

減刑・對スル歎願

辯護人

高野 悦一郎

在

佐 藤 毅

一、被告小林、一九四六年三月末東京單獨刑務所ニ収容セラレ同年五月二十三日ガム島収容所ニ収容サレタリデアル。爾後二年以上、間々収容所内独房ニ監禁セラレテ苦シク生活ヲシテ来リデアル。自由人が僅カ一日朝カラ夜迄全一居室ニ居ルコトハ相当苦痛デアル。況テ収容所内ニ於テ二年有餘ヶ月、長イ間、独房生活ヲスルハ苦シクシテデアル。
審議ニ當ツテ充分ニ其ノ即身處願ヒ度。

二、被告小林、第四部隊司令長官トシテ、任務、範圍ハ非常ニ廣汎ニ地域ニ亘ツテ居タリ又指揮下、部隊ハ遠隔、孤島ニ散在シテ居タリ。斯ル状況下ニ於テ部下、行動ヲ細部ニ亘ツテ監督スルカハ所ニシテ然スベキ矣、アツタトテ即身處ニ入リテ頂キ度。

三、被告小林、人格ニ関シハ日本人側ヨリハ元岡部總機大臣元海軍大将米田英政、元駐米大使元海軍大将野村吉三郎、其他友人デアル海軍將官達並ニ元駐英大使松平恒雄、元駐米大使出淵勝次、其他、人々カラ其ノ証明書及歎願書ヲ寄セラルテ来タリ。是等、何レモニ證據ニ提ガレタリ所デアル。

又米國人側ヨリハスタンレー大将ヲ始メ其他、高官ヨリ小林、人格ニ関スル証明書ヲ寄セラル。是等モ既ニ要至會ニ提ガレタリ。是等、証明書及歎願書ニ依リ被告小林、如何人物デアルカハ良ク了解出来ル所デアル。

更ニ彼ノ人格ヲ裏書スル具體的事實ニ就テハ、只今、証人井上憲一、証言シタリデアル。其他彼、先イタル母ヲ始メ、彼ノ妻子親族友人知己等ヨリ29通、歎願書ヲ寄セラル。昨日要至

合=提出せらる通ずル

以上述べた通り、事情ヲ刑、量定=当リ即片居せらレ。被告
=対シ輕減ハ刑ヲ課せラレトナリ偏。懇願スル次第ナリ。

謹言

PETITION FOR MITIGATION

DELIVERED BY

MR. SANAGI, SADAMU,
A counsel for the accused.

16 July 1948

1. The accused KOBAYASHI was incarcerated in Sugamo Prison at the end of March of 1946 and placed in confinement at the Guam Stockade on the 23rd of May of the same year. Since the latter date he has led a life of privation in solitary confinement at the Stockade for over two full years. When it is a matter of considerable discomfort for even a free man to pass the short period of a day or twenty-four hours in one room, it is not difficult to surmise that two years of solitary confinement in a stockade would be most oppressing and punitive in effect. We request this fact be taken into consideration.

2. The scope of duty of the accused KOBAYASHI as commander in chief of the Fourth Fleet extended over a wide territory, and his subordinate units were scattered on far flung islands.

It is requested that the fact be taken into consideration that under the then prevailing circumstances he was unable to supervise the actions of his subordinates down to minute details.

3. As to character evidence, for the accused KOBAYASHI, we have had testimony and petitions in his behalf from YONAI, Mitsumasa, former Admiral, IJN, and twice Prime Minister of Japan; NOMURA, Kichisaburo, former Admiral, IJN, and one time Ambassador to the United States of America, numerous admirals in the IJN who are friends of the accused, from MATSUDAIRA, Tsuneo, one time Ambassador to the Court of Saint James, and Former Ambassador to the United States of America, DEBUCHI, Katsuji, and many others. All the above were offered in evidence.

And from the American side, a number of flag and high-ranking officers headed by Admiral STANDLEY have given testimony to the character of KOBAYASHI. These too have already been submitted to the Commission. From this testimony and these petitions, the character and personality of the accused, KOBAYASHI, are easy to discern.

Furthermore, the witness INOUE, Kenichi, has just testified to the specific facts which corroborate the character evidence in his behalf.

Again twenty-nine petitions were written in his behalf by his aged mother, his wife and children, relatives, friends and acquaintances. They were yesterday offered to the Commission as evidence.

I humbly beg that the above circumstances be considered in mitigation in drawing up the sentence, and that a light sentence be imposed on the accused, KOBAYASHI.

Respectfully,
Defense Counsel.

TAKANO, Junjiro & SANAGI, Sadamu,

I hereby certify the foregoing to be a true and complete translation, to the best of my ability, of the original document written in Japanese.

Eugene E. Kerrick, Jr.
EUGENE E. KERRICK, JR.
Lt., U. S. N. R., Interpreter.

"RRRRR"

0923

Statement of Vice-Admiral Masashi Kobayashi
War Criminal Stockade, Guam, 17-1
12th Mar 1948.

I have examined & checked the attached
military & biographical history, SCA P, Investigation
Division, No. 1881, date 2 April 1947. This is a true
and accurate statement of my biography with the
exception that the list does ^{not} contain the duty from 1st
Dec 1939 to 15th Nov 1940 when I was commandant
Hankow Area Special Base force. I have inserted
in the appropriate place on the attached investigation
division report No. 1881, the date & duty which was
omitted from this list. In addition, the document
gives the date of my orders rather than the date
I actually assumed or terminated my duty. For
example I actually assumed command of the 4th
Fleet on 5th April 1943 and was relieved this
duty on 23rd Feb. 1944.

I swear that the foregoing is true to
(int) best of my knowledge, recollection and

2
belief, and is voluntarily made by me
without force, threats, promises of reward or
inducements.

Masashi Kobayashi
former Vice-Admiral I.J.N.

Subscribed and sworn to before the
undersigned this the 12th day of March 1948.

Herbert H. Ogden
Comdr., U.S.N.

Date: 2 April 1947

Report of Investigation Division, Legal Section, GHQ, SCAP.

Inv. Div. No. 1001

CRD No.

Report by: L. H. Bernard, Maj., GIP
O-39540

Title: Vice Adm. Masashi KOBAYASHI alias Masashi KOBAYASHI.

Synopsis of facts:

Military and biographical history of KOBAYASHI set out.

- 6 -

Reference: Report of John J. Marshall, dated 27 February 1947.

DETAILS:

At Tokyo:

On 19 March 1947, T. KATSURA, Chief of Liaison Section, Central Liaison Office of the Japanese Government, forwarded the military and biographical history of Masashi KOBAYASHI as set out below, the original of which is being transmitted to the Criminal Registry Division with their copy of this report:

Permanent Domicile: No. 5, 534, Yoko-machi, Yonezawa-shi, Yamagata-ken.

Date of Birth: 18 June 1890.

21 Sept. 1907: Cadet, Naval College.
18 July 1910: Graduated from Naval College.
18 July 1910: Midshipman
1 Dec. 1911: Ensign.
1 Dec. 1913: Lieutenant J.G.
1 Dec. 1915: Lieutenant
1 Dec. 1921: Student Officer, A Course, Naval War College
1 Dec. 1923: Lieutenant-Commander.
15 Oct. 1923: Attached to Yokosuka Naval Station.
15 Oct. 1923: Dispatched to Bureau of Military Affairs, Navy Ministry.
1 Dec. 1925: Commanding Officer, HIRA.
6 Jan. 1926: Attached to Naval General Staff.
1 Dec. 1926: Resident Naval Officer in U.S.A.
1 May 1927: Assistant Naval Attache to Imperial Japanese Embassy at Washington
1 Dec. 1927: Commander.

Distribution:

1 Prosecution
1 CRD (Mail)
1 Hiigata
2 Com-Marinans L.G. ✓
1 Mr. Marshall
3 Inv. Div. (File #1001)

Do not write in this space.

Exhibit

0926

15 Apr. 1938: Ordered to return home.
 15 May 1938: Executive Officer, CHOSHI.
 15 Nov. 1938: Attached to Naval General Staff and concurrently to Navy Ministry.
 15 Nov. 1938: Ordered to serve in Personnel Bureau, Navy Ministry.
 10 Dec. 1938: Member, Personnel Bureau, Navy Ministry.
 1 Dec. 1938: Attached to Naval General Staff and concurrently to Navy Ministry.
 1 Dec. 1938: Orders to serve in Bureau of Military Affairs, Navy Ministry.
 1 Dec. 1938: Captain.
 9 Dec. 1938: Attendant to Imperial Japanese Plenipotentiary to General Disarmament Conference at Geneva.
 15 Nov. 1938: Naval Attache to Imperial Japanese Embassy at Washington.
 26 Dec. 1938: Relieved of the post of Attendant to Imperial Japanese Plenipotentiary to General Disarmament Conference at Geneva.
 1 June 1939: Ordered to return home.
 27 Sept 1939: Returned home.
 15 Oct. 1939: Attached to Naval General Staff.
 15 Nov. 1939: Chief of Section, Naval General Staff.
 1 Dec. 1939: Commanding Officer, YAMASHIRO.
 20 Oct. 1939: Chief of Staff, 4th Fleet.
 1 Dec. 1939: Rear-Admiral.
 1 Sept 1939: Chief of Staff, Sasebo Naval Station.
 15 Nov. 1939: Commandant, Shanghai Area Special Base Force.
 1 May 1941: Attached to Naval General Staff.
 2 June 1941: Chief of Hydrographic Department.
 15 Oct. 1941: Vice-Admiral.
 20 Nov. 1941: Commander-in-Chief, Osaka Minor Naval Station.
 9 Mar. 1942: Attached to Naval General Staff.
 1 Apr. 1942: Commander-in-Chief, 4th Fleet.
 19 Feb. 1944: Attached to Naval General Staff.
 21 May 1944: Placed on the Reserve List.

1 Dec. 1939

Commandant, Hankow Area Special Base Force

In view of the fact that all leads in this matter have been covered, the case is considered closed.

212222

- 2 -

Exhibit 1 (3)

0927

JAPANESE GOVERNMENT
CENTRAL LIAISON OFFICE

TO : GENERAL HEADQUARTERS OF THE SUPREME COMMANDER
FOR THE ALLIED POWERS.
FROM : Central Liaison Office, Tokyo.
SUBJECT : Japanese Naval Documents.

C.L.O. No. 7376(PD)

19 September 1947

1. Reference:

- a. Legal Section's Check Sheet No. 11652 LS-Z dated 4 September 1947, subject: "Request for Documents."
- b. C.L.O. Memorandum No. 7187(FD) dated 12 September 1947, subject as above.
- c. C.L.O. Memorandum No. 7231(PD) dated 15 September 1947, subject as above.
- d. C.L.O. Memorandum No. 7284(PD) dated 16 September 1947, subject as above.
- e. C.L.O. Memorandum No. 7335(PD) dated 18 September 1947, subject as above.

2. Four (4) blue prints and six (6) tables showing the geographical jurisdiction and organization of the 4th Fleet, IJN, successively, as required in Paragraph 1a. of the reference a. Check Sheet, are enclosed herewith.

3. A report of the Second Demobilization Bureau with regard to Paragraph 1f. of the reference a. Check Sheet, is stated on the attached paper (Annex 1).

4. A report of the Second Demobilization Bureau with regard to Paragraph 1j. and k. of the reference a. Check Sheet, is stated on the attached papers (Annex 2), and the required documents in that regard are submitted herewith as mentioned therein.

FOR THE PRESIDENT:

/s/ Y. Katsuno
(Y. Katsuno)

Chief of Liaison Section,
Central Liaison Office.

Enclosures:

- a. 4 blue prints and 6 tables as stated in para. 2 above.
- b. A report as stated in para. 3 above.
- c. A report as stated in para. 4 above, accompanied by 15 books.

Certified to be a true copy.

Herbert L. Ogden
HERBERT L. OGDEN
COMMANDER, U. S. NAVY.

EXHIBIT

2(1)

0928

As of 1 April 1943.

Inner table No. 2

Organization	Location	Commanding Officer	Remarks
-KASHIMA (Flag-ship of 4th Fleet)		TAKARA, Sakae (1 Jul., HAYASHI) (.....) moved.	1 Nov., NAGARA added 10 Nov., KASHIMA re-
-14th Squadron	NAKA, ISUZU	ITO Kenzo (Mid-Jan 1944 KIYOTA Takahiko)	1 Nov., 22nd Air Squad- ron added.
-3rd Special Base Force		TOMONARI Saichiro (late Sept.) SHIBAZAKI Keiji)	
	IKUTA-MARU		Palau
	67th Naval Guards Nauru		
Combined Fleet (YAMAMOTO Isoroku) (Mid-Apr., KOGA Mitsuchi)		TAKEDA Moriji (15 Jul. NAKABAYASHI Seisaku)	1 May, 22nd Aux. Sub- Chaser Division added.
4th Base Force			
	31st Sub-Chaser Division		Turk
	Sub-Chaser Nos. 31, 32, 33, KOEI-MARU, No. 2 CHOAN-MARU, No. 2 CHOKO-MARU, No. 1 JO-MARU, 57th Aux. Sub-Chaser Division		
4th Fleet (KOBAYASHI Masashi)			
	41st Naval Guards Truk		
		KIMIE Tanetsugu (Early Apr., KOBAYASHI Matsushita early Jul., NAITO Atsushi. late Sept.) Mid-Dec. 1942, 34th)	

Enclosure L.O. No. 7376

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Hubert H. Ogden
COMMANDER, U.S. NAVY.

Exhibit 2 (2)

9290

	(42nd Naval Guards Pomape	MAKANO Toji (Late Sept. NAITO Atsushi)	
	(43rd Naval Guards Palau	IKEDA Jin (Reorg- anized into 30th Special Base Force (Marshall) were put on 10 Jan. 1944)	Army Nankai 3rd Gar- rison (Wake) and Army Nankai 4th Garrison
	(902nd Flying Truk	KAKIDA Akiyuki (Mid-Jul. 1943; HAYASHIDA Yukitora	under the Command of 4th Fleet since mid- June 1943.
	(85th Submarine Truk	HIRANO Takeji (Until 31 Mar. 1944)	
	(3rd Communication Palau Corps	FUKAWACHI Yuzuru (Until)	
	(4th Communication Truk Corps	ISOBE Atsushi (Until mid-Aug. 1944)	
	(4th Harbormasters Truk Office	?	
-5th Special Base Force	(Salpan	FUKUZAWA Tsuneji (1 Oct. FUJITURA Takehisa)	1 June, 5th Communi- cation Corps added.
	(SHOTOKU-MARU		
	(SHOEI-MARU, 60th Sub-Chaser Div.		
	(54th Naval Guards Guam	SUGIMOTO Yutaka (Late July ?)	
	(5th Communication Saipan Corps	SHOJI Kookichi (Early June ?)	
-6th Base Force	(Kajaalein	ABE Koozoo (Late Sept. AKIYAMA Koozoo)	

Continued to page 2 of 2

Robert H. Ogden
COMMANDER, U. S. Navy.

Exhibit 2 (3)

00630

15 June, 66th Naval
Guards (Mille);
20 Dec., 68th Naval
Guards (Brown) organi-
zed and added.

(KATORI-MARU, "ITSUSHI" A-MARU DAIDO-MARU, 16th Aux. Minesweeper Div., 63rd & 65th Aux. Sub-Chaser Divisions	Kwajalein	NARITA Kiyoji (1 May, ARIMA Selsuke mid-Sept. YAMAGATA Seiji)
61st Naval Guards		TAKEDA Jinsuke (Until termination of war)
62nd Naval Guards	Jaluit	(Late Sept. KUMAZA Sotozo; mid-Oct. KAMADA Sholehi)
63rd Naval Guards	Maloeiap	NAKATSU Narimoto (Mid-July YOSHIMI Shin-ichi)
64th Naval Guards	Wotje	SAKIBARA Shigematsu (Until termination of war)
65th Naval Guards	Wake	OKADA Shiro (Late Oct. TSUKATE Gitchi)
65th Flying Corps	Kwajalein	(30 Apr. ARIMA Selsuke; 15 Sept. YAMAGATA Seiji)
6th Submarine Base Force	Kwajalein	SUZUKI Tadayoshi (1 July, WADA Sumihisa)
6th Communication Corps	Kwajalein	

Certified to be a true copy

Hubert H. Ogden
COMMANDER, U. S. N. V.

Exhibit 2 (4)

1930

2nd Escort
Group

(YUZUKI, OITE
(ASAMAGI, OKI
(HIYODORI, OTORI,
(CHCUM-MARU
(

Staff Officer
HIGUCHI Nobuo

15 Jul. FUKUE added.
17 Aug. MUTSURE added.
30 Oct. MIKURA added.
1 Nov. HIRATO added.
15 Nov. 2nd Escort
Group removed.

Certified to be a true copy

Robert H. Egan
COMMANDER, U. S. Navy.

Exhibit 2 (5)

0932

Annex table No. 4.

As of 1 January 1944.

Organization	Location	Commanding Officer	Remarks
-NAGARA		?	
-14th Squadron (NAKA, ISUZU)		ITO Kenzo (KIYODA Takahiko, Since mid-Jan.)	
-22nd Air Squadron		HASEGAWA Kiichi	
Combined Fleet (KOGA Mineichi) (TOYODA Soemu Since early in May)		YAMASHITA Sakae (KUSUMOTO Shigetō, Since early in Mar.)	
80th Flying Corps		KAMO Yuhao (Affiliated with 14th Air Fleet in mid-Feb.)	
252nd Flying Corps		YAMAMURA Yoshitane (FURUKI Tadao, Since mid-Feb.)	
4th Fleet (KOBAYASHI Masashi) (HARA Chuichi Since late in Feb.)		TANAKA Yoshio (Up to mid-Mar.)	
3rd Special Base Force			
IKUTA-MARU	Palau		
67th Naval Guards	Nauru, Ocean		
4th Base Force			
flagship; located ashore, Truk.			
		SOEDA Hisayuki Up to the end of war)	Eliminated on 5 Jan.
		WAKABAYASHI, Seisaku (ARIKA Kaoru, Since mid-Feb.)	IKUTA-MARU newly added on 5 Jan.

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Hubert H. Ogden
Commander, U. S. Navy.

Exhibit 2 (6)

EE90

(32nd Sub-chaser Division, Sub-chasers Nos. 31, 32, and 33, KOEI-MARU, 57th Sub-chaser Division)	Truk	67th Naval Guards (Nauru, Ocean) newly added on 5 Jan. C.O., SOEDA Hisayuki.
(41st Naval Guard)	Truk	TANAKA Seiji (ASANO Shimpel Since late in Feb.) and eliminated on 1 Mar. C.O., OHOYA Goichi.
(42nd Naval Guard)	Ponape	NAITO Atsushi (Up to the end of war) 44th Naval Guards (Mele-yan) newly added on 1 Mar. C.O., MIYATA Yoshinobu.
(43rd Naval Guard)	Palau	IKEDA Jin (Reorganized in to 30th Special Base Force on 10 Jan.) Eliminated on 10 Jan.
(902nd Flying Corps)	Truk	HAYASHIDA Yukitora (Up to early Jul.)
(85th Submarine Base Corps)	Truk	HIRANO Takeo (Up to 31 Mar.)
(3rd Communication Corps)	Palau	FUKUYACHI Yuzuru (Unknown since then) Eliminated to be re-organized into 30th Special Base Force on 10 Jan.
(4th Communication Corps)	Truk	ISOBE Atsushi (Up to mid-Aug.)
(4th Harbormaster's Office)	Truk	MIURA Tomosaburo
5th Special Base Force	Salpan	TSUJIMURA Takehisa (Up to early Aug.)

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Herbert H. Ogden
COMMANDER, U. S. Navy.

Exhibit 2 (7)

4634

(60th Auxiliary Sub-chaser Division)	(55th Naval Guards (S-1pan) C.O., OSHIMA Sanji. 56th Naval Guards (Tenian), C.O. OHIOYA Gotchi newly added on 1 March. Reorganized into 5th Base Force on 1 Mar. 21st Sub-chaser Div. Newly added on 1 Mar. 5th Communication Corps, C.O., MIYAZAKI Shinsaku, newly added on 1 Mar.)) All eliminated on 4 Mar.
(54th Naval Guards Guam)	SUGIMOTO Yutaka (Up to late Jul.)
6th Base Force	Kwajalein
(DAIDO-MARU, 16th Auxiliary Mine-sweeper Division, 63rd and 65th Auxiliary Sub-chaser Divisions)	AKIYAMA Monzo (Up to early Feb.)
(61st Naval Guards Kwajalein)	YAMAGATA Seiji (Up to early Feb.) Unknown since then)
(62nd Naval Guards Jaluit)	MASUDA Nisuke (Up to the end of war)
(63rd Naval Guards Maloelap)	KAMADA Shoichi (Up to the end of war)
(64th Naval Guards Wotje)	YOSHIMI Shinichi (Up to the end of war)
(65th Naval Guards Wake)	SAKAIBARA Shigematsu (Up to the end of war)
(66th Naval Guards Mille)	SHIGA Masanari (Up to the end of war)

DAIDO-MARU eliminated on 5 Feb.

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Hubert H. Ogden
 COMMANDER, U. S. Navy.

(952nd Flying Corps Kwajalein	HORIE Gichi
((Up to early Feb.)
(Unknown since then)
(6th Submarine	YAMAGATA Seiji
(Base Corps	(Up to 4 Mar.)
(6th Communication	WADA Sumihisa
(Corps	(Up to 4 Mar.)
30th Special Base	ITO Kanzo
Force	

((Newly added on 10 Jan.
Reorganized into 30th
Base Force on 1 Mar.
45th Naval Guards (Yap),
C.O. MORI Kaku newly
added on 1 Mar.
5th Communication Corps
newly added on 1 Mar.))
All eliminated on 4 Mar.

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COMMANDER, U. S. Navy.

Exhibit 2 (9)

0936

ANNEX CHART No. 1
A PACIFIC OCEAN

21,830,000 (Lat. 5°)
From the British Chart, 1937

The area of jurisdiction of the 4th Fleet
(June 1941 - July 1943)

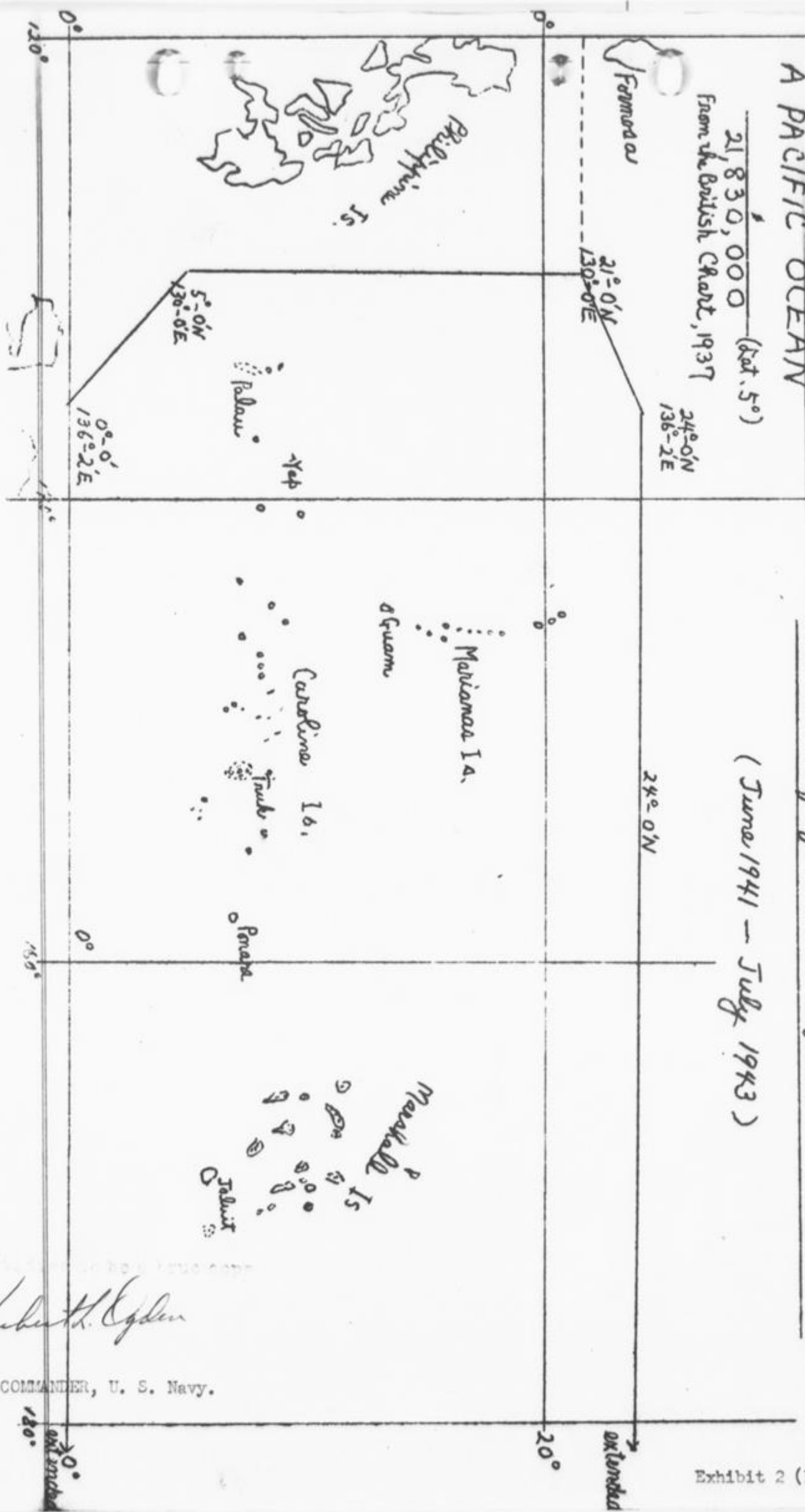


Exhibit 2 (10)

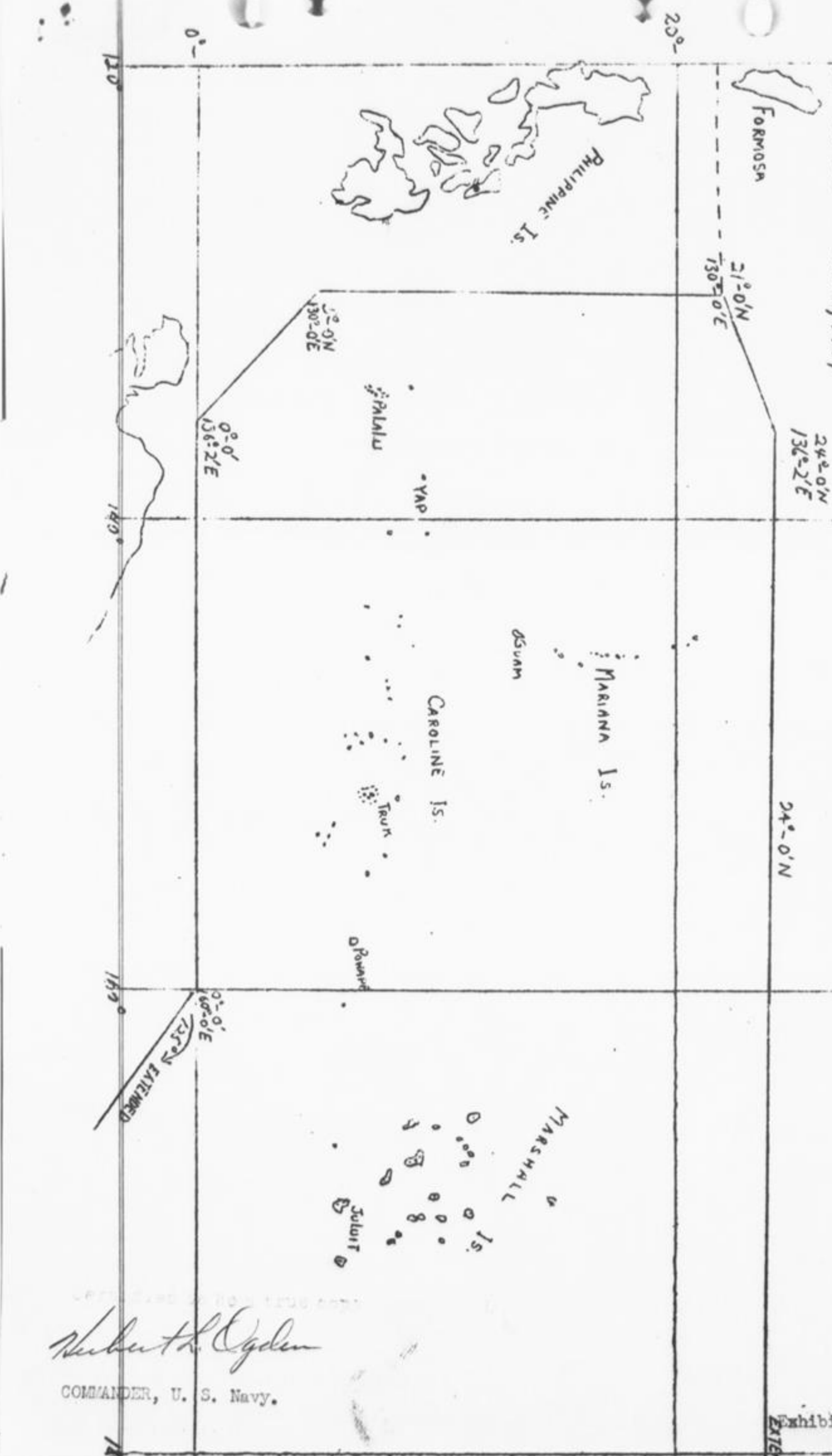
0937

ANNEX CHART No. 2
B PACIFIC OCEAN

2,830,000 (Lat. 5°)
FROM THE BRITISH CHART, 1937

THE AREA OF JURISDICTION OF THE 4TH FLEET

(Aug. 1943 - FEB. 1944)



Robert H. Ogden

COMMANDER, U. S. Navy.

Exhibit 2 (11)

8860

JAPANESE GOVERNMENT
CENTRAL LIAISON OFFICE

: GHQ SCAP :
: SEP 17 1947 :
: 000.5 WC :
: AGO RECORDS :
:

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

FROM : Central Liaison Office, Tokyo.

SUBJECT : Japanese Naval Documents.

C.L.O. No. 7284(PD)

16 September 1947

1. Reference:

- a. Legal Section's Check Sheet No. 11652 LS-Z dated 4 September 1947, subject: "Request for Documents."
- b. C.L.O. Memorandum No. 7187(PD) dated 12 September 1947, subject as above.
- c. C.L.O. Memorandum No. 7231(PD) dated 15 September 1947, subject as above.

2. Submitted below is a report on the period of duty of Commander-in-Chief and others of the Fourth Fleet, as required in paragraph 1c. of reference Check Sheet:

a. Period of duty of the Commanders-in-Chief of Fourth Fleet.

<u>Name and Rank</u>	<u>Tenure by Official Announcement of Appointment</u>	<u>Actual Period of Assuming Duty</u>
INOUE Shigeyoshi, Vice-Admiral	From: 11 Aug. 1941 To : 25 Oct. 1942	From: 21 Aug. 1941 To : 31 Oct. 1942
SAMEJIMA Tomoshige, Vice-Admiral	From: 26 Oct. 1942 To: 31 Mar. 1943	From: 31 Oct. 1942 To : 5 Apr. 1943

b. Period of duty of four personnel in the posts connected with 4th Fleet.

<u>NAME</u>	<u>RANK</u>	<u>POST</u>	<u>Tenure by Official Announcement of Appointment</u>	<u>Actual Period of Assuming Duty</u>
HARA Chuichi	Vice-Admiral	C-in-C, 4th Fleet	From: 19 Feb. 1944 To : End of War	From: 23 Feb. 1944 To : End of War
KOBAYASHI Masashi	Vice-Admiral	C-in-C, 4th Fleet	From: 1 Apr. 1943 To : 18 Feb. 1944	From: 5 Apr. 1943 To : 23 Feb. 1944
WAKABAYASHI Seisaku	Vice-Admiral	Commandant, 4th Base Force, & 2nd Escort Force.	From: 15 July 1943 To : 18 Feb. 1944	From: July 1943 To : 23 Feb. 1944

CERTIFIED TO BE A TRUE COPY

Hubert H. Ogden
Cdr., U.S.N.

EXHIBIT 3 (1)

0939

NAME	RANK	POST	Tenure by Official Actual Period	
			Announcement of Appointment	of Assuming Duty
ARIMA Kaoru	Rear-Admiral	ditto	From: 19 Feb. 1944 To : 30 Apr. 1944	From: 23 Feb. 1944 To: 30 Apr. 1944
		and Chief of Staff, 4th Fleet	From: 30 Mar. 1944 To : 30 Apr. 1944	From: 1 May 1944 To : 11 Aug. 1944
ARIMA Kaoru	Rear-Admiral	Chief of Staff, 4th Fleet	From: 1 May 1944 To : 11 Aug. 1944	From: 1 May 1944 To : 12 Aug. 1944

Remarks: (a) The Japanese Navy did not use such compliance of order form, and, as a rule, the responsibility of duty was assumed or transferred at the time of actually assuming or leaving the duty.

(b) The date of actually assuming duty of Vice Admiral WAKABAYASHI is under investigation.

FOR THE PRESIDENT:

/s/ Y. Katsuno
(Y. Katsuno)
Chief of Liaison Section,
Central Liaison Office.

CERTIFIED TO BE A TRUE COPY

Herbert H. Ogden
Odr., U.S.N.

EXHIBIT 3 (2)

0940

JAPANESE GOVERNMENT
CENTRAL LIAISON OFFICE

GHQ SCAP
OCT 3 1947
000.5 WC
AGO RECORDS

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

FROM : Central Liaison Office, Tokyo.

SUBJECT : Japanese Naval Documents.

C.L.O. No. 7693(PD)

2 October 1947

1. Reference:

- a. Legal Section's Check Sheet No. 11652 LS-2 dated 4 September 1947,
subject: "Request for Documents."
- b. C.L.O. Memorandum No. 7284(PD) dated 16 September 1947, subject
as above.

2. In regard to the date on which ex-Vice-Admiral WAKABAYASHI, Seisaku
actually took office as Commander of the Fourth Naval Base Force and con-
currently Commander of the Second Naval Escort Force, ex-Naval Captain
YAMADA, Tadashi, then Aide-de-Camp of the Fourth Fleet stated that the date
in question was presumed to have been 24 or 25 July 1943. 2K

FOR THE RESIDENT:

/s/ Y. Katsuno
(Y. Katsuno)
Chief of Liaison Section,
Central Liaison Office.

CERTIFIED TO BE A TRUE COPY

Herbert H. Ogden
Col., U.S.N.

EXHIBIT 3 (3)

0941

JAPANESE GOVERNMENT
CENTRAL LIAISON AND COORDINATION OFFICE

TO : GENERAL HEADQUARTERS OF THE SOUTHERN COMANDANT
FOR THE ALLIED POWERS.

FROM : Central Liaison and Coordination Office, Tokyo.

SUBJECT : Rosters of Staff Officers of Fourth Fleet,
Fourth Base Force and Sixth Base Force.

C.L.C.O. No. 581(3.I.)

