colonel Yamada.

The commission then, at 10:15 a.m., took a recess until 10:35 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Tada, Tokuchi, an accused, the witness under examination when the recess was taken, resumed the stand as a witness in his own behalf and was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

32. Q. Was the South Seas Kempeitai a "chokurei kempei," or kempei established by Imperial Ordinance, or was it a "gunrei kempei," or kempei established by military ordinance?
A. Until March of 1945 the South Seas Kempeitai was a chokurei kempei, or kempei established by Imperial Ordinance. After that date it was a type of gunrei kempei, kempei established by military ordinance.

33. Q. Where were the headquarters of the South Seas Kempeitai from April of 1944 until March of 1945?
A. Until the middle of August of 1944 the headquarters of the South Seas Kempeitai were on Koror. From that time onwards at Gasupan on Babelthuap Island, and from December of 1944, headquarters of the South Seas Kempeitai were at Shizui-zan in the mountains.

34. Q. Until March of 1945 under whose command was the commanding officer of the South Seas Kempeitai?
A. The commanding officer of the South Seas Kempeitai was under the command of the Kempeitai Commandant in Tokyo.

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35. Q. Were there any command or other relationships between the South Seas Kempeitai and the Fourteenth Division or the Army Group? AB
A. There were no command relationships, however in September of 1944 a dispatch order was received from the Vice-Minister of War which stated that AB in the event of land warfare the South Seas Kempeitai would be placed under the restricted command authority of the Army Group Commander.

36. Q. Will you explain briefly what is meant by restricted command authority?
A. By restricted command authority was meant the authority to issue commands or instructions on certain matters within the authority of a unit to another unit which stood in no command relationship to the first unit.

37. Q. Did you know whether prisoners of war were confined in the Palaus in September of 1944?
A. I did.

38. Q. How many?
A. Three prisoners of war.

39. Q. Where were these prisoners of war confined?
A. They were confined in the library of the staff of the Army Group.

40. Q. Did you ever receive instructions concerning these prisoners from Lieutenant General Inoue?
A. Yes.

41. Q. State briefly the instructions you received?
A. Around the second of September 1944 I received instructions from Lieutenant General Inoue to quickly dispose of these prisoners of war before the troops became incensed and murderous and between this time and the night of September 4 I received further definite instructions. He said that the fighting in the Palaus would become extremely severe and there would be no safe retreat in the rear, and in the event of severe fighting, the troops and low-ranking officers would be affected by psychology which would be beyond anything that we can visualize and if prisoners of war were held AB they would be maltreated and abused over a long period of time and probably meet with death by lynching, and from the topography of the island, if fighting were to take place on it, the headquarters would have to move from place to place and the prisoners would not be kept at a place where the commanding general or the chief of staff could supervise them. For these reasons he stated that he had the intention of disposing of the prisoners of war as soon as possible. Further he added that this execution was, from the standpoint of the Samurai, mercy to the prisoners of war.

42. Q. Did you ever receive instructions concerning prisoners of war from any superiors other than Lieutenant General Inoue?
A. Yes.

43. Q. Will you state briefly the instructions that you received?
A. In the early part of June 1944 Commanding General of the Army, Lieutenant General Obata, his Chief of Staff, Major General Tamura and his Operational Staff Officer, Lieutenant Colonel Kafuya -- There was a meeting convened of these three officers to which the division commanding general, myself, and staff officer Nakagawa were called in, to discuss operations. At this conference I opposed the strategy of annihilation of the enemy on the beachheads which was advocated by the commanding general. After this conference on operations was over and while I was in conversation with staff officer

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Nakagawa, Lieutenant General Obata came over to where we were. Lieutenant General Obata warned me that I do not fail to assist Lieutenant General Inoue as his chief of staff because of my personal ideas on operations. I was cautioned on this occasion that it was the policy of the Thirty-first Army that where there was no transportation to the rear and when an invasion was imminent, prisoners of war were, according to the policy, to be disposed of and he cautioned me that I do not cause the general difficulties by opposing such a policy from my ideas stemming from my philosophy on strategy.

44. Q. That was all the instructions you received from Lieutenant General Obata on prisoners of war; is that correct?
A. Yes.

45. Q. What did you do on receiving the instructions concerning prisoners of war from Lieutenant General Inoue?
A. I requested time to think the matter over and I did not take any steps until the night of 4 September.

46. Q. What did you do after that?
A. Early in the morning of the fifth I was convinced that the invasion of the Palaus by the Americans would take place in the very near future -- today or tomorrow -- judging my conviction on the movements of United States Task Forces. I reported my judgement of the situation to Lieutenant General Inoue.

47. Q. What did Lieutenant General Inoue say to that?
A. The general expressed complete agreement to my judgement and ordered that the prisoners be executed immediately at headquarters.

48. Q. And then?
A. I first of all told him that I could not agree to the prisoners being executed at headquarters. I further stated that if the prisoners were to be executed at units other than headquarters orders would have to be issued and I could not draft orders which were in violation of international law. I further stated that I did not think it advisable that such order should be issued in the name of the Army Group Commander. If the execution were conducted unofficially it would cause great harm and might even to come to affect the prestige and command of the general himself.

49. Q. What did Lieutenant General Inoue say to you in answer to all that you spoke to him?
A. He said that as the chief of staff so completely objected to the execution that he would abandon the execution at headquarters and also at the units. He stated that he had arrived at this decision as a general because there was no alternative and therefore to call the commanding officer of the kempeitai, to relay to him his intention, and to request him to execute the prisoners of war. He said that if I, the chief of staff, cannot do this for him then to call the commanding officer of the kempeitai to him and he would request him personally.

Commander Martin E. Carlson, a counsel for the accused, objected to this line of testimony in behalf of Inoue, Sadae on the ground that it was one co-defendant testifying against another, and moved to strike out all testimony relating to what Lieutenant General Inoue told Tada on the ground that it was prejudicial to Inoue.

The judge advocate stated that this particular objection had come up in many cases and that the federal law in such cases provided a defendant was a competent witness for or against a co-defendant.

The commission announced that the objection was not sustained and that the motion was denied.

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50. Q. Did you relay the intention of Commanding General Inoue to Kempei Lieutenant Colonel Miyazaki?
A. I did.

51. Q. Please state the main points of the conversation in which you relayed the general's intentions.
A. The probability was very great that Miyazaki would accept to perform this request if he were called to General Inoue who was ill at that time and personally requested by him and therefore I took the following measures. After I had returned to my room I sent an orderly to Staff Officer Yajima and had him relay the following: "The chief of staff wishes to speak with Kempei Lieutenant Colonel Miyazaki and Staff Officer Yajima and therefore come as soon as possible to the chief of staff's room with Kempei Lieutenant Colonel Miyazaki." Kempei Lieutenant Colonel Miyazaki and Staff Officer Yajima came to my room around 10 o'clock in the morning. My conversation with Miyazaki lasted for about thirty minutes. The main points in the conversation were as follows. In the first place I relayed General Inoue's intention and request to Miyazaki. I explained the circumstances between September 2 and September 5 and the reasons for my continued objections throughout that period of time. One of the reasons stemmed from my war philosophy and the other from my legal philosophy. I explained to Miyazaki in language which he could understand my view of this matter which was -- I am referring to my legal philosophy -- that international law in every case transcended anything determined by national or domestic law. That any orders issued on the basis of national or domestic laws were subject to international law.

52. Q. Was Yajima present throughout the conversation that you had with Miyazaki?
A. He was there from first to last.

53. Q. What did you do after that?
A. I had omitted one reason which I will give now which was that when I spoke to Kempei Lieutenant Colonel Miyazaki I told him that he was not in a position to receive orders and instructions from Lieutenant General Inoue and therefore to decide on this matter independently and freely. AB

54. Q. And that was all you told Miyazaki, is that correct?
A. Those were the main points in our conversation.

55. Q. What did Miyazaki say to you in answer to what you told him?
A. As I recall Miyazaki was deep in thought saying that this was a very difficult problem. After a while however he stated in manly fashion that "I will deal with this matter in my abdomen."

56. Q. That was all Miyazaki said?
A. Yes, that was all.

57. Q. How is this term "I will deal with the matter in my abdomen" used?
A. This term is used when two men arrive at a tacit understanding. It means that the person who uses this phrase would perform the matter at his own discretion and without letting third persons know about the matter. AB

58. Q. What did you do after Miyazaki gave you this answer?
A. I understood that Miyazaki would keep the matter secret from the general and protect the prisoners of war and I talked on with Miyazaki to grasp Miyazaki's idea on the matter. Soon thereafter however, air raid sirens were sounded and B-24s flying very low came to attack the headquarters. I took shelter in an air raid shelter set aside for the chief of staff which was a fox hole air raid shelter, together with Lieutenant Sakamoto who was with me, and an orderly. AB

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59. Q. Were there any other persons besides Sakamoto and the orderly?
A. It was a small type of air raid shelter and there was no room for anyone else.

60. Q. Do you know what Yajima and Miyazaki did during that time while you were taking shelter?
A. I do. It seemed that the two of them together took shelter in a different air raid shelter.

61. Q. Did you see Kempei Lieutenant Colonel Miyazaki after the air raid?
A. After the all-clear was sounded I sent out the orderly to look for Kempei Lieutenant Colonel Miyazaki, as I still wished to continue my conversation with him but the orderly was unable to locate him.

62. Q. Did you in your conversation with Miyazaki say "I request the execution of the prisoners of war of you"?
A. I did not desire the execution to begin with and I was opposed to it and therefore I did not make such a request. I did, however, tell Miyazaki that the general desired the execution.

The commission then, at 11:30 a.m., took a recess until 2:10 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Tada, Tokuchi, an accused, the witness under examination when the recess was taken, resumed the stand as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

63. Q. Did the headquarters of the Army Group ever issue orders or instructions concerning the transfer or handing over of the three prisoners of war?
A. I do not know of any order or instructions issued by the Army Group concerning their transfer. I will give the reasons for my not knowing of such order or instructions. The afternoon of the fifth of September was taken up with drafting operational orders and making preparations for moving to the Battle Command Post on Arukoku mountain, which transfer was to take place on the following day. From early dawn of the sixth we received very severe air attacks from carrier borne United States planes and until they returned to their carriers, it was not possible to stay anywhere else but in the air raid shelters. Waiting for the planes to return to their carriers, which they did around four o'clock in the afternoon, I started out for the Arukoku Battle Command Post with Staff Officer Nakagawa, Lieutenant Colonel Izumi, Sergeant Major Yamada and a few others. AB

64. Q. Until when did you stay at this Arukoku Battle Command Post?
A. I remained there until the second of October.

65. Q. Is it correct that one of the staff officers, Staff Officer Yajima did not go to the Arukoku Battle Command Post?

A. It is a fact that he did not go to the Battle Command Post but remained at the Tropical Experimental Station at the headquarters there to communicate the battle conditions to the subordinate units, to secure supplies of the division, and to be by the general, as he at that time happened to be ill and to take care of the general, as the only remaining staff officer at headquarters.

66. Q. Did Staff Officer Yajima ever come to the Arukoku Battle Command Post prior to the end of September 1944?
A. He came to the Battle Command Post towards the end of September 1944.

67. Q. Did Commanding Officer of the kempeitai, Kempei Lieutenant Colonel Miyazaki or Kempei Second Lieutenant Sano ever come to the Arukoku Battle Command Post?
a. Neither of them ever came to the battle command post, nor did they have any business there.

68. Q. Did you ever receive reports or information verbally or in writing concerning the execution of the three prisoners of war while you were at the battle command post?
A. We never received reports or information either verbally or in writing concerning this matter.

69. Q. Did you know whether these three prisoners of war were executed?
A. It was about ten days after my return from the battle command post on 2 October that I heard rumors that the three prisoners of war had been executed from First Lieutenant Sakamoto who was attached to me. At first I did not believe this rumor and I called Staff Officer Yajima to make certain whether it was true or not and learned from him that the execution was a fact.

70. Q. Is it true that you did not know of this matter until you heard these rumors?
A. Yes, that is so.

71. Q. Did you report this matter to Lieutenant General Inoue?
A. I did not.

72. Q. Did you, around September 4, 1944 execute three prisoners of war in concert with Kempei Lieutenant Colonel Miyazaki?
A. As I testified from this stand, I did not see Kempei Lieutenant Colonel Miyazaki after the fourth and I do not know the place or time of the execution of the prisoners of war and I absolutely did no such act.

73. Q. Did you ever assist or abet Kempei Commanding Officer Miyazaki in the execution of the three prisoners of war?
A. No, I did not.

74. Q. Did you know Kempei Captain Nakamura?
A. I came to know him when he took the witness stand in this trial.

75. Q. Did you ever act in concert with Nakamura in the execution of three prisoners of war around September 4, 1944?
A. No, I did not.

76. Q. Did you ever assist or abet Nakamura in the execution of three prisoners of war around September 4, 1944?
A. No.

77. Q. Do you know Kokubo of the kempeitai?
A. I did not know Kokubo until I was incarcerated in Sugamo Prison.

78. Q. You heard Kokubo testify in this trial, did you?
A. Yes.

79. Q. Did you ever act in concert with Kokubo in the execution of three prisoners of war around the fourth of September 1944?
A. No, I did not.

80. Q. Did you ever aid or abet Kokubo in the execution of three prisoners of war around September 4, 1944?
A. I did not.