5 March 1948

1. Reference: Legal Section's Check Sheet No. 15139 LS-Z dated 19 February 1948, subject: "Request for Rosters."
2. The required rosters of the Staff officers of the Fourth Fleet, Fourth Base Force and Sixth Base Force, as prepared by the Second Demobilization Bureau Liquidation Division, are submitted herewith.

FOR THE DIRECTOR-GENERAL:

/s/ K. Yoshida
(K. Yoshida)
Chief of Liaison Section,
Central Liaison and
Coordination Office

Enclosures: Three (3) rosters.

Certified to be a true copy.

Herbert H. Ogden
HERBERT H. OGDEN,
COMMANDER, U.S. NAVY.

Exhibit 4(1)

0942

Roster of Commanders-in-Chief and Staff Officers of 4th Fleet.

Name	Rank	Post	Tenure	Present Address
INOUE Saburozou	Admiral	Commander-in-Chief	11 Aug. 41-26 Oct. 42	Arai, Nagai-machi, Miura-gun, Kanagawa-ken.
SAKURAI Tadamasa	"	"	26 Oct. 42-1 Apr. 43	300, 3-chome, Kamiosaki-machi, Shinjawa-ku, Tokyo-to.
KORYASEI Hitoshi	"	"	1 Apr. 43-19 Feb. 44	Under detention in Guam Island.
HARA Chutchi	"	"	19 Feb. 44-war's end	"
YANO Chutazo	Rear Admiral	Chief of Staff	10 Oct. 41-1 Nov. 42	300, 3-chome, Okuzawa-machi Tanagawa, Setagaya-ku, Tokyo-to.
MATSUDA Shunroku	"	"	1 Nov. 42-6 Jan. 44	c/o Mutsuo Imamura, Ima, Miyahara-machi, Yatsushiro-gun, Kumamoto-ken.
SUMIKAWA Tadamasa	"	"	6 Jan. 44-30 Mar. 44	c/o Suzuki, 7200, Yanagikoji, Fujisawa-shi, Kanagawa-ken.
ARIMA Katsuo	"	"	30 Mar. 44-12 Aug. 44	Under detention in Guam Island.
SUMIKAWA Tadamasa	"	"	12 Aug. 44-war's end	c/o Suzuki, 7200, Yanagikoji, Fujisawa-shi, Kanagawa-ken.
KAWAI Tadamasa	Captain	Staff Officer	15 Nov. 40-15 Jul. 42	573, Unokichi-cho, Ota-ku, Tokyo-to.

William H. Egan
 COMMANDER, U. S. Navy.

Enclosure to C.L.O. No. 581(3.I.)

Exhibit 4 (2)

0943

KOMI Masayoshi	Captain	Staff Officer	15 Jul. 42- 10 Aug. 43	40, Shimoaai-machi, Hitoyoshi-shi, Kumamoto-ken.
NOGUCHI Kyoichi	"	"	10 Aug. 43- 1 Jun. 44	Under detention in Guam Island.
WAGANO Yoshimatsu	"	"	10 Jun. 44- 20 Mar. 45	c/o Toichi Fujisaki, Kokubu-machi, Aita-gun, Kagoshima-ken.
DOHI Eizoku	Lt-Commander	"	15 Oct. 40- 20 Jun. 42	3, 1-chome, Kamogikubo, Suginami-mazuru, Matsuru-shi.
NOGUCHI Torao	Commander	"	30 Nov. 42- 6 Jul. 43	c/o Daijoti, Aza Heki, Anogomura, Oi-gun, Fukui-ken.
WATATA Eiji	"	"	15 Nov. 44- War's end	3-1 Yukinaga-juku, Higashi-mazuru, Matsuru-shi.
YAMAGUCHI Moriyoshi Lt-Commander		"	15 Apr. 41 1 Sep. 42	72, Oaza Mishiokubo, Oubu-machi, Fovotama-gun, Tokyo-to.
YAMAGUCHI Masaya	"	"	1 Sep. 42- 25 Nov. 42	30, Yamashita-cho, Kagoshima-shi.
YAMAGUCHI Jozo	Commander	"	15 Nov. 43- 4 Mar. 44	801-1, Mishi-machi, Mikazuki-machi, Inasa-gun, Shizuoka-ken.
HISACHI Masuo	"	"	1 May 44- War's end	Under detention in Guam Island.
YUJI Masao	"	"	1 Sep. 41- 7 Nov. 42	46-3, Kitakuni-machi, Otsu-shi.
IZAWA Yuzo	Lt-Commander	"	22 Feb. 44- 25 Mar. 44	185, Hizashi-Tamagawa-machi, Setagaya-ku, Tokyo.

Hubert L. Ogden
COMMANDER, U. S. Navy.

NAME	Rank	Staff Officer	Service Record	Remarks
AGO Shigeju	Lt-Commander	"	1 May 44- War's end	2179, Kamishioji, Shioji, Izumo-shi, Shimane-ken.
IKEDA Yoshitsugu	Commander	"	10 Sep. 41- 1 Nov. 41	10, Hichirika, Koriyama-shi.
HAFUJI Hideo	Lt-Commander	"	2 Mar. 44- 1 June 44	Died in the pursuit of his duties.
KATANO Katsuo	"	"	10 Jun. 44- 29 Aug. 44	c/o Yoshimichi Kaneko, 799, Oaza Noma, Fukuoka-shi.
YAMAI Shiro	"	"	16 Oct. 41- 20 Apr. 42	42, Shimokoji, Morioka-shi.
YAMAGAMI Minoru	"	"	5 May 42- 15 Mar. 43	151, Yamane, Zushi-machi, Yokosuka-shi.
YAMASATO Katsuro	"	"	15 Mar. 43- 1 Dec. 43	2852, Kichijoji, Musashino-shi, Tokyo-to.
KAWABATA Masanobu	Commander	"	1 Dec. 43- War's end.	1348, Shumoku-machi, Mito-shi.
OKADA Shigeo	Lt-Commander	"	31 Jul. 41- 1 Jul. 42	Killed in action on 26 Dec. 44.
AKAI Shigeo	"	"	1 Mar. 43- 15 May 44	8, Okakitanomachi, Wakayama-shi.
OMATE Katsuo	"	"	20 Apr. 42- 30 Nov. 42	Oaza Tarumi, Tsu-shi, Mie-ken.
TAMAI Takakatsu	Lieutenant	"	5 Nov. 43- 5 Apr. 44	439, 1-chome, Tamagawa Oyusawa-machi, Setagaya-ku, Tokyo-to.
CHINO Shigeo	"	"	15 Nov. 44- 25 Dec 44	225, 6-chome, Asagaya, Suginami-ku, Tokyo-to.
ARAKI Tada	Lt-Commander	"	10 Dec. 43- 10 Dec. 43	2405, Shimoshin-machi, Kamitepro-shi, Shimane-ken. Naoasaki-ken.

Robert H. Egden
 COMMANDER, U. S. Navy.

Exhibit 4 (4)

Roster of Commandants and Staff Officers of 4th Naval Base Force.

Name	Ex-Rank	Post	Tenure	Present Address
MOIZUKI Shiro-ichi	Vice Admiral	Commandant	11 Aug. 41- 15 Jun. 42	950, 2-chome, Den-enchofu, Ota- ku, Tokyo-to.
TAKEDA Moriya	"	"	15 Jun. 42- 15 Jul. 43	56, Aza Hatarutani, Oaza Asamushi, Nouchi-mura, Higashitsugaru-gun, Aomori-ken.
WAKABAYASHI Seisaku	"	"	15 Jul. 43- 19 Feb. 44	Under detention in Guam Island.
ARIMA Kaoru	Rear Admiral	"	19 Feb. 44- 1 May 44.	"
APE Tokuma	Commander	Staff Officer	11 Aug. 41- 31 Oct. 41	Bunda, Bura-mura, Kitakanbara- gun, Wlgata-ken.
HORI Yoshitsa	"	"	10 Feb. 43- 17 Nov. 43	Killed in action on 17 Feb. 44.
URAYAMA Gijiro-jufo	"	"	31 Oct. 41- 10 Feb. 43	149, Oaza Hiwa, Hiwa-machi, Nishimurayama-gun, Yamagata-ken.
HIGUCHI Motao	"	"	10 Feb. 43- 1 May 44	Under detention in Guam Island.
TAKUWA Tokio	Lt-Commander	"	11 Aug. 41- 15 Dec. 42	Jutaku Ha-No.3, Hirasaku-machi, Yokowaka-shi.
MIZUO Denzaburo	"	"	15 Dec. 42- 20 Apr. 43	c/o Hase, 56, Omichi, Nishi, Naga- machi, Sendai-shi.
AGO Shigeju	"	"	5 Nov. 43- 1 May 44	2179, Kamishioji, Shioji, Izume- shi, Shimane-ken.

Herbert H. Cyden
COMMANDER, U. S. Navy.

KIMOSHITA Tetsuke	Lieutenant	Staff Officer	11 Aug. 41- 10 May 42	9, Machiya, Fukui-shi.
TSUBUCHI Hiroshi	Lieutenant	"	10 May 42- 15 May 43	c/o Daizo Morioka, Nigahama, Hiro-machi, Kure-shi.
KOSHITA Yasushi	"	"	15 May 43- 15 Oct. 43	383, Oaza Kino, Shirokita-mura, Kikuchi-gun, Kumamoto-ken.

Robert H. Egan
COMMANDER, U. S. Navy.

Exhibit 4 (6)

0947

Roster of Commandants and Staff Officers of 6th Naval Base Force.

Name	Ex-Rank	Post	Tenure	Present Address
YATSUR HIRO Yukichi	Rear Admiral	Commandant	15 Jan. 41- 1 Feb. 42	Killed in action on 1 Feb. 42.
RE Koso	"	"	5 Feb. 42- 29 Nov. 43	Died on 19 June 1947.
AKITAI A Monzo	"	"	29 Nov. 43- 6 Feb. 44	Killed in action on 6 Feb. 44.
WAKI TO Kiyoshi	Commander	Staff Officer	10 May 41- 3 Feb. 42	Killed in action on 3 Feb. 42.
YAYASHI Koichi	"	"	5 Feb. 42- 15 Nov. 43	Tokoji, Naka-mura, Chikushi-gun, Fukuoka-ken.
ISHIMISHI Toshinaka	"	"	15 Nov. 43- 27 Dec. 43	1243, Horinouchi, Hayama-machi, Kanagawa-ken.
HIRATA Taro	"	"	27 Dec. 43- 6 Feb. 44.	Killed in action on 6 Feb. 44.
KIMOSHITA Hajime	Lt-Commander	"	10 Sep. 41- 10 Oct. 42	Shimobishamon, Togo-mura, Ashiba-gun, Fuku-ken.
KATASHITA Koichi	Lieutenant	"	10 Oct. 42- 30 Oct. 43	Yagi-machi, Takaichi-gun, Nara-ken.
FUJINAGA Hideichi	Lt-Commander	"	10 Sep. 41- 15 Mar. 42	4-chome, Yamamoto-dori, Ikuta-ku, Kobe-shi.
GOTO Jun-ichi	Lieutenant	"	15 Mar. 42- 14 May 43	c/o Nozaki, 1492, Saibobun-machi, Kanagawa-ku, Yokohama-shi.

Exhibit 4 (7)

Robert H. Kaplan
Commander, U.S. Navy.

JAPANESE GOVERNMENT
CENTRAL LIAISON OFFICE

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

FROM : Central Liaison Office, Tokyo.

SUBJECT : Japanese Naval Documents .

C.L.O. No. 7231(PD)

15 September 1947

1. Reference:

a. Legal Section's Check Sheet No.11652 LS-Z dated 4 September 1947,
subject: "Request for Documents."

b. C.L.O. Memorandum No.7187(PD) dated 12 September 1947, subject as
above.

2. Copies in English and in Japanese of the Naval Staff Regulations, as
required in paragraph g. of the reference a. Check Sheet, are enclosed
herewith.

FOR THE PRESIDENT:

/s/ Y. Katsuno
(Y. Katsuno)
Chief of Liaison Section,
Central Liaison Office.

Enclosures: Copies in English and Japanese of a document.

CERTIFIED TO BE A TRUE COPY

Hubert H. Ogden
Col., U.S.A.

EXHIBIT 5(1)

0949

Enclosure

I. There were no regulations whatever in the laws or ordinances issued by the Japanese Government or the regulations or orders issued by the Navy Ministry or by the Naval General Staff charging any specified staff officer with responsibility for the custody of POWs detained in a unit, their administration or their operation.

II. The duties of staff officers and aides-de-camp in a headquarters are fixed by the commander-in-chief or the commandant. It follows therefore that in a headquarters there should always be a staff officer or an aide-de-camp assigned to the duty of handling POWs. The competence of such staff officer in carrying out his assigned duty is in any case the competence of a staff member of the commander-in-chief or the commandant; a staff officer in the Navy is never authorized to issue orders, directions, etc. by himself.

III. Concerning the duties of the staff officers in the fleet or squadron the following are stipulated in the Fleet Ordinance:-

Article 35.

The Chief of Staff, who is a member of the Staff to the Commander-in-Chief, shall assist the Commander-in-Chief in arranging the affairs of the Fleet and in supervising other members of the Staff and other personnel associated in the affairs of the Headquarters relative to the discharging of their duties.

Article 36.

The Staff Officers, who are members of the Staff to the Commander-in-Chief, shall handle affairs concerning discipline, morale, education, training, operation, etc. of the fleet.

Engineer Staff Officers shall, in addition to the foregoing regulation, carry out their duties under the direction of the Chief Engineer of the Fleet.

Article 37.

The Aides-de-Camp, who are members of the Staff to the Commander-in-Chief, shall handle affairs concerning ceremonies, personnel, and miscellany.

Article 38.

The Staff Officers and Aides-de-Camp, who are members of the Staff to the Commandant, shall carry out their duties in conformity with the preceding two articles under orders of the Commandant.

But the duties of the Senior Staff Officer shall conform to those of the Chief of Staff; and where there is no Aide-de-Camp, his duties shall be assumed by a staff Officer.

REPRODUCED TO BE A TRUE COPY

Richard H. Ogden
Col., USA.

Enclosure to C.L.O. 7231 (PD)

EXHIBIT 5 (2)

0950

Article 51.

All reports and opinions to the Commander-in-Chief or the Commandant submitted by a member of the Staff or by other personnel affiliated with the Headquarters in carrying out their duties shall always be made through the Chief of Staff, or through the Senior Staff Officer in case there is no Chief of Staff.

IV. Concerning the duties of the Staff Officers of a Temporary Base Force, the concerted Vessels and Temporarily Established Units ordinance stipulates as follows:-

Article 49-4a.

The Temporary Base Force shall have the following personnel as the staff to the Commandant; but depending on the organization of a temporary base force or on the situation, a part of them may be dispensed with:

Chief of Staff, Staff Officers, Aide-de-Camp, Chief Engineer, Chief Surgeon, and Chief Paymaster.

The regulations covering the duties of the chief of staff and other corresponding personnel of the fleet in the Fleet Ordinance shall apply with the necessary modifications to the personnel mentioned in the preceding paragraph.

CERTIFIED TO BE A TRUE COPY

Hubert L. Ogden
Cdr., U.S.N.

EXHIBIT (3)

0951

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

15 MAY 1948

I hereby certify that the annexed are true excerpts taken from the official records of Commander Marianas.

The annexed excerpts taken from the official record in the case of Rear Admiral Shigematsu SAKAIBARA, IJN, et al, consist of the following:

1. Excerpts from the charges and specifications dated 17 December 1945.
2. Excerpts from the findings of the Military Commission as recorded on page 61 of the record.
3. Excerpts from the action of the convening authority, the Commander Marshalls Gilberts Area, dated 4 January 1946.
4. Excerpts from the action of the reviewing authority, the Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, and the Military Governor of the Pacific Ocean Areas, dated 19 April 1946.
5. Excerpts from the action of the confirming authority, the Secretary of the Navy, dated 15 April 1947.

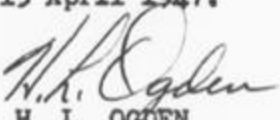

H. L. OGDEN,
Commander, U. S. Navy.

Exhibit 6 (1)

0952

Area/00
P13

UNITED STATES PACIFIC FLEET
AND PACIFIC OCEAN AREAS
COMMANDER MARSHALLS GILBERTS AREA

Serial: 9637

17 December 1945

From: Commander Marshalls Gilberts Area.
To : Lieutenant Commander Edward F. O'BRIEN, USNR, or Lieutenant
W. P. MAHONEY, USNR, Judge Advocates, Military Commission,
Marshalls Gilberts Area.

Subject: Charges and Specifications - in the case of:

Rear Admiral Shigematsu Sakaibara, Imperial Japanese Navy,
Lieutenant Commander Soichi Tachibana, Imperial Japanese Navy,
.....

1. The above named men will be tried before the Military Commission of which you are Judge Advocate upon the following charges and specifications. You will notify the president of the commission accordingly; inform the accused of the date set for their trial, and summon all witnesses, both for the prosecution and for the defense.

CHARGE I

MURDER

SPECIFICATION

In that Shigematsu Sakaibara, Rear Admiral, IJN, Soichi Tachibana, Lieutenant Commander, IJN, and and other persons unknown, attached to the military installation of the Imperial Japanese Navy at Wake Island, and while so serving at said military installation of the Imperial Japanese Navy at Wake Island, did, on or about October 7, 1943, on Wake Island, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully, feloniously, with malice aforethought, without justifiable cause, and without trial or other due process, assault and kill, by shooting to death, ninety-six (96) civilians of the United States of America, names and further description unknown, then and there unarmed prisoners of war in the custody of the said accused, all in violation of the dignity of the United States of America, the International rules of warfare and the moral standards of civilized society.

CHARGE II

MURDER

SPECIFICATION 1

In that Shigematsu Sakaibara, Rear Admiral, IJN, attached to the military installation of the Imperial Japanese Navy at Wake Island and while so serving at said military installation of the Imperial Japanese Navy at Wake Island, did, during the month of July, 1943, on Wake Island, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully, feloniously, with malice aforethought, without justifiable cause, and without trial or other due process, assault and kill, by beheading, one (1) civilian of the United States of America, name and further description unknown, then and there a captured and unarmed prisoner of war in the custody of the said accused, all in violation of the dignity of the United States of America, the International rules of warfare and the moral standards of civilized society.

- 1 -

"CERTIFIED TO BE A TRUE COPY"
/s/ W. P. Mahoney

EXHIBIT 6(2)

0953

Area/00
F13

UNITED STATES PACIFIC FLEET
AND PACIFIC OCEAN AREAS
COMMANDER MARSHALLS GILBERTS AREA

Serial: 9637

17 December 1945.

Subject: Charges and Specifications - in the case of:

Rear Admiral Shigematsu Sakaibara, Imperial Japanese Navy,
Lieutenant Commander Soichi Tachibana, Imperial Japanese Navy,
.....

SPECIFICATION 2

In that Shigematsu Sakaibara, Rear Admiral, IJN, attached to the military installation of the Imperial Japanese Navy at Wake Island and while so serving at said military installation of the Imperial Japanese Navy at Wake Island, did, on or about October 15, 1943, on Wake Island, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully, feloniously with malice aforethought, without justifiable cause, and without trial or other due process, assault and kill, by beheading, one (1) civilian of the United States of America, name and further description unknown, then and there a captured and unarmed prisoner of war in the custody of the said accused, all in violation of the dignity of the United States of America, the International rules of warfare and the moral standards of civilized society.

W. K. HARRILL

Authenticated:

/s/ George Murphy
George Murphy,
Flag Secretary.

"CERTIFIED TO BE A TRUE COPY"
/s/ W. P. Mahoney

EXHIBIT 6(3)

0954

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.....

The judge advocate was recalled, and directed to record the following findings:

As to the accused, Shigematsu Sakaibara, Rear Admiral, IJN, the specification of the first charge proved and that the accused, Shigematsu Sakaibara, Rear Admiral, IJN, is of the first charge guilty.

The first specification of the second charge proved, and the second specification of the second charge proved and that the accused, Shigematsu Sakaibara, Rear Admiral, IJN, is of the second charge guilty.

As to the accused, Soichi Tachibana, Lieutenant Commander, IJN, the specification of the first charge proved and that the accused, Soichi Tachibana, Lieutenant Commander, IJN, is of the first charge guilty.

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-61-

"CERTIFIED TO BE A TRUE COPY"
/s/ W. P. Mahoney

EXHIBIT 6042

0955

Commander Marshalls Gilberts Area,
4 January 1946.

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.....

Subject to the above remarks, the proceedings, findings and sentence in the case of Rear Admiral Shigematsu Sakaguchi are approved. The proceedings, and findings in the case of Lieutenant Commander Soichi Tachibana are approved, but the sentence is commuted to life imprisonment.

William K. Harrill,
Rear Admiral, U. S. Navy,
Commander Marshalls Gilberts Area.

"CERTIFIED TO BE A TRUE COPY"
/s/ W. P. Mahoney

EXHIBIT 6(5)

0956

Cinepac File
A17

UNITED STATES PACIFIC FLEET
AND PACIFIC OCEAN AREAS
Headquarters of the Commander in Chief

Serial 4595

c/o Fleet Post Office,
San Francisco, California.

19 APR 1946

.....
.....
.....
Subject to the above remarks, the proceedings, findings, sentences
and the action of the convening authority in the foregoing case of
Rear Admiral Shigematsu SAKAIBARA, Imperial Japanese Navy, Lieutenant
Commander Soichi TACHIBANA, Imperial Japanese Navy, and the late
Lieutenant Toraji ITO, Imperial Japanese Navy, are approved.
.....
.....

J. H. TOWERS,
Admiral, U.S. Navy,
Commander in Chief,
United States Pacific Fleet
and Pacific Ocean Area,
and the Military Governor
of the Pacific Ocean Areas.

To: Judge Advocate General.

Re: Record of proceedings of Military Commission, case of
Rear Admiral Shigematsu Sakaibara, IJN, et al, original
and one copy.

Copy to:
Com MARIANAS
AtCom KWAJALEIN
IsCom GUAM

EXHIBIT 6(6)

0957

Address reply to
JAG:I:MDS:fld
and refer to A17-10/OQ
(3/28/47) 146719 - 148331
150837 - 150838

NAVY DEPARTMENT
Washington 25 D. C.

15 April 1947

From: The Secretary of the Navy.
To : Commander Marianas Area.
Via : Commander in Chief, United States Pacific Fleet.
Subject: Actions upon records of Military Commission trials.

1. In accordance with the provision of Section D-14, Naval Courts and Boards, 1937, the Acting Secretary of the Navy, on 9 January 1947, confirmed the following sentences of death, adjudged by Military Commissions:

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.....
.....

(b) In the case of Rear Admiral Shigematsu Sakaibara, I.J.N., tried in joinder with Lieutenant Commander Soichi Techibens, I.J.N., by a military commission, convened 3 November 1945 by the Commander Marshalls Gilberts Area -

"The commission, therefore, sentences him, Shigematsu Sakaibara, Rear Admiral Imperial Japanese Navy, to be hanged by the neck until dead, two-thirds of the members concurring."

The Commander, Marshalls Gilberts Area, the convening authority, on 4 January 1946, subject to remarks, approved the proceedings, findings, and sentence in this case.

The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 19 April 1946, subject to remarks, approved the proceedings, findings, and sentence in this case, and the action of the convening authority thereon.

.....
.....
.....

2. Subject to any directives issued by the Commander in Chief, United States Pacific Fleet, the Commander Marianas Area is hereby directed to effect the execution of the sentences as confirmed. It is further directed that the sentences be carried into effect at a date to be designated by the Commander Marianas Area not earlier than 1 June 1947, at Guam, Marianas Islands, and that a report of the execution of the death sentence in each instance be submitted to the Secretary of the Navy.

/s/ FORRESTAL
Secretary of the Navy.

Copy to:
Chief of Naval Operations.

EXHIBIT 6(7)

CERTIFIED TO BE A TRUE COPY
/s/ J. P. Kenny Lt. USN

0958

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

15 MAY 1948

I hereby certify that the annexed are true excerpts taken from the official records of Commander Marianas Area.

The annexed excerpts taken from the official record in the case of Hiroshi IWANAMI, et al, consist of the following:

1. Excerpts from the charges and specifications dated 8 May 1947.
2. Excerpts from the findings of the Military Commission as recorded on Pages 670, 671 and 672 of the record.
3. Excerpts from the action of the convening authority, The Commander Marianas Area, dated 8 November 1947.
4. Excerpts from the action of the reviewing authority, the Commander in Chief Pacific and United States Pacific Fleet, dated 28 November 1947.



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

EXHIBIT 7 (1)

0959

FF12/416-2
13-JDI-cn

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 12147

8 May 1947

From: The Commander Marianas Area.
To: Lieutenant Commander Joseph A. REGAN, USN, and/or
Lieutenant James P. KENNY, USN, and/or
your successors in office as Judge Advocates,
Military Commission, Commander Marianas.

Subject: Charges and Specifications in the case of:

IWANAMI, Hiroshi,
.....
SAKAGAMI, Shinji
.....

1. The above named persons will be tried before the Military Commission of which you are Judge Advocate upon the following charges 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 I
MURDER

SPECIFICATION 1

In that IWANAMI, Hiroshi, then a Surgeon Captain, Imperial Japanese Navy, Commanding Officer of the Fourth Naval Hospital, attached to the military installations of the Imperial Japanese Navy, Dublon Island, Truk Atoll, Caroline Islands, and while so serving at the said Fourth Naval Hospital, with OKUYAMA, Tokikazu, deceased, then a Surgeon Commander, Imperial Japanese Navy, attached to the Fourth Naval Hospital, and NABETANI, Reiji, deceased, then a Surgeon Lieutenant, Imperial Japanese Navy, attached to the Fourth Naval Hospital, and others unknown, did, at Dublon Island, Truk Atoll, Caroline Islands, on or about 30 January 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, injure, infect and kill, by experimenting, with injections of virulent bacteria, with exposures to shock and with other methods, the exact nature and character of which are to the relator unknown, six (6) 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 2

In that SAKAGAMI, Shinji, then a corpsman warrant officer, Imperial Japanese Navy, attached to the Fourth Naval Hospital, attached to the military installations of the Imperial Japanese Navy, Dublon Island, Truk Atoll, Caroline Islands and while so serving at said military installations of the Imperial Japanese Navy, acting with OKUYAMA, Tokikazu, deceased, then a Surgeon Commander, Imperial Japanese Navy, and others unknown, did, each and together, at Dublon Island, Truk Atoll, Caroline Islands, on or about 1 February 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, injure, blast and kill by explosions of dynamite and strangulation, two (2) 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.

EXHIBIT 7 (2)

0960

SPECIFICATION 3

.....

CHARGE II

VIOLATION OF THE LAW AND CUSTOMS OF WAR

SPECIFICATION 1

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SPECIFICATION 2

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SPECIFICATION 3

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SPECIFICATION 4

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SPECIFICATION 5

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SPECIFICATION 6

.....

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

EXHIBIT 7 (3)

0961

.....
The judge advocates were recalled and directed to record the following findings:

As to the accused, Iwanami, Hiroshi:
The first specification of the first charge proved.

.....
And that the accused, Iwanami, Hiroshi, is of the first charge guilty.

.....
As to the accused Sakagami, Shinji:
The second specification of the first charge proved in part, proved except the words "....." which words are not proved.
And that the accused, Sakagami, Shinji, is of the first charge guilty.

.....

EXHIBIT 7 (4)

0962

FF12/417-10/WC-26
02-JDM-rhj

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Nov 8, 1947

Serial: 20965

.....
.....
.....

The proceedings, findings of guilty, except on specifications 1, 4, and 5 of Charge II as to the accused IWANAMI, Hiroshi, and the sentences in the foregoing case of IWANAMI, Hiroshi;; SAKAGAMI, Shinji;.....are approved.

.....
.....

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

To: Commander in Chief Pacific and U.S. Pacific Fleet.
Re: Record of Proceedings of Military Commission - case of
former Surgeon Captain Hiroshi IWANAMI, IJN, et al.

EXHIBIT

EXHIBIT 7 (5)

0963

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET
Headquarters of the Commander in Chief

Cincpacflt File
A17-25

c/o Fleet Post Office,
San Francisco, California.

Serial 6801

28 NOV 1947

The proceedings, findings of guilty, except the findings on specifications 1, 4 and 5 of charge II as to IWANAMI, Hiroshi, and the action of the convening authority in the foregoing case of IWANAMI, Hiroshi; KAMIKAWA, Hidehiro; OISHI, Tetsuo; ASAMURA, Shunpei; SAKAGAMI, Shinji; YOSHIKAWA, Kensaburo; HOMMA, Hachiro; WATANABE, Mitsuo; TANABE, Mamoru; MUKAI, Yoshihisa; KAWASHIMA, Tatsusaburo; SAWADA, Tsuneo; TANAKA, Tokunosuke; AKAMORI, Toichiro; KUFABARA, Hiroyuki; TSUTSUI, Kisaburo; NAKATAME, Kazuo; TAKAISHI, Susumu; and MITSUHASHI, Kichigoro, are approved.

The record is, in conformity with section D-14, Naval Courts and Boards, and Chief of Naval Operations serial OLP22 of 28 November 1945, transmitted to the Secretary of the Navy for confirmation of the death sentence as to accused IWANAMI, Hiroshi, and to the Judge Advocate General of the Navy for revision and record.

LOUIS DENFELD
Admiral, U. S. Navy,
Commander in Chief Pacific
and United States Pacific Fleet.

To: Secretary of the Navy (Office of the Judge Advocate General)
Re: Record of proceedings of a trial by a Military Commission of former Surgeon Captain Hiroshi IWANAMI, I.J.N., et al.

Copies to: (end. only)
ComMarianas
IsComGuam
War Crimes Officer (Guam)

EXHIBIT 7 (6)

0964

Address Reply to Executive
Office of the Secretary

NAVY DEPARTMENT
WASHINGTON 25, D. C.

And Refer to

JAG:I:RAS:bem
117-10/OQ (4-2-48)
160413

9 APR 1948

To : Commander Marianas Area.
Via : Commander in Chief, United States Pacific Fleet.
Subj: Action upon Record of Military Commission Trial.

1. In accordance with the provision of Section D-14, Naval Courts and Boards, 1937, the Secretary of the Navy, on 31 March 1948, confirmed the following sentence of death, adjudged by Military Commission:

(a) In the case of former Surgeon Captain Hiroshi Iwanami, Imperial Japanese Navy, tried in joinder with former Surgeon Lieutenant Hidehiro Kamikawa, Imperial Japanese Navy, former Surgeon Lieutenant Tetsuo Oishi, Imperial Japanese Navy, former Ensign Shunpei Asamura, Imperial Japanese Navy, former Corpsman Warrant Officer Shinji Sakagami, Imperial Japanese Navy, former Corpsman Chief Petty Officer Kansaburo Yoshizawa, Imperial Japanese Navy, former Corpsman Chief Petty Officer Hachiro Homma, Imperial Japanese Navy, former Paymaster Chief Petty Officer Mitsuo Watanabe, Imperial Japanese Navy, former Corpsman Chief Petty Officer Mamoru Tanabe, Imperial Japanese Navy, former Corpsman Chief Petty Officer Yoshihisa Mukai, Imperial Japanese Navy, former Corpsman Petty Officer First Class Tatsusaburo Kawashima, Imperial Japanese Navy, former Paymaster Petty Officer First Class Tsunoo Sawada, Imperial Japanese Navy, former Corpsman Petty Officer First Class Tokunosuke Tanaka, Imperial Japanese Navy, former Corpsman Petty Officer Second Class Toichiro Akabori, Imperial Japanese Navy, former Corpsman Petty Officer Second Class Hiroyuki Kuwabara, Imperial Japanese Navy, former Corpsman Petty Officer Second Class Kisaburo Tsutsui, Imperial Japanese Navy, former Corpsman Petty Officer Second Class Kazuo Namatame, Imperial Japanese Navy, former Corpsman Petty Officer First Class Susumu Takaishi, Imperial Japanese Navy, and former Corpsman Petty Officer Second Class Kichigoro Mitsuhashi, Imperial Japanese Navy, by a military commission, convened 10 June 1947, by the Commander Marianas Area -

"The commission, therefore, sentences him, Iwanami, Hiroshi, to be hanged by the neck until dead, two-thirds of the members concurring."

CERTIFIED TO BE A TRUE COPY:

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

EXHIBIT 7 (7)

0965

JAG:I:R.S:bem
AL7-10/OQ (4-2-48)
160413

The Commander Marianas Area, the convening authority, on 8 November 1947, subject to remarks, approved the proceedings, findings of guilty, except on specifications 1, 4 and 5 of Charge II as to the accused, Iwanami, Hiroshi and the sentence in this case.

The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 28 November 1947, approved the proceedings, findings of guilty, except the findings on specifications 1, 4 and 5 of Charge II as to Iwanami, Hiroshi, and the action of the convening authority thereon, in this case.

4. Subject to any directives issued by the Commander in Chief, United States Pacific Fleet, the Commander Marianas Area is hereby directed to effect the execution of the sentence as confirmed. It is further directed that the sentence be carried into effect at a date to be designated by the Commander Marianas Area not earlier than 1 June 1948, at Guam, Marianas Islands, and that a report of the execution of the sentence be submitted to the Secretary of the Navy.

/s/ John L. Sullivan
Secretary of the Navy.

Copy to:
Chief of Naval Operations.

-2-

CERTIFIED TO BE A TRUE COPY

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

EXHIBIT 7 (8)

0966

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

15 MAY 1948

I hereby certify that the annexed are true excerpts taken from the official records of Commander Marianas Area.

The annexed excerpts taken from the official record in the case of Colonel Shizuo OISHI, IJA, et al, consist of the following:

1. Excerpts from the charges and specifications dated 10 November 1945.
2. Excerpts from the findings of the Military Commission as recorded on page 142 of the record.
3. Excerpts from the action of the convening authority, the Commander Marshalls Gilberts Area, dated 2 January 1946.
4. Excerpts from the action of the reviewing authority, the Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, and the Military Governor of the Pacific Ocean Areas, dated 9 March 1946.
5. Excerpts from the action of the confirming authority, the Secretary of the Navy, dated 15 April 1947.

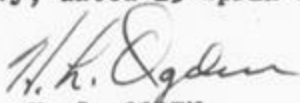

H. L. OGDEN,
Commander, U. S. Navy.

EXHIBIT 8 (1)

0967

RESTRICTED

UNITED STATES PACIFIC FLEET
AND PACIFIC OCEAN AREAS
COMMANDER MARSHALLS GILBERTS AREA

Area/OI
P13

Serial: 8384

10 November 1945

From: Commander Marshalls Gilberts Area.
To: Lieutenant Commander E. F. O'Brien or Lieutenant F.P. Mahoney,
Judge Advocates, Military Commission, Marshalls Gilberts
Area.

Subject: Charges and Specifications in the case of:

Colonel Chisato OISHI, Imperial Japanese Army,
Major Otokiti NAKAO, Imperial Japanese Army,
Major Chojiro TAKARADA, Imperial Japanese Army,
Lieutenant Kiyoshi FUETA, Imperial Japanese Navy,
Captain Masaaki ABE, Imperial Japanese Army,
.....
First Lieutenant Yashuo MOORI, Imperial Japanese Army,
Ensign Harushi MOTOMURA, Imperial Japanese Navy,
Ensign Yutaka TANAKA, Imperial Japanese Navy, and
Warrant Officer Tatsuichi MANAKO, Imperial Japanese Navy.

1. The above named men will be tried before the Military Commission of which you are Judge Advocate upon the following charges and specifications. You will notify the president of the commission accordingly; inform the accused of the date set for their trial, and summon all witnesses, both for the prosecution and for the defense.

CHARGE I

MURDER

SPECIFICATION

In that, Chisato OISHI, colonel, Imperial Japanese Army, Otokiti NAKAO, Major, Imperial Japanese Army, Chojiro TAKARADA, Major, Imperial Japanese Army, Kiyoshi FUETA, Lieutenant, Imperial Japanese Navy, Masaaki ABE, Captain Imperial Japanese Army,, Yashuo MOORI, First Lieutenant, Imperial Japanese Army, Harushi MOTOMURA, Ensign, Imperial Japanese Navy, Yutaka TANAKA, Ensign, Imperial Japanese Navy, and Tatsuichi MANAKO, Warrant Officer, Imperial Japanese Navy, did, on or about February 2, 1944, at or near Mille Atoll, Marshalls Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, wilfully, feloniously and with malice aforethought, without justifiable cause, without trial or other due process, and with intent unlawfully to injure and kill five (5) American crew members of a medium bomber of the United States Army Air Corps, name and further description unknown, assault and kill, by beheading said American crew members, who were then and there captured and unarmed prisoners of war in the custody of the accused, in violation of the dignity of the United States of America, the international rules of warfare and the moral standards of civilized society.

CHARGE II

CONSPIRACY TO COMMIT MURDER

SPECIFICATION

.....
W. K. HARRILL

EXHIBIT 8 (2)

0968

.....
The judge advocate was recalled and directed to record the following findings:

The specification of the first charge proved and that each of the accused, Chisato OISHI, Colonel, Imperial Japanese Army, Otokiti, NAKAO, Major, Imperial Japanese Army, Chojiro TAKARADA, Major, Imperial Japanese Army, Kiyoshi FUETA, Lieutenant, Imperial Japanese Navy, Masaaki ABE, Captain, Imperial Japanese Army,, Yashuo MOORI, First Lieutenant, Imperial Japanese Army; Harushi MOTOMURA, Ensign, Imperial Japanese Navy, Yutaka TANAKA, Ensign, Imperial Japanese Navy, Tatsuichi MANAKO, Warrant Officer, Imperial Japanese Navy, is of the first charge guilty.

.....

EXHIBIT 8 (3)

0969

Commander Marshalls Gilberts Area
2 January 1946

.....
.....
Subject to the above remarks, the proceedings, findings and sentences
in the foregoing case of Colonel Chisato Oishi, IJA, Major Otokiti Nakae,
IJA, Major Chojiro Takarada, IJA, Lieutenant Kiyoshi Futa, IJN, Captain
Masaki Abe, IJA,, First Lieutenant Yashuo Moori, IJA,
Ensign Harushi Motomura, IJN, Ensign Yutaka Tapaka, IJN, Warrant Officer
Tatsuichi Manako, IJN, are approved.

William K. Harrill,
Rear Admiral, U. S. Navy,
Commander Marshalls Gilberts Area.

EXHIBIT 8 (4)

0970

RESTRICTED

Cinepac File
A17

UNITED STATES PACIFIC FLEET
AND PACIFIC OCEAN AREAS
Headquarters of the Commander in Chief

Serial: 2944

c/o Fleet Post Office,
San Francisco, California,
9 MAR 1946

.....
.....
.....
.....
.....
.....
Subject to the foregoing remarks, the proceedings, findings, sentences, and action of the convening authority thereon, except as hereafter indicated, are approved. The finding as to Charge I and the specification thereunder in the case of First Lieutenant Yasuyoshi Kadota, IJA, and the sentence in his case are set aside. The finding as to Charge II and the specification thereunder in the case of Colonel Chisato Oishi, IJA, is set aside.

.....
.....
.....
.....
J. H. TOWERS
Admiral, U.S. Navy,
Commander in Chief,
United States Pacific Fleet and
Pacific Ocean Areas,
and the Military Governor
of the Pacific Ocean Areas.

To: Judge Advocate General.

Re: Record of proceedings of Military Commission - case of
Colonel Chisato Oishi, IJA, et al

EXHIBIT 8 (5)

0971

NAVY DEPARTMENT
Washington 25, D. C.

JAG:I:WJM:fld
A17-10/OQ (4/2/47)
146719

15 APR 1947

From: The Secretary of the Navy.
To: Commander in Chief, United States Pacific Fleet.

Subject: Military Commission case of Colonel Chisato Oishi, I.J.A., Major Otokiti Nakao, I.J.A., Major Chojiro Takarada, I.J.A., and Lieutenant Kyoshi Fueta, I.J.N., tried in joinder with Captain Masaki Abo, I.J.A., First Lieutenant Yasuyoshi Kadota, I.J.A., First Lieutenant Yashuo Moori, I.J.A., Ensign Haruhiko Motomura, I.J.N., Ensign Yutaka Tanaka, I.J.N., and Warrant Officer Tatsuichi Mannko, I.J.N., by order of Commander Marshalls Gilberts Area, on 21 November 1945.

1.
2. The Commander, Marshalls Gilberts Area, the convening authority, on 2 January 1946, subject to remarks, approved the proceedings, findings and sentences in this case.
3. The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 9 March 1946, subject to remarks, disapproved the findings on Charge II and the specification thereunder in the case of Colonel Chisato Oishi, I.J.A., and approved the proceedings, findings and sentences in the case of each of the accused, and the action of the convening authority thereon, in this case, except as hereinbefore stated.
4. In accordance with the provisions of Section D-14, Naval Courts and Boards, 1937, the Acting Secretary of the Navy, on 9 January 1947, commuted the sentence of death in the case of Oishi, Nakao, Takarada and Fueta, to imprisonment at hard labor for the term of their natural lives.

James Forrestal
Secretary of the Navy.

EXHIBIT

EXHIBIT 8 (6)

0972

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

15 MAY 1948

I hereby certify that the annexed are true excerpts taken from the official records of Commander Marianas Area.

The annexed excerpts taken from the official record in the case of Captain Masaharu TANAKA, IJN, et al, consist of the following:

1. Excerpts from the charges and specifications dated 26 August 1946.
2. Excerpts from the findings of the Military Commission as recorded on pages 101 and 102 of the record.
3. Excerpts from the action of the convening authority, The Commander Marianas Area, dated 21 December 1946.
4. Excerpts from the action of the reviewing authority, the Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, dated 3 January 1947.
5. Excerpts from the action of the confirming authority, The Secretary of the Navy, dated 16 April 1947.



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

EXHIBIT 9 (1)

0973

A16-2/FF12/
13-JLM-gmr

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 10717

26 August 1946

From:
To:

The Commander Marianas Area,
Lieutenant Daniel FLYNN, USNR, and/or
Lieutenant Edward L. FIELD, USNR, and/or
Lieutenant Fredric T. SUSS, USNR, and/or
your successors in office as Judge Advocates,
Military Commission, Commander Marianas.

Subject:

Charges and Specifications - in the case of:

Captain TANAKA, Masaharu, Imperial Japanese Navy,
Lieutenant Commander DANZAKI, Tomeroku, Imperial Japanese Navy,
Lieutenant, junior grade, YOSHINUMA, Yoshiharu, Imperial
Japanese Navy.

1. The above named persons will be tried before the Military Commission of which you are Judge Advocate upon the following charges 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. JK

CHARGE I

MURDER

SPECIFICATION

In that TANAKA, Masaharu, then a captain, IJN, DANZAKI, Tomeroku, then a Lieutenant, IJN, YOSHINUMA, Yoshiharu, then an ensign, IJN, all attached to the 1st Naval Guard Unit, and other persons unknown, all attached to the military installations of the Imperial Japanese armed forces, Dublon, Truk Atoll, and while serving at the said military installations of the Imperial Japanese armed forces at Dublon, Truk Atoll, did, each and together, on or about 17 February 1944, on Dublon, Truk Atoll, at a time when a state of war existed between the United States of America, its allies and dependencies, and the Japanese Empire, wilfully, maliciously, feloniously, with premeditation and malice aforethought, without justifiable cause, and without proper trial or other due process, assault, strike, and kill, with dangerous weapons, to wit, swords and loaded firearm, further description to the relator unknown, seven (7) 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 laws and customs of war and the moral standards of civilized society. JK

CHARGE II

ASSAULT WITH INTENT TO COMMIT MURDER

SPECIFICATION

.....

CHARGE III

NEGLECT OF DUTY IN VIOLATION OF THE LAWS AND CUSTOMS OF WAR

SPECIFICATION 1

.....

SPECIFICATION 2

.....

C. A. FOWNALL
Rear Admiral, U. S. Navy,
The Commander Marianas Area, JK

EXHIBIT 9 (2)

0974

.....
The judge advocate was recalled and directed to record the following findings:

As to the accused, TANAKA, Masaharu:
The specification of the first charge proved.
And that the accused, TANAKA, Masaharu, captain, Imperial Japanese Navy, is of the first charge guilty.

.....
As to the accused, DANZAKI, Tomeroku:
The specification of the first charge proved.
And that the accused, DANZAKI, Tomeroku, lieutenant commander, Imperial Japanese Navy, is of the first charge guilty.

.....
As to the accused, YOSHINUMA, Yoshiharu:
The specification of the first charge proved.
And that the accused, YOSHINUMA, Yoshiharu, lieutenant (junior grade), Imperial Japanese Navy, is of the first charge guilty.

.....
CERTIFIED TO BE A TRUE COPY

/s/ E. R. Field, Lt., USNR.

EXHIBIT 9(3)

0975

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

A17-10/FF12/
13-JDM-gmr

21 DEC 1946

Serial: 19962

.....
The proceedings in the foregoing case of Captain Masaharu Tanaka, IJN, Lieutenant Commander Tomeroku Danzaki, IJN, and Lieutenant, junior grade, Yoshiharu Yoshinuma, IJN, are approved. The findings of guilty on Charges I and III and the specifications thereunder and the sentences are approved.
.....

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

To: Commander in Chief United States Pacific Fleet and Pacific Ocean Areas.
Re: Record of proceedings of military commission - case of Captain Masaharu TANAKA, IJN, et al.

EXHIBIT9 (4)

0976

THE PACIFIC COMMAND
and United States Pacific Fleet
Headquarters of the Commander in Chief

Cincpacflt File
A17-25

c/o Fleet Post Office,
San Francisco, California.

Serial 20

3 JAN 1947

.....
Subject to the foregoing, the proceedings, findings of guilty, sentences, and the action of the convening authority thereon, in the foregoing case of Captain Masaharu TANAKA, IJN, Lieutenant Commander Tomeroku DANZAKI, IJN, and Lieutenant, junior grade, Yoshiharu YOSHINUMA, IJN, are approved.

Prior to the execution of the death sentence adjudged in the case of Captain Masaharu TANAKA, IJN, the record is, in conformity with section D-14, Naval Courts and Boards, respectfully referred to the Secretary of the Navy.

J. H. TOWERS
Admiral, U. S. Navy,
Commander in Chief, Pacific,
and United States Pacific Fleet,
and Military Governor of the Marianas Area.

To: Judge Advocate General.

Re: Record of proceedings of Military Commission - case of Captain Masaharu TANAKA, IJN, et al.

EXHIBIT 9 (5)

0977

Address reply to

NAVY DEPARTMENT
Washington 25, D. C.

and refer to
JAG:I:MDS:bem
A17-10/OQ 151334 - 154637
(4-2-47)

16 April 1947

From: The Secretary of the Navy.
To: Commander Marianas Area.
Via: Commander in Chief, United States Pacific Fleet.

Subj: Action upon records of Military Commission trials.

1. In accordance with the provision of Section D-14, Naval Courts and Boards, 1937, the Acting Secretary of the Navy has this date confirmed the following sentences of death, adjudged by Military Commissions:

(a)

(b) In the case of Captain Masaharu Tanaka, Imperial Japanese Navy, tried in joinder with Lieutenant Commander Tomeroku Dansaki, Imperial Japanese Navy, and Lieutenant junior grade, Yoshiharu Yoshinuma, Imperial Japanese Navy, by a military commission, convened 15 October 1946 by the Commander Marianas Area -

"The commission, therefore, sentences him, Tanaka, Masaharu, captain, Imperial Japanese Navy, to be hanged by the neck until dead, two-thirds of the members concurring."

The Commander, Marianas Area, the convening authority, on 21 December 1946, approved the proceedings, findings of guilty, and sentence, in this case.

The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 3 January 1947, subject to remarks, approved the proceedings, findings of guilty, and sentence in this case, and the action of the convening authority thereon.

2. Subject to any directives issued by the Commander in Chief, United States Pacific Fleet, not inconsistent with this directive, the Commander Marianas Area is hereby directed to effect the execution of the sentences as confirmed.

/s/ JOHN L. SULLIVAN
Acting Secretary of the Navy.

EXHIBIT 9 (6)

0978

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

15 MAY 1948

I hereby certify that the annexed are true excerpts taken from the official records of Commander Marianas Area.

The annexed excerpts taken from the official record in the case of Captain Susumu Kawasaki, IJN, et al, consist of the following:

1. Excerpts from the charges and specifications dated 6 April 1946.
2. Excerpts from the action of the confirming authority, The Secretary of the Navy, dated 10 March 1947.



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

EXHIBIT 10 (1)

0979

A17-25/FF12
13-JLM-00

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial:

April 6, 1946

From: The Commander Marianas Area.
Lieutenant William P. MAHONEY, USNR, or Lieutenant Edward L.
FIELD, USNR, Judge Advocates, Military Commission, Commander
Marianas.

Subject: Charges and Specifications - in the case of:

.....
.....
Lieutenant, junior grade, HORIE, Kiroku, Imperial Japanese Navy,

1. The above named men 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

MURDER

SPECIFICATION 1

.....
.....

SPECIFICATION 2

In that HORIE, Kiroku, then a Warrant Officer, IJN, and other persons
unknown, attached to the military installation of the Imperial Japanese Navy
at Wake Island, and while so serving at said military installation of the
Imperial Japanese Navy at Wake Island, did, on or about October 7, 1943, on
Wake Island, at a time when a state of war existed between the United States
of America and the Japanese Empire, wilfully, feloniously, with premeditation
and malice aforethought, without justifiable cause, and without trial or other
due process, assault, strike, and kill, by shooting with a loaded firearm,
about twenty-five (25) American prisoners of war, names to the relator un-
known, then and there held captive by the Armed Forces of Japan, this in
violation of the law and customs of war and the moral standards of civilized
society.

AUTHENTICATED AS TRUE COPY:

/s/ William P. Mahoney
WILLIAM P. MAHONEY,
Judge Advocate.

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

EXHIBIT 10(2)

0980

NAVY DEPARTMENT
WASHINGTON-25, D. C.

JAG:I:MDS:vll
Mil.Com.-KAWASAKI, Susumu/
A17-20 (1-29-47) 149234

10 MAR 1947

From: The Secretary of the Navy.
To: Commander Marianas Area.
Via: Commander in Chief, United States Pacific Fleet.
Subj: Military Commission case of Captain Susumu Kawasaki, I.J.N.,
and Lieutenant (junior grade) Kiroku Horie, I.J.N., tried in
joinder with Commander Hikaru Cho, I.J.N., by your order on
11 April 1946.

1. The Military Commission before which Captain Susumu Kawasaki, I.J.N., and Lieutenant (junior grade) Kiroku Horie, I.J.N., were tried in joinder with Commander Hikaru Cho, I.J.N., at Guam, Marianas Islands, under date of 11 April 1946, found/guilty of the Charge, Murder, (In the case of Horie, 2 specifications - specification 1, not proved) and adjudged the following sentences:

".....
.....
....."

"The commission, therefore, sentences him, Horie, Kiroku, Lieutenant, Junior Grade, Imperial Japanese Navy, to be hanged by the neck until dead, two-thirds of the members concurring."

2. The Commander, Marianas Area, the convening authority, on 14 May 1946, subject to remarks, approved the proceedings, findings and sentences in this case.

3. The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 20 May 1946, approved the proceedings, findings and sentences, in this case, and the action of the convening authority thereon.

4. In accordance with the provision of Section D-14, Naval Courts and Boards, 1937, the Acting Secretary of the Navy, on 9 January 1947, commuted the sentences of death in the case of Kawasaki and Horie, to imprisonment at hard labor for the term of their natural lives.

/s/ John L. Sullivan

CC: CNO

Acting Secretary of the Navy.

EXHIBIT 10(3)

0981

KOBAYASHI, MASASHI

(13 MAY 1948)

(VOL. V)

(165564)

0982

Case of
Kobayashi, Masashi
May 13, 1948

RECORD OF PROCEEDINGS
of a
MILITARY COMMISSION
convened at
United States Pacific Fleet,
Commander Marianas
Guam, Marianas Islands,
by order of
The Commander Marianas Area

VOLUME V

0983

Majuro Atoll,
Marshall Islands,

Wednesday, October 24, 1945.

I, CHISATO OISHI, Colonel, Imperial Japanese Army, senior Army officer stationed at Mille Atoll, make the following free and voluntary statement:

After the meeting that I had with Captain SHIGA at Navy Headquarters at about 1300, American time, for the purpose of determining our defense plans for Mille Atoll I returned to my own headquarters at about 1400, American time.

At approximately 1400 or 1500 I received a call from Lieutenant HIRAOKA, the Army liaison officer, stationed at Navy Headquarters. Lieutenant HIRAOKA said, "Captain SHIGA has ordered that three American prisoners of war be turned over to the Army to be executed, may I have permission to assign the three Americans to the three Army Units".

I gave him my permission and this terminated the call.

About one month later Major NAKAO reported to me verbally that the Atoll Commander's orders concerning the execution of the American prisoners of war had been carried out. Next, about forty days after the execution, Major TAKARADA also reported that his unit had executed an American as had been ordered. About two or three days after receiving this report Captain ISHII reported to me that his unit had, as ordered, executed the American flyer that had been assigned to him.

It was out of consideration for Captain SHIGA that I have, up until now, concealed the above true story of the executions of the American prisoners of war on Mille.

The above statement was read to me in Japanese by an interpreter who signed opposite my name as a witness. The above statement is a true statement of the facts and events set forth, and is voluntarily made by me.

/s/ Satonu T. Sunamoto
Witness /s/ T/3 AUS

/s/ Chisato Oishi
CHISATO OISHI
Colonel, Imperial Japanese Army.

"Exhibit 7"

CERTIFIED TO BE A TRUE COPY.

Herbert L. Ogden
HERBERT L. OGDEN,
Commander, United States Navy.

Exhibit 11

0984

(2)

各所轄長が順序で改報をせし、隊は、
 「捕虜に属するものとして、一報をせしむ
 右、報告は、新林町会館、及び各隊、河村田隊
 各隊其他各隊に、所々報告せしむ
 右、報告せしむとす新林町会館、及び各隊は、
 一平素と異なり、別に努力して、模範をアツ
 せしむ

ハ、後所藏の述詞 = 新林同書院。ビク
多珠カウに如く件、就ニハ何れ迄にハズル
コト

爲高刑受施也。コトヲ報告スルハ、
何モ其ノ必要ナシ

故, 漸近距離 $r = r_0$

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右、内振の曲線は、 $\alpha = \frac{\pi}{2}$ の場合

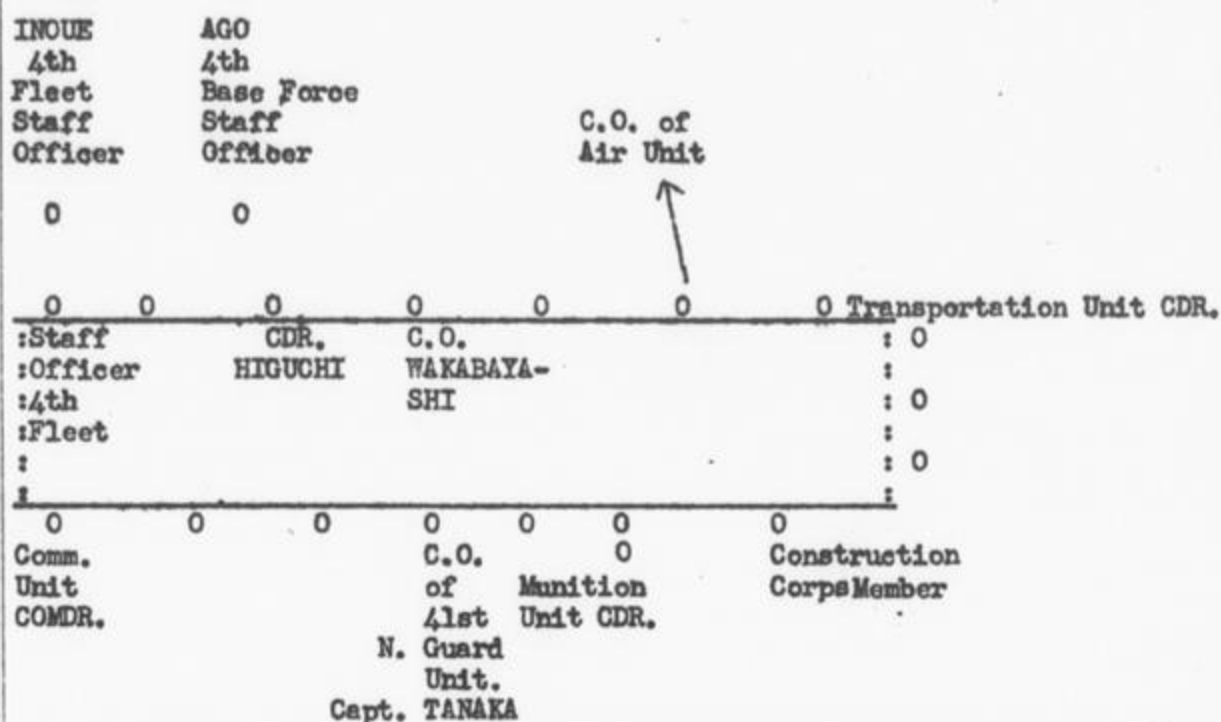
Subscribed and sworn to before me this 22nd day of Sept. 1907.
I swear that I have truly translated the N.H. System, Bonds, 1907
administration of the above oath. *Fredmatt Savory*

"Exhibit 12"

0986

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

The appearance of the seating at that meeting is given in the following sketch.



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

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

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

The above facts are correct.

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

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

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

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

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

/s/ Frederick A. Savory.

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

Eugene E. Kerrick, Jr.
LT., USNR., Interpreter.

"Exhibit 12a"

0987

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

21 May 1948.

I hereby certify that the annexed excerpt is a true excerpt from the record in the case of Kawasaki, Susumu, et al, as filed in the office of the Director War Crimes, Pacific Fleet, Commander Marianas Area.

This excerpt consists of the entire testimony of Miyaki, Toshiro, including direct examination, cross examination, and re-direct examination.

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

Exhibit 13(1)

0988

Examined by the judge advocate:

1. Q. State your name and rank.
A. Miyaki, Toshiro, Warrant Officer, Imperial Japanese Navy.
2. Q. Were you ever stationed on Wake Island?
A. Yes.
3. Q. When did you come to Wake Island?
A. I arrived on Wake on the 23rd of December 1941.
4. Q. To what unit were you attached on Wake Island?
A. I was attached to the Uchida unit.
5. Q. Who was your platoon leader?
A. Warrant Officer Horie was the platoon leader.
6. Q. And who was the commanding officer on Wake Island, if you know, in the year of 1942?
A. Captain Kawasaki, Susumu, of the Imperial Japanese Navy.
7. Q. If you recognize Captain Kawasaki today, would you point him out and have him stand?
A. That is Captain Kawasaki. (The witness pointed to Captain Kawasaki, and Captain Kawasaki stood.)
8. Q. What unit was Captain Kawasaki the commanding officer of on Wake at this time?
A. He was commander of the 65th Defense Unit.
9. Q. Who was the executive officer, if you know?
A. Commander Cho of the Imperial Japanese Navy.
10. Q. If you recognize Commander Cho in court today, would you point him out to the commission?
A. That is Commander Cho. (The witness pointed to Commander Cho, and Commander Cho stood).
11. Q. Were you part of the invasion forces that came to Wake Island in December, 1941, Miyaki?
A. Yes.
12. Q. About how many, to your knowledge, prisoners were taken when the Japanese took over at Wake?
A. About 1,400 men.
13. Q. Were these prisoners American?
A. I believe they were mostly American.
14. Q. Were any of these prisoners ever taken back to Japan?
A. Yes.
15. Q. When was the first group taken back to Japan, Miyaki, if you know, and about how many were in that group?
A. To the best of my knowledge, about 1,000 or a little less went on the first evacuation.
16. Q. And what was the date of that first evacuation?
A. It was on the 15th of January, 1942.
17. Q. When was the next group, if any, of prisoners taken back to Japan, Miyaki?
A. To the best of my knowledge, the next evacuation took place in March or April 1942.

Exhibit 13 (2) (11)

0989

18. Q. And approximately how many prisoners were returned on that evacuation?
A. Around 200.
19. Q. Were there any more prisoners taken back to Japan?
A. Yes.
20. Q. When, and how many?
A. In autumn, 1942, 300 or 400 were evacuated to Japan proper.
21. Q. About how many prisoners were left on Wake Island?
A. Approximately 100.
22. Q. Who were these men? Were they civilians or soldiers?
A. To the best of my knowledge, most of the prisoners left on the island of Wake were civilian workers.
23. Q. If you recognize the accused Horie in court today, would you point him out to the commission?
A. That is Horie. (The witness pointed to Lieutenant (jg) Horie, and Lieutenant Horie stood.)
24. Q. Miyaki, did you ever witness an execution on Wake Island during the year 1942?
A. Yes.
25. Q. Approximately when, to your knowledge, did this execution take place?
A. It took place some time in May, 1942.
26. Q. Have you any way by which to tie in that date? How do you recall it was in May 1942?
A. I associate this time with the Imperial Japanese Navy Day, which is on the 27th of May, and the execution or executions took place sometime prior to this time, May 27.
27. Q. How much prior to that time roughly?
A. To the best of my knowledge, it was about 27 days before Navy Day.
28. Q. Where did the execution take place, Miyaki?
A. This execution took place behind the lumber yard of the headquarters on the sea shore.
29. Q. I show you the prosecution's exhibit #3, which is a map of Wake Island, and ask you if you can point out to us the spot where the execution took place?
The witness indicated a point on the lagoon shore on the north part of Wake Island, and the point was marked "1" on prosecution's exhibit #3.
30. Q. Did you actually watch this execution, Miyaki?
A. Yes.
31. Q. How far were you standing away from the point where the execution took place?
A. Approximately 15 meters.
32. Q. What was the manner of execution, that is, what instrument was used?
A. A samurai sword was used in the execution.
33. Q. Who wielded the sword, that is who was the actual executioner?
A. Warrant Officer Horie was the executioner.

Exhibit 13 (3)

0990

34. Q. Was that the presently Lieutenant (jg) that you pointed out just previously?

A. Yes.

The judge advocate asked the defendant, Lieutenant Horie to stand. Lieutenant Horie stood.

35. Q. Is the man standing Horie to whom you are referring?

A. Yes.

Lieutenant Horie sat down.

36. Q. To your recollection what other officers, if any, were present at the scene of the execution?

A. I recall seeing Lieutenant Ogawa and Lieutenant (jg) Kewada.

37. Q. Did you see either Captain Kawasaki or Commander Cho at the scene?

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

The judge advocate withdrew this question.

38. Q. You say, Miyaki, that the execution was by means of a sword. How many blows did it take to kill this person?

A. The execution was performed with one blow of the sword.

39. Q. Who, if you know, gave the executioner the order to swing the sword?

A. I do not know.

40. Q. What was his nationality, if you know, or what was his general description?

A. The executed man was a white man. He was very tall. Other descriptions of this man I cannot recall.

41. Q. To your knowledge, was this person executed given a trial before he was put to death?

A. I cannot say exactly if the prisoner was judged in front of a judge by a court martial or not. However, a little before he was executed, someone read off the offense for which the prisoner was going to be punished.

42. Q. Do you know, Miyaki, why this man was put to death?

A. The executed man was accused of stealing, robbing the canteen. He was accused of being intoxicated and he was also found signalling from the roof tops of the barracks.

43. Q. Miyaki, do you recall an execution of prisoners that took place in the year 1943?

A. Yes. I know of the executions in the year 1943.

44. Q. What was the time of this execution?

A. This execution was performed on the evening of the 7th of October 1943.

45. Q. Describe to the commission just what you saw in the course of that evening.

A. On this date, I recall seeing 96 prisoners of war being led to a beach near the headquarters. These prisoners were all executed or killed on the beach.

46. Q. Did you see these prisoners, you say, on the way to the beach?

A. Yes.

Exhibit 13 (4)

47. Q. How far were you from the prisoners when they passed you?
A. From 5 to 10 meters away.
48. Q. About what time of the evening did they go past you?
A. It was immediately after sunset. I would place the time as somewhere in between 6 to 7 o'clock.
49. Q. American or Japanese time?
A. Tokyo time.
50. Q. What was the condition of these prisoners as they went by? How were they attired and so forth?
A. The prisoners were attired in an ordinary suit of pants and shirt. Their hands were tied. All of them were blindfolded.
51. Q. Did they appear to be prisoners, and if you think so, how did you arrive at that conclusion?
A. I recognized them as prisoners because they were dressed differently from the Japanese soldiers. They were also not armed, and they were physically much bigger than the Japanese soldiers.
52. Q. Did you see or hear anything occurring after the prisoners went past the place you were standing?
A. About 10 or 15 minutes after the prisoners had been led past me, I heard machine gun and rifle shots and the sound came from the direction of the beach to where the prisoners had been led.
53. Q. Did you later see the bodies of the prisoners?
A. Yes.
54. Q. How long after you heard the shots did you see the bodies?
A. Approximately 30 minutes.
55. Q. In what capacity were you at the place where the bodies were?
A. I was one of the working party that went down to the beach to bury the bodies of the executed prisoners. They had to bury the bodies before the moon had gone down, because they were expecting the American forces to land immediately after the moon had gone down.
56. Q. Describe the conditions of the bodies as to wounds and so on, if there were any.
A. I did not examine the bodies carefully. However, I could see at a glance that the bodies were riddled with holes. I saw definitely that they were all spattered with blood.
57. Q. And were they to your knowledge the bodies of the prisoners?
A. Yes.
58. Q. What unit did you belong to during this time, Miyaki?
A. I belonged to the Headquarters Company, Fifth Platoon.
59. Q. What units, if you know, carried out the executions of these prisoners?
A. As far as I know, the execution was performed by the First, Second and Third Platoons of the Headquarters Company.
60. Q. Who were the platoon leaders of those platoons of the Headquarters Company?
A. I am not sure. However, to the best of my knowledge, Ensign Nonaka, of the first platoon, Warrant Officer Nakamura of the second platoon, and Warrant Officer Horie of the third platoon.

Exhibit 13 (5)

0992

61. Q. I shall ask this man to stand and ask you if that is the Warrant Officer Horie you refer to as being leader of the third platoon of the Headquarters Company.

The judge advocate asked Lieutenant Horie to stand, and Lieutenant Horie stood.

A. It is the same man.

Lieutenant Horie resumed his seat.

62. Q. Did you see Horie at any time during this evening of October 7, 1943?
A. Yes.

63. Q. Where did you see him?

A. I saw Warrant Officer Horie in front of the air raid shelter of the headquarters, and I later again saw Warrant Officer Horie leading the prisoners down to the beach.

The judge advocate showed the witness the prosecution's exhibit #3.

64. Q. I show you again a map of Wake Island which is prosecution's exhibit #3 and ask you if you can indicate the line of march that these prisoners took on the way to the beach; that is just indicate the direction and location of that walk.

The witness drew a line running northeast and marked number "2" on the map of Wake Island, prosecution's exhibit #3, and the exhibit was shown to the accused and to the commission.

65. Q. Is the northern-most point of this line which ends here at the beach the point where you found the bodies of the prisoners?

A. I saw the bodies at the point indicated.

66. Q. Indicate it again. Point it out. Where did you see the bodies?

The witness indicated the northern tip of this line that he drew, marked number "2" on the prosecution's exhibit #3, as the place where he saw the bodies.

67. Q. I show the witness the prosecution's exhibit #3, which is a map of Wake Island and ask him if he can indicate on this map where the prisoners of war were billeted.

The witness indicated a spot marked number "3" on the map as the barracks of the prisoners.

The prosecution's exhibit #3 was shown to the accused and to the commission.

68. Q. Was a trial ever given these 96 or 97 prisoners that were executed October 7, 1943, to your knowledge?

A. To the best of my knowledge, these 96 or 97 prisoners of war were not given a trial.

69. Q. At the time of this second execution, who was the commanding officer of Wake Island?

A. The commanding officer at this time was Captain Sakaibara, Shigematsu, Imperial Japanese Navy.

70. Q. And who was the executive officer?

A. Lieutenant Tachibana, Soichi.

Exhibit 13(6) (7)

0993

Cross-examined by the accused:

71. Q. Miyaki, were you a Warrant Officer at the time you landed at Wake Island?

A. No. I was petty officer third class.

72. Q. What were your duties in Horie's platoon?

This question was objected to by the judge advocate on the ground that it was assuming something that had not been brought out.

The accused replied.

The objection was not sustained.

A. I was a squad leader in the platoon led by Warrant Officer Horie. I held this position until April 1943.

73. Q. Why were you present at the execution in May 1942?

A. I received no orders to be present at the execution or to be one of the executioners.

74. Q. How did you know of the offenses the prisoner had committed that was sentenced to death in May, 1942?

A. I heard Lieutenant Ogawa read off the charges brought against the executed prisoner.

75. Q. Were the charges and offenses read off to the prisoner in Japanese and English both?

A. The charges were read in English.

76. Q. Do you understand English?

A. No, but I know a few words.

77. Q. Then how do you know what the - did you suppose from the reading of the sentence that a trial had been held?

This question was objected to by the judge advocate on the ground that it did not call for a statement of fact.

The accused replied.

The commission announced that the objection was not sustained.

A. I do not know if the prisoner was tried or not. I only know that he received the sentence of execution for the offenses of stealing and signalling.

78. Q. Did you hear of an order on Wake Island that any prisoner who attempted to escape from the stockade after dark would be severely punished?

A. No.

79. Q. Did you hear of an American prisoner having escaped from Wake Island prior to the execution in May 1942?

A. Yes. I heard of a prisoner escaping from Wake in a motor launch. I also heard that the prisoner was recaptured near the island of Truk.

Exhibit 13 (7)

(8)

0994

80. Q. In October, 1943, how far were you from the place where you found the bodies of the prisoners at the time you heard the rifle fire gunshot?
A. Approximately 150 meters away.

81. Q. Why do you think the First, Second, and Third Platoons performed the executions if you were not present?

A. I know that the execution was committed by the platoons I mentioned because these platoons were held in reserve. They were mobile and were to be sent wherever they were needed. The Fifth and Sixth Platoons had to man their battle stations.