Cross-examined by the judge advocate:

81. Q. Do you know the nationalities of these three prisoners you told us about?
A. I do.

82. Q. What was their nationality?
A. They are American.

83. Q. Did you ever see them?
A. I saw them about twice - on two occasions.

84. Q. Do you remember just when they arrived at headquarters?
A. I do.

85. Q. When did they arrive?
A. As I recall they arrived at headquarters at the end of August 1944.

86. Q. Did anyone report to you that they had arrived at headquarters?
A. I received a report to that effect from Staff Officer Yajima.

87. Q. Was General Inoue ill at this time?
A. Yes, he was.

88. Q. Did you report to him that headquarters now had three American prisoners?
A. I did.

89. Q. Was it on that occasion that the general told you that these three prisoners had to be executed?
A. It was several days later that he said they should be executed.

90. Q. Did you issue any orders to anyone to interrogate these prisoners?
A. I did not issue any specific orders, but according to the assignment of the duties, Yajima was in charge of interrogations.

91. Q. Yajima interrogated the prisoners, did he not?
A. He did.

92. Q. Did he report to you?
A. Yes, he did several times.

93. Q. Did you tell him to again interrogate the prisoners?
A. I recall that Yajima came to report every day at the end of the day's interrogation and I pointed out the faults that he had made in his interrogations, and as I recall, ordered him to continue the interrogations.

1201

94. Q. In August of 1944, who was the senior army officer in the Palau Islands?
A. Lieutenant General Inoue.

95. Q. How long before August of 1944 had General Obata paid this visit to headquarters?
A. Lieutenant General Obata came to the Palaus towards the end of May 1944 and stayed in the Palaus for the first ten days of June.

96. Q. Now you've told us of a conversation which you had with General Obata in which he told you that it was a policy to execute prisoners of war. Did you ever report this conversation ~~with~~ Lieutenant General Inoue?
A. No, I did not report to Lieutenant General Inoue.

97. Q. Well then, is it true that you and Colonel Nakagawa were the only individuals at headquarters there that knew it was a policy to execute prisoners of war?
A. I believe that Lieutenant General Obata cautioned me on this matter because I knew him well because of the fact that I had been a student at the War College when he was an instructor there, and further I served with him at the War Ministry General Staff and at the War College and I did not think that what he stated then in our conversation was anything official but more of a personal nature.

98. Q. Will you just answer my question? The question you were asked was then is it true that you and Colonel Nakagawa were the only individuals at headquarters that knew of this policy of killing prisoners. Now just answer my question, please.
A. I believe so.

99. Q. Who was the first to bring up this question of killing the prisoners, you or General Inoue?
A. The subject was broached by Lieutenant General Inoue.

100. Q. Was this after you'd given him your judgement concerning the early invasion of the Palaus?
A. Yes.

101. Q. What exactly did the general say to you if you remember?
A. In the first conversation around 2 September he said that the prisoners of war should be executed before the troops became aroused.

102. Q. How many conversations concerning these three particular prisoners did you have with General Inoue?
A. I had this first conversation which I referred to and between September 2 and September 4 I believe two further conversations, and a fourth conversation on the morning of the 5th of September.

103. Q. Is it true that in all these conversations you opposed the idea of executing the prisoners?
A. Yes.

104. Q. Is it also true that you requested time in which to think over the general's orders?
A. Yes.

1202

105. Q. In any of these conversations, did the general directly order you to arrange for the execution of these prisoners?
A. On the morning of the fifth he ordered me to prepare for the execution at headquarters.

106. Q. Who was the one that suggested that Colonel Miyazaki handle this execution?
A. Lieutenant General Inoue.

107. Q. Now did he tell you to relay his instructions to Miyazaki?
A. Yes.

108. Q. And as a matter of fact you spoke to Miyazaki about the general's intentions, didn't you colonel?
A. Yes, that is a fact.

109. Q. To you knowledge did Miyazaki ever speak to General Inoue about this execution before September 5?
A. Insofar as I know, he did not.

The accused moved to strike out this answer on the ground that it was the opinion of the witness.

The judge advocate replied.

The commission announced that the motion was not sustained.

110. Q. At this time General Inoue was ill, isn't that correct?
A. Yes, that is correct.

111. Q. And isn't it also correct that you handled the business of the division with the general yourself?

The judge advocate withdrew the question.

112. Q. Isn't it true that you were the only visitor that the general had in the days of his illness?
A. Yes, that is so.

113. Q. Were the three prisoners actually executed?
A. I heard of that around the middle of October 1944.

114. Q. Do you know by what method the three prisoners were transferred from headquarters to the kempeitai?
A. No, I did not know.

115. Q. Don't you know that they went in an automobile?
A. I did not know.

116. Q. Do you know a man by the name of Gintaro Hayashi?
A. May I ask a question?

117. Q. Surely.
A. There was a gunzoku by the name of Hayashi. If you are referring to that man I do know him.

118. Q. No, I'm not referring to any gunzokus. I am referring to a soldier by that name. Do you know any soldier attached to your headquarters by that name?
A. I do not recall.

1203

119. Q. Do you know a Captain Yokoyama?
A. I do not know a Captain Yokoyama. If you were to mention the unit to which he was attached, I may recall this person.

120. Q. Did you yourself give anyone orders to take the three prisoners to the kempeitai?
A. No, I did not.

121. Q. Did you yourself on the day of the execution receive a specific report that it had been accomplished?
A. I did not.

122. Q. Then it isn't true that Hayashi came to you to say that Colonel Miyazaki had told him to tell you that the three prisoners had been executed?
A. Such a thing never happened. That is not correct.

123. Q. Colonel, you've heard Yajima testify in this courtroom, is that correct?
A. Yes, I did.

124. Q. And Yajima served all through the war with you in the Palaus, isn't that correct?
A. He arrived somewhat later in May, but he was with me throughout the rest of the period.

125. Q. You've heard Yajima in his examination testify that he had overheard you arrange the execution in the air raid shelter with Colonel Miyazaki, is that correct?
A. Yes, I recall that testimony.

126. Q. Can you give us any reason why Yajima should tell any falsehoods about you?
A. Yajima heard all the conversations that I had with Kempei Lieutenant Colonel Miyazaki. He was moreover the officer in charge of prisoners of war, and his language was never very accurate.

127. Q. Can you tell us any reason why Yajima should tell any untruths concerning you?
A. I believe that he himself is concerned of being suspected as a war criminal.

128. Q. Colonel, do you want us to believe that when you were talking to Miyazaki you actually thought that he was going to hide the prisoners, keep them alive, and keep it a secret from General Inoue?
A. Yes, that is the truth.

129. Q. Did he specifically tell you that he was going to do that?
A. I understood from the words that he used that he would decide this matter in his abdomen.

130. Q. Is it true that you specifically told him that it was the general's desire that he execute the prisoners?
A. Yes, that is true.

131. Q. Colonel, about how many statements have you written for the prosecution here and in Tokyo?

This question was objected to by the accused on the ground that it was irrelevant, immaterial, and went beyond the scope of the direct examination.

1204

The judge advocate withdrew the question.

132. Q. Colonel, at any prior time other than today on this witness stand, have you ever told anyone of your belief that Miyazaki was going to keep these prisoners alive?
A. I recall telling Lieutenant General Inoue about this matter.

133. Q. Is he the only one you told about it?
A. I do not recall discussing this with anybody else.

Reexamined by the accused:

134. Q. Where did Lieutenant General Obata speak to you and to Nakagawa?
A. He spoke to us in the corridor of one of the residences of the South Seas Development Company on Koror Island.

135. Q. Was this before the conference or after the conference?
A. It was after the conference.

136. Q. You testified that Lieutenant General Inoue was ill around September 1944; where was he recuperating?
A. He was recuperating in the house immediately adjacent to my office which was being used also as my quarters.

137. Q. How was the condition of his illness about this time?
A. He was in the condition to carry on without being relieved the duties as Commanding General of the Fourteenth Division and Army Group Commander, with my assistance.

138. Q. From when do you know the Kempei Commanding Officer Miyazaki?
A. I came to know him after the arrival of the division in the Palaus.

139. Q. Did you know of Miyazaki's character before you come to know him?
A. No, before that I did not.

140. Q. Did you learn of this man's character after your arrival in the Palaus?
A. I believe I knew his character from his words and actions.

141. Q. Did you not know that Miyazaki, Kempei Lieutenant Colonel Miyazaki, was attached to the intelligence in Tokyo?

This question and line of questioning concerning Miyazaki's character was objected to by the judge advocate on the ground that it was going beyond the scope of the cross-examination.

The examining counsel requested that one more question be permitted regarding Miyazaki.

The commission announced that the objection was sustained, but granted the examining counsel his request for another question concerning Miyazaki.

142. Q. Did you know that he was a very bold and politically astute man?
A. He prided himself upon these qualities and I heard him often express this pride.

143. Q. Do you know of a conversation between Lieutenant General Obata and Lieutenant General Inoue regarding the disposal of prisoners of war in the event of invasion by the Americans?
A. I did not know of this conversation.

1205

144. Q. How long had you been associated with Lieutenant General Inoue at the time of these conversations with him regarding prisoners of war in September of 1944?
A. I knew Lieutenant General Inoue from November of 1943 when I was appointed his chief of staff.

145. Q. On what basis did the general talk to you regarding these prisoners of war at this time?
A. I do not know from what standpoint he spoke to me, but in our last conversation when I opposed him concerning the execution at headquarters, and at any of the units, he accepted my opinion on the execution and though I do not know definitely, I did not think that it was a firm conviction - the original intention of the general to dispose of the prisoners as he also mentioned the fact that there was no alternative left up to him.

146. Q. How is it you could oppose the general in this decision?
A. I was instructor of war philosophy and from my principles of strategy I could not accept the general's intention.

147. Q. Although Lieutenant General Inoue was ill at this time, was he ever relieved of his responsibilities and duties as Commanding General of the Fourteenth Division and Army Group Commander of the Palau Area?
A. The condition of his illness did not require a relief and no relief was called.

148. Q. Was his illness ever reported to his immediate superior in command?
A. No, it was not reported.

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

The commission did not desire to examine this witness.

The witness made the following statement:

If it is permissible, I would like to testify further on matters concerning General Inoue.

The commission announced that because of the specific request of the witness, he would be permitted to remain on the stand as a witness for the defense.

The commission then, at 3:15 p.m., adjourned until 3:30 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Tada, Tokuchi, an accused, the witness under examination when the recess was taken, resumed the stand as a witness for the defense, was warned that the oath previously taken was still binding, and continued his testimony.

Examined by the accused:

149. Q. During your tour of duty in the Palaus were the Palaus part of the territory mandated to Japan in the South Seas?
A. Yes.

1206

150. Q. Was martial law in effect in the Palaus between September and December 1944?
A. Martial law was never declared in these islands.

151. Q. Who was in charge of judicial and administrative matters in the Palaus during this time, namely, between September and December 1944?
A. The governor of the South Seas Government office was in charge and directly in charge was the District Governor of the Western Branch of the Government office.

152. Q. Did you know whether there were foreigners in the Palaus between September and December 1944?
A. I do.

153. Q. Who was in charge of the protection of the foreigners?
A. The administrative organs subordinate to the Governor of the South Seas Government office were in charge of foreigners.

154. Q. Did the Fourteenth Division have any connection with protection of foreigners?
A. The Fourteenth Division was a purely operational unit and had no connection with protection of foreigners.

155. Q. Who was the Governor of the South Seas Government office between September and December 1944?
A. He was Governor Hosogaya.

156. Q. Where was the South Seas Government office?
A. Until the middle of August 1944 it was on Koror. From that time onwards, on Babelthuap.

157. Q. Under whose command and supervision was the Governor of the South Seas Government office?
A. He was under the command and supervision of the Minister for Greater East Asia.

158. Q. Was there any command relationship between the Governor of the South Seas Government office and the Commanding General, Fourteenth Division?
A. There were no command relationships.

159. Q. Until when was the South Seas Government Office active?
A. Insofar as I know, it was active definitely until the end of February 1946.

160. Q. Until that date was the South Seas Government office actually functioning?
A. During the war, it was difficult for the South Seas Government office to function, however it was actually operating.

161. Q. Could you cite an example to bear out what you have just stated -- some example that would be illustrative?
A. Instructions concerning administration issued by the United States forces after the war were issued to the South Seas Government office and that office was ordered to remain on the island until the demobilization of and repatriation of the Army Group and from this fact alone it can be known that the South Seas Government office was functioning.

162. Q. Do you know whether there were foreigners other than prisoners of war in the Palaus around September 1944?
A. I did.

1207

163. Q. Do you know whether they were given protection?
A. I do. They were granted protection.

164. Q. Whose protection did they receive?
A. I believe it was in August 1944 when I heard that a certain unit subordinate to the Fourteenth Division was protecting foreigners. I looked into the actual circumstances immediately through Staff Officer Yajima. It turned out from the report I received from Yajima on the result of his investigation that these foreigners had, of their own will, placed themselves under the protection of the army unit, feeling a sense of security from being close to the military and as the unit concerned was not affected in any way in its functions, by their presence, that that unit had tolerated their presence. I reported this matter to the general and instructed the unit concerning the foreigners through Staff Officer Yajima as follows: First I instructed them that all units subordinate to the Fourteenth Division and the Palau Area Group were purely operational units and it was not within their scope of duties to protect foreigners. Secondly I pointed out that these units would have to move depending on the battle conditions and they may have to move at any time and, unlike the organizations subordinate to the South Seas Government Office, were not permanently stationed at any place and therefore the sense of security which they derived from being close to these units would be a false sense of security. I instructed Yajima to instruct these units concerning these two points and have the foreigners move away from these units.