82. Q. Did you actually see the platoons that you have mentioned at the scene of the execution?

A. Yes.

83. Q. Did you actually see Horie at the scene of the execution when the 96 prisoners were killed?

A. Yes.

Reexamined by the judge advocate:

84. Q. When you arrived at the scene of the execution in May 1942, that you testified about, had a grave already been prepared?

A. I cannot recall if a grave was dug or not.

85. Q. Were Japanese military personnel already assembled there when you arrived at the scene?

A. Yes.

86. Q. Included in this group were there Japanese officers?

A. I remember seeing Lieutenant Ogawa and Lieutenant (jg) Kawada.

87. Q. Were there any other Japanese officers there that you know of?

A. There were other officers on the scene, but I cannot recall their names.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

(9)

Exhibit 13 (8)

0995

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AFFIDAVIT

RECORDED AND INDEXED

STATE OF California)
COUNTY OF Los Angeles) ss:

I, LOUIS SILVIE ZAMPERIEL, Captain, Air Corps, O-663341, being duly sworn depose and say that:

I am an American citizen, having been born in Olean, New York on January 26, 1917. My permanent home address is 2028 Gramercy Avenue, Torrance, California, and I am presently stationed at Birmingham General Hospital, Van Nuys, California. I was attached to the 11th Bomb Group, 42nd Squadron, 7th Air Force when the B-24 on which I was bombardier crashed into the ocean north of Palmyra on the 27th of May 1943. The raft on which I and the other survivors of the crew took refuge, drifted for 47 days and eventually beached on one of the western most islands of the Marshall Islands. On the 14th of July 1943 we were picked up by a Japanese fishing boat and taken to Maloelap where we were held for two days. Then Lt. Russell A. Phillips and I were taken to Kwajalein where we were held for 43 days. On the 27 of August 1943, we were moved by ship to Japan, arriving in Yokohama on the 15th of September. I was immediately taken to Ofuna Prison Camp where I remained until the 29th of September 1944. On that date I was moved to Omori Prison Camp, remaining there until the 1st of March 1945. From then until we were released on the 5th of September 1945, I was held at Camp 4B, Moetsu. I returned to the United States on the 2nd of October 1945 at San Francisco, California.

When I was picked up by the Japanese after I had been 47 days at sea on a raft existing on birds and fish and whatever else we could get, I weighed only 79½ pounds when my normal weight is 160. I was physically and mentally a wreck. Lt. Russell A. Phillips, the only other survivor of this ordeal was in the same condition. Instead of receiving any medical treatment and care by the Japanese as would have been given by the United States Forces, we were taken to Kwajalein and thrown into a dungeon where we remained in solitary confinement for the next 43 days.

The room in which I was thrown was 2 feet 3 inches wide, 6 feet long, and 7 feet high. No light entered from any source. Only a crack in the ceiling let in some air. The small doorway entered into a hallway so that no light or air came into the room. The door was locked from the outside so that we could not have left if we had wanted. Although the floor was wooden it had gravel and dirt on it. I was not given a blanket or anything on which to sleep. For a latrine there was a hole cut in the floor in which a can was inserted. I was forced to sleep with my head near that open can

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Exhibit 14 (1)



CONFIDENTIAL

2

because there was no other room available.

When I was thrown into the dungeon, I was given a couple pieces of hardtack. After that I was fed three times a day, each meal consisting of a rice ball, the size of which was half way between a golf ball and a tennis ball. In addition I was given a mouth full of soup with some of my meals to wash it down. I was not given any eating utensils and had to eat the rice with my hands. During these 43 days I was never allowed to smoke. One time the Japanese in charge came by and flipped a cigarette butt in my face but that was as close as I came to smoking except for cigarettes which one of the friendly guards would smuggle in to me.

I had continual diarrhea and dysentery and could hardly sit still for more than 5 minutes. The refuse pail filled up with blood and mucus and maggots were crawling everywhere. The odor was so bad that the Japanese guards could not stand it themselves and would only come in for a minute. As I had no flesh on my bones, they cut through the skin and it was impossible for me to sit or stand or lie in any way that was comfortable. Every day I tried to get a blanket so that I would have some padding on which to lie, but they refused to give me one.

The guards did not give me enough water to quench my thirst and I constantly kept asking for more water. At least 5 different times the following incident happened: I would crawl to the little hole in the door and ask for water. The guard went away and came back with a glass of boiling water and threw it through the open slit in my face. I can remember this very well because my face peeled because of the burns.

Although I had dengue fever, dysentery, diarrhea, and was suffering from malnutrition, they did not give me any satisfactory medical treatment. I called for the doctor every day and one time I can recall he came in, looked at me, laughed, and went out of the room. I think the Japanese used both Phillips and myself as guinea pigs in an experiment. They realized that we had undergone untold hardships in remaining alive after 47 days on a raft, so they were apparently trying to find something which would help their own airmen if a similar situation existed for them. We were taken out into the open yard and laid on our backs. The milk or juice from a green coconut was injected into us intravenously. About 100 or 200 Japanese gathered around to watch the results. They asked me how I felt and I told them that it felt like pins and needles shooting through me. In addition it was a similar feeling to that you experience when you're pulling out of a power dive in an airplane. Another

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Exhibit 14 (2)



C O N F I D E N T I A L

3

result was that within 10 or 15 minutes after the injection a rash broke out all over my body similar to hives. A few days after this first experiment they tried it again doing this about 4 or 5 times. By the final experiment they had worked up the amount of the injection to one pint. Other than the above, I did not receive any medical treatment by the Japanese at Kwajalein.

lfb The guards constantly irritated me. One day one of them came inside my cell with a drawn pistol and told me to dance for him. I was so weak I could hardly move and I refused. He cocked the pistol and so I danced. It apparently amused him because he told some of the other guards and I was made to do this almost every day. The guards also threw little pebbles at me through the slit in the door and they took apparent pleasure in swatting me with a long stick which they thrust through this slit. I remember one time I got so mad and irritated at this constant jabbing with a stick that I grabbed it away from the guard. I fully expected then for him to kill me, but I didn't care. However, he didn't do anything, I think, because he knew he was violating his own orders. During the time that I was confined in this cell, I was not given one bath or shower. The only time I was even permitted to wash my hands was one day before a meal. I never shaved and my beard was down to my chest. Although my clothes were ripped and nearly off me when I arrived at Kwajalein I was not given any others and had to hold my pants on with fishing line. When I left Kwajalein on the 27th of August 1945, I had not gained any weight and still was around 80 pounds.

At Kwajalein we were imprisoned by Japanese Navy officials. The man in charge of the prison camp held the rank equal to a warrant officer in the U.S. Navy. He was about 35 or 40 years old, 5'8", 140 to 145 pounds, slender, drawn thin face, mean look. I never heard his name mentioned. At that time I did not know any Japanese, so I did not remember any of the names I heard. I cannot recall the description of any of the guards there.

Lt. Phillips is presently on leave at his home, Princeton, Indiana. He will be able to verify the above circumstances.

To the best of my knowledge, the testimony I have given herein covers all pertinent details of this incident.

LOUIS SILVIO ZAMPARINI, Captain
O-663341.

Subscribed and sworn to before me this day of October 1945 at

C O N F I D E N T I A L

Exhibit 14 (3)



CONFIDENTIAL

CERTIFICATE

STATE OF California)
COUNTY OF Los Angeles)SS

I, Norman J. Wiener, Agent, SIC, 98C, certify that Captain Louis Silvio Zamperini personally appeared before me on the 1 day of November ~~October~~ 1945 at Birmingham Gen Hospital and made the foregoing statement concerning war crimes.

Norman J. Wiener
Agent, SIC, 98C

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EXHIBIT 14 (4)

0000

non classified
~~CONFIDENTIAL~~

HEADQUARTERS THIRD NAVAL DISTRICT
FEDERAL OFFICE BUILDING
90 CHURCH STREET
NEW YORK, N.Y.

In the matter of the beating and
torturing of Lieut. Commander
George Estabrook Brown, Jr.,
95383, U.S.N.R., on Truk Island,
at Ofuna Secret Questioning Camp,
at Onari Prison Camp and at
Mitsushima Prison Camp, from
November 20, 1943 to September 4,
1945, by unknown Japanese personnel.

Perpetuation of Testimony
of George Estabrook Brown,
Jr., Lieut. Commander,
U.S.N.R.

Taken at: Legal Office, Third Naval District,
90 Church Street, New York, N.Y.

Date: 10 July 1946

In the Presence of: Lieut. Commander Elroy G. True, Jr.,
(D), U.S. Naval Reserve.

Reporter: Charles H. Laird, stenographic-reporter.

Questions by: Lieut. Commander Elroy G. True, Jr., (D),
U.S. Naval Reserve.

- Q. Please give your name and rank.
A. George Estabrook Brown, Jr., 95383, U.S. Naval Reserve,
Lieut. Commander, now on inactive duty.
- Q. Please state the date and place of your birth.
A. April 9, 1919, Cleveland, Ohio.
- Q. Are you married or single?
A. Single.
- Q. Please state the extent of your formal education.
A. I attended Yale University for two years, 1937 to 1939,
and New York University for one year, 1939-1940.
- Q. Where is your official residence?
A. 1172 Park Avenue, New York, N.Y.
- Q. What is your occupation?
A. Banking.

-1-

ENCLOSURE (A)

Exhibit 15 (1)

non classified
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Q. Please state the date of your capture and the dates and locations where you were held as a prisoner of war.

A. The date of my capture was November 19, 1943. From November 20, 1943 to about November 28, 1943, I was at Truk Island; from November 28, 1943 to December 5, 1943, en route to Japan on board a Japanese auxiliary carrier, former NYK converted liner; from December 5, 1943 to January 15, 1945, retained in the Ofuna secret questioning and intimidation camp, Ofuna, Japan, eight miles from Tokyo; from January 15, 1945 until March 1, 1945, Omari Prison Camp, Tokyo POW Camp No. 1; from March 1, 1945 until September 4, 1945 at Mitsushima Prison Camp, Mitsushima, Japan, Tokyo Detached Camp No. 2.

Q. Please relate the treatment you received immediately after your capture?

A. Thirty-nine men and two officers and myself were taken aboard the Japanese destroyer. The Japanese put poles and ropes over the side for us to climb up if we had the strength. Upon coming on deck my crew were stripped of any excess clothing they had, all personal effects and jewelry. We were then ordered forward through two rows of Japanese enlisted men who lined the deck, with small paddles and clubs and sticks who pounded us on the head and the body and legs as we passed forward to the forecastle. Upon arrival in the forecastle, the Japanese made us face forward while they continued to pick up the rest of the men, in a crouched position. At that time the Japanese pharmacist's mate performed slight medical treatment to those with wounds. One man who appeared to be too far gone, was thrown over the side after a brief inspection. The Japanese officials then took one of my enlisted men around behind a gun turret and worked him over to get information about the submarine and about our destination and home port. When they were through questioning the enlisted man they called me and proceeded to beat me with their fists and a small club for having given them false information about the name of the ship, the skipper and the tonnage. They questioned me concerning the date of sailing and destination. When I refused to answer they again beat me with their fists and told me the answers they received from the enlisted man. Then they returned me to the group of men on the forecastle of the destroyer and proceeded to Truk.

Q. Can you describe or give the names of any of the persons responsible for the beating or torture to which you were subjected?

A. I don't remember anything about any of the personnel on the destroyer. However, a Japanese captain in the naval intelligence who was in charge of the questioning at the Ofuna Prison Camp, knows the name of the skipper of this destroyer. This Japanese captain was known by Commander John Fitzgerald, U.S.N., of the Grenadier, and Captain Mayer, former gunnery officer of the Houston, whose name could be found in their reports under the nick-name of the "little commander". This same intelligence captain was

non classified
~~CONFIDENTIAL~~

also attached to the Japanese Embassy in Washington at the time of Pearl Harbor and was detained at Hot Springs, Virginia. He was a post-graduate of the Princeton University and University of Vermont.

Q. Please relate the treatment you received immediately after you were taken off the destroyer.

A. I was blind-folded, bare-footed and the only clothing I had was a pair of torn underdrawers. We were forced to walk across a coral beach bare-footed with a Jap guard prodding us with rifles; our hands were handcuffed with rope. We were pushed into a truck and taken to a small detention camp or prison on the far side of this island. Upon arrival at this camp, still blind-folded, we were forced out of the truck and made to walk across more sharp coral and forced into small 8 x 6 cells, with thirteen men to each cell. The Japanese guards were poking clubs and beating the men who were near the door. After ten minutes in this cell I was removed and again blind-folded and hands bound and led across the coral to a table set up in the yard behind which a Japanese Rear Admiral and five or six other ranking officers of the Japanese Navy were seated. They proceeded to question me through an interpreter. The method of questioning was to have two Japanese enlisted men stationed behind the personnel with six foot, 2 x 2 clubs. Upon a signal from the Admiral, the Japanese seaman would apply four or five swats across the back and legs of the personnel being questioned, then the Admiral would ask a question through the interpreter. Upon the person's giving his answer, true or false, the admiral would again signal and another rain of blows would be showered from behind. At one time during the questioning, the force of the blows were such that they lifted me off the ground and across the table and I fell upon the Japanese Admiral. I was then dragged off and severely beaten for daring to attack a Japanese Admiral. After this questioning I was led blind-folded to a pill-box and made to stand at attention for 48 hours, broken only by intervals of questionings and beatings. At any time that I relaxed from a position of rigid attention, the guard would drop his rifle on my bare foot or kick me in the shins and beat me over the head with his rifle butt. After two days the more serious part of the questioning seemed to cease and I was returned to the cell block where my enlisted men were. The Japanese made no segregation of the wounded and the healthy men and gave no medical treatment while in Truk. We were constantly harassed and clubbed by guards stationed in the compound of the cell block for the ten days we were on Truk. There was only sufficient space in the cell for three men to lie down at a time. Therefore ten men had to squat or stand while three rested for a short period. After ten days we were removed from the cell block and marched across the coral to small boats and were taken out to two Japanese converted M.K. carriers.

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Q. Did these beatings or any one particular blow cause you any continuing disability?

A. I don't believe so.

Q. What information did the admiral seek to obtain from you?

A. The admiral sought to obtain information concerning the operation of other submarines in the Truk area, the operation of submarines from Pearl Harbor, fleet operations in Pearl Harbor and the Solomons; information concerning radar; information concerning construction and engineering problems aboard the Sculpin; information concerning other war patrols made; information concerning past naval history, education, naval schooling, health conditions, and what I believe was for his own personal information, morale conditions of Americans and their allies, and code and communication information.

Q. What happened to you after this assault?

A. After ten days I was removed from Truk and sent to Honshu, Japan, and landed at Yokosuka, where we were again blindfolded and placed aboard a train and sent to Ofuna. At Ofuna station the blind-folds were removed and we were marched two miles to a small questioning camp where we were lined up and logged in. At this time I believed I was in a regular POW camp but since the camp did not have any regular Japanese interpreter, the Japanese were using an Australian POW, Lieut. Lempere, as an interpreter, and while interpreting the Japanese questions, he sandwiched in information to me to the effect that we were in a secret questioning and intimidation camp where no prisoner of war rules were in effect. After induction into the camp, they issued Japanese seaman uniforms to us and we were led to individual cells and instructed that we could not talk either to each other or to anyone else in the camp. We were given a small sheet of paper with three or four Japanese words on it and instructed that these were Japanese orders that we must learn immediately and obey. Failure to obey meant clubbing by the Japanese guard or severe beating with fists. For the first ten days we had no shoes and very little clothing. I had a very severe cold, chronic diarrhea and no medical service was available. Japanese naval intelligence officers from Tokyo came daily to question us. The questions were the same or about the same as those at Truk. The treatment received in this camp and the conditions were fully described in the report made by Captain Mayer, former gunnery officer of the U.S.S. Houston, and Captain John Fitzgerald, former gunnery officer of the submarine Grenadier. I would also like to add that upon induction at this questioning camp, I was informed by the Japanese commanding officer of the camp, a warrant officer, that we were not in a POW camp, that we were lower than the lowest Japanese seaman, no matter what our rank had been in our own country and that we would be treated as such. This was told to us many times during the thirteen months

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that I was detained in this camp. While at Truk the Japanese Admiral instructed me through the interpreter, that I was not a prisoner of war and was a captive, that the Japanese were at liberty to kill me and it was only their kindness that prevented them from doing so, therefore I must answer all their questions under the penalty of death, if I was caught lying or withholding information. He said the Japanese had never signed the Geneva Convention and that they were at liberty to treat us in any way in which they saw fit.

- Q. Are there any other occurrences that you recollect while you were at Ofuna Prison Camp which to you constituted atrocious and inhuman treatment by the Japanese?
- A. While at Ofuna Prison Camp no personnel were registered as prisoners of war. He was not permitted to write or communicate or receive communications of any sort with the outside. No facilities that should be provided to prisoners of war were provided in this camp; by that I mean, there was no canteen to buy or provide toilet articles or small luxuries that under normal circumstances a prisoner would have been able to buy either with his pay or with the money for which he worked. At no time during my thirteen months at Ofuna was I recognized as an officer in the U.S. Navy and I can say that being an officer was the cause of additional harassing and beatings by the Japanese seamen who acted as guards. The seamen guards seemed to derive great pleasure and satisfaction from working over and torturing American officers. No Red Cross supplies by way of clothing or articles of comfort were received while I was in this camp. I was made to perform tasks even considered undignified by the Japanese, such as emptying the latrines, cleaning latrines, fertilizing the gardens from the latrines, scrubbing the guards' clothes and doing manual tasks for the Japanese enlisted men. No proper medical supplies were available at this camp. For a period of nine months I acted as the medical orderly and interpreter for the Japanese pharmacist's mate who was stationed at this camp. Very often I was severely beaten and disciplined for endeavoring to wash or clean the bandages that had been used many times before by other guards because they personally disliked the Japanese pharmacist's mate. I volunteered to perform these duties and on several occasions was beaten. I observed that the bandages used by the Japanese pharmacist's mate were never washed or properly sterilized and that extreme disregard of all sanitary conditions prevailed, therefore I volunteered to assist the Japanese pharmacist's mate in his medical duties and I washed the bandages and endeavored to sterilize his instruments as best I could and even this was futile in obtaining any sanitary conditions and worse than would obtain in even the worst possible dispensary in the United States. The same bandages that had been applied to a gangrenous wound or scabbies or infected wound, would be applied time and time again to other flesh wounds after

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only the slightest rinsing. I also noted the Japanese pharmacist's mate treat one man for piles and use the same tweezers to treat another man for an infected throat. It was conditions such as these that I endeavored to eliminate as best as possible by indirectly showing the Japanese how they should be done. It was impossible to instruct them or request anything directly for we were considered the lowest of all people and could not possibly know anything of value to the Japanese.

- Q. Upon arriving at Ofuna Prison Camp, were you at any time interrogated by the Japanese?
- A. Yes.
- Q. Will you please give an account of these interrogations and if possible, describe the persons who interviewed you.
- A. I was questioned almost daily for the first 3 months and then about three times a week for the rest of the time I was at Ofuna, usually by officers of the Japanese naval intelligence who had received some education either as a graduate of American universities or as post-graduates of American universities. These few officers who could not speak English employed interpreters who were graduates of American universities. My best recollection is certain nick-names of those who interviewed me, such as the "little commander", "hanson Harry", and "the torpedo expert". These are names that the American prisoners gave to them.
- Q. Along what lines were they seeking to examine you?
- A. For the first 3 months they worked on my naval history, then they started working on me and asking questions pertaining to my naval history, in regard to harbors and ports that I had visited in regard to ships that I had been stationed aboard, regarding land stations and naval installations, equipment that I had seen or heard of, methods of depth charge evasion, methods of submarine attack, methods of repair, logistic questions, technical questions in regard to submarines and cruisers, and many questions concerning the method of education and the training program of the United States personnel. However, at no time did I give any information which would prove of military value to the Japs. You had to answer every single question; for refusal to answer questions they gave me a severe beating and if they thought the truth was not being told the other shipmates in the camp would suffer.
- Q. As a result of these interviews, were you at any time punished by the Japs?
- A. Frequently they were not satisfied with my answers, feeling that I was not telling the truth and I would suffer severe beatings on many occasions.

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Q. When were you removed from the Ofuna prison camp?

A. January 15, 1945, and marched to the local train station, about two miles, and boarded a train for Yokohama; disembarked at Yokohama and marched two miles to Omori and was turned over to the Japanese Army authorities who were technically in charge of all prisoners of war. I then signed what I believe were the first papers registering me as a prisoner of war. I was forced to sign these papers under duress, claiming that I would not escape, would obey all commands and orders issued by the Japanese Army. All prisoners of war were required to sign this paper. I believed at that time that I was being registered as a prisoner of war and that my family would be notified officially through Geneva, that I was a prisoner of war in Japan. However, later events showed that I was never registered officially or unofficially as a prisoner of war, nor was my family ever notified.

Q. What were the conditions under which you lived at Omori prison camp?

A. Lieut. George G. Ballard and I were assigned to a small room 10 x 6 in the back of one of the many barracks at Omori. This room had a dirt floor. We were able to steal four or five discarded straw rice bags which we used as mattresses or floor covering. We were then issued by the Japanese four small torn and filthy blankets. At this time the temperature in Japan ranged from 40 degrees during the daytime to 10 and 12 degrees at night. The snow and rain poured in through large cracks in the barracks wall. Ballard and myself were forced to sleep in all the clothes we had in order not to freeze to death at night. I can't recall any time from November to May during the two winters in Japan that I was actually warm. Many times we requested additional clothing or more food or additional medicinal supplies or fires in the barracks and upon one of these occasions I was severely beaten for being dissatisfied. No action was ever taken on these requests. Our hands and feet were crippled with chilblains and frost-bite; we had severe colds and at one time I had pneumonia, as an X-ray taken when I was repatriated, disclosed. We were also required to have our heads shaved every two weeks. To obtain rations necessary to live, we were forced to work at Omori in a leather shop, which was not heated. During the cold spells the work was painful and almost impossible but we had to turn out our quota in order to get food to sustain life. If you did not work or were ill you only got two-thirds rations, which caused in many instances, deaths of American prisoners. International Red Cross representatives came to inspect conditions at the camp but the prisoners were not allowed to speak to the representatives and those few that did were severely beaten later.

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- Q. Were you ever beaten during your stay at Omori?
- A. I was late one morning as I failed to hear the signal for quarters and was forced to stand at attention for eight hours in front of the administration building and the temperature was about 18 degrees and a biting wind.
- Q. Did you at any time see any of the allied prisoners beaten by the Japs at this camp?
- A. Yes; there were frequent beatings of allied prisoners and ill prisoners, whom the Japs thought were feigning illness, and for minor infractions of their unreasonable rules of conduct such as saluting, not seeing an officer at the other end of the camp and standing at attention while he passed. In one instance an American Army Air Force Lieutenant, did not hear a Jap speak to him and the infuriated Jap rushed across the compound and stood him at attention and beat him severely with a Japanese web belt, across the face and body, with resulting hideous welts across his face.
- Q. Can you recall the names of any of the Japs who administered beatings to and inhuman treatment to the allied prisoners?
- A. Yes; the one I can remember is Fukiana, or some such name, who was in charge of the galley.
- Q. When were you transferred from the Omori Prison Camp and where did they send you?
- A. On March 1, 1945, I was transferred from the Omori Prison Camp and sent to Mitsuishima POW Camp 2-D, where I was senior American officer.
- Q. Will you describe the conditions which prevailed at this camp with respect to the questioning by the Japs?
- A. There were no questions asked me except just prior to the end of the war -- a group of student interpreters came from Tokyo and questioned many of us in this camp. However, at this time our information was so outdated and of so little value, that we realized they were just practicing and also by this time we had a standard story which was sort of automatic procedure. No punishments were involved for not answering because we knew that all questions must be answered and we had "pat" answers ready for their questions.
- Q. Was any inhuman treatment administered to prisoners at this camp?
- A. Yes, sir; this camp was run by a Japanese first lieutenant and one sergeant of the Japanese Imperial Army and under them they had six or seven granted men who were retired or medically discharged enlisted men from the Japanese Army and a few civilian guards, the youngest being fourteen.

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At this camp, as at every other camp I had been to, each individual guard administered according to his own set of rules which were usually different than the other guards, therefore a person never knew at any time just what rule was in effect and many times the rules were conflicting, therefore the prisoners, including myself, suffered many severe beatings by clubs, rubber shoes, wooden shoes, wooden swords, belts and clubs, because of conflicting orders and misunderstandings in no way the fault of the prisoners. The Japanese in this camp were responsible for many deaths of the prisoners by incompetent and fool-hardy orders. For example, the sergeant ordered twenty men, whom the American doctor, Dr. Albert Weinstein, and the British doctor, Dr. George Whitfield, had analyzed as having beri-beri of the heart, to go up the mountainside and climb up some 2,000 feet and a walk of ten miles to bring back logs for camp fuel. Many logs weighed as much as 120 to 150 pounds. At this time the physical condition of the men was extremely poor. Men who used to weigh 160 or 175 pounds now weighed 105 or 110 pounds. As a result of this order, against the request and advice of the doctors, two of these men died as a result of a heart attack upon return to the camp. Many men suffered from pneumonia and colds, chilblains and the like, because of insufficient clothing. Private Tatchua, known as "little glass eye" who has since been convicted, was in charge of the storeroom in which there were many American Red Cross shoes, blankets and clothing. However, he would not issue this clothing to the men. As a result many men climbed the mountainside in 10 to 14 inches of snow in straw shoes or bare-footed to bring back wood.

Q. What treatment was accorded you as an officer of the U.S. Navy at this camp?

A. As an officer of the United States Navy, I was given no official recognition and many times was stood up in front of the men while the Japanese sergeant stated that though I was an officer of the U.S. Navy, I had no charge over them now and they were ordered not to obey any command I might give. I was ordered to work on the farm and was carrying wood and made to carry refuse from the latrines to fertilize the gardens.

Q. How were the sanitary and food conditions at this camp?

A. The sanitary conditions were extremely poor. The well from which we derived our only source of water, was located at the bottom of a hill directly below the four camp latrines which contaminated the water through drainage. Ninety percent of the men, including myself, had diarrhea and dysentery the whole time in this camp. We were ordered to work in the rain and snow and in the severest kind of weather and provided no change of clothing. At this camp the ration was below the amount of food necessary to sustain life. The Japanese substituted for nourishing foods

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in our normal ration, such articles as leaves from trees, which the prisoners were ordered to pick, weeds and grass, seaweed in great quantities, and sticks that were soaked in brine. Occasionally fish came from Tokyo but because of lack of refrigeration in Japan, the fish was hardly fit for consumption by the time it arrived at our camp. The seaweed and rotten fish, as well as the leaves and the weeds caused diarrhea among the men which resulted in their losing all benefit from what little rice or potato ration which we did receive. As a result all men, including myself, had beri-beri and many died from beri-beri of the heart or malnutrition.

Q. What sanitary and medical conditions existed at this camp?

A. Although we had an American doctor, Captain Albert Weinstein, and a British surgeon, Lieut. George Whitfield, extremely limited supplies were available, of which the Japanese managed to steal most for their personal use and friends on the outside, and the Japanese totally disregarded 95% of the analyses made by these two doctors and a private or civilian guard would be the one to make the decision of whether a man would go to the hospital or be put on the sick list. If a man was sick, he received two-thirds rations for not working. It is my belief that many of the sixty prisoners who died in this camp would be alive today had the Japanese authorities heeded the advice of the doctors and had to some small extent complied with our requests for medicinal supplies.

Q. Have you made a report of these conditions at any other time?

A. Upon repatriation, I made a report to the Army Intelligence concerning the Japanese guards who had beaten the American soldiers and gave the name of the American involved, witnesses and the name of the Japanese, to the best of my knowledge, and Dr. Albert Weinstein, U.S. Army, is making a report on the medical, sanitary and food conditions at this camp.

Q. Did you suffer any permanent injuries as a result of your captivity by the Japanese?

A. I had two teeth that were chipped off and since my return have suffered from a nervous disorder affecting my stomach and digestion. To date I have been in the United States for about ten months and as yet have not felt physically able to perform a normal task either physically or mentally which I was able to perform before being captured. I am suffering from constant nausea and excess of gas and

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have great difficulty in remembering incidents for any length of time.

Q. Is there anything else concerning the foregoing incidents of which you have any information?

A. No, I believe that is all.

George Estabrook Brown, Jr.
George Estabrook Brown, Jr.
Lt. Comdr. 95383, USNR.

Nonclassified
~~CONFIDENTIAL~~

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

I, George Estabrook Brown, Jr., of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

George Estabrook Brown, Jr.
George Estabrook Brown, Jr.
Lieut. Cmdr. USNR.

Subscribed and sworn to before me this 10 day of July, 1946.

Elroy G. True, Jr.
Elroy G. True, Jr.,
Lieut. Commander, U.S.N.R.

C E R T I F I C A T E

I, Elroy G. True, Jr., Lieut. Commander, U.S.N.R., certify that George Estabrook Brown, Jr., former Lieutenant Commander, U.S. Naval Reserve, personally appeared before me on 10 July 1946 and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Place: Legal Office,
Third Naval District,
90 Church Street,
New York, N.Y.

Elroy G. True, Jr.
Elroy G. True, Jr.,
Lieut. Commander, USNR.

Date: 10 July 1946.

AFFIDAVIT

City and County of Los Angeles)
State of California) SS

Captain - 7th
Fred F. Garrett, former Major, United States Air Corps,
being duly sworn deposes and says:

I am an American citizen. I am presently employed by the Civil Aeronautics Authority and my home address is 6566 West 84th Street, Los Angeles, California.

I was attached to the 7th Air Force in December 1943, when the B-24 I was in was shot down by the Japanese near Malolap Atoll in Marshall Gilbert Islands area. The Japanese sighted us in our life raft. Seven of us had been in the raft about 10 hours suffering from wounds and shock sustained in the attack and the subsequent water landing. There was also the dead body of a major on the raft who had died about an hour earlier from wounds. The Japanese tugboat that sighted us came along side and ordered us aboard one at a time. As we came aboard we were thrown to the deck and slugged and our hands were tied unmercifully tight behind us. My left ankle was broken and had a gaping wound but the Japanese tied the cord right around the wound and bound my legs together. We were left in this position without food or water for about 12 hours. Any plea of relief was answered by a Japanese guard who struck us about the head with a club. On December 16, 1943, we landed on what we believed to be Mille Atoll. No medical attention had been given us. A Japanese looked at my ankle but only tied a board to it to give it support. The Japanese officer in command told me that if I would give him certain military information that I would be given medical attention and treated according to international law, and if I refused to answer questions I would be killed. I did not give them any correct information. For 2 days and nights the Japanese soldiers were allowed to come into our prison cells and beat and kick and maltreat us as they wished. My broken ankle was repeatedly kicked.

On the third day I was flown to Kwajalein Island Marshall Atoll. There I was questioned by high ranking Japanese Naval officers and again told I would not be given medical attention until I talked. I was thrown into a cell about 10 feet long by 4 feet wide. It was filthy with a hole cut in one end for toilet purposes. My ankle which had begun to fester was looked at once by a Japanese medical corpsman and an inadequate bandage and splint was applied to it and I was forced to use my dirty trousers for bandages. Blow flies from the toilet in my cell layed eggs that hatched into maggots in the open wound in my ankle. On about December 22, 1943, the Japanese corpsman looked at my ankle and told me they would have to cut it off. I was forced to lie in this cell without any bandages or any means of caring for myself. I had a bad fever and was very dehydrated. I was fed three small rice balls a day, with sometimes a small piece of fried salty fish and a small bowl of soup. We were given three cups of water each day. We had five bombing raids by American planes while I was there but I was forced to stay in my cell without protection. On the afternoon of December 27, 1943, I was taken from my cell on a stretcher to the hospital about 100 yards away and left out in front in the hot sun for about 3 hours. The Japanese hospital patients then struck me, slapped me and burned me with cigarette butts. After this I was taken to an out building and tied with

ropes to a rough wooden table. A medical corpsman shaved my leg well below the knee for amputation. A Japanese medical doctor came in and had the orderly shave me well above the knee. When I protested and wanted my leg cut off below the knee the Japanese doctor made me understand that I was a pilot and that he would cut off my leg where if I lived, I could not fly a bomber again. I was given a spinal anesthetic and was forced to watch the amputation. The operation was performed very carelessly and part of the main bone was even broken off after sawing on it for sometime. After the operation I was thrown back into my dirty cell with no means of caring for myself. I was delirious with fever and the bandage came off my leg during the night. I replaced it the next day to the best of my ability. On the morning of December 28, 1943, I was taken from my cell and thrown on the back of a truck like a sack and carried to the air strip where I was placed on a short piece of board that had previously been used to mix cement. It was very irritating to my sore buttocks, which were very raw. I was then flown to Truk Atoll and then to Saipan, still on my cement board stretcher. On January 11, 1944, I was flown to Japan and placed in the Ofuna Prison Camp.

I have read the foregoing affidavit, consisting of this and the preceding one page and it is true and correct to the best of my knowledge.

Fred F. Garrett
Fred F. Garrett

Subscribed and sworn to before me this 7th day of January 1948.

M. E. Currie
M. E. Currie
Commander, U. S. Naval Reserve
File No. 122500

AFFIDAVIT

City of Albuquerque)
County of Bernalillo) SS
State of New Mexico)

Russell Allen Phillips, Reserve Captain, United States Air Forces,
O-27-6463, first being duly sworn deposes and says:

I am an American citizen, born in Green Castle, Indian, August 1,
1916. My present home address is 422 South Yale Street, Apartment 1,
Albuquerque, New Mexico. I am presently employed by the Santa Fe
Railway.

In 1943 I was a pilot attached to the 7th Air Force stationed on
Oahu Island, Territory of Hawaii. The B-24 of which I was pilot was
forced down off Palmyra Island May 27, 1943. The members of the
crew who were not killed took to a life raft and drifted with the
ocean currents for forty-seven (47) days. We were picked up by the
Japanese on the 14th of July and taken to a small island and held
for two (2) days. Then Lt. Louis Silvio Zamperini, the bombardier
on the plane and the only other survivor and I were taken to
Kwajalein Island, where we were then held for fortythree (43) days.
We were moved to Truk Atoll by ship and thence to Japan. We arrived
in Japan on 15 September, 1943 and taken to Ofuna Prison Camp. Here
I stayed until 15 March 1944. I was then moved to the Ashio Mining
Village Camp, and then on 25 August, 1944, I was moved to the Sensuji
Prison Camp on the Island of Shikoku. In June 1945 I was moved to
the Rokuroshi Camp and stayed there until the end of the war.

When we were first picked up by the Japanese we were in an extremely
weakened condition. When taken to Kwajalein I was placed in a cell
about three or four feet wide and six or seven feet long. I was given
nothing to lie on all the time I was there, and in my emaciated con-
dition the dirty floor was extremely uncomfortable. I weighed about
one-hundred and fifty (150) pounds prior to my crash in the ocean,
and at the time I arrived at Kwajalein I weighed about eighty (80)
pounds. I was given just enough food to survive and did not gain
any weigh the entire time I stayed in Kwajalein. I was not taken
out of the cell to relieve myself but had to excrete into a can
in a hole in the floor. The filth was indescribable.