165. Q. Did you know the status or occupation of these foreigners?
A. As I recall, they were a group of missionaries.

166. Q. Did the headquarters of the Army Group receive reports from subordinate units or information from units not subordinate to its command concerning the execution of missionaries and other foreigners around September of 1944?
A. I was at the Arukoku Battle Command Post from the early part of September till the second of October 1944, and I was not at the headquarters of the Army Group during the above mentioned period. Under the circumstances I personally did not receive reports or information concerning the execution of missionaries and others.

167. Q. Did you know of the presence of an Englishman in the Palaus in December of 1944?
A. I did.

168. Q. How did you come to know of this circumstance?
A. It was in the latter part of November or early December 1944 when an incident occurred in which Chamorroans escaped from the main island of the Palaus, Babelthuap, to the direction of Kosor which lies to the northeast of Babelthuap. Report was received immediately from subordinate units of the Fourteenth Division and information was also requested from the kempeitai.

169. Q. Please give the main points as briefly as you can.
A. The report was received that a father and husband of the escaped Chamorroans was an aged Englishman and he had been left behind and from this report I knew of the presence of this Englishman.

170. Q. Did you know of any suspicions of espionage cast upon this Englishman?
A. There was no suspicion of espionage on the part of this Englishman, judging from the reports submitted concerning him. The reports stated that he was uneducated, that he was very old, that his living standards were below those of the natives themselves, that he did not even speak English, and that he was powerless to do anything.

1208

171. Q. Did you know that this Englishman was executed at the kempeitai?
A. I did not know that he was executed until the termination of the war.

172. Q. Did the Army Group headquarters receive reports from its subordinate units or information from units which were not subordinate to its command concerning the execution of this Englishman around August of 1944?
A. Insofar as I know the Army Group headquarters did not receive information or reports either verbal or written, concerning this execution.

173. Q. Did you know whether a prisoner of war was confined in the Palaus around May of 1945?
A. I did know.

174. Q. Where was he confined?
A. I did not hear definitely concerning this point.

175. Q. How did you come to know of the fact that there was a prisoner of war confined in the Palaus?
A. At that time I had just undergone an appendectomy operation and was in bed and I received no visitors except the general who came almost daily to see me. I recall hearing from the general that there was a prisoner of war while I was in bed.

176. Q. You did not know of anything further concerning the prisoner of war; is that correct?
A. I did not know.

177. Q. Do you know whether the Army Group Headquarters received a report stating that the prisoner of war had been executed around May 1945?
A. I do not know concerning this matter as I was temporarily relieved of my duties owing to my illness.

178. Q. In conclusion will you state concerning what you know of General Inoue's general reputation?
A. It was generally reputed that Lieutenant General Inoue was a brilliant soldier and one of the strongest generals on the field and this was recognized by the authorities in Tokyo as well as widely known among the officers. He required strict obedience of his command, and troops under his command therefore had very excellent fighting morale and were strong in the field of battle.

Cross-examined by the judge advocate:

179. Q. Did you say you heard these foreigners had moved in with one of the Fourteenth Division's outfits of their own free will?
A. I am not definite on this point, however from reports subsequently received from Staff Officer Yajima I learned that they moved in with the South Seas Kempeitai later.

180. Q. Did they also do that of their own free will?
A. Yes, I believe so.

181. Q. You have told us about these reports you got from the kempeitai concerning the Englishman. Did you also get reports concerning the missionaries?
A. I do not recall testifying that I received reports from the kempeitai. I believe I mentioned I received information from the kempeitai.

1209

182. Q. In what form was this information - was it oral or written?
A. Oral information.

183. Q. And who in particular gave it to you? Was it Miyazaki?
A. I do not recall clearly now whether Miyazaki brought his information direct to me or to Yajima.

184. Q. Was Yajima the liaison officer between Inoue's headquarters and the kempeitai?
A. No, he was not a liaison officer. He was the staff officer in charge of these matters concerning foreigners, et cetera.

185. Q. Was there any liaison officer between Inoue's headquarters and the South Seas Government?
A. There was no liaison officer.

186. Q. Did you instruct Yajima to have the kempeitai arrest the Englishman, Smith?
A. No, I never issued such instructions.

187. Q. Do you recall having heard Yajima say in this courtroom that he had received his orders from you to have Smith arrested?
A. Yes, I recall that.

188. Q. Can you tell us any reason why he should tell us falsehoods?
A. I believe that such testimony stems from the basic attitude of the witness Yajima. There are numerous falsehoods in his testimony and it can only be understood by referring back to his basic attitude. Further, concerning the Kaufman and missionary incidents, he has testified however, as he was the staff officer in charge of such matters, I have always looked with suspicion on his testimony.

189. Q. Is it your opinion that he has also misinformed us on the Kaufman incident?
A. I do not say so but from what I learned after the surrender I understand that Yajima was deeply involved in the Kaufman incident.

190. Q. Do you know who actually gave the orders for the execution of Kaufman?
A. I actually do not know.

191. Q. Did you ever learn who gave the orders?
A. That also I do not know.

192. Q. Do you recall having made a statement on 25 September 1947?
A. Yes, I recall.

193. Q. Do you recall having written in that statement "Now I cannot help but recognize that it was an affair in which Commanding Officer Inoue himself gave verbal orders (there was something missing in the procedure of these orders) and it was carried out". Do you remember writing that?
A. Yes, I recall.

194. Q. Which is the truth - that you don't know who gave the orders for that you do know who gave the orders?
A. I would like to be granted permission to explain the circumstances under which I made that statement when I had no alternative but to make that statement.

The judge advocate requested the commission to direct the witness to answer the question.

12 10

The commission directed the witness to answer the question.

A. What is true is what follows these words which were read by the judge advocate.

At the request of the judge advocate, the question was repeated.

A. As I recall, if you will read the sentences following that which you read in court the answer will come out.

The commission directed the witness to answer the question.

Commander Martin E. Carlson, a counsel for the accused, objected to this questioning relative to a statement, on the ground that the statement had not been introduced into evidence and that the portion read did not show the entire story.

The commission stated that such an objection was out of order until after the witness answered the question.

A. It is correct that I do not know of this matter except by hearsay.

195. Q. Is there any mention of hearsay in this statement that you wrote on 25 September?
A. Yes, it is shown in that statement. If you will read on in that statement it says that as I was ill at that time I do not know of anything except what I know by hearsay.

196. Q. I will read you your whole statement right here "I presume that the killing of one prisoner, an American officer, at antiaircraft unit of the army group was at the end of May, 1945. Now I cannot help but recognize that it was an affair in which Commanding Officer INOUE himself gave verbal orders (there was something missing in the procedure of these orders) and it was carried out. As I was ill for quite a while at that time visits by persons besides the commanding officer were forbidden and as my official duties were suspended I know nothing of the circumstances of the affair." Now, where is there any mention of hearsay in there?
A. The statement here that "As I was ill for a while at that time and as my official duties were suspended." I believe that statement shows that I could not have heard anything directly but came to know these things through hearsay.

197. Q. Are you of the opinion that if you heard this from General Inoue himself that it would be hearsay?
A. That could be so, but I did not hear anything from the general concerning the execution.

The accused moved to strike out the answers to all questions relating to the statement made by Tada on the ground that the sections which the judge advocate read were unfair and that these sentences did not give a true picture.

The judge advocate replied.

The commission announced that the motion was denied because in the previous question the entire paragraph had been read to the witness.

The commission then, at 4:35 p.m., adjourned until 9 a.m., tomorrow, Wednesday, Arpil 20, 1949.

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THIRTEENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Wednesday, April 20, 1949.

The commission met at 9:05 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Tada, Tokuchi, an accused, the witness under examination when the recess was taken, resumed the stand as a witness for the defense. He was warned that the oath previously taken was still binding, and continued his testimony.

(Recross-examination continued.)

198. Q. Did the restricted command authority of General Inoue over the kempeitai have anything to do with police matters?
A. No, it did not include police matters. The restricted command authority of the general did not include police matters.

199. Q. Did it have anything to do with the investigation of espionage?
A. Investigation of espionage was not included in the restricted command authority of General Inoue.

200. Q. Was it the duty of the kempeitai to keep the general advised of the investigations that the kempeitai was making?
A. It was not so determined by regulations, but it was necessary from the common sense standpoint to inform or notify the general of such matters.

201. Q. Do you know whether or not the general was informed of the fact that the missionaries were being held by the kempeitai?
A. I, myself, did not know that they were held in custody at the kempeitai, and I am convinced that the general was not informed of the missionaries being held in custody.

202. Q. Was it the custom at the Fourteenth Division for you to see all these reports before the general did?
A. Yes.

203. Q. Then if you got a report from some unit in writing, would you sign it?
A. Yes, I would have signed it.

204. Q. Do you recall signing a report from Miyazaki involving the execution of three prisoners of war in September 1944?
A. I did not receive a written or oral report from Kempei Lieutenant Colonel Miyazaki.

205. Q. Did you ever sign a report involving the execution of the missionaries which was signed by Miyazaki?
A. I did not.

206. Q. About how many people did the kempeitai kill for the Fourteenth Division, Colonel?
A. I believe the term "kill for the Fourteenth Division" to be very dubious, however the number of prisoners of war and missionaries killed at the kempeitai totalled some thirteen men.

207. Q. Well, let's change the question. Then how many prisoners did the kempeitai kill for the Shudan Shireikan?
A. Three prisoners of war.

208. Q. Was it the duty of the kempeitai to guard the prisoners of war for the Shudan Shireikan?
A. No, it was not one of its duties.

209. Q. Do you know whether or not, as a matter of fact, the kempeitai did guard prisoners of war for the Shudan Shireikan?
A. I recognized the fact that the kempeitai did have under protection prisoners of war for the reason that it was an administrative organ, and when requested by an operational unit to take custody of the prisoners so that the operational unit could function fully in its original capacity, it would do so.

210. Q. Now let's be clear on that point Colonel, on paper in the chain of command in all your rules and regulations of the Japanese Army, was the kempeitai duty-bound to take care of these prisoners for the Shudan Shireikan?
A. No, the kempeitai was not duty-bound.

211. Q. The kempeitai merely held these prisoners as a convenience for the Shudan Shireikan, is that correct?
A. Yes.

212. Q. Then it is true that there existed a relationship between the kempeitai and the Shudan Shireikan that is not covered by regulations, is that true?
A. I believe it could be stated that there existed relationship outside of regulations between the Shudan Shireikan and the kempeitai, such as relationship stemming from common sense and efforts on both sides to make things easier for all parties to cooperate independently without infringing on the other's responsibilities.

213. Q. Was one of the aspects, Colonel, the fact that Miyazaki was only a lieutenant colonel and Inoue was a lieutenant general?

This question was objected to by the accused on the ground that it was not clear.

The judge advocate reframed the question.

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214. Q. By common sense, do you mean Miyazaki cooperated with Inoue because Miyazaki was a lieutenant colonel and Inoue was a lieutenant general? Is that what you mean?
A. The main point of what I mean by common sense was this: when any person is placed in difficult conditions on the field of battle, et cetera, he would cooperate and attempt to ease any other persons' position, whether or not there existed any command relationship between the two persons insofar as responsibilities permitted him to do so.

215. Q. And rank would be a factor in that too, wouldn't it?
A. I would not say that rank would not be a factor in such a relationship, however I would like to also point out that a superior could in such position also attempt to ease the position of a person who was of lower rank than himself.

216. Q. When Inoue gave instructions for Miyazaki to execute these three prisoners, was he easing Miyazaki's situation?

This question was objected to by the accused on the ground that it was irrelevant, immaterial and called for an opinion of the witness.

The judge advocate replied.

The commission announced that the objection was sustained.

217. Q. Was Miyazaki a frequent visitor at Inoue's headquarters?
A. He came from time to time.

Reexamined by the accused:

218. Q. That portion of the statement relating to Kaufman which you executed on the 25th of September 1947, was it written voluntarily by you?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial as the statement was already in evidence as Exhibit 2.

The accused reframed the question.

219. Q. Will you state briefly the circumstances under which you wrote that portion of the statement which is Exhibit 2?
A. The circumstances were as follows: I was persistently interrogated by investigating officer Yokoi in July of 1947 concerning the Kaufman incident. I was interrogated three times after the 21st of September 1947 by Captain Moriarty concerning the Kaufman incident and other matters. I repeatedly told these interrogators that as I had been ill at the time of the Kaufman incident I was not qualified to testify concerning these incidents, except for what I had heard by hearsay. Insistent demands were made on me to associate with Captain Koichi, who happened to be on the same floor in the prison as myself, and to hear what Captain Koichi had to say concerning orders for the execution of Kaufman. Whether such orders were issued by General Inoue to Captain Koichi, and from what I had heard from Captain Koichi, to draw my conclusions on this matter as I had at one time been chief of staff and used to draw conclusions from data.

220. Q. Please be brief.
A. And on the basis of what I had heard from Captain Koichi in our walks in the compound together, I wrote in my statement that I cannot but recognize the fact that the circumstances that the execution was ordered by General Inoue and by the use of the word "now", I mean to convey the circumstances under which I made that statement.