The Japanese gave us no medical aid but did use us in some medical tests.
On several occasions Lt. Zamperini and I were taken out into the open,
and the juice of green coconuts was injected into our veins. I broke
out in a rash all over my body. I was told by the Japanese that after
they tried it on us they also tried it on some Japanese personnel with
about the same results as on Zamperini and I.

While in Kwajalein I was held in custody of and questioned by Japanese
navy officials.

I have read the foregoing affidavit, consisting of this page, and it
is true and correct to the best of my knowledge and belief.

Russell Allen Phillips
RUSSELL ALLEN PHILLIPS.

Subscribed and sworn to before me this 11th day of January 1948.

M. E. Currie
M. E. CURRIE,
Comdr., U.S. Naval Reserve,
File No. 122500

Exhibit 17

10 14

- A. Fleet Hqs.
- B. Fleet Guard Unit
- C. Submarine Base
- D. Repair shops
- E. Seaplane Base
- F. Supply Center
- G. 4th Base Force
- H. Naval Hospital.

NORTH PACIFIC OCEAN NE ISLANDS-TRUK ISLANDS ANCHORAGE

Mt. Urimoguru A, Lat. 7°22'36.50"N.-Long. 151°59'57.50"E.

SOUNDINGS IN FATHOMS
reduced to the approximate level of Lowest Low Water
HEIGHTS IN FEET ABOVE MEAN SEA LEVEL

For Symbols and Abbreviations, see H.O. Publication No. 1

Natural Scale 1:12,000

NOTE
The sounding green have been swept to a depth in feet indicated thus: 45

TIDES
In Truk Islands, rise and fall of tides are irregular. In general, except for periods when the diurnal inequality is large, the forenoon and afternoon high water occur at 0700-0800 and 1700-1800 (G.C.T.).

CAUTION
The bearings are unreliable and cannot be depended upon.

CAUTION
Soundings on many coral heads are from small scale charts.

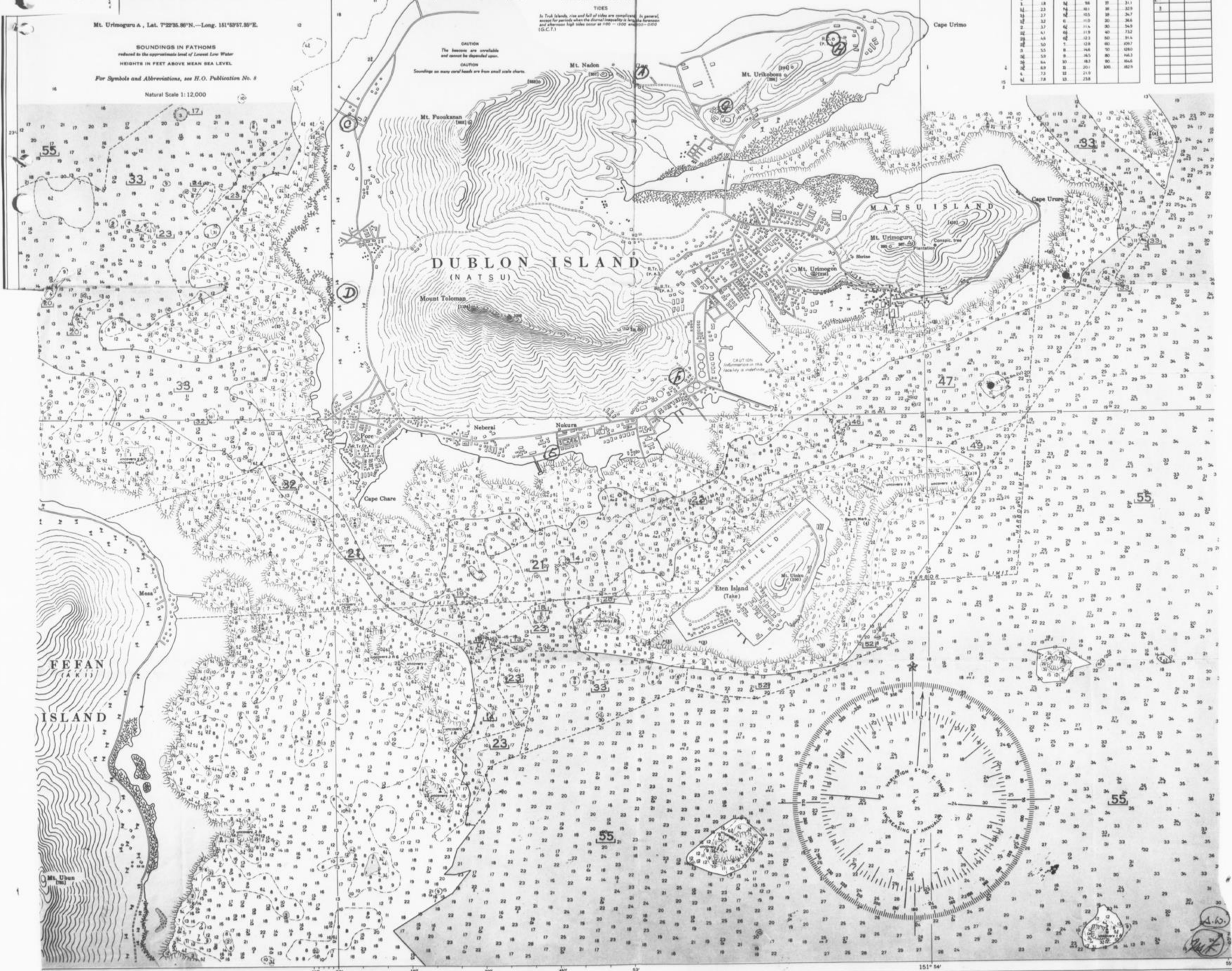
CAUTION
Information on this locality is meagre.

CONVERSION TABLE
FATHOMS TO METERS

Fathoms	Meters	Fathoms	Meters	Fathoms	Meters
1	0.9	11	20.1	21	38.9
2	1.8	12	21.9	22	40.7
3	2.7	13	23.8	23	42.5
4	3.6	14	25.6	24	44.3
5	4.5	15	27.4	25	46.1
6	5.4	16	29.3	26	47.9
7	6.3	17	31.1	27	49.7
8	7.2	18	32.9	28	51.5
9	8.1	19	34.7	29	53.3
10	9.0	20	36.5	30	55.1
11	9.9	21	38.3	31	56.9
12	10.8	22	40.1	32	58.7
13	11.7	23	41.9	33	60.5
14	12.6	24	43.7	34	62.3
15	13.5	25	45.5	35	64.1
16	14.4	26	47.3	36	65.9
17	15.3	27	49.1	37	67.7
18	16.2	28	50.9	38	69.5
19	17.1	29	52.7	39	71.3
20	18.0	30	54.5	40	73.1
21	18.9	31	56.3	41	74.9
22	19.8	32	58.1	42	76.7
23	20.7	33	59.9	43	78.5
24	21.6	34	61.7	44	80.3
25	22.5	35	63.5	45	82.1
26	23.4	36	65.3	46	83.9
27	24.3	37	67.1	47	85.7
28	25.2	38	68.9	48	87.5
29	26.1	39	70.7	49	89.3
30	27.0	40	72.5	50	91.1

Corrected to N.M.

Year	No.	Paragraph
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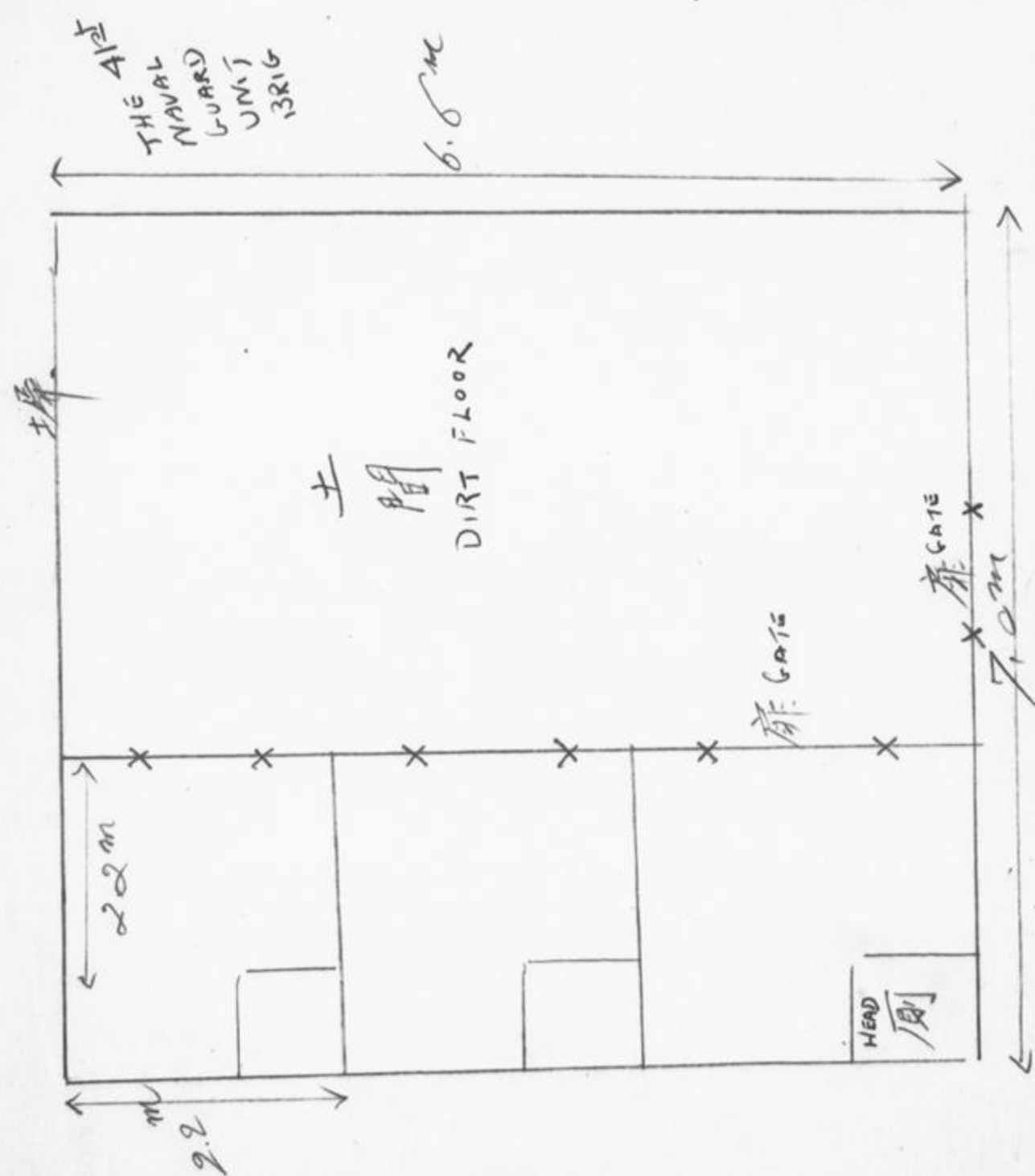
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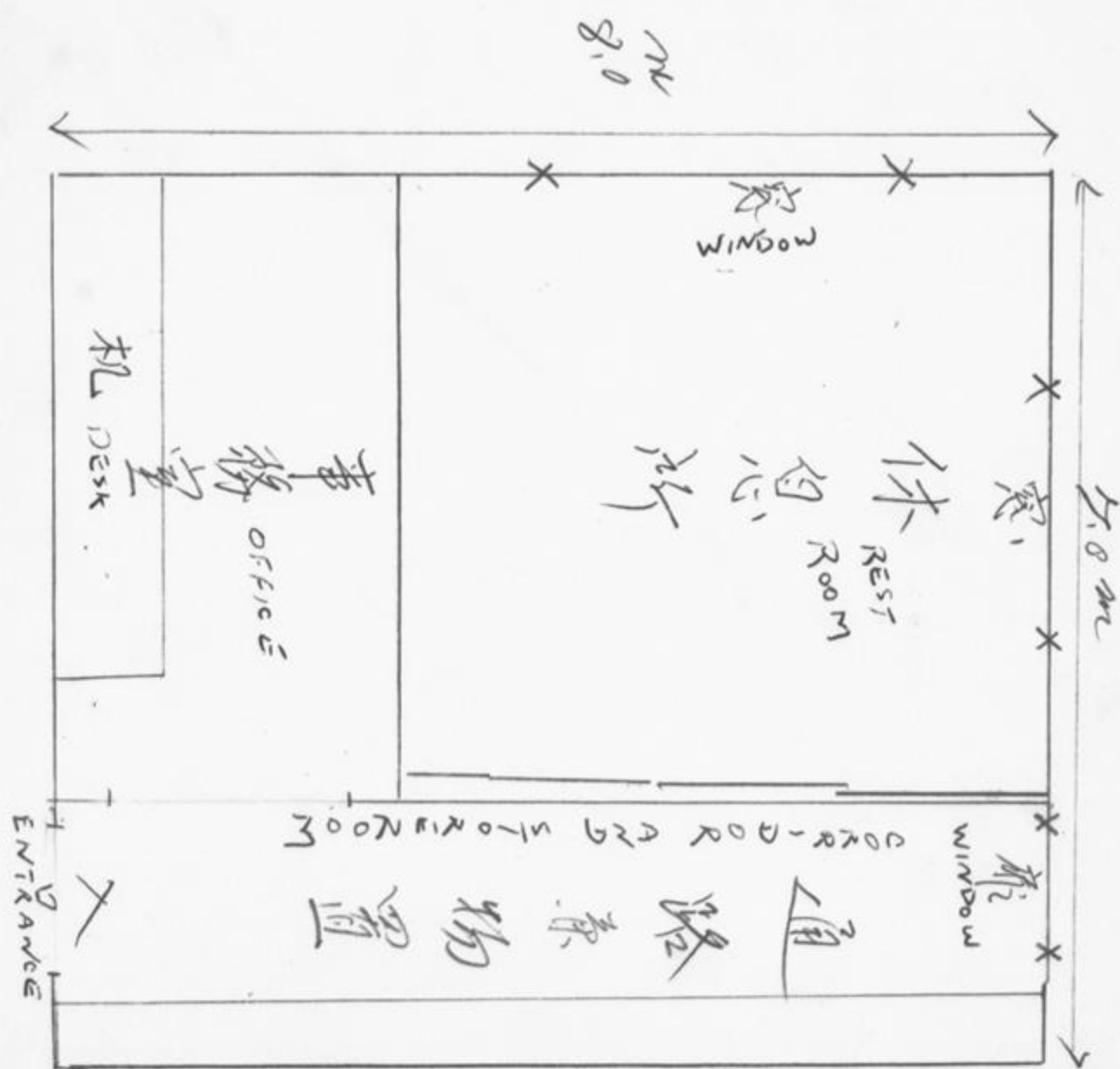
EXHIBIT 18

1016

第四十一警備隊拘禁所



"Exhibit 19"



第四十一號部隊司令部

THE 41ST
NAVAL
GUARD
UNIT
GUARDHOUSE

IDENTIFICATION NO. 12

Exhibit #12

"Exhibit 20"

1018

STATE OF CONNECTICUT

COUNTY OF NEW LONDON

A F F I D A V I T

I, John Paul ROURKE, gunner's mate chief, U.S. Navy, now on active duty at the U.S. Naval Submarine Base, New London, Connecticut, being first duly sworn according to law, do depose and say:

On November 20, 1943, I was interned on Truk Island. Upon arriving I was immediately subjected to questioning, upon being presented by the guard before the interpreter. I was beaten again and again by the guard for not coming to attention. As the guard called attention in Japanese it wasn't until the interpreter told me what he was saying that I received no more beatings from the guard. Time elapsed to about fifteen to twenty minutes. I was confined in a Japanese prison five feet square. In it were about sixteen men, all but two of whom had serious wounds. I was not allowed to stand up to make room for the injured, for every time I did do it and got caught I received a terrific beating on my head. This got so that it was routine, for there was no room to take up in sitting down. To add to the rotten flesh and maggot ridden wounds of the wounded, at least two men took turns resting in the toilet, which was part of the five feet square shack. Medical care was nil. I had two toes cut by shrapnel and with the rest was forced to march at least two miles, blindfolded and hands tied, to a medical dispensary. There the wounds were treated in a neglectful manner. The same bandage was used again, and to inflict pain the Japs resorted to probing with a wire. This was done to the other three men being treated with me, with the one idea of inflicting pain. On marching to the dispensary, if you fell down, which happened a lot, you were kicked and beaten till you regained your balance, even though you couldn't see where you were going, being blindfolded. I fell a couple of times and really got kicked and

beaten so badly that next time when they wanted to know who wanted to go to the dispensary I didn't speak up.

About twice a day we received a tea cup of water to be rationed amongst sixteen men. After four days the men got so thirsty on account of the salt water they had swallowed that they resorted to drinking the water we used to clean out the shack deck. I was caught doing this one time and received a thorough beating by club on the head.

Our food ration was one rice ball twice a day. The result being a rapid case of diarrhea for all. It wasn't till the last two days that we received an addition of one cup of soup per day.


On the first of the trips to the dispensary, Baglien, radioman third class, who had fifty caliber wounds in both legs and badly shattered bones, fell down twice and was kicked and beaten badly. I know this for I was behind him and when he fell I fell, and that is when they started beating me. Clubs and fists were used plentifully.

We had another man named Paine, a radioman striker, who received unmerciful beatings. The Japs had the idea that he knew something of Radar, and every few hours they would drag him out, question him, beat him up until he was unconscious, then revive him and send him back to his cell. On account of the numerous beatings he was always in a semi-conscious state. I was in a position to see him brought out for questioning, as I was in his cell for a while, one or two days. He always left with dry clothes and came back with soaking wet clothes and numerous bruises on his body. I could see this by working my blindfold up from my eyes by wrinkling my forehead.

Another deal I was able to see was the beating received by Ensign Smith.

One of the Jap guards took Lieutenant Commander Brown's ring. When Commander Brown told the Nip interpreter of the incident and who took them, the interpreter had the guard searched, but not before the guard had slipped the ring into Ensign Smith's trouser pocket. The guard himself searched Ensign Smith, and finding the ring he himself placed there, showed it to the interpreter. The interpreter proceeded to have Ensign Smith beaten. He received a terrific beating on his buttocks; they kept knocking him down and forcing him up again. The guard got the ring into Ensign Smith's pocket by making out he wanted to play with him, for he probably knew what was coming up, and wanted to get a sucker for the deal.

On leaving Truk for the aircraft carrier we were blindfolded, and almost all of us were beaten all the way down to the pier, for not walking fast enough, or tripping, which was caused by being blindfolded and having our hands tied.


John Paul ROURKE,
Gunner's mate chief, U.S. Navy.

This affidavit, consisting of three pages, was subscribed and sworn to before me, a notary public in and for the State of Connecticut, County of New London, on this, the twelfth day of May 1948.


HENRY W. BUNTING
Notary Public

My commission expires April 1, 1951.

"Exhibit 21"

1021

Statement made at W.C.S. Guam 14.1.
8th Mar. 1948

On Aug 30th to Nov 5th 1943 I made a inspection to Kwajalein the outlying islands. I made my Hq. at Kwajalein and flew to the various ^{islands} ~~islands~~ to inspect them. First I inspected Kwajalein in Sept 1943. During the period of inspection Adm. Abe showed me the place where the POWs ~~or traitors~~ were executed. This execution had taken place before I became the Com. chief of the 4th fleet. We did not discuss the matter in detail but ~~the~~ he merely pointed the place ~~where~~ and said "This is the place where the U.S. ^{POWs were} ~~traitors~~ executed".

Inspection of Wake Island.

A dispatch in Aug ~~1943~~ or early Sept from the Navy Dept. chief of Naval Affairs Vice-admiral Oka requesting the names of P.O.W.s on Wake Island. The dispatch was ~~either~~ sent direct to the Com. of Wake with information to 4th fleet, ~~or~~ was direct to the 4th fleet &

"Exhibit 22 (1)"

mk

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I readressed it to Comd of Wake Island with copy to the 6th Base Force & wasjalein.

I made my inspection of Wake Island with Captain Inoue from 7th to 10th Sept. 1943 as Comd in chief 4th fleet. I inspected the POW quarters at that time. The POWs were housed in two Barracks with approximately 40 to 50 POWs in each barracks.

Captain Sakaitara, who was Comd. of Wake at that time conducted me on the inspection and told me that the U.S. POWs operated the machinery & heavy equipment & they were left behind so that the Japanese CBs could learn how to operate the machinery.

Capt. Sakaitara, I and my staff officers discussed the battle & invasion defense plans for Wake Island. Sakaitara for two days held demonstration maneuvers. The total strength on Wake was about 2000 men consisting of 800 to 1000 Army men, and about 1000 Navy personnel.

"Exhibit 22 (2)"

mk

3
In connection with our defense discussions, Sakaibara was very much concerned with the fact that in case of invasion the P.O.Ws would be in ~~the~~ the way & their presence would interfere with operations. They had completed their work & ^{he} did not require them anymore. I stated that I agreed & that the P.O.Ws should be sent out on the next supply ship.

I told Admiral Cbe. Comd of 6th Base force, Kwajalein, that the P.O.Ws should be sent to Japan.

I did not issue any instruction to Sakaibara regarding the handling or treatment of P.O.Ws.

I did not issue any orders regarding treatment of P.O.Ws to any of my subordinates after I took Command of the 4th fleet.

I did not assign to any staff Officers or officers the duty or ^{WIA} authority to handle POW matters.

I did not require any system of accounting for P.O.Ws in the area. I made no requirement that reports be made of the capture of aviation

"Exhibit 22 (3)"

M.K.

personnel.

With regard to the death of P.O.Ws. this should have been included in the regular monthly report. 3 copies are made and sent via the Base force to the 4th Fleet Hq., which retains one copy and forwards 1 copy each to the Naval Ministry & to Chief Naval Staff.

Reports concerning the death of P.O.Ws should have been included as part of this report. A Medical Certificate of death is normally forwarded via the chain of command to the Hqs and then to the Naval Ministry in the case of death of any Japanese military personnel, and Prisoners of War.

On Oct 19th, the Combined Fleet assembled in "Brown," ^(Eniwitok) a portion assembled at Kwajalein. This occurred because a large American Task force was nearing Wake or the Marshalls.

This I remember that about ten days or so before that we had already received information concerning this approaching force. I believe that I did alert the islands to prepare to repel.

"Exhibit 22 (4)"

MK

5

invasion. I do not remember the details of this dispatch, but I know that I did not give any instructions concerning P.O. Ws.

Later, at Karajalein, I received a dispatch reporting the execution of the P.O. Ws. on Wake. There were no details in this dispatch, - just that the P.O. Ws. had been executed. I did not request any details or originate any dispatch to the Comd. Wake concerning this matter. I believe I did mention to Abe that the matter should be looked into, but I am not sure about this. No detailed report was received by me at any time.

On my return to Truk after the inspection trips, I made a written report to the Combined Fleet & Minister of Navy, Chief General Staff regarding the defenses. I do not remember if this report mentioned P.O. Ws.

I and my Staff also attended a Combined Fleet Conference at which my Staff officers made a full detailed report of all the defense problems.

"Exhibit 22 (5)"

MAK

I swear that the foregoing is true
to best of my knowledge, recollection and
belief, and is voluntarily made by
me without force, threats, promises of reward
or inducements.

Masashi Kobayashi
former Vice-Admiral, I. J. N.

Subscribed and sworn to before
the undersigned this the 9th day of March 1948.

Herbert L. Ogden
Comdr., U.S.N.

"Exhibit 22 (6)"

M.K.

1027

Statement at War Criminal Stockade

9th Mar 1948

Guam, M.I.

With reference to my yesterday's statement about Adm. Abe, Adm. Abe merely pointed out the place and said "Here is where some American POWs were executed." There was no discussion of the matter and I did not ask him anything about the incident. Before that time I had not known about the incident.

My recollection of this incident weak until I was shown a diagram by a corporal in the stockade and then I clearly remembered the incident about Abe pointing out the place of execution. I did not give Abe any instructions how to treat POWs while I was at Kwajalein. As I have stated, I did not give any orders or instructions to any of my subordinates at any time concerning the treatment of POWs.

I believe that the monthly reports from each unit should have included the number of POWs handled by each unit, but I can not say whether they did or did not include

(b) this information for ordinary. I did not see.

"Exhibit 23"

2
these reports. I did not give instructions that such monthly reports should include this information.

While I was at Kwajalein I did not hear anything about 2 American POWs named Lampertini & Phillips.

When I embarked to fly to Kwajalein or just after I embarked on the plane, it was verbally reported to me that a large number of American submarine POWs had been landed at Truk. I made no dispatch inquiries about them at the time & when I returned from Kwajalein on Dec 11th, 1943. I do not remember receiving any further information & made no inquiries concerning them.

Just before my confinement at Sugamo, I contacted Adm. Wakabayashi who informed me that the submarine POWs had been interned either at the 41st Guard Unit or the submarine Base on Truk. He informed me that they ^{were} sent to Japan by aircraft.

"Exhibit 23 (2)"

carrier.

Concerning the location of the 4th fleet and
my trips during my Tour of Duty as
Commander in Chief, 4th fleet.

The Stg. of the 4th fleet was aboard the J.S.S.
Kashima from the beginning of my tour of Duty
to 10th Nov-1943, except for the period from
April 8 to 30th May, 1943 when the Kashima
was under repair & my Stg. was ashore at Truk.
On 10th Nov-1943 the Stg. were moved from Kash-
-ma to the cruiser Nagara because the Kashima
had to return to Japan. On the 13th Nov-1943,
Stg. of the 4th fleet was moved ashore on
Dublon Island, Truk, and I believe it was
located in the Construction Dept Bldg.

I made the following trips during my
tour of duty as Comd in chief the 4th fleet
& my Stg. were at Truk aboard the Kashima
from the beginning of my tour of duty until
9th April, 1943 when the Stg. went ashore.

On 22 April '43 to 25 April '43 I flew to Palau
with some of my staff but the Stg. remained

Exhibit 23 (3)

on Truk.

On the 7th June 1943 my Sgt remained on the Kashima at Truk while I flew to Guam returning on the 8th June.

During July 1943 I made no trips & remained with my Sgt on the Kashima at Truk.

On Aug 27th, 1943, I left Truk aboard the Kashima with my full stuff and arrived at Kwajalein 30th Aug. 1943. My Sgt. were aboard the Kashima at Kwajalein from the 30th Aug 1943 until 5th Nov. 1943, when the Kashima left Kwajalein returning to Truk. On 8th Nov 1943. During the period of the Kashima's stay at Kwajalein I made ~~of the~~ several airplane trips to neighboring islands.

I made my inspection of Kwajalein and then took my first trip on Sept 7th to Wake Island until the 10th Sept. 1943.

The Comd. of Wake Island was Capt. Sakaibara.

My next inspection trip from Kwajalein was to Mille on the 12th Sept 1943 to 15th Sept. 1943. The Comd was Capt. Shiga. I made

"Exhibit 23 (4)"

5
Several other trips during the course of this stay at Kwajalein.

I returned from Kwajalein to Truk on 8th Nov. 1943, and remained there till 16th Nov. 1943, when I flew to Guam & Saipan and returned to Truk on 18th Nov. 1943.

During this trip from the 16th to 18th Nov. 1943, my Hq. remained at Truk.

On 20th Nov. 1943 I left Truk by plane for Kwajalein and remained at Kwajalein until 11th Dec. 1943. I took my Hq. with me during this trip to Kwajalein. The purpose of this trip was to supervise the defense & operational plans as the Gilberts had been invaded.

After the 11th Dec my Hq. was back on Truk.

My next trip occurred on 18th Jan. 1944 when I went to Ponape for an inspection trip & returned to Truk on the 19th or 20th Jan. 1944. During this trip (MK) my Hq. remained on Truk.

"Exhibit 23 (5)"

6
I made no other trips during my tour
of duty as Comd. in Chief 4th Fleet.

I swear that the foregoing is true
to best of my knowledge, recollection
and belief, and is voluntarily made by
me without force, threats, promises of
reward or inducements.

Masashi Kobayashi.
former Vice-Admiral, I. J. N.

Subscribed and sworn to before the
undersigned this the 10th day of March 1948.

Herbert H. Ogden
Comdr., U. S. N.

(21)

"Exhibit 23 (6)"

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Statement at War Criminal Stockade

10th Mar 1948

Guam, M.I.

Captain Sakaibara I. A. N. was the senior officer on Wake, Comd. Officer of the 65th Guard Unit on Wake and his duties were those of Comd. Officer of Wake Island.

Vice-Admiral Abe I. J. N. was Comd. Officer of the 6th Base Force with Hdqrs at Kwajalein. The 61st Guard Unit, Kwajalein, was subordinate to his command. Captain Obara was Comd. Officer of this unit. Abe was senior officer on Kwajalein. He acted as Comd. Officer of Kwajalein and the army units on Kwajalein were subject to his command.

Capt. Shiga I. J. N. was Comd. Officer at Mille Col. Oishi I. J. A. was of inferior rank and subject to Shiga's command.

- Truk -

I arrived on Truk 5th April 1943. at that time the Combined Fleet Hdq. aboard either the Mutsuki or the Yamato was at Truk. On 17 May 1943 Combined fleet Hdq. departed Truk. It

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2
returned 5 Aug 1943. During the period of my inspection trip to Kwajalein, 30 Aug to 5 Nov 1943, The Combined fleet departed Truk for Brown^(Eniwetok) where they redebased on 19 Oct 1943, ~~for conferences~~. I do not know the exact date they departed or returned to Truk. On 10th Feb. 1944, the Combined fleet Hqs. left Truk and did not return during my tour of duty.

In January 1944, 4th fleet Hqs. was located in the construction Building 1/3 mile from the 41st Guard unit. The approximate relative location of the important installations on Dublon Island is as follows:

I have attached a map of Dublon Island to this statement & I have identified with letters the following naval installations on the map as they were located during my tour of duty.

- (A) 4th Fleet Hqs. (B) 41st Guard units
(C) Submarine Base (D) Repair shops
(E) Seaplane Base (F) Supply Center
(G) 4th Base Force and (H) 4th Naval Hospital.

(init)

3
A coastal road connected all major installations but was not in good repair, and usual driving speed was 20 miles per hour.

I made an inspection of installations on Truk soon after I arrived in April 1943, & thereafter when considered necessary.

I inspected the Submarine Base once.

I inspected the Repair Shops twice.

I inspected the Sea plane Base once officially and was there many times on trips.

I inspected the Supply Center once officially and ~~also~~ on a number of casual visits.

I inspected 4th Base force once officially and numerous social visits with Wakabayashi's predecessor.

I visited Wakabayashi 2 or 3 times socially.

I inspected 4th Naval Hospital once officially and many times unofficially for treatment or to visit the wounded.

I suffered from an Anal fistula and was treated at the 4th Naval Hospital. Depending on my condition I visited with varying frequency. (MK) I was treated by Dr. Okuyama about 20 times.

at the Hospital (Sometimes 2 to 3 times a week). These treatments began on about the 12th of Dec. 1943. Applications by Dr Okuyama of a formula he made for me at the Hospital, decreased the swelling and eventually relieved the pain. When I went on a trip the pain and swelling increased so that on returning I went to the hospital for a series of treatment to relieve the pain & reduce the swelling. After such a series of treatments I went only periodically when the condition ~~became~~ became painful.

Capt. Iwanami had the office at the Hospital adjoining the room where I was treated by Okuyama. Iwanami was then the Comd. Officer of the 4th Naval Hospital. Capt. Endo I. J. N. was the 4th fleet Staff Medical officer at that time. Iwanami was directly subordinate to me and not the subordinate of the Fleet Staff Medical officer.

I knew Iwanami in China when I was Base Force Officer. At Truk I was friendly with Iwanami but not intimate. Iwanami.

visited me when he has official business but did not visit socially ^(mk) with the exception of several group dinners. When there were wounded at the Hospital Iwanami would conduct me on my visits.

I inspected the 41st Guard Unit once officially. When remains (ashes) of Japanese war dead accumulated at the Guard unit, which was the custodian, I made visits to pay my respects.

There was no requirement that I be advised of the arrival of P.O.Ws. Some times I knew of the arrival of P.O.Ws and sometimes I believe I did not. If P.O.Ws arrived by air, then, as it was necessary to care for them it was customary to receive dispatches to the 4th Base force, information to 4th fleet Hdqrs. advising of such arrival. If P.O.Ws arrived by ship, then a dispatch would be received by 4th Base force, information to 4th fleet Hdqrs, if the P.O.Ws were to be landed on Truk. Ordinarily these matters were handled by my staff & therefore ^(mk) I would not necessarily know of the arrival of them.

"Exhibit 24 (1)"

1039

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P.O.W.s. The actual handling of the P.O.W.s confined on Truk was the responsibility of the 4th Base force, and would be delegated to the 41st Guard Unit.

When my Hdq.s. was at Truk then my staff would advise the 4th Base force with regard to the availability of space on planes or ships for transporting P.O.W.s, but since my Hdq.s. was mobile the actual responsibility for transporting P.O.W.s rested on the 4th Base force. Dispatches concerning Truk ^{Base matters} including P.O.W.s arriving on Truk, would be addressed to the 4th Base force, information to the 5th Fleet Hdq.s.

Neither Captain Iwanami nor Commander Kuzama ~~ever~~ told me about any experiments they were conducting.

I remember receiving a report that one American flier was captured in the Truk atoll during the February 1944 air raid. I gave no specific orders but knew that he would be questioned. I do not know whether it was the air staff officer or the ^(Int.) intelligence officer who was to question him, but I expected this report immediately.

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I later received ^areport that the prisoner did not disclose information of any importance. I gave no orders regarding the handling of this prisoner, and did not receive any report as to what was done with him. I left trunk on 23rd Feb. 1944 and did not learn of the disposition of the prisoner.

At the time of the air raid my condition had become bad. I had my bed carried into the air raid shelter and directed operations from the air raid shelter during the day and in the evenings stayed in my quarters. The air raid shelter was a tunnel in the hill immediately behind 4th fleet Hqs and my quarters were in the 4th fleet Hqs Buildings.

During the air raid the 4th fleet was in complete charge of air operations. Land defense, including anti aircraft operations, was a function of the 4th Base force but the overall command was my responsibility.

(MK) Vice-Adm. Wakabayashi was ill at the time of the Feb. 1944 air raid and I knew

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he was confined to his bed, but I did not relieve him of his ^{authority to} command or ^{his duties or} designate any acting commanding officer for the 4th Base force. I had ~~no~~ no officer available to relieve him.

Except when all my staff were in the air raid shelter for protection, we were constantly on the telephones in communication with Japs of the 4th Base force. I do not recall making any inquiries about Wakabayashi or receive any report that he was unable to carry out his duties. I thought the Base force was having a hard time because of Wakabayashi's illness. I thought the 4th Base force staff was acting but I believed Wakabayashi was receiving the information. I did not attempt to control or supervise 4th Base force operations although I knew of Wakabayashi's illness. Wakabayashi did not ask to be relieved. So far as I know, the 4th fleet Japs issued no instructions with regard to 4th Base force operations.