AB

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221. Q. You just now testified that although you considered the term "kill for the Fourteenth Division" dubious, you knew that there had been killed some thirteen persons including prisoners of war and missionaries at the kempeitai. Now do you know that these persons had been executed at the kempeitai prior to hearing witnesses testify in this courtroom for the prosecution, or did you learn of this fact after hearing the witnesses for the prosecution?
A. This matter was made definite in my mind on hearing the testimony of witnesses in this courtroom.

222. Q. Were prisoners of war held in custody at the kempeitai in the Palaus prior to December of 1944?
A. I never heard of such fact mentioned.

223. Q. Did you ever see this man that was called Smith?
A. No, I never saw him.

224. Q. Was there in May of 1945 any danger of American landings on Babelthuap?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial to the issues of this case.

The accused replied.

The commission announced that the objection was not sustained.

A. Yes, there was.

225. Q. While you were ill in May of 1945 and your official duties had been suspended, did some other staff officer take over your duties?
A. According to the Army Relief Regulations, Lieutenant Colonel Izumi naturally assumed the duties of the chief of staff.

226. Q. Did the operational units, to your knowledge ever order the kempeitai to take into custody this man called Smith?
A. No.

227. Did the operational units ever order the kempeitai to take into custody as prisoners, these missionaries?
A. No, they did not.

228. Q. Now you testified that the kempeitai held as a convenience men for the Fourteenth Division. What men or what prisoners of war did the kempeitai hold as a convenience for the Fourteenth Division?
A. As I recall I did not state for a fact that persons were held in custody by the kempeitai for the Fourteenth Division but that they had some obligations to hold certain persons in custody. If I did state that there were persons held in custody by the kempeitai for the Fourteenth Division, that was a mistake, so I will beg permission to withdraw that.

229. Q. According to kempeitai regulations, was Colonel Miyazaki a responsible commanding officer; that is responsible to his immediate superior in Tokyo to what he, Miyazaki did as commanding officer at the kempeitai?
A. He was in the main, responsible to the Kempei Commandant in Tokyo. In certain matters however, he was responsible to the Governor of the South Seas Government Office and to the District Attorney and prosecutors of the South Seas Government Office.

230. Q. Do you know what has happened to this Lieutenant Colonel Miyazaki?
A. I learned in this courtroom that he is deceased.

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Recross-examined by the judge advocate:

231. Q. Colonel, is it your testimony that for the first time you learned General Inoue gave the orders for Kaufman's execution was when you were forced to consort with Captain Koichi?
A. Yes, that is so.

232. Q. Now this was sometime in 1947, is that correct?
A. Yes.

233. Q. Weren't you aware of this fact around the time of the end of the war?
A. At the termination of the war I learned of the execution of Kaufman and commenced investigation of the matter, but as it was highly complicated I abandoned it, in my capacity as chief of staff.

The judge advocate repeated the question.

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

The judge advocate withdrew the question.

234. Q. Weren't you aware, around the time of the end of the war, that General Inoue personally had given orders for the execution of Kaufman?
A. No, I did not know of this.

235. Q. At the time that you made the false report to the American authorities concerning Katsuyama's suicide, didn't you know that Inoue had personally given the orders for the execution of Kaufman?

This question was objected to by the accused on the grounds that it was irrelevant, immaterial, and unfair to the witness.

The judge advocate replied.

The commission announced that the objection was sustained.

The accused did not desire further to examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness resumed his status as an accused.

The commission then, at 10:15 a.m., took a recess until 10:30 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The judge advocate advised the commission that in the statement on which he had cross-examined Tada that certain words were in quotation marks in the Japanese and were not in quotation marks in the English translation, but that this error in the English translation had been corrected.

Inoue, Sadae, an accused, was, at his own request, duly sworn as a witness in his own behalf. AB

Examined by the judge advocate:

1. Q. Will you state your name and former rank?
A. Inoue, Sadae, former lieutenant general, Imperial Japanese Army.

2. Q. Are you an accused in this case?
A. Yes.

Examined by the accused:

3. Q. How long have you served in the Imperial Japanese Army?
A. I was commissioned second lieutenant in 1909 and served in the Imperial Japanese Army until the termination of the war.

4. Q. Did you ever serve with the Imperial Japanese Army in the Palaus?
A. Yes, I did serve there.

5. Q. When did you arrive in the Palaus?
A. I arrived in the Palaus around the middle of April 1944.

6. Q. When did you leave the Palaus?
A. As I recall in the end of February 1946.

7. Q. Please state your post during your tour of duty in the Palaus.
A. I was Commanding General, Fourteenth Division and also Army Group Commander, Palau Area.

8. Q. By whom were you appointed Army Group Commander, Palau Area?
A. I was appointed to this position by His Imperial Majesty in accordance with the battle order set forth in the regulations of the Imperial General Headquarters.

9. Q. During your tour of duty in the Palaus who was your immediate superior officer?
A. Until around August of 1944 he was Lieutenant General Obata, Commanding General, Thirty-first Army. After the Thirty-first Army headquarters was annihilated on Guam, my immediate superior officer was Colonel General Terauchi, Generalissimo, Southern General Army.

10. Q. What was the strength of your forces during your tour of duty in the Palaus?
A. As I recall the strength of my forces was thirty thousand troops. AB

11. Q. Who was your Chief of Staff during your tour of duty in the Palaus?
A. He was Tada, Tokichi, Colonel, Imperial Japanese Army.

12. Q. Was there a kempeitai in the Palaus during your tour of duty in those islands?
A. Yes, there was. It was known as the South Seas Kempeitai.

13. Q. Who was the commanding officer of the kempeitai during your tour of duty?
A. Kempei Lieutenant Colonel Miyazaki, Aritsune.

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14. Q. Did you know whether prisoners of war were held in custody in the Palaus in September of 1944?
A. I did know.

15. Q. Did you know how many prisoners of war there were?
A. As I recall, three prisoners of war.

16. Q. Did you know the nationality of these prisoners of war?
A. They were American fliers.

17. Q. Did you know where the three prisoners of war were confined?
A. I did.

18. Q. Where were they confined?
A. They were confined at my headquarters.

19. Q. How were you made aware of the confinement of these three prisoners of war there at your headquarters?
A. I learned of this from a report made to me by Colonel Tada, my chief of staff.

20. Q. Did you converse with anyone concerning these prisoners of war other than when Colonel Tada reported their confinement at headquarters?
A. I spoke about these prisoners with Colonel Tada in the early prt of September 1944.

21. Q. On how many different occasions did you converse with Colonel Tada concerning these prisoners in the early part of September?
A. As I recall I spoke to him on three different occasions.

22. Q. Please state what you spoke to Colonel Tada at the first conversation that you had with him.
A. In the early part of September Colonel Tada came to me bringing dispatch orders from various fronts. From the information contained in these dispatches I judged that American task forces were approaching the Palaus. At this time I asked the Chief of Staff how he was handling the prisoners of war, what he was doing with the prisoners of war. The chief of staff answered that the prisoners of war were at that time being interrogated. I told him then that in the event an invasion by United States forces became definite that the prisoners of war would have to be disposed of before the shallow-minded became murderous in their intentions.

23. Q. Was that all of the first conversation?
A. Yes, that was all of the first conversation.

24. Q. Please state the circumstances of the second conversation that you had with the chief of staff concerning these prisoners of war.
A. I believe it was one or two days after the first conversation that Colonel Tada came to me bringing information dispatches from various fronts. From the information in these dispatches and the reports of the local units, I judged that an invasion by United States forces was certain and fast approaching. At this time I asked the chief of staff what he was doing with the prisoners of war. The chief of staff answered that as yet he had taken no steps. On the basis of my judgement and on the basis of instructions which I had received from Lieutenant General Obata, the Commanding General of the Thirty-first Army, I explained the reasons why the prisoners had to be

disposed of. The gist of this was as follows: In the event American forces landed on Saipan, Guam, or the Palaus which were small islands, there would be no safety zones in the rear to which prisoners could be transferred. And once the fighting becomes intense on any of such small islands the war psychology of the low-ranking officers and of the troops would be beyond our recognition and they would be very prone to commit atrocities. However on a field of battle a headquarters cannot remain stationary in one place but would have to move from place to place and at such times prisoners cannot be held at all times in places where the commanding general or the chief of staff can supervise them. In such cases prisoners of war would be exposed to hardships over long periods of time and possibly meet with atrocious deaths. Therefore, if the prisoners of war were disposed of under the supervision of the Commanding General while the troops were not yet filled with hate for the enemy that such procedure would save the prisoners of war from atrocities and this would be following the memory of Bushido or the way of the Samurai and this I stated to my chief of staff. The foregoing was what the Commanding General told me when I objected to the instructions which General Obata gave me concerning prisoners of war. When I became certain that an invasion by American forces would take place I gave further thought in regard to the disposal of prisoners of war. The battle conditions about that time were such that American submarines were in sight of Peleliu and Babelthuap and air raids were conducted daily by the United States forces. I judged from these signs that they were the prelude to an American invasion. Under these circumstances I thought of what to do with the prisoners of war and how to save them from atrocities and there was no alternative other than to follow the instructions of General Obata.

25. Q. What did Colonel Tada say when you stated this to him?
A. Colonel Tada answered in effect that he would like to have time to study on the matter.

26. Q. Does that conclude your second conversation with Colonel Tada?
A. Yes, that concluded the second conversation.

27. Q. Please explain the circumstances of the third conversation which you had with Colonel Tada.
A. A day or two after this Colonel Tada again came to me bringing with him information dispatches from the various fronts. At this time the chief of staff reported that from the information at hand it could be judged that an American invasion would take place today or tomorrow. This judgement of the situation arrived at by the chief of staff was completely identical to mine. Under the circumstances when an invasion by American forces would take place either today or tomorrow I asked Colonel Tada what he had done regarding the prisoners of war. His answer was that he had not yet taken any steps. I told Tada that the execution of the prisoners of war could not be postponed any longer with an American invasion as imminent as it was. I told Tada that under these inexorable conditions the prisoners of war should be executed at headquarters. Tada stated in answer that he could not bring himself to the mind to execute the prisoners at the headquarters and further that he was absolutely opposed to the execution of the prisoners of war at the subordinate units of the headquarters from the standpoint of international law. I told Tada that I recognized his opinion but that in my case there were certain factors which could not be reconciled and I told him to call Kempei Lieutenant Colonel Miyazaki and to request Kempei Lieutenant Colonel Miyazaki concerning the execution of the prisoners of war. It seemed to me that Tada at that time was very hesitant in his attitude. I told Tada that if he was reluctant about the matter to call Kempei Commanding Officer Miyazaki to me and I personally would explain the circumstances and make the request.

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28. Q. What did Colonel Tada do after you had told him this?
A. Colonel Tada said that if that were the case then he would relay the intention of the general to Kempei Commanding Officer Miyasaki and retired from my presence.

The commission then, at 11:25 a.m., adjourned until 9 a.m., tomorrow, Thursday, April 21, 1949.

FOURTEENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Thursday, April 21, 1949.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Inoue, Sadae, an accused, the witness under examination when the adjournment was taken, resumed the stand as a witness in his own behalf. He was warned that the oath previously taken was still binding and continued his testimony.

(Examination continued.)

29. Q. You testified that you received instructions concerning prisoners of war from Lieutenant General Obata, Commanding General, Thirty-first Army. Will you state the circumstances under which you received these instructions and the conversation which took place?
A. As I recall, it was at the end of May 1944, Lieutenant General Obata came to the headquarters on Koror to direct the operations and to inspect the Army Group. While he was there the battle of Saipan was suddenly commenced in the middle of June and the Commanding General left for Guam Island. On the day of the Commanding General's departure or one day before I visited him. The conversation which took place between the Army Commanding General and myself was concerned with the future battle situation on Saipan and war psychology. Commanding General Obata at this time gave me the following oral instructions which were that "In the event invasion by American forces became definite, if passage to the rear was severed, execute prisoners of war." I submitted my following opinion to the general at this time. I stated that "This order is not only contrary to international law but if prisoners of war are executed my strict command policy will be adversely affected and may even break down." At this time Commanding General Obata said that this was the policy of the authorities in Tokyo and I add this to my order which I previously gave you. Commanding General Obata stated in detail instructions to which I have previously testified. I thought to myself "There is no alternative and when faced with the situation something may be done" and ~~returned~~ retired from the general's presence.

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30. Q. After you had your last conversation with Colonel Tada on the subject of prisoners of war did you receive any report from Tada concerning this last conversation relating to the three prisoners of war?
A. I believe it was in the afternoon of the day in which Tada made the request to Kempei Lieutenant Colonel Miyazaki when he, Kempei Lieutenant Colonel Miyazaki came to me and stated in effect that he had accepted the request.

31. Q. Did you ever see any documentary report concerning the execution of these three prisoners of war?
A. I have never seen a written report concerning these prisoners. However it may have been around the middle part of May I received an oral report from Adjutant Hashamoto that the three prisoners of war had been executed at the kempeitai.

32. Q. Did you know whether there were foreigners other than the three prisoners of war mentioned in your testimony residing under protection in the Palaus around September 1944?
A. I did know.

33. Q. What foreigners were these?
A. As I heard it, they were some Spanish missionaries.

34. Q. From whom did you hear concerning these men?
A. I heard this from a staff officer.

35. Q. Do you know where these missionaries were interned?
A. I heard that these missionaries were being protected by the South Seas Kempeitai, but I did not hear where they were being held.

36. Q. Do you know the circumstances as to how these missionaries came to be placed under the protection of the South Seas Kempeitai?
A. The matter being one which concerned foreigners and an affair of the Governor of the South Seas Government office and the South Seas Kempeitai, which in no manner concerned myself, I did not receive reports or information concerning it.

37. Q. Did you ever issue instructions concerning these missionaries?
A. I never did issue any instructions. Moreover I had no authority to issue such instructions.

38. Q. Did you ask for instructions and were you consulted by anyone concerning these missionaries?
A. I never asked anyone for instructions nor was I consulted by anyone concerning this matter.

39. Q. Do you know what happened to these missionaries later?
A. No, I do not. After the termination of the war I heard that they were executed at the South Seas Kempeitai.

40. Q. Did you see any report concerning the execution of these missionaries in the middle or latter part of September 1944?
A. I did not see any written report. Neither did I receive any oral report.

41. Q. In the middle of September 1944 at which part of the Palau Islands were you?
A. From the early part of September 1944 I was in my headquarters in the jungle close by the Tropical Experimental Station.

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42. Q. Was a battle command post of the Army Group established at any point about this time?
A. I had established a battle command post on Mount Arukoku which was located to the south of the Tropical Experimental Station.

43. Q. Did you, during the month of September, go to this battle command post?
A. To my regret I was ill and I could not go up to the battle command post.

44. Q. Which of the staff officers went to the battle command post?
A. I sent to the battle command post from the early part of September the chief of staff, Staff Officer Nakagawa, and Izumi.

45. Q. Did any staff officers remain at the Tropical Experimental Station?
A. From the early part of September the only staff officer remaining at the Tropical Experimental Station was Staff Officer Yajima. Adjutant Hashimoto was also at headquarters.

46. Q. Did you know whether there was a foreigner residing in the Palaus in December 1944?
A. I did.

47. Q. What foreigner was this?
A. I heard that he was an Englishman.

48. Q. Do you know the name of this Englishman?
A. No.

49. Q. How did you know that this Englishman was residing in the Palaus at that time?
A. I received a report from Staff Officer Yajima.

50. Q. If you ever received information concerning this Englishman, will you state it?
A. I do not recall clearly whether it was the end of November or the beginning of December. Colonel Tada, my chief of staff, came to me bringing with him Kempei Lieutenant Colonel Miyazaki. The point of Kempei Lieutenant Colonel Miyazaki's visit was to inform me concerning the escape from the islands by the natives. Miyazaki, after he had informed me concerning the matter referred to above, stated that this Englishman was married to a native woman but that the wife and family of this Englishman had escaped from the island with other natives. He stated that this Englishman was left on the island and that he was 70 years of age and that there was absolutely no danger of his escape.

51. Q. Before Kempei Lieutenant Colonel Miyazaki came to inform you concerning this Englishman had you ordered Miyazaki to conduct investigations concerning this Englishman?
A. I never ordered Miyazaki to conduct investigations. He came over voluntarily with this information to headquarters.

52. Q. When Kempei Lieutenant Colonel Miyazaki came to you to inform you concerning the escape of natives did you issue any instructions to Miyazaki?
A. I did not issue any instructions and I did not have authority to issue instructions.

53. Q. Do you know where this Englishman was residing when Miyazaki came to inform you on this matter?
A. No, I absolutely did not know.

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54. Q. Did you know what happened to the Englishman afterwards?
A. No, I did not.

55. Q. Did you ever see any documentary report concerning this Englishman after Miyazaki came to inform you concerning him?
A. I have never seen a documentary report concerning this man.

56. Q. Was there any command relationship between Kempei Lieutenant Colonel Miyazaki and yourself between September and the end of December 1944?
A. There was no command relationship whatsoever.

57. Q. Did you have restricted command authority over Kempei Lieutenant Colonel Miyazaki?
A. I believe it was in September of 1944 when I received a dispatch from the Vice Minister of War to the effect that in the event of land warfare the decision had been reached that the kempeitai would be placed under the restricted command authority of the Army Group Commander.

58. Q. Between September and the end of December 1944 with what frequency did Miyazaki visit you?
A. He came frequently to headquarters but only occasionally to me. In September and October he did not visit me as I was at that time recuperating from my illness. He came to me at the end of November or the beginning of December to inform me concerning the escape of the natives. Whenever he came to see me the chief of staff always brought him to my presence.

59. Q. Do you know whether there was a prisoner of war confined in the Palaus around May of 1945?
A. Yes, I did.

60. Q. How did you come to know of this circumstance?
A. I was aware of this fact through a report submitted to me by Unit Commander Doi in the latter part of April through one of the staff officers and also through the interrogation reports of this prisoner of war submitted to me by staff officer Yajima.

61. Q. What manner of report did you receive from Colonel Doi?
A. As I recall, Colonel Doi's report was to the effect that a crew member of a B-24 which was shot down over Koror Island had been taken prisoner.

62. Q. Do you know the nationality of this flier?
A. I do.

63. Q. What nationality was he?
A. I received a report that he was an American.

64. Q. Do you know the name and rank of this American?
A. I do.

65. Q. Please state.
A. The prisoner was Second Lieutenant Kaufman.

66. Q. What manner of report did you receive from Staff Officer Yajima concerning this prisoner?
A. The interrogation report which I received from Staff Officer Yajima in the early part of May was as follows: The report that stated a B-24 was shot down over Koror while bombing that island. That this prisoner was a crew member of this B-24. That this plane had been based at Anguar and that the officer's name and rank was Lieutenant Kaufman. The report was a very simple one.

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67. Q. Did Staff Officer Yajima report anything further besides the report on the interrogation of the prisoner?
A. He did.

68. Q. Please state concerning what he said.
A. Yajima stated in effect that ~~they~~ there were subordinates who desired to execute this prisoner of war.

69. Q. Did you say anything to that?
A. I asked Yajima what was the reason behind this desire.

70. Q. What did Yajima say?
A. He stated that the reason was to raise the morale of the unit as it was being severely bombed about that time.

71. Q. And did you say anything to the reason given by Yajima?
A. I said "That is not right thinking; to think that the morale of troops would be raised by executing prisoners of war is mistaken thinking on the part of younger officers" and I cautioned him at this time. After listening to my admonition, Yajima retired.

72. Q. Did you ever speak to anyone concerning this prisoner Kaufman after this conversation you had with Yajima?
A. Yes.

73. Q. When and with whom did you have this conversation?
A. I believe it was at the end of May when Captain Koichi, commanding officer of the anti-aircraft unit, came to report to me that I spoke to him concerning this prisoner of war.

The commission then, at 10:15 a.m., took a recess until 10:45 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Inoue, Sadae, an accused, the witness under examination when the recess was taken, resumed the stand as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

The judge advocate stated that in answer to a question earlier, the witness had replied "I believe it was in the afternoon of the day in which Tada made the request to Kempei Lieutenant Colonel Miyazaki when he Kempei Lieutenant Colonel Miyazaki came to me and stated in effect that he had accepted the request." The judge advocate stated that he believed that a mistake was made by the interpreter when he translated the answer into English, and requested that a new translation be made of the answer in order that it would be established whether the witness meant Lieutenant Colonel Miyazaki or Colonel Tada when he used the word "he" in the answer to that particular question.

The accused objected to the new translation being made on the ground that that answer was already a part of the record and could not be legally changed.

The official interpreter advised the court that there had been a mistake in the translation.

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The commission announced that the examining counsel should ask the witness whom he meant when he used the term "he had accepted the request" in order to clarify the identification of the person meant in his answer.

The accused had no objection to this procedure.

(Examination continued.)

74. Q. Referring to your reply to a previous question, after the conversation that you had with Tada concerning the execution of the three prisoners of war who were fliers; who came to report to you concerning the conversation between Kempei~~x~~ Lieutenant Colonel Miyazaki and Colonel Tada? Was it Lieutenant Colonel Miyazaki or Colonel Tada who came to report? AB
A. On that day Tada went to make the request to Kempei Commanding Officer and as I recall in the afternoon of that day Tada came to me and reported that Kempei Lieutenant Colonel Miyazaki had accepted. AB

75. Q. How many days after you had the conversation with Staff Officer Yajima concerning Kaufman did you speak with Captain Koichi concerning Kaufman?
A. I believe I had that conversation with Staff Officer Yajima four or five days prior to my conversation with Koichi.

76. Q. Please state concerning the circumstances of your conversation with Captain Koichi.
A. When Captain Koichi came to report to me in the latter part of May he came to report concerning new gun positions. At this time when Koichi came to make this report Koichi had his face and head completely covered with bandages. I asked him how his wounds were doing and how the conditions of the wounded men at the Koichi Unit were. Koichi answered and said that they were all in good spirits at the unit and that morale was very high. I told Koichi that I was eased in mind by hearing Koichi state this and I told him to give my regards to his troops. And I told him after this brief exchange of words that "Furyo o omae no tokorro ni yatte shimauzo" (T.N. I will send the prisoner to your place), and after this Koichi left my room.

77. Q. Will you please explain a little further concerning the words you used "yatte shimauzo" (T.N. to send)?
A. The words "yatte shimauzo" is a colloquial term in my home province and I use this word very frequently, and the meaning of it as used by myself means to send or to transfer things. And in the case of Lieutenant Kaufman I used that word in the sense of transferring Lieutenant Kaufman.

78. Q. What was your intention in moving or transferring Lieutenant Kaufman?
A. The jungle area in which I was was infested with dysentery and typhoid and there was no end to the cases of suffering from these diseases, and a considerable number of officers and men had to take to bed owing to these diseases. My adjutant Morita was victimized by one of these diseases too. And the Americans were now bombing the jungle areas as well and the bombings were concentrated around the area of the headquarters, and due to these bombings, quite a few casualties were reported at the communications unit. The air raid shelters in the jungle area were very inadequate. For these reasons I felt keenly the need to remove the prisoner from the jungle area if we were to give him protection. I will give the reasons for his transfer to Koror. There are no jungles on Koror Island and it is the healthiest of the islands in the Palau Group. And where Captain Koichi was stationed on Koror were mountains of rock and while I had my headquarters on Koror I had these rocks blasted and most adequate air raid shelters made in those mountains, and furthermore there were natural caves in these mountains and from physical health and also from the standpoint of shelter from air raids, I considered Koichi's unit on Koror to be the most appropriate place to which the prisoner could be taken.

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79. Q. After you spoke with Captain Koichi concerning Lieutenant Kaufman, did you speak with anyone else concerning Lieutenant Kaufman?
A. After speaking with Captain Koichi I spoke to Second Lieutenant Onose who was attached to headquarters.

80. Q. Please state concerning this conversation with Second Lieutenant Onose.
A. I believe it was around the middle of May when Second Lieutenant Onose came to report that he had been ordered to escort the prisoner of war to Koror. I told him to be careful while escorting the prisoner to Koror and he retired from my room. Before he left I told him "you take good care of yourself on the way".

81. Q. Do you know the circumstances under which Second Lieutenant Onose came to report to you?
A. Immediately after Onose had finished reporting that he had been ordered to escort the prisoner, I asked him who had given him this order. Onose answered that the order came from Staff Officer Yajima.

82. Q. Did you tell Lieutenant Onose anything other than what you have testified?
A. I did not say anything else.

83. Q. Was there anything in what Onose reported which related to the execution of Kaufman?
A. No, there was nothing.

84. Q. Was there anything concerning the personal belongings of Kaufman in the report he made to you?
A. No, there was no mention of such things.

85. Q. Did you ask the opinion of any person concerning what to do with Kaufman before you conversed with Captain Koichi?
A. In case that it became necessary for me to ask the opinion of any person, I always solicited that of the chief of staff. I never asked or solicited the opinions of any staff officer or subordinate unit commander without referring to my chief of staff. At that time the chief of staff was ill and I did not ask his opinion. I never asked the opinion of other persons.

86. Q. Who was the commanding officer of the Koror Defense Unit at that time?
A. Lieutenant Colonel Doi. I believe he was promoted to Colonel at the termination of the war.

87. Q. Did you ever solicit the opinion of Colonel Doi concerning the execution of Lieutenant Kaufman?
A. There is no reason whatsoever for my asking Colonel Doi for his opinion.

88. Q. Did you ask his opinion?
A. No, I did not.

89. Q. Do you know what happened to Kaufman after your conversation with Second Lieutenant Onose?
A. I heard that Second Lieutenant Kaufman was unexpectedly executed at the Koichi Unit.

90. Q. From whom and about when did you hear this?
A. I heard this from my Adjutant Hashimoto towards the end of May, and what I heard was that First Lieutenant Katsuyama of the anti-aircraft unit had decapitated the prisoner. At this time I asked Adjutant Hashimoto from whom he heard this. Hashimoto answered that there were such rumors at the headquarters.

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The commission then, at 11:30 a.m., took a recess until 2:05 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Inoue, Sadae, an accused, the witness under examination when the recess was taken, resumed the stand as a witness in his own behalf. He was warned that the oath previously taken was still binding and continued his testimony.

(Examination continued.)

91. Q. Did you take any steps after hearing that Second Lieutenant Kaufman had been executed?
A. I gave serious thought to the idea of whether to have an investigation conducted immediately or to have investigations postponed until a more opportune time. When I weighed the pros and cons of these two courses open to me, I arrived at the conclusion that it was more appropriate to wait until such time as the feelings of the officers and troops had subsided and while I was waiting for an opportunity to commence investigation, the termination of the war was declared.