During the air raid Captain Inoue,

9
My senior staff officer was with me all the time. Also my air staff officer was with me in contact with me all the time.

Truk had been alerted because of an approaching Task force for about three days commencing about 13 Feb. 1944 and one day before the actual air raid on Truk began, the alert was called off. When the air raid began we sent our planes up to attack enemy planes and ships. The air Base maintained contact with our planes and the planes reported to the Air Base. I was in communication with the Air Base and received reports from them. Communication with the Air Base was difficult. I believe our aircraft located and attacked American ships. I received a report that there were a large number of American ships but I do not remember receiving a report of any American Transports.

At one time I do not remember whether on the 1st or 2nd day of the air raid I received a report of shelling on North Island, an

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island about 15 miles north of Dublin. I do not remember receiving any other reports of shelling. The report of shelling came from the 4th Base force Sigs. and was relayed to me immediately upon receipt. I do not recall originating any dispatches requesting further information from North Island, but my staff may have done so. I believe I issued an order to prepare for invasion but am not sure.

I swear that the foregoing is true to best of my knowledge, recollection and belief, and is voluntarily made by me without force, threats, promises of reward or inducements.

Masashi Kobayashi
former Vice-admiral. I. J. N.

REL

Subscribed and sworn to before the undersigned this the 11th day of March 1948,
Herbert L. Ogden, Comdr, U.S.N.

1044

"Exhibit 24 (2)"

1045

Statement at War Criminal Stockade

19th Mar 1948. Guam 14.

Immediately after the air raid on 17-18 Feb. 1944 there was a conference at the 4th Base Force and members of my staff attended. I know that Capt. Inoue, senior staff officer, attended but do not know what other officers attended. After the conference Capt. Inoue reported to me briefly on important matters but I do not remember the details. I do not recall receiving report from any other staff officer.

General Information.

Organization of the 4th Fleet 1943-1944

Comd. in chief 4th Fleet Vice-ad. Kobayashi

14th Division (Cruisers afloat) R-ad. Kiyota

3rd Special Base force, Gilbert R-ad Shitazaki

4th Base force, Truk Vice-ad Wakabayashi

5th Special Base force, Saipan R-ad. Tsujimura

6th Base force, Marshall R-ad. Abe

later R-ad Akiyama

30th Special Base force, Palau R-ad Ito

End

Directly attached the 4th fleet were
the following units:

Construction Corps.

Industrial Repair Dept.

Munitions & Supply Dept.

4th Naval Hospital.

Supply & Account Dept.

Organization of the 4th Base force

4 1st Guard Unit, Truck.

4 2nd Guard Unit, Ponape.

4 3rd Guard Unit (arrived 10 Jan 1942) Palau.

4th Harbormasters office, Truck.

3rd Communication Corps, Truck.

90 2nd Flying Corps, Truck (air transportation).

International Law and Military Responsibility.

All naval officers are trained briefly in international law at the Naval Academy. Each ship and Naval Unit is normally required to have a book dealing with international law with regard to warfare.

After leaving the Academy I had no other courses in international law except that I attended some courses at the Japanese War College on international law of warfare, and while in the U.S. I attended some lectures on international law at Johns Hopkins, but not including lectures on warfare.

The Manual of Naval Warfare (including rules for land warfare) held by all ships and units, was edited by Mr Enomoto, published by the Naval Department, and periodically supplementary material was sent to all ships and units. Mr Enomoto attended the disarmament conference at Geneva with me.

No order or instruction was ever received by the 4th fleet, and to the best of my knowledge no order or instruction was ever issued by the Naval Ministry or any higher command requiring that POWs be treated carefully or protected. The only order I received was the Naval Ministerial order requiring that after ~~int~~ interrogation prisoners should be sent to Japan.

This Ministerial order did not contain any instruction regarding the care or protection of P.O.W.s.

I realize and have always known since my Naval Academy days that I had the duty to protect prisoners of war. The fact that we had a duty to comply with international law was recognized in an order from Ad. Yamamoto, Comd. in chief of the Combined fleet, at the beginning of the war, in which he said we should strictly adhere to international law.

When I took over ^{the} general command of the 4th fleet I examined all orders & instructions of my predecessor and there were no orders or instructions regarding treatment of P.O.W.s. During my tour of duty as Comd. in chief I did not issue any instruction or regulation regarding the care or treatment of P.O.W.s. I did issue a general instruction that the instructions issued by the Combined fleet at the beginning of war should be strictly observed. ~~But~~ There were no specific orders ever issued by

the Combined fleet regarding the care or treatment of P.O.W.

Under military law I am responsible for the acts of my subordinates and I have the responsibility to control their actions. I do not know whether this responsibility under military law constitutes an international criminal responsibility and is for the Court to decide.

I swear that the foregoing is true to best of my knowledge, recollection and belief, and is voluntarily made by me without force, threats, promises of reward or inducements.

Masashi Kobayashi
former Vice-adm. I. J. N.

Subscribed and sworn to before the undersigned this the 11th day of March 1948.

(D.F.)

Herbert H. Ogden
Comdr. U.S.N.

"Exhibit 25"

1051

文書成立に關する證明書

一、茲に添付せる左記法規類は「ガム」局派遣辯護團中として一九四八年一月第二復員局殘務處理部より供給せるものなることを證明す

記

十版	内令提安	卷一	一部添
十四版	海軍諸例則	卷一	一部添
十四版	海軍諸例則	卷四	一部添

二、前項法規類は日本海軍の發行にかかり終戦時迄日本海軍に於て有効に使用せられたるものなることを證明す

一九四八年二月一日 於東京

第二復員局殘務處理部文書課長

吉井道



"Exhibit 26"

1053

Certificate Concerning the Origin of
Documents

This is to certify:

1. That the accompanying Ordinances and Regulations whose names are mentioned below are the ones furnished by the Second Demobilization Bureau Liquidation Division in January 1948 with the express purpose to be made use of by the Defense Counsel Mission sent to Guam.

Administrative Order Manual Vol. I,
10th edition One copy.

Naval Regulations, Vol. I,
14th edition One copy.


Naval Regulations, Vol. IV,
14th edition One copy.

2. That the above mentioned Ordinances and Regulations are of the edition of the Japanese Navy, and had been in force in the Japanese Navy until the termination of the war.

15 February 1948, Tokyo

/s/ Yoshii, Michinori (sealed),
Chief of Archives and Document Section,
Second Demobilization Bureau
Liquidation Division.

I hereby certify the foregoing to be a true and complete translation of the original document written in Japanese, to the best of my ability.


EUGENE E. KERRICK, JR.
Lieutenant, U.S. N. R.
Interpreter.

"Exhibit 26 (a)"

1054

艦隊令

大正三年十一月三十日軍令海軍第十号

最終改定昭和十九年第二号

(十四版海軍諸例則卷一、四五三—四五四頁)

第一条 艦隊ハ軍艦ニ隻以上ヲ以テ編成シ必要ニ應ジ之ニ
隊ヲハ、駆逐艦、潜水艦、海防艦、水雷艦、掃海艦、駆潜艦、航空
隊、特務艦及必要ナル機関ヲ以テ各務部、防備隊、航空
隊ニ編成ス

艦隊ハ必要ニ応ジ重艦及駆逐艦、潜水艦、海防艦、水雷
艦、掃海艦、駆潜艦等、其、他、部隊ヲ以テ又ハ航空隊
ニ編成ス

艦隊ハ編成時若シ任務ニ因リ名稱又ハ差違エ、海洋若
シ地方、名ヲ冠ス

第二条 聯合艦隊ハ司令長官ヲ置ク
艦隊ハ司令長官又ハ司令官ヲ置ク

第三条 聯合艦隊及艦隊ハ各該司令長官、幕僚トシテ左
ノ職員ヲ置ク

参謀長

参謀

副官

機関長

軍医長

主計長

艦隊ハ編成ス、任務ニ応ジ前項職員、一部ヲ置カサル
トモ得

第四条 司令長官又ハ司令官ハ隊格ヲ章ル所ヲ司令部ト稱ス

第五条 艦隊司令長官ハ天皇ニ直隷シ麾下、部隊ヲ統率シ
隊務ヲ總理ス

艦隊司令長官ハ軍政ニ関シテ海軍大臣、指揮ヲ承
又ハ戰計ニ関シテ軍令部總長、指示ヲ承ク

"Exhibit 27 (1)"

第十三條艦隊司令長官、所屬艦隊、軍紀風紀及教育訓
練ヲ統監ス

前記條文は第二復員局業務處理部文書課長土井道
敏が終戦時まで日本海軍に於て有効に使用せられたものなる
ことを証明し海軍諸則則第一卷中の艦隊令。沿革に相
違ふことを証明する。

守護人 佐々雄毅

一九四八年六月二十日

佐 雄

毅

FLEET ORDINANCE

Ordinance No. 10 of 30 Nov. 1914.
Last amendment in 1944, ordinance No. 2.
(Japanese Naval Regulations 14th ed.
Vol. I, p 453 - 454)

Article 1.- ^AThe Fleet shall be composed of two or more warships and as occasion demands, destroyer division(s), submarine division(s), escort division(s), torpedo boat division(s), minesweeper division(s), subchaser division(s), air group(s), or destroyer(s), submarine(s), escort ship(s), transport(s), torpedo boat(s), minesweeper(s), subchaser(s), minelayer(s), and patrol-boat(s) shall be assigned and necessary organs such as harbor master's office(s), defense unit(s), air group(s), special duty ship(s), etc. shall be attached.

As occasion demands, a fleet may be organized by a warship and destroyer division(s), submarine division(s), escort division(s), torpedo boat division(s), minesweeper division(s), subchaser division(s), or other units; or by two or more air groups.

A fleet shall be denominated according to its organization, speciality or duty; or according to the ocean or area to which it is detached.

Article 4.- There shall be a commander in chief in charge of the combined fleet.

There shall be a commander in chief or a commander in charge of a fleet.

.....

Article 5.- There shall be in the combined fleet and the fleets the following personnel as the staff of the commander in chief.

Chief of staff.

Staff officer(s).

Adjutant.

Chief engineering officer.

Chief medical officer.

Chief supply officer.

According to the duty or organization of the fleet some of the above positions may be left vacant.

Article 7.- The place where the commander in chief or commander carries out his duties shall be called the headquarters.

Article 11.- The commander in chief of ^athe fleet is under the direct command of the Emperor; he shall command the fleet under his command and shall have overall control of its activities.

The commander in chief of ^athe fleet shall receive commands from the Minister of the Navy concerning military administration and shall receive instructions from the Chief of the Naval General Staff concerning operational plans.

Article 12.- The commander in chief of ^athe fleet shall supervise military discipline, morals, education and training of the fleet under his command.

I hereby certify that the above articles are true excerpts from the Fleet Ordinance taken from the Japanese Naval Regulations Vol. I which the Chief of Archives and Document Section, Second Demobilization Bureau, Liquidation Division, YOSHII, Nichinori certified to have been in effect

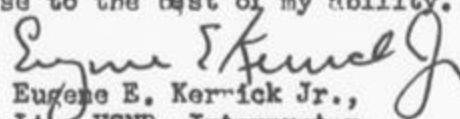
"Exhibit 27 (a) (1)"

in the Japanese Navy until the termination of the war.

June 20, 1948

SANAGI, Sadamu,
Defense Counsel.

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


Eugene E. Kerrick Jr.,
Lt., USNR, Interpreter.

"Exhibit 27 (a) (2)"

1058

海軍刑法

明治四十一年四月十日法律第八号

最終改正昭和十九年第一号

(十四條海軍諸例別卷四 三六三—三七四、一頁)

東京國議會、協賛を経り海軍刑法を制定し公布之

海軍刑法

第一章 總則

第二章 罪

第三條 叛亂、内乱、外患、

第四條 艦隊、艦隊、

第五條 艦隊、艦隊、

第六條 艦隊、艦隊、

第七條 艦隊、艦隊、

第八條 艦隊、艦隊、

第九條 艦隊、艦隊、

第十條 艦隊、艦隊、

第十一條 艦隊、艦隊、

第十二條 艦隊、艦隊、

第一章 總則

第一條 本法は海軍軍人ニシテ四群ヲ紀スルモノニシテ適用ス

第十三條 上之ニ稱スルハ軍令關係ハ海軍軍人間ニ於テ余

令取ヲ有スルモノヲ指シ

軍令關係ハ上之ニ稱スルハ軍令關係ハ海軍軍人間ニ於テ余

令取ヲ有スルモノヲ指シ

第十三條 指環官ト稱スルハ艦船、軍隊、指環官ハ海軍軍人

ヲ指シ

陸海軍用船又ハ拿捕船船ヲ乗組ミ之ヲ監督スル海軍

軍人ハ指環官ニ準ス

第十七條 多蒙其同、是亦行ヲ鎮壓スル爲メ、敵ハ若シ艦船
先急ニ降ニ於テ其ヲ保持スル爲メ、己方ニ出テ
行爲ハ之ヲ要制セズ
必要、限度ヲ越エテ行爲ハ情狀ニ據リ、其ノ利ヲ減軽
又ハ免除スルコトヲ得

第十八條 前條ノ規定、利法又ハ他、法令、罪ノ施行
爲メ、亦之ヲ適用ス

第二編 附則

第三十三條 職 白律

第三十五條 指揮官其ノ職務ヲ執行スル時、敵ニ降リ又
ハ其ノ艦船若ハ所ヲ敵ニ交スルコトハ死罪ニ処ス

第三十六條 指揮官敵船ニ於テ其ノ書寫ノモノヲ奪取スルコト艦
船ヲ降シテ其ノ書寫ノモノヲ死罪ニ処ス

第三十七條 指揮官其ノ艦船若ハ所ヲ敵ニ交スル時、敵ニ降リ又
ハ其ノ艦船若ハ所ヲ敵ニ交スルコトハ死罪ニ処ス

第三十八條 指揮官敵船ニ於テ其ノ書寫ノモノヲ奪取スルコト艦
船ヲ降シテ其ノ書寫ノモノヲ死罪ニ処ス

第三十九條 指揮官敵船ニ於テ其ノ書寫ノモノヲ奪取スルコト艦
船ヲ降シテ其ノ書寫ノモノヲ死罪ニ処ス

第四十條 指揮官敵船ニ於テ其ノ書寫ノモノヲ奪取スルコト艦
船ヲ降シテ其ノ書寫ノモノヲ死罪ニ処ス

第四十一條 指揮官敵船ニ於テ其ノ書寫ノモノヲ奪取スルコト艦
船ヲ降シテ其ノ書寫ノモノヲ死罪ニ処ス

第四十二條 指揮官敵船ニ於テ其ノ書寫ノモノヲ奪取スルコト艦
船ヲ降シテ其ノ書寫ノモノヲ死罪ニ処ス

第四十三條 指揮官敵船ニ於テ其ノ書寫ノモノヲ奪取スルコト艦
船ヲ降シテ其ノ書寫ノモノヲ死罪ニ処ス

第四十四條 指揮官敵船ニ於テ其ノ書寫ノモノヲ奪取スルコト艦
船ヲ降シテ其ノ書寫ノモノヲ死罪ニ処ス

第四十二條 指揮官又は承命者に其、船舶ヲ乗没又、破壊
シタルハ其ハ死罪ニ処シ之ヲ環境シタルトキハ其期又ハ三
年以上、懲役ニ処ス

第四十三條 指揮官 出兵ヲ要求スル者ハ其官憲ヨリ其、母
邦ヲ受テ改テ之ニ応ジタルトキハ三年以上、禁錮ニ処ス

第四十四條 指揮官 艦長、生虜其、他、危難ニ墮タル船舶
ニ其ヲ救護、請求ヲ受テ改テ之ニ応ジタルトキハ三年以上、禁錮ニ処ス

第四十五條 部下多量共同シテ其、艦長、其、他、方法ヲ
用テ之ニ三年以上、禁錮ニ処ス

第四十六條 艦船 意圖テ其、他、艦船ニ衝突シテ其、動力ヲ服
スル者改テ其、動力、場所ヲ害シタルトキハ其、罪ニ從テ
処ス

一、敵方ニシテ其、又ハ其、禁錮ニ処ス

二、戦時又ハ戦時、生虜其、他、船舶ニ衝突シタルトキハ三年以上、禁錮ニ処ス

三、其、他、場合ニシテ一年以上、禁錮ニ処ス

第四十七條 艦船 意圖テ其、他、船舶ニ衝突シテ其、動力ヲ服
スル者改テ其、動力、場所ヲ害シタルトキハ其、罪ニ從テ
処ス

一、敵方ニシテ其、五年以下、禁錮ニ処ス

二、戦時又ハ戦時、五年以下、禁錮ニ処ス

第四十八條 其、他、艦船ニ衝突シテ其、動力ヲ服スル者前條、其、罪ニ從テ
処ス

一、敵方ニシテ其、五年以下、禁錮ニ処ス

二、其、他、場合ニシテ一年以上、禁錮ニ処ス

第四十九條 戦時又ハ戦時ニ際シ其、他、艦船ニ衝突シタルトキハ其、罪ニ從テ
処ス

戦時ニ其、他、艦船ニ衝突シタルトキハ其、罪ニ從テ
処ス

第五十條 軍事機密、圖書、物件ヲ保存スル者危難ニ際シ
其、他、艦船ニ衝突シタルトキハ其、罪ニ從テ
処ス

第五十一條 戦時又ハ戦時ニ際シ其、他、艦船ニ衝突シタルトキハ其、罪ニ從テ
処ス

第五十三條 健康を害する飲食物を供給したる者ハ一年以上十年以下、懲役ニ処ス 因テ人ヲ死ニ致シタル者ハ並期又ハ五年以上、懲役ニ処ス

第五十三條 従事者ヲ石ニ又ハ危險ナル動器ヲ避ケル目的ヲ疾病ヲ作爲シ、身体ヲ毀傷シ其、他詐偽ノ行為ヲ爲シタル者ハ左ノ區別ニ從テ処ス

一 敵前ナルトキハ死刑無期若ハ五年以上、懲役ニ処ス

二 戦時タルトキハ六月以上七年以下、懲役ニ処ス

三 其、他、場合タルトキハ五年以下、懲役ニ処ス

第五十四條 第五十五條乃至第三十七條 第四十條乃至第四十二條 第四十六條 第四十九條 第五十一條乃至第五十三條、未遂罪ニシテ罰ス

第十章 停業ニ關スル罪

第九十條 停業ヲ看守又ハ看護ニシタル者其、停業ヲ非定セシタルトキハ三年以上、有期懲役ニ処ス

第九十一條 停業ヲ非定セシタル者ハ十年以下、懲役ニ処ス 停業ヲ非定セシル目的ヲ以テ思慮具ヲ給与シ其、他逃走ヲ容易ナラシム行為ヲ爲シタル者ハ七年以下、懲役ニ処ス 前項ノ目的ヲ以テ思慮具又ハ思慮具ヲ爲シタル者ハ一年以上十年以下、懲役ニ処ス

第九十二條 停業ヲ奪取シタル者ハ三年以上、有期懲役ニ処ス

第九十三條 逃走シタル停業ヲ藏匿シ又ハ隠匿セシタル者ハ五年以上、懲役ニ処ス

第九十四條 第九十條乃至第九十二條、未遂罪ハ之ニ罰ス

前記條文ハ三役員局 裁判處理部 文書課長 吉井 道教が終戦時日本海軍に於テ初期に使用セラルルものなることを証明し海軍諸例ハ本誌中、海軍刑法の沿革に相違ないことを証明する

付随人 佐々木 毅

一九四八年六月二十日

佐 藤 毅

JAPANESE NAVAL CRIMINAL CODE

(Law No. 48, April 10, 1908)
(Last Amendment: Law No. 1, 1944)
(Japanese Navy Regulations, 14th edition,
Vol. IV, pp 363 - 374-2, Inclusive)

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

Naval Criminal Code.

Part I General Provisions

Part II Crimes

Chapter 1.	Crime of Rebellion
Chapter 2.	Crime of Abuse of Authority
Chapter 3.	Crime of Disgrace in Office
Chapter 4.	Crime of Resisting Orders
Chapter 5.	Crimes of Violence, Threat, Murder and Injury
Chapter 6.	Crime of Insulting
Chapter 7.	Crime of Desertion
Chapter 8.	Crime of Damage and Destruction of Military Property
Chapter 9.	Crimes of Plunder and Rape
Chapter 10.	Crimes relating to Prisoners of War
Chapter 11.	Crime of Violating Orders

Part I General Provisions

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

Article 12.- Superior officers are those with the right of command among the naval personnel who have command relationship to them.

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

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

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

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

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

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

Part II Crimes

Chapter 3 Disgrace in Office

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

"Exhibit 28(1)"(a)

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

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

1. In the face of the enemy, he shall be condemned to death.
2. In other cases, he shall be punished with confinement for life or not less than three years.

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

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

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

1. In the face of the enemy, he shall be condemned to death.
2. In time of war, he shall be punished with limited confinement for not less than three years.
3. In other cases, he shall be punished with confinement for not more than three years.

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

1. In the face of the enemy, he shall be condemned to death.
2. In time of war, he shall be punished with limited confinement for not less than five years.
3. In other cases, he shall be punished with confinement for not more than three years.

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

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

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

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

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

1. In the face of the enemy, he shall be condemned to death or with confinement for life.
2. In time of war or when the ship is in danger of running aground or for some other reason, he shall be punished with confinement for not more than three years.
3. In other cases, he shall be punished with confinement for not more than one year.

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

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

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

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

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

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

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

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

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

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

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

2. In time of war, he shall be punished with imprisonment with hard labor for not less than six months nor more than seven years.
3. In other cases, he shall be punished with imprisonment with hard labor for not more than five years.

Article 54.- Attempts of the crimes of article 35 through article 37, article 42, article 46, article 49, article 51 through article 53, shall be punished.

Chapter 10 Crimes relating to
Prisoners of War.

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

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

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

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

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

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

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

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

June 20, 1948

SANAGI, Sadamu,
Defense Counsel.

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

Eugene E. Kerrick Jr.
Eugene E. Kerrick Jr.,
Lt., USNR, Interpreter.

"Exhibit 28 (4)" (4)

海軍懲罰令

明治四十一年九月二十八日新令第二萬三千九百九十九号
改正昭和十九年第五七号

朕紀念顧問ヲ諮詢スルニ海軍懲罰令改正ノ件ヲ裁可シ茲ニ之ヲ公布セシム (總理海軍大臣副署)

第一章 總則

第一条 本令ハ海軍軍人ニ之ヲ適用ス

第二条 長官ト稱スルハ軍令部部長、鎮守府司令長官、陸軍府司令長官、艦隊司令長官、他主艦隊司令官其、他、親補職タル部隊又ハ官衙、長ヲ謂フ
海軍大臣ニ適用シ且部下ニ隷屬長ヲ角ス諸官ハ之ヲ長官ト看做ス

第三条 所轄長ト稱スルハ海軍大臣及長官ヲ除ク、外艦隊、官衙及官衙、長(艦船、長ニ互リテハ諸隊司令ニ隷屬スル者ヲ除ク)並ニ海軍府局長、艦隊更長、造船造兵監督長、地方支隊、海軍士官及軍法會議主席法官ヲ謂フ
海軍次官ハ海軍大臣官房所屬職員、外國駐在員及外國留學生ニ對シ之ヲ所轄長ト看做ス

第二章 紀行

第四条 左ニ掲クルヲ犯カルトモ其、故意ニ出ツルト惡意ニ出ツルトモ問ハヌ之ヲ懲罰ス

- 一、服従ノ道ニ違ヒタルトキ
- 二、職務ノ权限ヲ誤リタルトキ
- 三、所規ニ違ヒタル處違ヲ為シタルトキ
- 四、上申、下達其、他定期タル事件ヲ稽延シタルトキ
- 五、命令ヲ誤リ又ハ之ヲ誤リ傳ヘタルトキ
- 六、擅ニ職任ヲ離シ又ハ職任ヲ就ケタルトキ
- 七、擅ニ澤エセバ他ヲ高シタルトキ
- 八、懲罰、命令ヲ受ケ誤リ至屬ノ期限ニ後シタルトキ
- 九、醜態ヲシテ事ヲ為セタルトキ
- 十、艦船ヲ毀壞シタルトキ
- 十一、艦船ヲ毀壞致シ坐落其、他、危險ニ付タルトキ
- 十二、官物ヲ毀壞、亡失、傷害又ハ汚損シタルトキ
- 十三、官物ヲ濫用シタルトキ

- 十四 艦船、兵器、機關、建築、土不日設計又ハ工事ヲ誤リタルトキ
- 十五 兵器、糧食、其他、物品、調製、保存、運搬又ハ供給、方法ヲ誤リタルトキ
- 十六 遊ニ銃砲ヲ發射シ又ハ標靶物ヲ使用シタルトキ
- 十七 大氣ノ取扱ヲ廢略シタルトキ
- 十八 暴行、品物、退却、又ハ侮辱、行為アリタルトキ
- 十九 詐偽ニ涉ル言語又ハ行為アリタルトキ
- 二十 給食又ハ食料ヲ受ケタル物品ヲ濫用、變質シ又ハ其ノ支取ヲ欠ケタルトキ
- 二十一 糧食、艦船内ニ高價ヲ積載シタルトキ
- 二十二 秘密ヲ漏泄シ又ハ漏泄セムトシタルトキ
- 二十三 監禁又ハ指遣、高價ヲ失ヒタルトキ
- 二十四 職務上ノ地位ヲ利用シ私利ヲ圖リタルトキ
- 二十五 禮法ニ違ヒタルトキ
- 二十六 制服又ハ命令ニ違ヒタル服装ヲ爲シタルトキ
- 二十七 前諸号、外職務ヲ怠リ若ハ職務上、義務ヲ怠ル又ハ紀律ニ違ヒ若ハ威風凛々、信用ヲ失フハ行為アリタルトキ

第三章 懲罰

本條懲罰ノ在、如シ

- 一 謹慎
- 二 拘禁
- 三 減食

本條謹慎、減食、以上三、拘禁及減食ハ下カ兵ニシテ科ス但シ拘禁ハ之ヲ家屬ニ適用セズ

本條謹慎ハ六十日以内トシ勤務、給食、居住、又ハ艦船其他勤務、場所ニ移居謹慎セシム

本條拘禁ハ三十日以内トシ演習、放浪、他勤務ヲ停止ス一三三同額又

本條減食ハ六十日以内トシ勤務、他艦船、部隊、官舎等後又ハ居住ヲ出ワレニシテ減食又

第四章 懲罰ノ程度

本條分隊長及諸隊司令ニ隷屬スル艦船、長ハ部下、下士、官及兵ニ對シ十五日以内、拘禁又ハ三十日以内、減食ヲ科ス所轄長ハ前項懲罰ノ程度、程度ニ屬スル場合ヲ除キ、外部下級軍人ヲ懲罰ス

長官、所轄長、部下ニ属せる者ヲ除キ、外部ニ海軍軍人ヲ
徴せしめ
又、海軍大臣、長官及所轄長、部下ニ属せる海軍軍人ヲ徴せし
め

第十九條 特官ハ海軍大臣ヨリ承ケ之ヲ徴せしめ

前記條文ハ第二復員局殘部処理部文書課長曾中道
教が終戦時ニ日本海軍ニ於テ有効ニ使用せられたるもの
と證明し、その海軍諸例則第四卷中の海軍徴せしめ令の
改定に相違ないことを証明す

年 護 人 佐 藤 敬

一九四八年六月二十日

佐 藤 敬

NAVAL DISCIPLINARY PUNISHMENT ORDINANCE

Imperial Ordinance No. 239 of 28 Sept.
1908.

Amended in 1944, No. 57.

We, the Emperor of Japan, having referred the amendment of the Naval Disciplinary Punishment Ordinance to the Privy Council for deliberation, sanction it and hereby have it promulgated. (Signets of Prime Minister and Navy Minister affixed).

Chapter I General Provisions.

Article 1.- This ordinance shall apply to naval personnel.

Article 7.- The designation Commander-in-Chief shall be applied to the Chief of the Naval General Staff, C's-in-C of Naval Stations, C's-in-C of Naval Districts, C's-in-C of Fleets, C's-in-C of Independent Fleets and chiefs of units and establishments appointed by the Emperor. Those officers who are directly subordinate to the Navy Minister but who have bureaus under them shall be considered as C's-in-C.

Article 8.- The designation cognizant commanding officers (T.N. Shokatsu Cho) shall apply to the commands of warships, units, establishments and schools excluding the Navy Minister and C's-in-C, (in the case of heads of warships, those subordinate to the commandants of units (fleets) shall be excluded), and Bureau Chiefs of the Navy Ministry, Chairman of the Committee for the Equipment of Ships, Chief Superintendents of ship construction and armaments, naval attaches overseas and chief legal officers of Courts Martial.

The Vice Minister of the Navy shall consider as cognizant commanding officers members attached to the Secretariat of the Navy Minister, officers residing overseas, and student officers studying abroad.

Chapter II Commission of Crimes

Article 9.- When the following acts are committed, they shall be punished whether they be done intentionally or through mistake.

1. Violating the code of obedience.
2. Mistaking the powers vested in the position.
3. Taking measures in violation of statutory regulations.
4. Delaying routine affairs such as relaying orders to subordinates or submitting reports to superiors.
5. Mistaking orders or relaying orders in mistaken form.
6. Leaving one's post arbitrarily or arbitrarily refusing to assume one's post.
7. Arbitrarily leaving a place which should not be left.
8. After receiving a summons, arriving at the place destined later without cause or reason.
9. Neglecting one's duty while in a state of intoxication.
10. Causing damage to ships of war.
11. Colliding or running agrounding ships of war or in other ways jeopardizing the same.
12. Destroying, losing, injuring or damaging government property.
13. Misusage of government property.
14. Mistakes in planning or construction of warships, arms, engines, and engineering projects.
15. Mistakes in the method of preparation, preservation, transportation, and supply of arms and provisions.
16. Arbitrary firing of rifles and guns and misuse of explosives.
17. Careless handling of burning matter (T.N. Kaki).
18. Violent acts, threats, fights or insults.

"Exhibit 29 (a) (1)"

19. Deception by words or acts.
20. Arbitrary subloan or loss of a fixed amount of goods issued or loaned.
21. Wilful carrying of commercial cargo aboard warships.
22. Disclosing secrets or allowing secrets to be disclosed.
23. Losing means of supervision or leadership.
24. Planning private profit through utilization of official position.
25. Violating of courtesy regulations.
26. Wearing uniforms other than those fixed by dress regulations or orders.
27. Besides the above points, when neglecting duty or violating official duties or violating disciplines or committing acts tending to cause loss of authority or confidence.

Chapter III Punishments.

Article 10.- Punishments are as follows:

1. Confinement to quarters.
2. Restriction to quarters.
3. Restriction.

Article 11.- Confinements to quarters are meted out to warrant officers and above, restrictions to quarters and restrictions to non-commissioned officers and enlisted men. However, confinement may not be applied to gunzokus.

Article 12.- Confinement to quarters shall be for less than 60 days and the persons subjected to it shall be suspended from duty and remain isolated in his private residence, aboard his ship or at his duty station and made to repent.

Article 13.- Restriction to quarters shall be for less than 30 days. Outside of training and education, the person confined shall not be assigned duties and shall be confined in a room.

Article 14.- Restriction shall be for less than 60 days and outside of duties the person subjected to this punishment shall not be permitted to leave the ship, unit, office, school or home.

Chapter IV Authority to punish.

Article 15. - Division officers and captains of ships subordinate to commanders shall be empowered to punish their subordinate non-commissioned officers and enlisted men with restriction to quarters up to 15 days and restriction up to 30 days.

Cognizant commanding officers shall punish their subordinate naval personnel in all cases except those cases coming under the cognizance of the persons authorized to mete out disciplinary punishment mentioned in the foregoing paragraph.

Commanders-in-Chief shall mete out disciplinary punishment to all subordinate naval personnel except those persons who are subordinate to cognizant commanding officers.

The Minister of the Navy shall mete out disciplinary punishment to all naval personnel except to those persons who are subordinate to Commanders-in-Chief and cognizant Commanding officers.

Article 19.- The Navy Minister shall mete out disciplinary punishment to flag officers with the permission of the Emperor.

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

June 2^o, 1948

SANAGI, Sadamu,
Defense Counsel.

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

Eugene E. Kerrick Jr.
Eugene E. Kerrick Jr.,
Lt., USNR, Interpreter.

"Exhibit 29 (a) (3)"

1072

海軍懲罰令

明治四十一年九月二十八日勅令第二百三十九号
改正昭和十九年第五十七号

第四條 本令ハ刑ヲ定メタル法令ニヨリ論スル場合ニ之ヲ
適用セス刑事裁判手續中ノ事件ニ付亦同シ

前記條文ハ海軍省員局事務處理部文書課長吉井
道教が終戦時日本海軍に於て有効に使用せられた
ものなることを証明し海軍諸例第四卷中の海軍懲
罰令の效力に相違ないことを証明する

升 護 人 佐 藤 毅

一九四八年六月二十二日

佐 藤 毅

NAVAL DISCIPLINARY PUNISHMENT ORDINANCE

Imperial Ordinance No. 239 of 28 Sept.
1908.

Amended in 1944, No. 57.

Article 4.- This ordinance shall not apply to cases which should be dealt with according to laws which carry with them (criminal) punishment(s), and likewise to cases pending criminal court procedure.

I hereby certify that the above article is a true excerpt of the Naval Disciplinary Punishment Ordinance taken from Japanese Naval Regulations Vol. IV which the Chief of Archives and Document Section, Second Demobilization Bureau, Liquidation Division, YOSHII, Michinori certified to have been in effect in the Japanese Navy until the termination of the war.

June 22, 1948

SANAGI, Sadamu,
Defense Counsel.

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

Eugene E. Kerrick Jr.
Eugene E. Kerrick Jr.,
Lt., USNR, Interpreter.

"Exhibit 29 (ala)

1074

船舶職員服務規程

大正八年六月二十三日 達 第百十一号

最終改定 昭和十九年 第 三 四 号

(十四牧海軍諸例則卷一 四七九—五五四頁)

第一章 總 則

第一条 本規程ハ船舶、職員ヨリテ、勤務ヲ行フニ關シテ、
又ハキ事項ヲ規程ス……

第二条 船長、航海隊、水雷隊、海防隊、水雷隊、掃海隊、
備隊、航空隊、通信隊、海兵團、警備隊、及水雷艦、
隊職員、主司令部、附屬司令部以下、勤務ニ關シテハ、
得ル限事規程ヲ適用ス

第二章 船 長

第三条 船長ハ一艦ノ首長ニシテ、諸法規、示ス所ニ依リ上長、
命令ニ從ヒ、副長以下、本艦ヲ指揮統率シテ百級、
艦務ヲ總理シ、其ノ職責ヲ無過ニ盡スルヲ期ス

第四条 船長ハ國際法上、事件ニ關シテハ、特ニ慎重ニ對
シ、必要ニ依リ命令、規則、及條約、範圍内ニ於テ、
艦國外ニ涉ルモノハ、上級指揮官又ハ直接海軍大臣、
指令ヲ請フ

前記條約ハ、中ニ便、要、局、殊、に、艦、務、理、部、文、書、課、長、吉、井、道、
教、ハ、終、戰、時、迄、日、本、海、軍、ニ、於、テ、有、効、ニ、使、用、セ、ラ、レ、タ、ル、事、
ヲ、證、明、シ、上、海、軍、諸、例、則、卷、一、中、ノ、船、長、職、員、服、務、規、
程、及、其、ノ、相、違、ハ、證、明、可、キ

守護人 任 組 教

一九四八年六月三十日

佐 藤 教

SERVICE REGULATIONS FOR PERSONNEL ON NAVAL VESSELS

Ordinance No. 111 of 23 June 1919;
Last amendment in 1944, Ordinance 24.