92. Q. What were your reasons for postponing the investigations?
A. At that time the war was progressing very adversely for the Japanese armies on all fronts. Physical communication with the rear had been severed and in the battle of Peleliu numerous of the comrades had been annihilated and the sentiments of the troops had reached a climax of uneasiness. On the other hand the anti-aircraft unit was fighting the daily air raids with much bravery. Under these circumstances if an immediate investigation were held at the anti-aircraft unit the morale would waiver, the troops would be demoralized, and unpredicted events might take place. These were matters which caused me great concern. For the above reasons I thought that the appropriate time to conduct investigations would be when the sentiments of the troops had quieted.

93. Q. Did you ever issue written orders concerning the execution of Second Lieutenant Kaufman?
A. No, never.

94. Q. Were there any reports submitted by staff officers concerning the execution of Kaufman?
A. There was no report from any of these staff officers.

95. Q. Have you seen pictures of the execution of Kaufman?
A. No, pictures were not shown me.

96. Q. What were your duties as Army Group Commander, Palau Area; the duties which were assigned you by the Imperial General Headquarters?
A. The duties of the Army Group Commander, is that what you wish? The duty of the Army Group Commander was to lead the subordinate units and to hold secure the Palau Islands.

97. Q. Did the duties which you were assigned include the duty to protect prisoners?
A. Such duty was not assigned to me.

98. Q. Who was the Governor of the South Seas Government Office during your tour of duty in the Palau Islands?
A. Vice Admiral Hosogaya, Imperial Japanese Navy.

99. Q. Who was senior, Vice Admiral Hosogaya or you?
A. When I was a major general and was stationed in China, Vice Admiral Hosogaya was Commander in Chief of the Yangtze Fleet and he was senior to me.

100. Q. Who was the district governor of the Palau branch of the South Seas Government Office during your tour of duty?
A. As I recall, he was Rear Admiral Takeoka, Imperial Japanese Navy.

101. Q. Was there any command relationship between the Governor of the South Seas Government Office and yourself during your tour of duty in the Palaus?
A. The Governor of the South Seas Government Office was directly subordinate to the Minister ~~for~~ Greater East Asia and between the Governor and myself there was no command relationship whatsoever.

102. Q. During your tour of duty in the Palaus did the South Seas Government Office or its Palau Branch Office ever cease in their function?
A. On Babelthuap Island the offices were not functioning fully, but they never ceased to function.

103. Q. During your tour of duty in the Palaus was the administration of the Palaus, even in small measure, ever assigned to you?
A. No. Such authority was never vested in me. From first to last my duty was operational.

104. Q. When you arrived in the Palaus was Vice Admiral Hosogaya in the Palau Islands?
A. When I arrived in the Palaus in the middle of April 1944 the Governor was residing on Koror.

105. Q. Did you exchange calls with him when you arrived in the Palaus?
A. I paid my first visit to the Governor in the middle of May 1944 and soon thereafter the Governor repaid my call.

106. Q. Did you ever see these prisoners of war that you testified were confined at headquarters in September 1944?
A. I was unfortunately, ill about this time and I had no opportunity to see them.

107. Q. Were you ill at the time you ~~heard~~ had these three conversations with Colonel Tada regarding the prisoners?
A. I was ill.

108. Q. Did the United States forces invade and land in the Palaus as you judged they would that day or the day after as you stated in your conversation with Colonel Tada?
A. No, they did not land as I had judged they would.

109. Q. Did they make a landing at all?
A. They did not land at all, but the preparatory action to a landing was carried out.

110. Q. How did you know this?
A. Submarines which appeared very frequently off Peleliu and the Palaus were reported by surface watches on the coast and by the garrison and very intensive bombings were carried out, and as expected, very large formations of American

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carrier borne planes very heavily bombed the Palaus in the early part of September. From these it could be judged that preparatory action for a landing was being conducted by the Americans.

The judge advocate objected to this answer on the ground that the witness was straying from the subject matter of the question.

The commission directed defense counsel to bring the witness to the point.

111. Q. Were there any circumstances which prevented you from sending these persons to the Japanese homeland or to a rear zone of safety?
A. Yes, there were.

112. Q. What were these circumstances?
A. In short, transportation to the Japanese homeland or to any points to the rear were completely severed.

113. Q. How far is Peleliu from Babelthuap?
A. As I recall, Peleliu lay to the south of Babelthuap and it took about four hours by army landing craft to reach.

114. Q. Did the Americans ever land on Peleliu and if so, when?
A. As I recall, they commenced landings on Peleliu on 15 or 16 September 1944.

115. Q. Who was the immediate superior of Lieutenant General Obata?
A. He was immediately subordinate to the Emperor and he was also subordinate to the command of the Commander in Chief, Central Pacific Area Fleet.

116. Q. Did you ever make inquiries to determine what had happened to the three prisoners of war that you had ordered executed?
A. I did not investigate this matter as to begin with I did not like the idea of the execution and the thought of investigating this was repugnant to me.

Cross-examined by the judge advocate:

117. Q. As shudan shireikan did you have the duty to protect prisoners of war?
A. No, I did not have the duty to protect prisoners of war.

118. Q. As Commanding General, Fourteenth Division, did you have the duty to protect prisoners of war?
A. Neither in the capacity of Commanding General, Fourteenth Division did I have the duty to protect prisoners of war.

119. Q. Assuming that your troops captured American prisoners did you in any of your capacities have the duty to protect those prisoners?
A. In the event a prisoner of war is taken I would protect him while investigation and interrogation of the prisoner were being conducted. After these are over it was a matter of course that the prisoner be handed over to the kempeitai for custody.

120. Q. In any of your capacities did you have the duty to see that the kempeitai did not mistreat these American prisoners of war?
A. I absolutely did not have any such duty.

121. Q. General, have you ever heard of the Geneva Prisoners of War Act?
A. Yes.

122. Q. Do you know that that act provides that prisoners of war are not to be killed?

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

The judge advocate replied.

The commission announced that the objection was sustained.

123. Q. Do you know that the Geneva prisoner of war act provides that prisoners of war are to be protected?
A. I know that very well.

124. Q. Is it your belief that you had no responsibility under the Geneva Prisoners of War Act?
A. A front line operational unit is not permitted to have in custody prisoners of war. They must be sent to safety in the rear if transportation is available and such is stipulated in the regulations of the convention. In the Imperial Japanese Army it was the rule that as this matter of prisoners of war was a matter of administration they be held by an appropriate organization of the Imperial Japanese Army. In the Palaus the kempeitai, being a unit whose main function was external police, this duty fell naturally to the kempeitai.

125. Q. General, if that is true why didn't you turn Kaufman over to the kempeitai?
A. Kaufman was being held in custody at the kempeitai and it was only on occasions that he was being interrogated that he was called to headquarters.

126. Q. General who was in control of the thirty thousand troops that you had in the Palaus?
A. You are referring to my subordinates?

127. Q. How about yourself?
A. Excluding the South Seas Kempeitai, I had complete control over all the thirty thousand troops.

128. Q. General is it true that you opposed the instructions you received from Lieutenant General Obata concerning prisoners of war?
A. Yes, that is absolutely a fact.

129. Q. When did Lieutenant General Obata die, if you know?
A. As I recall, towards the end of July or beginning of August 1944.

130. Q. When were these three prisoners executed, if you remember?
A. In the early part of September, I believe around the fourth.

131. Q. Did you give anyone in your headquarters instructions to send Kaufman to Koror?
A. I did not issue instructions, however Onose came to me and reported that he had been ordered by Staff Officer Yajima to escort Kaufman to Koror. Around the middle of May I passed the conference room of the headquarters and there were there gathered four or five officers among them staff officers and I entered this conference and made the statement when discussing various other matters that the prisoner of war should be taken out of the jungle area because of the danger of epidemics, and as I had spoken to Captain Koichi telling him about the transfer of the prisoner of war I thought that Yajima was well aware of my intention to have the prisoner transferred and therefore I recognized Yajima's order that the prisoner be escorted to Koror.

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132. Q. Had you yourself given Yajima any instructions concerning the transfer of the prisoner Kaufman to Koror? Answer the question briefly, please.
A. I did not give Yajima direct instructions as I had spoken at this conference and as Staff Officer Nakagawa was present when Captain Koichi reported to me and I did not think it necessary to issue direct instructions.

133. Q. With relation to your conversation with Koichi, how much time elapsed before Onose came to see you?
A. I do not recall clearly but I believe Koichi came in the morning and Onose in the afternoon of the same day.

134. Q. Was Lieutenant Onose a direct subordinate of Lieutenant Colonel Yajima?
A. Lieutenant Onose was a direct subordinate of Staff Officer Yajima and used to work in Yajima's office and under his direct supervision.

135. Q. After you had this conversation with Captain Koichi did you send for Lieutenant Onose?
A. I did not send for Lieutenant Onose. He came suddenly. I did not expect him when he came.

136. Q. General, was it customary in your headquarters that when a staff officer gave an order to his subordinate officer for that subordinate officer to come to you to confirm it?
A. No, such procedure was not usual.

The accused did not desire to reexamine this witness.

The commission did not desire to examine this witness.

The witness made the following statement: I have always felt deep and moral responsibility for the circumstances that my subordinate officers have been punished for the Kaufman incident, and this is most deplorable, but there is an officer among my staff officers who has without the least compunction shifted what responsibility rightly rested with him to other people and I deeply feel my failure to supervise my subordinates in that respect.

Recross-examined by the judge advocate:

137. Q. Who is this subordinate of yours who has shifted his responsibility?
A. I deplore the fact that owing to the heavy responsibility placed on me, I am unable to disclose the name of this officer.

The accused did not desire to reexamine this witness.

The commission did not desire to examine this witness.

The witness resumed his status as an accused.

The commission then, at 3:20 p.m., took a recess until 3:35 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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Herbert L. Ogden was recalled as a witness for the defense and was warned that the oath previously taken by him was still binding.

Examined by the accused:

1. Q. State your name please.
A. Herbert L. Ogden, commander, United States Navy.

2. Q. Do you have in your possession defense document number six?
A. I have.

3. Q. What is this document?
A. This document consists of interrogatories and deposition of Watanabe, Toshio.

4. Q. How did you come to obtain this document?
A. The interrogatories were submitted by defense counsel in this case and the deposition was obtained through the Commander Naval Forces Liaison Officer in Tokyo.

5. Q. Are the interrogatories and the deposition signed by the people concerned?
A. They are.

6. Q. Are the interrogatories relevant to the issues here in this case of Inoue, Sadae and Tada, Tokuchi?
A. They are.

The document produced by the witness was submitted to the judge advocate and to the commission and by the accused, offered in evidence. There being no objection, it was so received and is appended marked "Exhibit 12".

7. Q. Will the witness read Exhibit 12?

(The witness read Exhibit 12 as requested.)

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

Sanagi, Sadamu, a counsel for the accused, was recalled as a witness for the defense and was warned that the oath previously taken by him was still binding.

Examined by the accused:

1. Q. Do you have in your possession defense document number seven?
A. I have.

2. Q. What is the document?
A. It is an excerpt from The Resume Concerning the Unification of Defense of the Central Pacific Area Fleet in regard to land defense.

3. Q. How did you obtain this document?
A. Defense counsel through the Marianas War Crimes Office requested the Japanese Government to forward a copy of this document which is in custody of the Demobilization Bureau, through the Supreme Commander for the Allied Powers.

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4. Q. Is there a certificate attached which certifies that it is a true and correct copy of the original document?
A. There is attached a certificate signed by Miyama, Yozo, Chief of General Affairs Section, Demobilization Bureau.

5. Q. Is there a seal or a signature affixed on the certificate?
A. The official seal of Miyama, Yozo is affixed on the certificate.

6. Q. In what language is it written?
A. The original is in Japanese.

7. Q. Have you prepared a translation?
A. I have a translation made by the official interpreter of this court.

The document produced by the witness was submitted to the judge advocate and to the commission, and by the accused offered in evidence. There being no objection it was so received and is appended marked "Exhibit 13" (Japanese original) and "Exhibit 13(a)" (English translation).

8. Q. Will the witness read Exhibit 13?

(The witness read Exhibit 13 as requested.)

9. Q. Do you have in your possession documents which pertain to the general reputation in the Japanese Army of the accused, and matters which are relevant to the issues in this case?
A. I have one for the accused, Inoue, Sadae and two for Tada, Tokuchi.

10. Q. Who submitted this for Inoue?
A. It is a document from Commanding General, United States Forces Palau, F. O. Rogers to Lieutenant General Sadae Inoue Commanding Japanese Forces Palau.

11. Q. Have you prepared a translation of this document?
A. The original is in English and there is a Japanese translation attached.

12. Q. Has the accused seen the Japanese translation?
A. Yes, he has.

13. Q. Has the general seen the document?
A. He has.

14. Q. Who submitted the documents for Tada?
A. One is from Prince Kanin, Haruhito and the other is from former Colonel General Iimura, Joo.

15. Q. In what language are the documents written?
A. The originals are in Japanese but English translations have been prepared by the official court interpreter.

The documents produced by the witness were submitted to the judge advocate and to the commission, and by the accused offered in evidence.

The judge advocate stated that he had no objection to the letter from General Rogers in behalf of Inoue, nor to the letter from former Colonel General Iimura in behalf of Tada, but he did object to the third paragraph of the letter from Prince Kanin, Haruhito in behalf of Tada as that paragraph contained the opinions of the Prince on the issues of this case. The judge advocate further stated that if the accused were willing to submit only the first two paragraphs of the letter from Prince Kanin he would have no objection to the receipt in evidence of that particular letter.