(Japanese Naval Regulations 14th ed.
Vol. I, p. 479)

Chapter I General Principles

Article 1.- These regulations shall set forth matter to be followed by
personnel on Naval vessels in executing their daily duties.
.....

Article 2.- These regulations shall be applicable mutatis mutandis, as far
as possible, to the duties of the personnel of destroyer divisions,
submarine divisions, escort divisions, torpedo divisions, minesweeper
divisions, subchaser divisions, defense units, air groups, communi-
cation corps, naval barracks, guard units and submarine base units,
and to the duties of special duty officers and below attached to the
headquarters.

Chapter II Captains of Naval vessels.

Article 3.- The captain is the head of a naval vessel, and in accordance
with the various ordinances and regulations and with the orders of
his superiors, shall, command the crew, all hands including the
executive officer and below, and fully execute his duties of exer-
cising overall control of the various affairs of the vessel.

Article 105.- The captain of a vessel shall exercise particular prudence
with regard to incidents involving international law, and shall
always deal with such matters within the limitation of orders and
regulations, and treaties; in case there arise incidents beyond
such limitations, he shall request instructions from a higher
echelon commander or directly from the Minister of the Navy.

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

June ² 1948

SANAGI, Sadamu,
Defense Counsel.

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

Eugene E. Kerrick Jr.
Eugene E. Kerrick Jr.,
Lt., USNR, Interpreter.

"Exhibit 30(a)"

1076

特設艦船部隊令

大正八年四月十六日內令百十六号

最終改定昭和二十一年八月三十一日

(十校內令提要卷一) (昭和二十一年四月一日改定)

第一章 總則

第一条 本令ハ戰時若シテ必要ニシテ特設艦船部隊、種別並職員及其職務ニ関スルコトヲ規定ス

第二章 特設根據地隊

第四十九條 特設根據地隊ハ特設防備隊、特設海軍航空隊、特設通信隊、特設掃海隊等ヲ以テ之ヲ編成シテ一根據地隊ニ根據地隊等又ハ其根據地隊(所在地又ハ所在地等)ノ名ヲ冠ス

特設根據地隊ニ必要ナル船舶、特設船舶ヲ附屬ス

第四十九條ノ二 特設根據地隊ハ前進根據地、防禦及其附近海面、警衛、測量、港務及通信ヲ管掌リ且必要ニシテ船舶、補給、工作及その他、諸業務ニ関スルコトヲ管掌ス

第四十九條ノ三 特設根據地隊ニ司令官ヲ置ク

司令官ハ所屬長官ニ隸シ所屬艦船部隊ヲ統率シ隊令中司令官ニ関スル規定及防備戰隊令中七條、規定ニ準ジテ服務ス

第四十九條ノ四 特設根據地隊ニ司令官、幕僚長以下、職員ヲ置ク但シ特設根據地隊、編成又ハ情勢ニ依リ其一部ヲ置カス

參謀長

參謀

副官

機関長

軍醫長

主計長

前項職員、職務ニ付テ艦隊令中參謀長以下關スル規定ヲ適用ス

第四十九條、五 特設根拠地隊、司令部に所属、特設艦船
内又陸上ニ之ヲ配置スル例トス

第四十九條、六 特設根拠地隊司令官欠員中又人事故アリテ
其職務ヲ執ルニ能ハサルトキハ部下、將校重令承行順
序ニ從ヒ其職務ヲ代理ス

第十三章、二 特設警備隊

第五十七條、一 特設警備隊ハ之ヲ陸上ニ配置シ其警備隊(所
在地名ヲ冠ス)又ハ第一警備隊又ニ警備隊ト呼稱ス
特設警備隊ハ必要ナル艦隊部隊特設艦船部隊ヲ附屬
ス

第五十七條、三 特設警備隊ハ其所在地及其附近、万
及警備ニ任シ且必要ニハテテ港、面、通信、軍需品、補給
等ニ関スルニテ之ヲ掌ルニテ得

第五十七條、四 特設警備隊、職及員其職務ニ付テハ海
軍警備隊令ヲ準用ス

前記條文ハ中ニ後員高張務処理部文書課長吉中道
教が終戦時より日本海軍に於て用新に使用せられたるもの
ことを証明する内令提呈第一卷中の特設艦船部隊令。政
府に相違ないことを証明する。

干證人 佐々雄毅

一九四八年六月二十日

佐 雄 毅

ORDINANCE GOVERNING SPECIALLY ESTABLISHED NAVAL FORCES

Administrative order No. 116 of 16 Apr. 1919; Last amended in 1945, administrative order Nos. 83, 178, 181.

(Administrative Order Manual 10th ed. ((Confidential)) revised on 1 Apr. 1936)

Chapter I General Provisions

Article 1.- This ordinance shall set forth matters pertaining to classification, personnel, and duties of naval forces specially established in the event of war or emergency or as occasion demands.

Chapter XI-4 Specially Established Base Force

Article 49.- A specially established base force shall be composed of a specially established defense unit, a specially established naval air group, a specially established communication unit, a specially established mine-sweeper division, etc., and shall be denominated as First Base Force, Second Base Force or such and such Base Force (giving the name of the location or district).

Necessary naval vessels and necessary converted vessels shall be attached to the specially established base force.

Article 49-2.- A specially established base force shall have control of the defense of an advanced base, and of the security, surveying, harbor affairs and communications of the sea frontier of such advanced base; and may have control of matters concerning supply and repair of vessels, medical treatment of patients, etc., as the occasion demands.

Article 49-3.- There shall be a commandant placed in charge over a specially established base force.

The commandant is subject to the cognizant commander-in-chief; he shall have control of the attached naval forces and shall perform his duties in accordance with the provisions concerning commands set forth in the Fleet Ordinance and also article 7 of the Ordinance governing Defense Squadrons.

Article 49-4.- There shall be in a specially established base force the following personnel as staff of the commandant, provided that some positions shall be vacant according to the organization or situation of a specially established base force.

Chief of staff.
Staff officer(s).
Adjutant.
Chief engineering officer.
Chief medical officer.
Chief supply officer.

Provisions concerning the chief of staff and below, set forth in the Fleet Ordinance, shall be applied mutatis mutandis, with regard to the duties of the personnel mentioned in the preceding paragraph.

Article 49-5.- It shall be the custom to establish the headquarters of a specially established base force aboard the attached converted vessels or ashore.

"Exhibit 31(a)(1)"

Article 49-6.- When the commandant of a specially established base force is unable to carry out his duty, when there is a vacancy or some other circumstance, his subordinate officers, in the order of succession set forth in the Military Ordinance, shall carry out the duties of the commandant as acting commandant.

Chapter XIII-2 Specially Established Guard Unit

Article 57-2.- A specially established guard unit shall be stationed ashore and shall be denominated as such and such Guard Unit (giving name of location) or First Guard Unit, Second Guard Unit, etc.

There shall be attached to the specially established guard unit necessary naval forces and specially established naval forces.

Article 57-3.- The specially established guard unit shall have charge of the defense and security of the locality of its station and its vicinity, and may have control of matters concerning harbor affairs, communication, supply of munitions, etc., when occasion demands.

Article 57-4.- The Ordinance Governing Naval Guard Units shall be applied mutatis mutandis, with regard to personnel and their duties of a specially established guard unit.

.....

I hereby certify that the above articles are true excerpts from Ordinances Governing Specially Established Naval Forces taken from the Japanese Administrative Order Manual Vol. I, which the Chief of the Archives and Document Section, Second Demobilization Bureau, Liquidation Division, YOSHII, Michinori certified to have been in effect in the Japanese Navy until the termination of the war.

June 20, 1948

SANAGI, Sadamu,
Defense Counsel.

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

Eugene E. Kerrick Jr.
Eugene E. Kerrick Jr.,
Lt. USN, Interpreter.

"Exhibit 31(a)(2)"

1080

海軍警備隊職員服務規定

昭和十六年十一月十二日 達力三三四十四号
(十四般海軍諸例則中一巻三七〇、二頁)

第三条 司令官又ハ司令ハ衛兵ヲ組織シ軍港浸襲在所
在地附近ハ海軍之官舎倉庫等ヲ守衛セシムベシ但シ
現ニ海軍之官舎倉庫等ハ此ノ限ニ在ラス
ハ八條 前各條ニ規定スルモノ外艦船職員服務規定ニ適
用シ得ル限ニ海軍警備隊職員ニ之ヲ準用ス

前記條文ハヤニ後要局業務處理部文書課長等中道
致ガ終戦時モ日本海軍ニ於テ有効ニ使用セラルルモノ
ト証明シ海軍諸例則中ノ海軍警備隊職員服
務規定ノ攻撃ハ相違ハシト証明ス。

計簽人 佐 雅 毅

一九四〇年六月二十日

佐 雅 毅

SERVICE REGULATIONS FOR PERSONNEL OF NAVAL GUARD UNITS.

Ordinance No. 344 of 13 Nov. 1941.
(Japanese Naval Regulations 14th ed.
Vol. I, p 370 - 2)

Article 3.- The commander or commandant shall organize a guard detail to guard the naval establishments, warehouse, etc., in the area of a naval port or its vicinity, except those government buildings, warehouses, etc., which actually have naval sentries.

Article 8.- Service regulations for personnel on Naval vessels shall be applicable mutatis mutandis, as far as possible, to personnel of naval guard units, excepting those personnel already provided in the preceding articles.

I hereby certify that the above articles are true excerpts from the Service Regulations for Personnel of Naval Guard Unit taken from the Japanese Naval Regulations Vol. 1 which the Chief of Archives and Document Section, Second Demobilization Bureau, Liquidation Division, YOSUJI, Michinori certified to have been in effect in the Japanese Navy until the termination of the war.

June 20, 1948

SANAGI, Sadamu,
Defense Counsel.

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

Eugene E. Kerrick Jr.
Eugene E. Kerrick Jr.,
Lt., USNR, Interpreter.

"Exhibit 32 (a)"

1082

俘虜取扱規則

明治三十七年二月十七日 達第百三十三号

改正明治三十七年第一三三号 大正三年第一四三号 昭和
六年第四〇七号

(十四段海軍諸例則卷四 六三九—六四一頁)

第一条 敵国交戦者及俘虜又ハ慣例ニ依リ俘虜、取致受
クヘキ者ヲ捕ヘタルトキハ直ニ其携帶物品ヲ検査スヘシ

第二条 俘虜、携帶品中兵器彈藥其、他軍用ニ使ヤル
キ物件ハ之ヲ没収シ其、他物件ハ特ニ之ヲ領置スルカ
又ハ便宜宜本人ヲシテ之ヲ携帶セシムヘシ

俘虜中將校ニシテ特ニ其名譽ヲ保持セシムル必要ナル者
ニ限リ海軍指揮官、本人所有ノ刀劍ヲ佩用セシムルコトヲ得
此ノ場合ニ於テハ其、氏名及ヒ事由ヲ海軍大臣ニ報告スヘシ
前項ニ依リ佩用ヲ許シタル刀劍ハ俘虜収言所ニ於テ領置
スヘキモノトス

第三条 前二條ノ系統ヲ終リタルハ俘虜、氏名、年令、身
分、階級、本籍地、本國所屬、船舶番号及ヒ負傷、年月日、
場所ヲ尋問シ俘虜名簿、俘虜日誌ヲ調製シ且没収若
ハ領置シタル物件ニ就キ物品目録ヲ調製スヘシ

第四条 俘虜ハ之ヲ將校同相當者及下士以下ニ区別(軍人以
外ノ者ハ其、從事シタル業務及ヒ地位ニ依リ適宜之ヲ区別
ス以下同シ)シ其、身分階級ニ依リ相當ノ待遇ヲ爲スヘ
キトス但シ其、氏名及ヒ階級ノ尋問ニ對シ誠實ニ答ヘ
タルモノ又ハ其、他、犯罪アリタル者ニ對シハ此ノ限ニ在ラズ

第五条 俘虜不従順ノ行為アリキハ監禁制裁其、他必要
ナル手段ヲ施スコトヲ得

俘虜逃走ヲ圖リタル場合ニ於テハ必要ニ依リ兵力ヲ用キテ
之ヲ防止スルコトヲ得

第六条 ノニ 俘虜逃走ヲ圖リ其、他規律ヲ紊ル行為アリタル
トキハ之ヲ懲罰スルコトヲ得

俸當ニ付スニ檢査到ハ現ニ俸當ヲ收主口元海軍省長一長
 之ヲ行フ

第七條 海軍指揮官其他作戰地に於ける海軍官意、長、便宜上認めしもの陸軍部隊又ハ突如として運搬通信官等之の義之に依り著名な海軍日誌、領通物件及物品目録ヲ添へ其、備へるべき當、引渡ヲ為ス可キ場合ニ於テハ特授同相高官及下士等十三区別シ其ノ引渡する海軍員數ヲ連シ海軍大臣ニ報告スルハシ

第九條 領事裁判、假令備付其、他海軍官憲ニ於テ作爲ノ引渡ヲ
以テタルトシキハ之ヲ斷ル。又ハ引渡ヲ爲スニ付、間斷之ヲ逃避ヲ
防止スルニ足ルヘキ便宜、假令收言所内ニ之ヲ收言スヘシ

ヤ十一條(常自費ヲ以テ嗜好品其他日用ノ物品ヲ購買セシ
コヲ申出ントキハ監査官ニ於テ差支ナシト認ムル場合ニ限
リ之ニ相当ノ便宜ヲ與フヘシ

第十一條ノニ 依條ニ面會ヲ許ス場合ニ於テハ其一面會、場所、時間
等ニ關シ取締上相當、波浪ヲ慮シ且監視者ヲシテ之ニ立
會ハントス

第十三條 俘虜、受交スル電信及郵便物ハ監視將校ニ於テ
予々之ヲ檢閲シモ、又々モハニテ許サズ、使用其レ
嫌疑アルモ、其レ其レ送テ示シ又ハ之ヲ沒收スヘシ

第十三條 俘虜、受交スル郵便物ハ其レ之ヲ郵便税免除、特典
アルヲ以テ俘虜、引渡ヲ受ケタル海軍上官ニ其レ其レ所至
、郵便局ニ而シテ之ニ関シ相方、手続ヲ為スヘシ

第十三條 三浦重病院又ハ其レ他、治療所ニ於テ傷病俘虜ヲ收
容シタルトモ、別表様式ニ從ヒ俘虜名表ヲ作成スヘシ

第十三條 三浦重、死送ハ身ヲ簡便ニスル相方、儀式ヲ用フヘ
シ

第十四條 俘虜、遺言書ハ帝國海軍軍人、遺言書、同一、取
扱ヲ為スヘシ

第十四條 二俘虜、遺留品及遺言書ハ第六條、規定ニ依リ
引渡ヲ受ケタル諸官ヨリ之ヲ檢閲スヘシ但シ遺留品中保存
堪ヘシ物アルトモ、之ヲ受取テ其レ代金ヲ送付スヘシ
前項ノ送付ヲ為ラントモ海軍大臣ニ報告スヘシ

第十五條 鎮守府司令長官、警備府司令長官其レ他海軍官
憲、長ハ指定セラルル場所ニ於テ俘虜名簿、俘虜日記、
鎮守府物件及物品目録其レ他一切、其レ其レヲ添ヘ俘虜ヲ陸軍
、俘虜令員ニ引渡スヘシ

前記條文ハ第二復員局義務處理部文書課長ニ首道、
終戦時マデ日本海軍ニ於テ有効ニ使用セラルルことを注
明シ、海軍諸規則第四卷中、俘虜取扱規則、高野ニ相違
点ニシテ証明スル。

附 註 人 佐 組 設

一九四八年六月二十日

佐 建 毅

REGULATIONS FOR THE TREATMENT OF PRISONERS OF WAR.

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

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

Article 1.- The personal belongings of enemy combatants or persons who are to be accorded the treatment of prisoners of war by virtue of international treaties and usage shall be inspected forthwith upon their captivity.

Article 2.- Arms, ammunition and other articles of military use belonging to the prisoners of war shall be confiscated. All other articles shall when convenient be either left in the possession of the prisoners or received for deposit (for specific reasons.)

A commanding officer of a naval unit is empowered to permit ~~to~~ only those officer POW's to wear their own swords for whom it is especially necessary that their dignity be maintained. In such cases, their names and the reason for such special treatment shall be reported to the Navy Minister. The swords permitted to be worn as mentioned above shall be kept at the POW camps.

Article 3.- The prisoners of war, upon completion of the procedure prescribed in the preceding two articles shall be interrogated as to their names, ages, status, ranks, permanent domiciles and affiliated vessel or office and time and place of injury if any. Moreover, a prisoner of war log shall be kept daily and an inventory of articles confiscated or received for custody from prisoners of war be made.

Article 4.- Prisoners of war shall be classified as officers (including civilians accorded corresponding status) and petty officers and men. (non-naval personnel shall be classified according to their status and work.) However, this shall not apply to any persons who do not answer truthfully interrogations regarding their names and ranks or to any persons who are guilty of other offenses.

Article 5.- In case a prisoner of war is guilty of an act of disobedience he may be subjected to confinement, to being bound or any measure deemed necessary. In case a prisoner of war attempts escape, force of arms may be used for its prevention, if necessary.

Article 5-2.- A prisoner of war who attempts escape or commits acts tending to disorganize discipline shall be subjected to disciplinary punishment. Articles 10 through 14, 22 through 24, and 31 through 36 of the Naval Disciplinary Punishment Ordinance shall apply mutatis mutandis for punishment of acts such as above.

The disciplinary punishment of prisoners of war shall be executed by the head of the naval establishment by whom the prisoners are actually interned at the time.

Article 5-3.- When prisoners of war commit crimes, the naval authorities in charge of their internment at the time shall investigate as executors of the duties of naval judicial police authorities and after the investigation submit the case to the judge advocate of the nearest court martial.

Article 6.- The Naval Commanding Officers shall deliver prisoners of war together with their roster, the prisoner of war log, their articles kept under custody and the inventory of these articles and their belongings to a Naval District, Naval Guard District, or to the nearest naval establishments.

Exhibit 33 (1) (a)

1086

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

Article 7.- The commanding officer of a naval unit or heads of naval establishments in operational areas may, when he considers it convenient, deliver prisoners of war under his charge together with their roster, prisoners of war log, belongings of prisoners of war in his custody and the inventories of the same, to army units, quartermaster departments, transportation and communication units, after negotiating with them. In such cases the numbers of prisoners of war, broken down into officers (including non-naval personnel given corresponding rank) and enlisted men, shall be reported immediately to the Naval Minister.

Article 8.- Commandants of naval districts, guard districts or heads of other naval establishment, on receiving a delivery of prisoners of war shall promptly report the number of those so delivered, broken down into officers (including non-naval personnel of corresponding rank) and enlisted men to the Navy Minister. The Navy Minister on receipt of reports as in the preceding paragraph shall designate the place and date of delivery of prisoners of war to the army authorities who are to receive these prisoners of war.

Article 9.- A naval district, guard district, or other naval establishments on receiving a delivery of prisoners of war shall hold them until their subsequent transportation or delivery, in any temporary camp at hand which is sufficient to prevent escape.

Article 10.- Places where prisoners of war are held shall be controlled and guarded by guards under the supervision of a naval officer.

Article 11.- When a prisoner of war requests permission to purchase articles of comfort or daily necessities at his own expense, the supervisor shall afford him the necessary conveniences if such request is considered unobjectionable.

Article 11-2.- When a prisoner of war is allowed interviews by visitors, proper restrictions, necessary from the standpoint of supervision, shall be imposed in the way of place, duration of interview, etc., and a guard placed to be present at the interview.

Article 12.- Telegrams or mail sent or received by prisoners of war shall be censored beforehand by the supervising officer. Those found unobjectionable shall be permitted but the use of code in messages and other suspicious measures shall be prohibited and the message seized.

Article 13.- In view of the fact that the mail sent to or received by prisoners of war is exempted from postage charges by treaty (treaties), naval authorities charged with the care of prisoners of war shall negotiate with the post office of the locality and shall take the appropriate steps.

Article 13-2.- When prisoners of war are quartered and treated at a naval hospital or clinic, a list of prisoner of war patients shall be made according to the annexed form.

Article 13-3.- Funerals for prisoners of war shall be held with appropriate ceremony befitting their ranks and positions.

Article 14.- The will of a prisoner of war shall be handled in a manner no different from that of a member of the Imperial Japanese Navy.

Article 14-2.- Articles or wills left by prisoners of war shall be forwarded by officials in charge to the Prisoner of War Information Bureau in accordance with provisions set forth in Article 6. However, in cases where the preservation of the articles is impossible, they shall be sold and the money forwarded instead.
When the forwarding is done as in the paragraph, the fact shall be reported to the Navy Minister.

Article 15.- Commandants of Naval Districts, Commandants of Guard Districts, or other naval establishments shall hand over prisoners of war under their care together with the prisoners of war roster, prisoners of war log, belongings of POW's in their custody and inventories thereof and all other documents, at places designated, to army authorities who are to receive the prisoners of war.

I hereby certify that the above articles are a true copy of the Regulations for the Treatment of Prisoners of War, excepting the annexed table, taken from Japanese Naval Regulations Vol. IV which the Chief of Archive and Document Section, Second Demobilization Bureau, Liquidation Division, YOSHII, Michinori certified to have been in effect in the Japanese Navy until the termination of the war.

June 20, 1948

SANAGI, Sadamu,
Defense Counsel.

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

Eugene E. Kerrick Jr.
Eugene E. Kerrick Jr.,
Lt., USN, Interpreter.

Exhibit 33 (3) (a)

1088

INTERROGATORIES SUBMITTED BY COUNSEL FOR DEFENSE

UNITED STATES

v.
KOBAYASHI, Masashi

7 MAY 1948

The following interrogatories are requested to be propounded to Chief of Liaison Section, Central Liaison Office, Japanese Government, Tokyo, Japan, a witness for the prosecution in the above entitled case now pending and to be tried before the Military Commission convened by authority of Commander Marianas by precept dated 8 November 1947, as modified, agreed upon by both parties in advance of the assembling of the court and subject to objections and exceptions, in accordance with the authority of Paragraph 5 of said precept, and the authority contained therein and the rules of evidence promulgated by the Supreme Commander for the Allied Powers, SCAP ltr A.G. 000.5 (5 December 45) IS, Subject "Regulations Governing the Trials of 'Accused War Criminals,'" especially Section 5d (1) (c) thereof, which authorizes the use in evidence of affidavits, depositions or other signed statements.

These interrogatories are respectfully forwarded to Supreme Commander for the Allied Powers via Commander Marianas Liaison Officer, Tokyo, Japan, with the request that suitable officers may be assigned to take, or cause to be taken, the deposition of the said witness therein.

1. Concerning document C.L.O. No. 7376 dated 19 Sept. 1947.

- First Interrogatory: Is not the organization of the 4th Fleet referred to in the said document, "The Wartime Organization of the Japanese Navy" decreed by Imperial Headquarters?
- Second Interrogatory: In view of operational necessity of the C-in-C, was it not a practice in the Japanese Navy to form an organization known as "Assignment of Forces" or "Guntai Kubun" in Japanese, placing a certain unit under the command of another commander, in spite of the said "wartime organization of the Japanese Navy"?
- Third Interrogatory: Is it not a fact that during the war the Combined Fleet actually operated its organization of the fleets by solely relying upon the practice of "Assignment of Forces"?
- Fourth Interrogatory: Between the dates April 1943 to 1 January 1944, was not the 22nd Air Squadron under the operational command of the C-in-C of the 4th Fleet in the "Assignment of Forces of the Combined Fleet" or "Guntai Kubun"?
- Fifth Interrogatory: Other than the 22nd Air Squadron, if there were any other units under the operational command of the C-in-C of the 4th Fleet during the above period please state them?
- Sixth Interrogatory: Was not Construction Battalions engaged in constructing air bases, attached to the 4th Fleet under the "Wartime Organization of the Japanese Navy" and also in the "Assignment of Forces" of the 4th Fleet? If so, how many construction battalions were attached to the 4th Fleet, between the dates April 1943 to February 1944, and also state the names of the air bases which were constructed or were being constructed within the jurisdiction of the Fourth Fleet, during the above mentioned period?
- Seventh Interrogatory: Other than combat forces being under the command of the C-in-C of the 4th Fleet based upon the "Wartime Organization of the Japanese Navy", were there not Naval Administrative Establishments under his direct command also?

If so, give name of the Naval Administrative Establishments and the locations of their headquarters under the command of the 4th Fleet, between the dates April 1943 to February 1944?

Eighth Interrogatory: With regard to annex table No. 3 should not the name TAKEDA, Jinsuke commanding officer of the 62nd Guard Unit, read MASUDA, Nisuke?

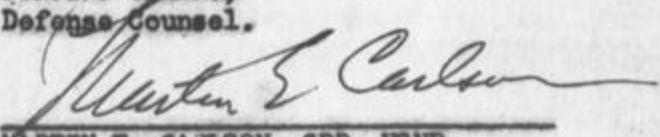
Ninth Interrogatory: With regard to annex table No. 4 should not the name TANAKA, Seiji commanding officer of the 41st Guard Unit, read TANAKA, Masaharu.


2. Concerning document C.L.O. No. 7231 (PD) dated 15 September 1947.

Tenth Interrogatory: Though it is stated in paragraph 11 of the Enclosure "The duties of staff officers and aides-de-camp in a headquarters are fixed by the C-in-C or the commandant, is it not correct that actually the chief of staff fixed and assigned the duties of the staff officers and aides-de-camp in the headquarters according to article 35, 36, and 37 of the Fleet Ordinance, though of course, they were submitted for the approval of the Commander-in-Chief?

Eleventh Interrogatory: Why does it follow that because you say "The duties of staff officers and aides-de-camp in a headquarters are fixed by the C-in-C or the commandant" that in a headquarters there should always be a staff officer or aide-de-camp assigned to the duty of handling POWs?


JUNJIRO TAKANO,
Defense Counsel.


MARTIN E. CARLSON, CDR, USNR.,
Defense Counsel.


DAVID BOLTON, LT, USN,
Judge Advocate.

Deposition

Kenichiro Yoshida, Chief of the Liaison Section of the Central Liaison and Coordination Office, Japanese Government, the witness above named, having been first duly sworn by me, Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve, the Commander Marianas Liaison Officer for War Crimes, Tokyo, Japan, doth depose and say for full answers to the foregoing interrogatories, as follows:

Exhibit 34 (3)

1091

Answer to the 1st Interrogatory.

Yes. However, the army forces were placed under the command of the C-in-C of the Combined Fleet (the C-in-C of Central Pacific Area Fleet) in accordance with the other directive of Imperial Headquarters in spite of "The Wartime Organization of the Japanese Navy" decreed by Imperial Headquarters.

Exhibit 34 (4)

1092

Answer to the 2nd Interrogatory.

Yes.

Exhibit 34 (5)

1093

Answer to the 3rd Interrogatory.

The C-in-C of the Combined Fleet used to assign his subordinate commanding officers of various footing with the respective duties required, allotting at each such time such forces with the appellations thereof as suitable for the fulfillment of their assigned duties. *DM*

Exhibit 34 (6)

1094

Answer to the 4th Interrogatory.

As to the "Assignment of Forces of the Combined Fleet" between dates April 1943 to 1 Jan. 1944 concerning the 22nd Air Squadron, although we can not furnish a most correct **information** due to scarcity of the data concerned, according to the data now available, it is generally as follows:

1. From April 1943 to 6 June 1943, the 22nd Squadron was placed under the operational command of the C-in-C of the 11th Air Fleet, as the 2nd Air-Raid Force of the Land-Plane Force.

2. From 6 June 1943 to 5 Aug. 1943 it was placed under the operational command of the C-in-C of the 2nd Fleet as the Air-Raid Force of the Eastern Area Force.

3. From 5 Aug. 1943 to 24 Aug. 1943 it was placed under the operational command of the C-in-C of the 11th Air Fleet as the 2nd Air-Raid Force of the Land-Plane Force.

4. From 24 Aug. 1943 to 31 Oct. 1943 it was placed under the operational command of the C-in-C of the 4th Fleet as the Air-Raid Force of the Inner South Seas Force.

5. On 1 Nov. 1943 it was incorporated in the 4th Fleet in accordance with "The Wartime Organization of the Japanese Navy".

Exhibit 34 (7)

1095

Answer to the 5th Interrogatory.

Due to lack of the data concerned we cannot give the names of any other units than the 22nd Air Squadron which were under the operational command of the C-in-C of the 4th Fleet.

Exhibit 34 (8)

1096

Answer to the 6th Interrogatory.

1. Yes.

2. The Civil Engineering Corps attached to the 4th Fleet between the dates April 1943 to February 1944 are as follows:

111th Civil Engineering Corps.

221st Civil Engineering Corps. *Kuy*

222nd Civil Engineering Corps. *Kuy*

3. The names and locations of the air bases which were constructed or were being constructed within the jurisdiction of the 4th Fleet, during the above mentioned period are presumed to be roughly as follows:

<u>Location</u>	<u>Name of Air Base</u>
Truk Islands	HARUSHIMA 1st Air Field.
	HARUSHIMA 2nd Air Field.
	KAEDESHIMA Air Field.
Satawan Island	Mortlock Air Field. (Runway only)
Wake Island	OTORISHIMA Air Field.
Truk Islands	HARUSHIMA Seaplane Base. <i>Kuy</i>

Exhibit 34 (9)

1097

Answer to the 7th Interrogatory.

The meaning of "Naval Administrative Establishment" is rather ambiguous, but provided that such be construed as either Civil Administrative or Military Administrative Organs, our replies to the both cases are as follows:

A. In case Civil Administrative Establishment is meant.

As the Civil Administrative Establishment under the jurisdiction of the 4th Fleet, there was the Civil Administrative Department on the Guam Island after its occupation.

This Department was under the command of the 5th Base Force.

B. In case Military Administrative Establishment is meant.

The organs under the military administrative command of the C-in-C of the 4th Fleet, directly attached to the said C-in-C, are remembered to have been in general as follows:

4th Accounts and Supplies Office	Truk
4th Architecture Office (4th Civil Engineering Office after 18 Aug. 1943)	Truk
4th Construction Department	Truk
105th Aeronautical Arsenal (became 1st Branch of South-Eastern Area Aeronautical Arsenal after 1 Dec. 1943)	Truk
106th Aeronautical Arsenal (became 2nd Branch of South-Eastern Area Aeronautical Arsenal after 1 Dec. 1943. It is unknown whether or not this was placed under direct command of the 6th Base Force.)	Lwotho
4th Naval Stores Department	Truk
Truk Transportation Office	Truk
4th Hospital	Truk

Exhibit 34 (10)

1098

Answer to the 8th Interrogatory.

Yes, the name of the commanding officer of
the 62th Guard Unit should rightly be read: MASUDA,
Nisuke.

Exhibit 34 (11)

1099

Answer to the 9th Interrogatory.

Yes, the name of the commanding officer of the
41st Guard Unit should rightly be read: TANAKA,
Masaharu.

Exhibit 34 (12)

1100

Answer to 10th Interrogatory.

The duties of staff officers and ^a aides-de-camp *Ray* in a headquarters were to be fixed by the chief of staff, in accordance with the provisions of the Fleet Ordinance, but in actuality it was usual that they were fixed upon the approval of the C-in-C.

Exhibit 34 (13)

Answer to the 11th Interrogatory.

With regard to the duties of the C-in-C, the chief of staff was to assist him as a whole, while staff officers and aides-de-camp were to assist him according to their own assignments under the orders of the chief of staff. Accordingly, when a new duty occurred to the C-in-C concerning POW's, we suppose that some staff officer or aide-de-camp took up the task of assisting the C-in-C in this respect except in case the C-in-C or the chief of staff specified otherwise. But such a case was possible, that such assignment of duty of the said staff officer or aide-de-camp was not specified explicitly as "matters concerning the treatment of POW's", but was implicitly implied in such expressions as "general affairs" or "other matters in general".

Exhibit 34 (14)

1102

ALLIED OCCUPATION FORCES }
TOKYO, JAPAN

I, Kenichiro Yoshida, Chief of the Liaison Section of the Central Liaison and Coordination Office, Japanese Government, state that I have read and understand the foregoing transcription of my testimony consisting of eleven (11) typewritten pages; that the testimony contained therein was obtained from competent authorities of the Japanese Government; and that the foregoing testimony is true to the best of my knowledge and belief.

Kenichiro Yoshida
Kenichiro Yoshida.

Subscribed and sworn to before me this twenty-second day of May, 1948.

Frederick F. Tremayne
Frederick F. Tremayne,
Lieutenant (junior grade),
United States Naval Reserve.

C-E-R-T-I-F-I-C-A-T-E

We, James A. Moriarty, junior, captain, United States Marine Corps; Frederick F. Tremayne, lieutenant (junior grade), United States Naval Reserve; and Joseph Kase, junior, yeoman second class, United States Navy, certify that on the twenty-second day of May, 1948, Kenichiro Yoshida, Chief of the Liaison Section of the Central Liaison and Coordination Office, Japanese Government, personally appeared before us and gave the foregoing answers to the several questions set forth therein; that the said Kenichiro Yoshida, Chief of the Liaison Section of the Central Liaison and Coordination Office, Japanese Government, read his testimony; and that the said Kenichiro Yoshida, Chief of the Liaison Section of the Central Liaison and Coordination Office, Japanese Government, affixed his signature thereto in our presence.

James A. Moriarty, Jr.
James A. Moriarty, jr.,
Captain,
United States Marine Corps.

Frederick F. Tremayne
Frederick F. Tremayne,
Lieutenant (junior grade),
United States Naval Reserve.

Joseph Kase, Jr.
Joseph Kase, jr.,
Yeoman Second Class,
United States Navy.

INTERROGATORIES SUBMITTED BY COUNSEL FOR DEFENSE

UNITED STATES

KOBAYASHI, Masashi

18 MAY 1948

The following interrogatories are requested to be propounded to Chief of Liaison Section, Central Liaison Office, Japanese Government, Tokyo, Japan, a witness for the prosecution in the above entitled case now pending and to be tried before the Military Commission convened by authority of Commander Marianas by precept dated 8 November 1947, as modified, agreed upon by both parties and subject to objections and exceptions, in accordance with the authority of Paragraph 5 of said precept, and the authority contained therein and the rules of evidence promulgated by the Supreme Commander for the Allied Powers, SCAP ltr A.G. 000.5 (5 December 45) LS, Subject "Regulations Governing the Trials of Accused War Criminals," especially Section 5d (1) (c) thereof, which authorizes the use in evidence of affidavits, depositions or other signed statements.