The accused consented to the judge advocate's suggestion and stated only the first two paragraphs of the letter from Prince Kanin would be submitted in evidence.

The commission announced that with that understanding, namely that the third paragraph of the letter from Prince Kanin be omitted, the documents would be received in evidence. There being no further objection, the documents were so received and are appended marked "Exhibit 14", (English) and "Exhibit 14(a)" (Japanese translation); "Exhibit 15" (Japanese original) and "Exhibit 15(a)" (English translation); "Exhibit 16" (Japanese original) and "Exhibit 16(a)" (English translation).

16. Q. Have the accused seen the Japanese of these documents?
A. They have.

17. Q. Will the witness read Exhibits 14, 15 and 16?

(The witness read Exhibits 14, 15 and 16 as requested.)

The accused waived the reading of these documents in Japanese in open court.

The judge advocate stated that since Exhibit 14 was a personal letter from the Commanding General United States Forces Palau to Lieutenant General Sadae Inoue, that he felt the original letter should be returned to Inoue, and a certified copy thereof be substituted for the record.

The commission announced that it was in agreement with the judge advocate and directed him to prepare certified copies of Exhibit 14 for the record and return the original letter to Inoue.

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

The commission did not desire to examine this witness.

The witness resumed his status as counsel for the accused.

The defense rested.

The judge advocate stated that he had one more document, the death certificate of former Lieutenant Colonel Miyazaki, Aritsune, which he desired to introduce into evidence, but requested an adjournment at this time until tomorrow before proceeding with the case.

The commission announced that the request was granted.

The commission then, at 4:20 p.m., adjourned until 9 a.m., tomorrow, Friday, April 22, 1949.

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FIFTEENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Friday, April 22, 1949.

The commission met at 9:05 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

The judge advocate requested that the commission allow the prosecution to introduce further evidence, as he had just received the death certificate of Miyazaki, Aritsune.

The commission announced that the prosecution would be allowed to introduce further evidence.

The prosecution reopened.

Herbert L. Ogden, a witness for the defense, was recalled as a witness for the prosecution and was warned that the oath previously taken by him was still binding.

Examined by the judge advocate:

1. Q. Will you state your name?
A. Herbert L. Ogden, commander, U. S. Navy.

2. Q. Do you have in your possession certain documents which pertain to the issues of this case?
A. I have.

3. Q. Are you the legal custodian of these documents?
A. I am.

4. Q. Where did you obtain these documents?
A. These documents were obtained from the Japanese Government by the Commander Marianas Liaison Officer in Tokyo.

5. Q. What are these documents?
A. This document consists of two parts, the first part is a death certificate of Aritsune Miyazaki and the second part is an excerpt from the family register regarding Aritsune Miyazaki.

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6. Q. Is the death certificate signed?
A. Both parts are signed.

The judge advocate stated that this document consisted of two parts, the first part being the death certificate of Miyazaki, Aritsune and the second being excerpts from the family record of Miyazaki, and that since the second part contained some matter not applicable to this case that only the death certificate would be submitted.

The death certificate of Miyazaki, Aritsune produced by the witness was submitted to the accused and to the commission and by the judge advocate offered in evidence.

Cross-examined by the accused:

7. Q. Does the document show the reason of the death of Miyazaki?
A. It does not.

8. Q. Is the death certificate signed by a regular licensed physician?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused made no reply.

The commission announced that the objection was sustained.

9. Q. Does the signer of the death certificate certify that he was present at the time of the death of Miyazaki?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused made no reply.

The commission announced that the objection was sustained.

10. Q. On what basis does the signer of this death certificate sign it? That is, does he sign it on his own information or information he has derived from other sources?
A. The certificate is under the official seal of Tamotsu Tamura, Administrative Official. It does not state where he obtained the information.

11. Q. Does the certificate state that he is authorized to sign death certificates?
A. It does not so state.

The accused objected to the receipt in evidence of this death certificate on the ground that there had been no showing by the witness that this is an authentic death certificate, signed by a person who is authorized to sign a death certificate.

The judge advocate stated that he then offered into evidence the entire document instead of the death certificate only.

The accused stated that there was no objection to the second portion of the document.

The commission announced that the objection was not sustained.

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There being no further objection, the document was so received and is appended marked "Exhibit 17" (Japanese original) and "Exhibit 17 (a)" (English translation).

Reexamined by the judge advocate:

12. Q. Will the witness read Exhibit 17?

(The witness read Exhibit 17 (a), (English translation)).

(An interpreter read Exhibit 17, (original Japanese)).

The accused moved to strike Exhibit 17 from the record on the ground that the fact of the death of Miyazaki was determined solely by hearsay evidence.

The judge advocate replied.

The commission announced that the motion was not sustained.

The accused did not desire to recross-examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The prosecution rested.

The rebuttal began.

Nakagawa, Kiyoshi, a witness for the defense, was recalled as a witness for the prosecution and warned that the oath previously taken by him was still binding.

Examined by the judge advocate:

1. Q. Do you know whether or not in May of 1945 there was a prisoner at headquarters?
A. I do.

2. Q. In May of 1945 were you ever visited by Captain Koichi?
A. I was.

3. Q. Do you recall approximately when in May?
A. I recall it was at the beginning of May.

4. Q. Where did Koichi visit you?
A. At the operations room.

5. Q. What was the purpose of his visit?
A. The purpose of the visit was concerning the arrangement of anti-aircraft guns.

6. Q. Did you accompany Captain Koichi to see General Inoue?
A. Yes, I did.

7. Q. Did General Inoue speak to Captain Koichi?
A. He did.

8. Q. Did you hear what he had to say to him?
A. I recall about it.

9. Q. What did Inoue say to Koichi?
A. First he talked about the damage sustained in the anti-aircraft unit and then he talked about the arrangement of anti-aircraft guns.

10. Q. When you say "he", whom do you mean?
A. General Inoue.

11. Q. What else, if anything, did he tell Koichi?
A. He talked about the matters concerning the execution of Second Lieutenant Kaufman.

12. Q. What do you remember the General said about Second Lieutenant Kaufman?
A. As I recall General Inoue ordered Koichi to have Second Lieutenant Kaufman executed at the Katsuyama Unit which unit was very low in morale.

13. Q. Did the General give any reason why he desired the execution of Kaufman?
A. I recall he said in order to raise the morale.

Cross-examined by the accused:

14. Q. Did you hear about the execution of Kaufman before you took Captain Koichi to General Inoue -- did you hear about the fact that Kaufman was to be executed?
A. Not before, but I heard it after. I didn't hear it before I took Koichi to General Inoue.

15. Q. Did you take the witness stand in the trial of Koichi and testify concerning this incident?
A. I testified in December of the year before last in this court.

16. Q. In the previous trial of Koichi you were asked the following questions: "22. Q. Was this the first time that you heard about this execution? A. I recall that it was two or three days before but I am not sure of this. 23. Q. From whom did you hear of this two or three days before? A. I recall that it was from Staff Officer Yajima." Do you recall having testified to this effect?
A. I recall.

17. Q. Therefore when you took Captain Koichi to General Inoue you had already known about the fact that Kaufman was to be executed, is that correct?
A. I have no definite recollection concerning this point.

18. Q. Do you recall your final statement given in your testimony in the Koichi trial?
A. I do.

19. Q. If you recall, please repeat the final statement.

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This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused made no reply.

The commission announced that the objection was sustained.

20. Q. Do you recall making the following statement: "As this is an old memory I would like to say that I am not very clear on the dates and what happened at that time."
A. That is what I testified.

21. Q. Is it also true that your memory is not clear concerning what you have testified this morning?
A. My recollection is not clear concerning definite dates or actually what had happened.

22. Q. Isn't it true that when General Inoue asked Captain Koichi how the morale of his troops was that Koichi answered that it was high?
A. I think I heard that.

23. Q. Where were you standing in relation to the General when he was speaking to Koichi?
A. I recall I was standing to the right facing Inoue.

24. Q. How far away from the General were you?
A. Within two or three steps.

25. Q. Did you leave the presence of the General at the same time that Captain Koichi did?
A. That is correct.

26. Q. What, if anything, did you say to Captain Koichi when you and he left the General?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that it would rule on the objection after the answer was given.

A. I recall I said something, but I do not remember what I said.

The commission announced that the objection was not sustained.

27. Q. Did you and Captain Koichi go to where Staff Officer Yajima was immediately after you left the General's presence?
A. I have no definite recollection but I believe he did. I recall that Koichi went to Yajima.

28. Q. When General Inoue talked to Koichi did he use the word "execution" of Kaufman?
A. He said to Koichi "yarasero" which means to execute.

29. Q. Isn't it correct that Inoue said to Koichi to send Kaufman to the Koichi Unit "yatteshimae"?
A. That may be so, I am not sure.

1240

30. Q. Then your recollection is that the general didn't use the word execution but that he used the word "yatteshimae"?
A. That is correct.

Reexamined by the judge advocate:

31. Q. Is it your recollection that Inoue ordered Koichi to have Kaufman executed at the Katsuyama Unit?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. That is correct.

The accused did not desire to recross-examine this witness.

The commission did not desire to examine this witness.

The witness made the following statement: I believe that there is no grave mistake in my testimony in this court and in my testimony of two years ago.

The witness was duly warned and withdrew.

The rebuttal ended.

The accused did not desire to offer any evidence in surrebuttal.

The commission then, at 10 a.m., took a recess until 10:09 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

The accused requested that the commission adjourn until Tuesday, April 26, 1949, in order to allow time for preparation of the accused's personal statements and final arguments.

The judge advocate stated that he had no objection.

The commission announced that the request was granted.

The commission then, at 10:11 a.m., adjourned until 9 a.m., Tuesday, April 26, 1949.

1241

SIXTEENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Tuesday, April 26, 1949.

The commission met at 9:05 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Archie [illegible]. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Inoue, Sadae, an accused, read a written statement in his defense, appended marked "AA".

An interpreter read an English translation of Inoue's statement, appended marked "BB".

Tada, Tokuchi, an accused, read a written statement in his defense, appended marked "CC".

An interpreter read an English translation of Tada's statement, appended marked "DD".

The judge advocate read his written opening argument, appended marked "EE".

The commission then, at 10:05 a.m., took a recess until 10:35 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

An interpreter read a Japanese translation of the judge advocate's opening argument.

Mr. Takano, Junjiro, a counsel for the accused, commenced the reading of a written argument for the defense, appended marked "FF".

An interpreter commenced the reading of an English translation of Mr. Takano's argument, appended marked "GG".

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The commission then, at 11:30 a.m., took a recess until 2:05 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Mr. Sanagi, Sadamu, a counsel for the accused, concluded the reading of a written argument for the defense, appended marked "FF".

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

Present: All the members, the judge advocate, the accused, their counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

An interpreter concluded the reading of an English translation of Mr. Sanagi's argument, appended marked "GG".

The commission then, at 4:10 p.m., adjourned until 9 a.m., tomorrow, Wednesday, April 27, 1949.

1243

SEVENTEENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Wednesday, April 27, 1949.

The commission met at 9:20 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjorlo, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Commander Martin E. Carlson, a counsel for the accused, read a further written argument for the defense, appended marked "HH".

The accused waived the reading of Commander Carlson's argument in Japanese in open court.

The commission then, at 10:10 a.m., took a recess until 10:25 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

The judge advocate made an oral closing argument, a brief of which is appended marked "II".

The accused waived the translation of the judge advocate's closing argument into Japanese in open court.

The trial was finished.

The commission was cleared.

1244

The judge advocate was recalled and directed to record the following findings:

As to the accused Inoue, Sadae:
The first specification of the charge proved.
The second specification of the charge not proved.
The third specification of the charge proved.
The fourth specification of the charge not proved.
The fifth specification of the charge not proved.
The sixth specification of the charge not proved.
The seventh specification of the charge not proved.
The eighth specification of the charge proved.
The ninth specification of the charge proved.
The tenth specification of the charge proved.
And that the accused, Inoue, Sadae, is of the charge guilty.

As to the accused Tada, Tokuchi:
The first specification of the charge proved.
And that the accused, Tada, Tokuchi, is of the charge guilty.

The commission was opened and all parties to the trial entered.

The commission announced its findings to the accused in open court.

The commission then, at 11:30 a.m., adjourned until 9 a.m., tomorrow, Thursday, April 28, 1949.

1245

EIGHTEENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Thursday, April 28, 1949.

The commission met at 0910.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Daniel J. Sweeney, U. S. Navy,
Lieutenant Colonel Ralph W. Luten, U. S. Air Force,
Major Wilbur R. Helmer, U. S. Marine Corps,
Major John H. Lott, Corps of Military Police, United States Army,
Lieutenant Commander Loyd S. Bjerke, Supply Corps, U. S. Navy,
Major Laurance B. Payne, Transportation Corps, United States Army, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Sanagi, Sadamu, a counsel for the accused, was recalled as a witness for the defense in mitigation and was warned that the oath previously taken was still binding.

Examined by the accused:

1. Q. State your name.
A. Sanagi, Sadamu.

2. Q. Are you a defense counsel?
A. Yes, I am.

3. Q. Do you have documents for the mitigation of the accused Inoue and Tada?
A. I have.

4. Q. What are the documents?
A. I have here character evidence in mitigation in behalf of Inoue from members of his family and his relatives, from former Japanese officers and enlisted men, and from friends and acquaintances, totalling thirty-four letters. In behalf of Tada, Tokuchi the letters are from members of his family and from former Japanese Army officers, totalling eight letters.

5. Q. Are all these documents signed or sealed by the makers?
A. Yes, they are.

6. Q. In what language are the originals written?
A. In Japanese.

7. Q. Have you prepared a translation?
A. Yes, I have prepared English translations of these documents, made by the official interpreter of this court.

1246

8. Q. Have the accused seen the Japanese originals of these documents?
A. Yes, they have.

The documents produced by the witness were submitted to the judge advocate and to the commission, and by the accused offered in evidence. There being no objections, the documents were so received and are appended marked "Exhibit 18" through "Exhibit 59" (Japanese originals), and "Exhibit 18(a)" through "Exhibit 59(a)" (English translations).

9. Q. Will the witness read Exhibits 18, 19, 30, 31, 32, 33, 43, 44, 52, 53, 55, and 56?

(The witness read the Exhibits requested.)

The accused waived the reading of these Exhibits in Japanese in open court.

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

The commission did not desire to examine this witness.

The witness resumed his status as counsel for the accused.

Commander Martin E. Carlson, a counsel for the accused, stated that there was no further evidence to offer, but respectfully requested that the commission take into consideration the evidence in mitigation which was introduced before the findings, evidence of superior orders both in the case of Lieutenant General Inoue and Colonel Tada, the policy of central headquarters in Tokyo, the battle conditions, and the reputation and record of both Lieutenant General Inoue and Colonel Tada for efficiency, fidelity, subordination, temperance, courage, and the other traits that go to make a good officer.

The commission was cleared.

1247

The judge advocate was recalled, and directed to record the sentences of the commission as follows:

The commission, therefore, sentences him, Inoue, Sadae, to be hanged by the neck until dead, two-thirds of the members concurring.

The commission, therefore, sentences him, Tada, Tokuchi, to be confined for a period of four (4) years.

Arthur G. Robinson,
Rear Admiral, U. S. Navy, President.

Daniel J. Sweeney,
Captain, U. S. Navy, Member.

Ralph W. Luten,
Lieutenant Colonel, U. S. Air Force, Member.

Wilbur R. Helmer,
Major, U. S. Marine Corps, Member.

John H. Lott,
Major, Corps of Military Police, United States Army, Member.

Loyd S. Bjorlo,
Lieutenant Commander, Supply Corps, U. S. Navy, Member.

Laurance B. Payne,
Major, Transportation Corps, United States Army, Member.

Joseph A. Regan,
Lieutenant Commander, U. S. Navy, Judge Advocate.

The commission was opened and all parties to the trial entered.

The commission announced its sentences to the accused in open court.

The commission, having no more cases before it, adjourned to await the action of the convening authority.

Arthur G. Robinson,
Rear Admiral, U. S. Navy, President.

Joseph A. Regan,
Lieutenant Commander, U. S. Navy, Judge Advocate.

1249

END
ROLL

15

Box 19

File 168346 VOL. I

INOUE, SADAE and TADA, TOKUCHI (28 MAR 1949) (VOL. II) (168346)

002

Case of
YAMADE, Sadae
and
TADA, Tokuchi

RECORD OF PROCEEDINGS

of a

MILITARY COMMISSION

convened at

United States Pacific Fleet

Commander Naval Forces, Marianas

by order of

The Commander Naval Forces, Marianas.

RECEIVED
15 JUN 46
OFFICE OF JUDGE
ADVOCATE GENERAL
U.S.N. SECTION

A-N

VOLUME II

16B346

0003

MOTION FOR SEPARATE TRIAL FOR EACH OF THE ACCUSED, INOUE, SADAE AND TADA, TOKUCHI

Delivered by

Martin E. Carlson,
Commander, U. S. Naval Reserve,
Counsel for the accused.

Each of the accused, INOUE, Sadae and TADA, Tokuchi makes this motion for a separate trial.

This motion for a separate trial is based upon the following legal grounds: (1) that the defendants have antagonistic defenses; (2) that important evidence in favor of one of the defendants which would be admissible on a separate trial would not be allowed on a joint trial; (3) that evidence incompetent as to one defendant and introducible against another would work prejudicially to the former; (4) that a confession by one defendant if introduced and proved, would be calculated to prejudice the commission against the other.

The circumstances under which the alleged offenses took place, that is a state of war existing, and INOUE, Sadae being the Commanding General of the Fourteenth Division, Imperial Japanese Army, and TADA, Tokuchi, a colonel, Imperial Japanese Army, chief of staff to General INOUE are sufficient in and of themselves to deprive the defendants of a fair trial if tried jointly as co-defendants and is sufficient grounds to require a separate trial. We cite the case People vs. Braune, 363 Illinois 551, 2 N.E. (2d) 839, 104 A.L.R. 1513.

The case of People vs. Braune, 363 Ill. 551, 2 N.E. (2d) 839 held it was an abuse of discretion to deny a separate trial where instructions cannot protect the defendants against their own hostility. (See 53 Am. Jur. "Trial" Sec. 60)

There is authority to the effect that where a confession by one of several defendants tends to implicate others, a severance should be ordered. Unless the prosecution declares that it will not offer into evidence at the trial the purported and alleged confessions of INOUE, Sadae and TADA, Tokuchi, a severance should be ordered. (53 Am. Jur. "Trial" Sec. 62) Since this is a trial without jury such confessions cannot therefore be offered with appropriate instructions. Therefore it would be an abuse of discretion to deny separate trials because no instructions are possible, there being no jury to which instructions could be given which would remove the prejudicial effect of the alleged confessions on the defendants implicated.

We do not waive any rights to a demand for a separate trial by reason of the fact that this motion may be untimely in that it is made otherwise than required by Federal Statute or too late as required by common law because this is a military commission and this commission was not convened or empowered to hear this case at the time the charge and specifications were approved by the convening authority on March 17, 1949 and served upon the accused. Until the members of the commission are sworn they have no authority to act and exercise the powers of a court. We submit therefore that this motion for a separate trial is both timely and well taken.

There is submitted as evidence in support of this motion the affidavits of the accused. If the commission does not consider these affidavits sufficient to support this motion for a separate trial each of the accused

G(1)

0004

hereby desires to testify in open court on voir dire as to the military relationship of the accused at the time of the alleged offenses on Babelthuap Island, Palau Islands and to the fact that they have each made statements implicating each other at the request of American naval officers while they were being held under arrest.

The accused pray therefore for a severance and make this motion for a separate trial.

Respectfully,

Martin E. Carlson

MARTIN E. CARLSON.

Enclosure A - Affidavit of Inoue, Sadae
Enclosure B - Affidavit of Tada, Tokuchi

G(2)

0005

AFFIDAVIT

March 25, 1949

I, INOUE, Sadae, swear upon my conscience to tell the truth and depose as follows:

I served in the Imperial Japanese Army from 2 December 1908 when I was graduated from the Military Academy until March 1946 when I was demobilized.

I became Commanding General of the 14th Division around the middle of 1943 and after the latter part of April 1944 was stationed in the Palaus and engaged in direction of operations.

TADA, Tokuchi was my Chief of Staff and my subordinate during my tour of duty as Commanding General of the 14th Division.

The duties of a chief of a divisional staff in war time are set forth in the regulations pertaining to Higher Headquarters Service. The first duty of a chief of a divisional staff is to assist the Divisional Commander. The Chief of Staff must always be acquainted with the general situations in order to make the fighting power of the division complete. The Chief of Staff superintends the business of the staff officers and controls the general affairs in Headquarters according to the Divisional Commander's intention.

My Chief of Staff, TADA, was well aware of my intentions regarding the fighting power of the Division, and it was his duty to further my intentions and to achieve the accomplishment of my operational plans. He has no personal responsibility whatsoever for what he did in the course of carrying out my intentions regarding operational plans in order to make the fighting power of the division complete.

After the surrender I was repatriated and demobilized. I was arrested on May 7, 1947 and incaecerated in Sugamo Prison. I was transferred to Guam on January 20, 1948. In the early part of February 1949 I was interrogated by Judge Advocate Lieutenant Commander Regan. Lieutenant Commander Regan requested me after the interrogation to submit a statement. I submitted a statement. At that time I was not shown the charges to be preferred against me and I did not have benefit of counsel. If my statement, written by me at the request of Lieutenant Commander Regan, is admitted into evidence, it may involve my Chief of Staff at Palau, who is now my co-defendant, Colonel TADA, Tokuchi.

I make this affidavit voluntarily to support my motion for a separate trial.

INOUE, Sadae.

Subscribed and sworn to before me this 26th day of March 1949 at Guam.

Martin E. Carlson,
Commander, U.S.N.R.,
Defense Counsel.

Witness: Sadamu Sanagi

(over) Enclosure "A"

0006

AFFIDAVIT

March 25, 1949

I, INOUE, Sadae, swear upon my conscience to tell the truth and depose as follows:

I served in the Imperial Japanese Army from 2 December 1908 when I was graduated from the Military Academy until March 1946 when I was demobilized.

I became Commanding General of the 14th Division around the middle of 1943 and after the latter part of April 1944 was stationed in the Palau and engaged in direction of operations.

TADA, Tokuchi was my Chief of Staff and my subordinate during my tour of duty as Commanding General of the 14th Division.

The duties of a chief of a divisional staff in war time are set forth in the regulations pertaining to Higher Headquarters Service. The first duty of a chief of a divisional staff is to assist the Divisional Commander. The Chief of Staff must always be acquainted with the general situations in order to make the fighting power of the division complete. The Chief of Staff supervises the business of the staff officers and controls the general affairs in Headquarters according to the Divisional Commander's intention.

My Chief of Staff, TADA, was well aware of my intentions regarding the fighting power of the Division, and it was his duty to further my intentions and to achieve the accomplishment of my operational plans. He has no personal responsibility whatsoever for what he did in the course of carrying out my intentions regarding operational plans in order to make the fighting power of the division complete.

After the surrender I was repatriated and demobilized. I was arrested on May 7, 1947 and incacerated in Sugamo Prison. I was transferred to Guam on January 20, 1948. In the early part of February 1949 I was interrogated by Judge Advocate Lieutenant Commander Regan. Lieutenant Commander Regan requested me after the interrogation to submit a statement. I submitted a statement. At that time I requested ~~Interpreter~~ shown the charges to be preferred against me and I did not need the assistance of counsel. If my statement, written by me at Sugamo Prison, Lieutenant Commander Regan, is admitted into evidence it may involve my Chief of Staff at Palau, who is now my co-defendant, Colonel TADA, Tokuchi.

I certify that the foregoing (on reverse side hereof) is a complete and true translation of the original in Japanese to the best of my ability.

INOUE, Sadae.

Subscribed and sworn to before me this 26th day of March 1949 at Guam.

Martin E. Carlson,
Commander, U.S.N.R.,
Defense Counsel.

Witness:

口供書

昭和廿四年三月廿六日

私井上貞衛ハ良心ニ従ヒ眞實ヲ述ヘルコトヲ誓フ

自分ハ明治四十一年十二月ニ日本陸軍士官學校ヲ卒業シ爾来昭和廿一年三月復員迄日本陸軍ニ勤務セリ

自分ハ昭和十八年中頃第十四師團長トナリ昭和十九年四月下旬頃以降パラオ島ニ在ラ作戦ニ従事セリ

自分ノ第十四師團長在任中參謀長ハ第十四師團參謀長トシテ自分ノ部下ナリキ

戰時ニ於ケル師團ノ參謀長ノ任務ハ戰時高等司令部勤務令ニ規定サレテヲル師團參謀長ノ第一ノ任務ハ師團長ヲ輔佐スルニアル參謀長ハ師團ノ戰闘力ヲ充實ヲハカルタメ一般状勢ヲ知悉シテ居ラナケレバナラヌ。參謀長ノ幕僚ノ事務ヲ統轄シ師團長ノ企圖ニ基キ司令部ノ一般事務ヲ司ル

參謀長ハ多クハ師團ノ戰闘力ニ関スル自分ノ意圖ヲ熟知シ又自分ノ意圖ヲ助成シ作戦上ノ企圖達成任スルモノデ在テ彼ハ自分ノ師團戰力充實ノタメ作戦計畫ニ関スル自分ノ意圖ニ依テ実施シタ圓滑ヤ否ヤハ何等ノ責任ハナイモノデアル

終戰後自分ハ日本ニ歸還シ復員セシカ昭和二十二年五月七日逮捕セラレ巣鴨拘置所ニ収容セラレタリ

昭和廿三年一月廿日グムニ移サレタ後昭和廿四年二月上旬頃リーガン少佐検事カラ訊問セラレ訊問後ニ供書ノ提出ヲ要求サレタノデ其ノ訊問ノ当日ニ供書壹通ヲ提出セリ其ノ供書ヲ書クトキハ自分ハ自分ニ対スル起訴状ヲ示サレス弁護人ノ援助ヲ供與サレルコトナク書イタノデアッテ其レヲリーガン少佐ニ要求セヨトツキ書カレタ陳述書カラデ被ニ提出サレ採用サレルナラハ自分ノモヤ下ラ在リ相被告多田閣知大佐ヲ縛キ首ニスルデアロー

自分ハ自発的ニ本ニ供書ヲ自分ノ今般ノ裁判ニ対スル弁護機ヲ支持スル為メニ陳述・提出スルモノデアル

以上

井上貞衛

Subscribed and sworn to before me this 26th day of March 1949 at Guam.

Martin E. Carlson,
CDR, USNR, Defense Counsel.

Witness: Sadamu Sanagi