These interrogatories are respectfully forwarded to Supreme Commander for the Allied Powers via Commander Marianas Liaison Officer, Tokyo, Japan, with the request that suitable officer may be assigned to take, or cause to be taken, the deposition of the said witness therein.

First Interrogatory:

What was the organization of the Fourth Fleet for administrative purposes only as of, and during the entire period from April 5, 1943 to February 23, 1944 with particular reference to the organization on the following dates: (a) during the month of July 1943, (b) from July 16, 1943 to August 27, 1943, (c) as of October 7, 1943, (d) as of October 15, 1943, (e) from November 20, 1943 to November 28, 1943, (f) from December 15, 1943 to December 28, 1943, (g) as of January 30, 1944, (h) as of February 1, 1944, (i) as of February 2, 1944, (j) as of February 17, 1944.

Second Interrogatory:

With reference to the organization of the Fourth Fleet during the period and at the specific times noted above, how did the organization differ for tactical purposes from the administrative organization.

Tokano, Junjiro
Tokano, Junjiro
Defense Counsel.

Martin E. Carlson
Martin E. Carlson,
Commander, USNR,
Defense Counsel.

David Bolton
David Bolton,
Lieutenant, USN,
Judge Advocate.

Deposition

Kenichiro Yoshida, Chief of the Liaison Section of the Central Liaison and Coordination Office, Japanese Government, the witness above named, having been first duly sworn by me, Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve, the Commander Marianas Liaison Officer for War Crimes, Tokyo, Japan, doth depose and say for full answers to the foregoing interrogatories, as follows:

Exhibit 35 (2)

1105

Answer to the First Interrogatory.

The organization of Fourth Fleet was as set forth in the Annexed Tables.

Besides those set forth in the said Tables, there were the undermentioned Offices (not combat units) in charge of supply, repair, medical care, etc., for the Fleet, placed under the command of the C-in-C of the Fourth Fleet. Further, these Offices had their respective branches at key spots of various islands. Of these branches, however, those in the Mariana and the West Caroline areas moved out, in the main, from under the command of the Fourth Fleet as a result that the 5th Naval KENSETSU BU (Saipan) and the 3rd Naval KENSETSU BU (Palau) were set up. *Kuy*

- (1) The 4th Accounts and Supplies Office. (Truk).
- (2) The 4th Architecture Office. (Truk).

On and after 18 Aug, 1943 was renamed the 4th Civil Engineering Office.

- (3) The 4th Construction Department (Truk).
- (4) The 105th Aeronautical Arsenal (Truk).

On and after 1 Dec. 1943 became the 1st Branch, South-Eastern Area Naval Aeronautical Arsenal, and as such got off the command of the Fourth Fleet.

- (5) The 106th Aeronautical Arsenal (Lwotho Island in Kwajalein Atoll).

On and after 1 Dec. 1943 became the 2nd Branch, South-Eastern Area Naval Aeronautical Arsenal, and as such got off the command of the Fourth Fleet. *Kuy*

- (6) The 4th Naval Stores Department (Truk).

Exhibit 35 (3)

(7) The Truk Transportation Office (Truk).

(8) The 4th Hospital (Truk).

(9) The 10th Military Post Office (Truk).

This item was left out in the answer of 22 May
owing to an omission in the investigation.

Further, since most part of such record as above has to depend
on the recollections of the personnel concerned owing to the
scarcity of relevant data, accuracy to details is not always
warrantable. ✓

Exhibit 35 (4)

1107

Answer to the Second Interrogatory,

Among the units and offices under the command of the C-in-C ^{Key} of the 4th Fleet, those for strategical purposes, that is, the combat units were organized in accordance with the "Wartime Organization of the Japanese Navy" decreed by the Imperial Headquarters, while those for administrative purposes were not combat units at all but the so-called administrative offices ^{Key} which were decided upon by the Navy Minister. ✓ ^{Key}

Although the point wherein both came under the command of ^{Key} the C-in-C of the 4th Fleet was quite identical, the object of the former was in fighting while that of the latter was in the behind-front duties such as supplying, repairing and medical care for the combat units.

It was customary for the administrative offices and their branches to receive orders from the Commandant of the Naval Base ^{Key} Force at the respective area (in the case of the absence of Naval Base Force, the senior commanding officer at the respective locality) as regards guarding, warning, daily and weekly routines, etc.

Exhibit 35 (5)

1108

As of 1 April 1943.

	KASHIMA	
14 S	NAKA ISUZU	
3 aBg (Tarawa)	IKUTA-MARU 67 Kg (Naul)	
	31 Chg 31 Ch 32 Ch 33 Ch KOEI-MARU No. 2 CHOAN-MARU No. 2 CHOKO-MARU HEIJO-MARU 57 Chg 41 Kg (Truk) 42 Kg (Ponape) 43 Kg (Palau) 902 Kg (Truk) <i>Cur</i> 85th Submarine Base Corps (Truk) 3 Cg (Palau) 4 Cg (Truk) 4th Harbor Office (Truk)	32 Chg was included on 1 May 1943.
4 Bg (Truk)		
5 aBg (Saipan)	SHOTOKU-MARU - excluded on 1 Sept. 1943. SHOEI-MARU - excluded on 15 July 1943. 60 Chg 54 Kg (Guam) 5 Cg (Saipan) - excluded on 1 June 1943.	
4 F		
6 Bg (Kwajalein)	KATORI-MARU MITSUSHIMA-MARU DAIDO-MARU 16 Wg 63 Chg 65 Chg 61 Kg (Kwajalein) 62 Kg (Yaluit) 63 Kg (Maroelab) 64 Kg (Wotje) 65 Kg (Wake) 952 Kg (Kwajalein) 6th Submarine Base Corps. 6 Cg (Kwajalein)	66 Kg (Mille) was included on 15 June 1943.
2 Keg (Truk)	YUZUKI OITE ASANAGI OKI HIYODORI OTORI CHOUN-MARU	FUKUE was included on 15 July 1943. MUTSURE was included on 15 Aug. 1943. (2) 28 1/2 tons
Attached units	TOKIWA Excluded from 4F on 1 May 1943. CHIKUSHI Excluded on 20 May 1943. Sasebo 7th Special Landing Party. (Tarawa) 1st Survey Unit. Excluded on 20 May 1943. 111th Civil Engineering Corps.	Yokosuka 2nd Special Landing Party (Naul) was included on 7 June 1943. 6th Air-Defense Corps was included on 1 Aug. 1943.

Annex No. 2.

As of Sept. 1, 1943.

22 sf was added on 1 Nov. 1943.

	KASHIMA - Excluded on 10 Nov. 1943. NAGARA was included on 1 Nov. 1943.
14 s	NAKA ISUZU
3 aBg (Tarawa)	IKUTA-MARU 67 Kg (Naul)
	31 Chg 32 Chg 31 Ch 32 Ch 33 Ch
	KOEI-MARU
	No.2 CHOAN-MARU } Excluded on Oct. 1, 1943. No.2 CHOKO-MARU } (Converted Transports).
4 Bg (Truk)	HEIJO-MARU ----- Excluded on Oct. 15, 1943. 57 Chg 41 Kg (Truk) 42 Kg (Ponape) 43 Kg (Palau) 902 fg (Truk) 85th Submarine Base Corps (Truk) 3 Cg (Palau) <i>Wuy</i> 4 Cg (Truk) 4th Harbor Office (Truk)
4 F	5 aBg (Saipan) 60 Chg 54 Kg (Guam)
	KATORI-MARU ----- Excluded on Oct. 1, 1943. KOJIMA-MARU ----- (Converted Transport). DAIDO-MARU ----- Excluded on Oct. 15, 1943. 16 Wg 63 Chg 65 Chg
6 Bg (Kwajalein)	61 Kg (Kwajalein) 62 Kg (Jaluit) 63 Kg (Maroelab) 64 Kg (Wotje) 65 Kg (Wake) 66 Kg (Mille) 952 fg (Kwajalein) 6th Submarine Base Corps (Kwajalein) 6 Cg (Kwajalein)
2 Keg (Truk) Excluded on Nov. 15, 1943	YUZUKI OITE ASANAGI OKI FUKUE MITSURE HIYODORI OTORI CHOUN-MARU
	MIKURA was included on Oct. 30, 1943. HIRATO was included on Nov. 1, 1943. (?) RE Jidid2
Attached Units	Yokosuka 2nd Special Naval Landing Party (Naul) Sasebo 7th Special Naval Landing Party (Tarawa) 111th Civil Engineering Corps. 6th Air Defence Corps
	221st Civil Engineering Corps was included on 5 Sept. 1943. 43 Ag was included on 20 Sept. 1943. 68 Ag was included on 15 Nov. 1943. 46 Ag and 48 Ag were included on 20 Dec. 1943. HARUSHIMA-MARU was included on Dec. 25, 1943.

1110

Annex No. 3.

As of 1 January 1944.

	NAGARA		
14 S	NAKA ISUZU		
22 sf (Tenian)	775 fg 802 fg 252 fg 552 fg	Excluded on 20 Feb. 1944.	551 fg was included on 20 Feb. 1944.
3 aBg (Tarawa) Disbanded on 5 Jan. 1944.	IKUTA-MARU 67 Kg (Naul)	Included in 4 Bg on 5 Jan. 1944.	
4 Bg (Truk)	32 Chg 31 Ch 32 Ch 33 Ch KOEI-MARU 57 Chg 41 Kg (Truk) 42 Kg (Ponape) 43 Kg Disbanded on 10 Jan. 1944. (Palau) 902 fg (Truk) 85th Submarine Base Corps. (Truk) 3 Cg Included into 30aBg on 10 Jan. 1944. (Palau) 4 Cg (Truk) 4th Harbor Office. (Truk)		
5 aBg (Saipan)	60 Chg 54 Kg (Guam)		
4 F	DAIDO-MARU Excluded on 1 Feb. 1944. 16 Wg 63 Chg 65 Chg 61 Kg (Kwajalein) 62 Kg (Jaluit) 63 Kg (Maroerab) 64 Kg (Watje) 65 Kg (Wake) 66 Kg (Mille) 952 fg (Kwajalein) 6th Submarine Base Corps. (Kwajalein) 6 Cg (Kwajalein)		
6 Bg (Kwajalein)			
Attached Units	2nd Torpedo-boat Division. Included on 1 Jan. 1944. Yokosuka 2nd Special Landing Party. (Naul) 6th Air Defense Corps. 47 Ag 43rd " 49 Ag 46th " 85 Ag 48th " 86 Ag HARUSHIMA-MARU Excluded on 15 Feb. 1944. Sasebo 7th Special Landing Party. (Tarawa) 6th Air Defense Corps. Excluded on 1 Jan. 1944. 221st Civil Engineering Corps. Excluded on 1 Feb. 1944. 111th Civil Engineering Corps. Excluded on 1 Feb. 1944. 21st Torpedo-boat Division. Included on 1 Jan. 1944.	223rd Civil Engineering Corps was included on 10 Feb. 1944. Included on 20 Feb. 1944. 82 Ag & 83 Ag were included on 10 Feb. 1944. 221st Civil Engineering Corps was included on 20 Feb. 1944.	
30 aBg (Palau) Included on 10 Jan. 1944.	3 Cg (Palau)		

Notes:

1. The present tables are similar to those previously submitted and as it was subsequently found out that several units and vessels were included in the organization of 4th Fleet, they are added in the present tables.

2. Abbreviations used in these tables are as follows:

aBg-----Special Base Force	F-----Fleet
Ag-----Air-Defense Corps	fg-----Naval Flying Corps
Bg-----Base Force	Keg-----Escort Force
Cg-----Communication Corps	Kg-----Naval Guards
Ch-----Sub-chaser	S-----Squadron
Chg-----Sub-chaser Division	sf-----Air Squadron
	Wg-----Minesweeper Division
{ eg. 4F-----4th Fleet	
2Keg-----2nd Escort Force }	

ALLIED OCCUPATION FORCES)
TOKYO, JAPAN

I, Kenichiro Yoshida, Chief of the Liaison Section of the Central Liaison and Coordination Office, Japanese Government, state that I have read and understand the foregoing transcription of my testimony consisting of seven pages, including three charts; that the testimony contained therein was obtained from competent authorities of the Japanese Government; and that the foregoing testimony is true to the best of my knowledge and belief.

吉田 健一郎
Kenichiro Yoshida
Kenichiro Yoshida.

Subscribed and sworn to before me this twenty-eighth day of May, 1948.

Frederick F. Tremayne
Frederick F. Tremayne,
Lieutenant (junior grade),
United States Naval Reserve.

C-E-R-T-I-F-I-C-A-T-E

We, Frederick F. Tremayne, lieutenant (junior grade), United States Naval Reserve, and Joseph Kase, junior, yeoman second class, United States Navy, certify that on the twenty-eighth day of May, 1948, Kenichiro Yoshida, Chief of the Liaison Section of the Central Liaison and Coordination Office, Japanese Government, personally appeared before us and gave the foregoing answers to the several questions set forth therein; that the said Kenichiro Yoshida, Chief of the Liaison Section of the Central Liaison and Coordination Office, Japanese Government, read his testimony; and that the said Kenichiro Yoshida, Chief of the Liaison Section of the Central Liaison and Coordination Office, Japanese Government, affixed his signature thereto in our presence.

Frederick F. Tremayne
Frederick F. Tremayne,
Lieutenant (junior grade),
United States Naval Reserve.

Joseph Kase, jr.
Joseph Kase, jr.,
Yeoman Second Class,
United States Navy.

INTERROGATORIES SUBMITTED BY COUNSEL FOR DEFENSE

UNITED STATES

v.
KOBAYASHI, Masashi

7 MAY 1948

The following interrogatories are requested to be propounded to Russell Allen Phillips, United States Army Air Force, 0276463, residing at 422 South Yale Street, Apartment 1, Albuquerque, New Mexico, a witness for the prosecution in the above entitled case now pending and to be tried before the Military Commission convened by authority of Commander Marianas by precept dated 8 November 1947, as modified, agreed upon by both parties in advance of the assembling of the court and subject to objections and exceptions, in accordance with the authority of Paragraph 5 of said precept, and the authority contained therein and the rules of evidence promulgated by the Supreme Commander for the Allied Powers, SCAP ltr A.G. 000.5 (5 December 45) IS, Subject "Regulations Governing the Trials of Accused War Criminals," especially Section 5d (1) (c) thereof, which authorizes the use in evidence of affidavits, depositions or other signed statements.

These interrogatories are respectfully forwarded to the Commandant of the Eleventh Naval District with the request that some suitable officer may be assigned to take, or cause to be taken, the deposition of the said witness therein.

- First Interrogatory: How many and who took to the life raft when your B-24 was forced down?
- Second Interrogatory: Where were you when you were picked up by the Japanese?
- Third Interrogatory: How many of the men in the life raft were picked up?
- Fourth Interrogatory: What happened to the other men in the life raft?
- Fifth Interrogatory: Who were they?
- Sixth Interrogatory: Where were you held by the Japanese for two days?
- Seventh Interrogatory: Were the Japanese on this island navy or army personnel?
- Eighth Interrogatory: What was your physical condition when you arrived at this island, having been in a life raft 47 days?
- Ninth Interrogatory: During the 47 days in the life raft, how did you subsist?
- Tenth Interrogatory: How much water did you have to drink?
- Eleventh Interrogatory: How much did you weigh after having been in the open life raft at sea for 47 days?
- Twelfth Interrogatory: Approximately how many pounds weight did you lose during these 47 days?
- Thirteenth Interrogatory: What was your mental condition after 47 days in the open life raft at sea?
- Fourteenth Interrogatory: How were you treated during the two days you were on the island?
- Fifteenth Interrogatory: What food and water were you given?

Sixteenth Interrogatory: Did a doctor treat you?

Seventeenth Interrogatory: How far from Kwajalein was this island?

Eighteenth Interrogatory: How did you get to Kwajalein?

Nineteenth Interrogatory: At Kwajalein were you in the custody of the Japanese army?

Twentieth Interrogatory: Do you know if there were any other American prisoners of war held by the Japanese in custody on Kwajalein at this time?

Twenty-first Interrogatory: If so, how many and identify them if you can?

Twenty-second Interrogatory: Who interviewed you at Kwajalein? Was an interpreter used?

Twenty-third Interrogatory: Was your mental condition improved at that time, as compared with your mental condition when you were picked up from the life raft?

Twenty-fourth Interrogatory: How many times were you questioned?

Twenty-fifth Interrogatory: Did you refuse to answer the questions asked you?

Twenty-sixth Interrogatory: What food were you given during your confinement on Kwajalein?

Twenty-seventh Interrogatory: Were any of the other prisoners given more food than you were?

Twenty-eighth Interrogatory: Did you know how your ration compared to the Japanese ration on Kwajalein at this time?

Twenty-ninth Interrogatory: Was your physical condition such that it would have been dangerous to have allowed you to eat more food than you were given?

Thirtieth Interrogatory: How many days after you arrived at Kwajalein did the doctors or medical people start feeding you by means of intravenous injections?

Thirty-first Interrogatory: How do you know that it was the juice of green coconuts that was being injected into your veins?

Thirty-second Interrogatory: Into what part of the body did they inject the liquid?

Thirty-third Interrogatory: How many times a day?

Thirty-fourth Interrogatory: How many days were you given these intravenous injections?

Thirty-fifth Interrogatory: How many injections did you receive altogether?

Thirty-sixth Interrogatory: Did the doctors ever tell you the rash was a result of the injections?

Thirty-seventh Interrogatory: In what kind of a building was this cell?

Thirty-eighth Interrogatory:	How much did you weigh when you first entered the army, and when did you enter the army?
Thirty-ninth Interrogatory:	How often did the doctor or a hospital corpsman see you during the 43 days you were on Kwajalein?
Fortieth Interrogatory:	Did the doctors ever tell you why you did not gain any weight during 43 days on Kwajalein?
Forty-first Interrogatory:	How do you know you weighed about 80 pounds?
Forty-second Interrogatory:	How do you know you didn't gain any weight while on Kwajalein?
Forty-third Interrogatory:	While on Kwajalein, why didn't you clean up your own cell?
Forty-fourth Interrogatory:	Who did clean the cell you were in?
Forty-fifth Interrogatory:	Where was Lieutenant Zamperini during the 43 days you were on Kwajalein?
Forty-sixth Interrogatory:	How did you keep count of the days while on Kwajalein?
Forty-seventh Interrogatory:	Were you ever present when Zamperini was questioned?
Forty-eighth Interrogatory:	Did he refuse to answer questions?
Forty-ninth Interrogatory:	What happened, if you know of your own knowledge, to Lieutenant Zamperini?
Fiftieth Interrogatory:	How much did you weigh when you were moved from Kwajalein to Truk?
Fifty-first Interrogatory:	What date was this?
Fifty-second Interrogatory:	When did you arrive at Truk?
Fifty-third Interrogatory:	Were you confined in a cell while on Truk?
Fifty-fourth Interrogatory:	How big was this cell?
Fifty-fifth Interrogatory:	What kind of food were you given while on Truk?
Fifty-sixth Interrogatory:	How long did you stay on Truk?
Fifty-seventh Interrogatory:	How did your living conditions on Truk compare to those on Kwajalein?
Fifty-eighth Interrogatory:	Who else, if anyone, was transferred to Truk at the time you were transferred? Was Lieutenant Zamperini with you?
Fifty-ninth Interrogatory:	When did you leave Truk for Japan?

Sixtieth Interrogatory:

How many prisoners were sent to Japan at the time you were sent?


Sixty-first Interrogatory:

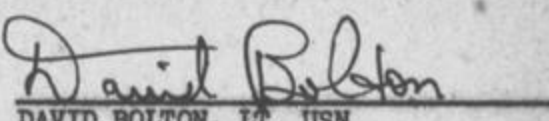
At the time you left Truk, how much did you weigh?

Sixty-second Interrogatory:

How do you ascertain this weight?


JUNJIRO TAKANO,
Defense Counsel.


MARTIN E. CARLSON, CDR, USNR.,
Defense Counsel.


DAVID BOLTON, LT, USN,
Judge Advocate.

"Exhibit 36 (4)"

1117

DEPOSITION

Deposition of Russel Allen Phillips, United States Army Air Force,
witness in case of United States vs. KOBAYASHI, Masashi.

Russel Allen Phillips, the witness above named, having been first
duly sworn by me, Lieutenant William H. P. Robertson, U. S. Navy,
Assistant Professor of Naval Science, Naval Reserve Officers' Training
Corps Unit, University of New Mexico, Albuquerque, New Mexico, doth
depose and say for full answers to the foregoing interrogatories, as
follows:

To the first interrogatory:	Three. Captain Louis S. Zamperini, Sergeant McNamara and myself.
To the second interrogatory:	Somewhere in Marshalls group.
To the third interrogatory:	Two (Zamperini and myself).
To the fourth interrogatory:	He died on 33rd day.
To the fifth interrogatory:	McNamara.
To the sixth interrogatory:	At Wotje (I think).
To the seventh interrogatory:	Navy.
To the eighth interrogatory:	Very poor.
To the ninth interrogatory:	On rations we started with, fish and birds.
To the tenth interrogatory:	Our original ration (12 half-pint tins) plus what rainwater we caught.
To the eleventh interrogatory:	Approximately 80 pounds.
To the twelfth interrogatory:	Approximately 70 pounds.
To the thirteenth interrogatory:	Depressed.
✓ To the fourteenth interrogatory:	Fairly good.
✓ To the fifteenth interrogatory:	Three meals each day, and as much water as we needed.
✓ To the sixteenth interrogatory:	No - I think one looked me over, but, except for feeding, nothing was done.
To the seventeenth interrogatory:	It took us about a day and a half to get there by boat.
To the eighteenth interrogatory:	By boat.
✓ To the nineteenth interrogatory:	I'm pretty sure it was the Army.
To the twentieth interrogatory:	Don't think there were.

To the twenty-first interrogatory:	No answer.
To the twenty-second interrogatory:	Naval officers it seemed - they seemed to speak English themselves.
To the twenty-third interrogatory:	No.
To the twenty-fourth interrogatory:	4 or 5.
To the twenty-fifth interrogatory:	I pretty much answered everything as long as it didn't give away anything.
To the twenty-sixth interrogatory:	Very meager rations.
To the twenty-seventh interrogatory:	No.
To the twenty-eighth interrogatory:	Quite a bit smaller.
To the twenty-ninth interrogatory:	No.
To the thirtieth interrogatory:	We were given two or three intravenous injections while we were there. Don't know whether it was food.
✓ To the thirty-first interrogatory:	That was Zamperini's statement. I don't know what it was, but it didn't help us any.
To the thirty-second interrogatory:	The arm.
To the thirty-third interrogatory:	Four or Five times during whole period. Just one injection (about a pint) each time.
To the thirty-fourth interrogatory:	Four or Five.
To the thirty-fifth interrogatory:	Four or Five.
✓ To the thirty-sixth interrogatory:	No.
To the thirty-seventh interrogatory:	Small frame building.
To the thirty-eighth interrogatory:	145, November 7, 1941.
✓ To the thirty-ninth interrogatory:	Four or Five (If it was a doctor who gave the injection).
To the fortieth interrogatory:	No.
✓ To the forty-first interrogatory:	They weighed us and told us later on.
To the forty-second interrogatory:	My physical shape didn't improve. I was weak.
✓ To the forty-third interrogatory:	No interest.
To the forty-fourth interrogatory:	No one.
To the forty-fifth interrogatory:	There were three cells in building. He was in first, I was in third.

To the forty-sixth interrogatory:	It was easy. There was nothing else to do.
To the forty-seventh interrogatory:	No.
To the forty-eighth interrogatory:	I don't know.
To the forty-ninth interrogatory:	Don't know exactly.
To the fiftieth interrogatory:	About same.
To the fifty-first interrogatory:	I think about August 25.
To the fifty-second interrogatory:	Around 1st September.
✓ To the fifty-third interrogatory:	No - stayed on ship.
To the fifty-fourth interrogatory:	About four feet by six feet by eight feet high.
To the fifty-fifth interrogatory:	Regular soft rice.
✓ To the fifty-sixth interrogatory:	Stayed there on ship about four or five days.
✓ To the fifty-seventh interrogatory:	A little better.
To the fifty-eighth interrogatory:	None that I know of besides Zamperini. Yes.
To the fifty-ninth interrogatory:	Around 4th or 5th of September.
To the sixtieth interrogatory:	Zamperini and myself as far as I know.
To the sixty-first interrogatory:	I guess about the same.
To the sixty-second interrogatory:	No improvement in physical condition.

Russell Allen Phillips
Russell Allen Phillips

Subscribed and sworn to before me this twenty-first day of May, 1948.

William H. P. Robertson
William H. P. Robertson,
 Lieutenant, U. S. Navy,
 Assistant Professor of Naval Science,
 Naval Reserve Officers' Training
 Corps,
 University of New Mexico,
 Albuquerque, New Mexico.

"Exhibit 36 (7)"

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

21 JUN 1948

I hereby certify that the annexed excerpt is a true excerpt from the record in the case of SAKAIBARA, Shigematsu, et al, as filed in the office of the Director War Crimes, Pacific Fleet, Commander Marianas Area.

This excerpt consists of the entire testimony of Rear Admiral Shigematsu Sakaibara, including direct examination, cross examination, and examination by the commission.

Herbert L. Ogden
Herbert L. Ogden,
Commander,
United States Navy.

"Exhibit 37 (1)"

1121

The accused, Shigematsu, Sakaibara, Rear Admiral, IJN, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. Are you Rear Admiral Shigematsu Sakaibara, a defendant in this case?
A. Yes.

Examined by the accused?

2. Q. Admiral Sakaibara, when did you assume command of the garrison on Wake Island?

A. The thirteenth of December 1942.

3. Q. Did you remain commanding officer until the war was over?

A. Yes.

4. Q. As the commanding officer of Wake Island, what importance did you place upon the supply and use of food?

A. The question of provisions and supplies was one of life or death for Wake Island.

5. Q. Did you issue an order that made the stealing of food a very severe offense?

A. Yes.

6. Q. Was this order issued to the American prisoners on Wake?

A. Yes.

7. Q. Did this order also apply to the Japanese forces under your command on Wake Island?

A. Yes.

8. Q. Were the American prisoners of war on Wake in July, 1943, being well fed?

A. They were receiving sufficient food.

9. Q. Would there be any need for an American prisoner to steal food in order to satisfy his own needs or any of his fellow prisoners?

A. There would have been no need.

10. Q. During July 1943, was an American captured stealing food from a provision warehouse?

A. Yes.

11. Q. Did you authorize anyone to investigate this matter and report to you?

A. Yes, I did.

12. Q. Inform the court whom you ordered to report and what he reported to you?

A. I issued this order to supply officer Kawaguchi, Lieutenant, Supply Corps, and also ordered two people to assist him. I have forgotten the names of the people I designated as his assistants. I believe, however, that one of the people I designated as his assistants was Lieutenant Numoto, who spoke English and because he spoke English I believe I ordered him to assist. The report I received was that the prisoner admitted that he had not taken the food to preserve his own health but rather as luxury items.

13. Q. Did you order the American prisoner to be executed?

A. Yes.

14. Q. Prior to his execution, did you have read to the American prisoner a written statement giving the reasons for his execution?

A. Yes, I had a charge read giving the reasons for his execution.

15. Q. Was this statement translated to the prisoner in English?

A. This statement was read to the prisoner in English.

"CERTIFIED TO BE A TRUE COPY"

/s/ W. P. Mahoney.

"Exhibit 37 (2)"

16. Q. During the time of your command at Wake Island, were any Japanese military personnel executed for the violation of your order concerning food?
A. Yes.

17. Q. From the time of your arrival on Wake on December 1942, until October 7, 1943, were any American prisoners of war other than the one decapitated for stealing food in July, 1943, executed?
A. No.

18. Q. During this time did any of the American prisoners die from malnutrition?
A. No.

19. Q. Until October 7, 1943, were any of the American prisoners mistreated in any way?
A. Absolutely none.

20. Q. Did you ever receive any complaints from the American prisoners concerning their treatment?

A. One of the prisoners once made a semi-complaint, half in jest. One of the prisoners once asked a Japanese officer, half in fun, if they couldn't get cutlets which were a little thicker and the Japanese officer mentioned the fact of this request to me.

21. Q. Under your command were the American prisoners always well fed?
A. Their food was superior to that of the Japanese military man.

22. Q. Were the American prisoners given ample time for exercise and recreation?

A. The prisoners were free to take exercise when they were not occupied. As to recreation on Wake Island, that was limited to movies.

23. Q. As the commanding officer of Wake Island did you have the authority to execute the American prisoners of war, if in your opinion, it was deemed a military necessity?

A. Under ordinary circumstances I could not have done so but the circumstances at that time were extraordinary.

24. Q. Why did you not order the execution of the American prisoners of war prior to October 7, 1943?

A. Because it was not necessary.

25. Q. On October 6 and 7, 1943, was Wake Island subject to a heavy bombardment by the American forces?

A. Yes.

26. Q. Explain to the court something of the nature and length of this bombardment?

A. Beginning the morning of the 6th Wake Island was subjected to ^{attack} from light bombers. This continued throughout the day into the evening. There were around eight cruisers and eight destroyers and in addition to these, submarines, which carried out a very severe attack on Wake Island under the direction of carrier borne artillery observation planes. And on the 7th, beginning in the early morning twilight, Wake Island was subjected to a continuous attack by planes. I believe the position of the American carriers to be in the near vicinity, to be exact around 60 miles. During this attack the Japanese air group was wiped out. All over the Island almost all buildings above the surface of the ground were destroyed. Furthermore, the various gun positions throughout the island received considerable damage. And also, in casualties; although I do not remember the exact number, the cost of the raid was fairly high. Also the roads over all the island had holes in them of such a degree that only the largest of trucks was able to traverse the roads.

27. Q. During the bombardment, were the American prisoners provided with adequate bomb shelters?

A. At that time, although in general the air raid shelters were not what they are today, the air raid shelters which were being used by the prisoners were the best in the bunch.

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"Exhibit 37 (3)"

28. Q. Were any of the prisoners killed during this bombardment?
A. No.

29. Q. On October 6, 1943, did you observe an American submarine come in very close to the shore and rescue an American flier that was shot down?
A. Yes.

30. Q. After the bombardment on the evening of October 7, 1943, did you observe an American sub very close to the shore of Wake?
A. Yes.

31. Q. What interpretation did you give to the presense of this sub close to the shore on October 7, 1943?
A. I felt that it required an intensification of our precautions. I wish to add that the submarine was not completely surfaced, a part of the conning tower only was above the water.

32. Q. Prior to October 6 and 7, 1943, did you suspect that American prisoners of war on Wake had contact with the outside world by radio?
A. I guessed that they had liaison with the outside.

33. Q. Were searches made in an effort to find this radio equipment?
A. Yes. I was not definitely sure there was a radio but in my own mind I was almost convinced and that is why I conducted the searches.

34. Q. Was any equipment found as a result of these searches?
A. No.

35. Q. Explain to the court the circumstances under which some radio equipment was found?
A. During the raid which occurred on the 6th and 7th of October 1943, the building which was being used as a kitchen by the prisoners was burned, although the Japanese kitchen still remained, and I received a report, I believe on the 9th, that a radio equipment had been found beneath the deck of this kitchen.

36. Q. Prior to October 7, 1943, did you suspect the American prisoners of war were signalling the American fliers when they came over on bombing raids?
A. Yes, I suspected that.

37. Q. Inform the court what the American prisoners did in a way to create your suspicion?
A. The prisoners during the raid would wave handkerchiefs at the planes and I believed that a successful communication might have been put through by the waving of handkerchiefs.

38. Q. Inform the court what American airmen did on October 6.

The accused withdrew the question to be rephrased.

39. Q. Did American airmen drop any objects to the prisoners of war on October 6?
A. I received a report to the fact that something had been dropped.

40. Q. Explain to the court the nature of this report.
A. I received a report from two of my companies that they had seen strips of cloth attached to sandbags dropped to the prisoners and in Japan ground-air communications are sometimes effected by means of dropping messages attached to sand bags, since it is possible to attach a piece of paper to them.

41. Q. Was there any inscription attached to the objects dropped by the American airmen?
A. I had no time to look into the matter personally since I was occupied with directing combat from my command post. However, I was told that there was an inscription to the effect of "return to " or "turn to".

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"Exhibit 3(4)"

42. Q. What military significance did you place on these words?
A. According to the reports which I have received it was believed that it was some secret writing on these things which could be brought out by the application of some special chemical or oil.
43. Q. About noon on the 7th of October 1943, did you receive a dispatch?
A. Yes, I did, about eleven o'clock.
44. Q. From whom did you receive this dispatch?
A. The originator of the dispatch was an airplane.
45. Q. Inform the court as to the circumstances of this dispatch.
A. The dispatch which was an intercepted dispatch, stated as follows: "100 or perhaps 110 miles north of Wake American convoy sighted".
46. Q. A little later that same day, did you receive another dispatch from the 6th Naval Base on Kwajalein?
A. Yes.
47. Q. Inform the court as to the contents of this dispatch?
A. This dispatch stated "large transport convoy sighted 100 miles north of Wake Island - Wake Island unit prepare for action against landing force".
48. Q. From these dispatches, as well as the bombardment that had been taking place, did you believe an invasion of Wake was imminent?
A. Yes.
49. Q. At approximately what time did you expect the invasion to take place?
A. From what I had heard about American practices in making landings, and in view of the state of the moon, I believed that the landing would come about twelve o'clock midnight or one o'clock in the morning and I notified all island personnel to that effect.
50. Q. What precautions did you take to meet the pending invasion? Explain to the court.
A. There was only one thing to do in defending Wake Island and that was to attack with all our strength any point where a landing was attempted and to prevent a landing at that point. And also there were preparations to be made in connection with moving troops about in order to attack any breakthrough that was made, and furthermore to effect emergency repairs in case positions were injured. Also, at that time we were busy redistributing our strength whenever it was necessary because of the extreme damage done to one particular unit. In other words, if a unit were depleted, it was necessary for us to redistribute our forces so as to have a uniform defense. Also, in order to prevent their falling into American hands if the island were occupied suddenly we were burning all sorts of classified documents. In addition to this there are lots of minor details.
51. Q. On October 7, what was the approximate strength of the Naval Garrison under your command on Wake Island?
A. I do not recall the exact figure but I believe it was in the neighborhood of 3500 or 3700. This included the Army and also the Seabees, who in ordinary times were not directly under my command but who in time of combat were under my tactical command. At that time I divided up most of the Seabees and put them into the several units on the island.
52. Q. Did you believe that the prisoners were a threat to the military security of the island and your forces on October 7, 1943?
A. I believed that they would constitute a threat.
53. Q. Did you issue an order for the execution of the prisoners of war under your command on October 7, 1943?
A. Yes.
54. Q. Admiral Sakaibara, inform the court why you issued this order for the execution of all the American prisoners?

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"Exhibit 37(5)"

A. The reasons for the execution were not given out with the order. In my opinion the prisoners had liaison with the outside world. The fact that they had liaison with the outside was definite and when I saw the fact that American submarines and destroyers approached close in to shore on the evening of the 7th, I feared strongly that the Americans would escape. I was afraid that if the prisoners succeeded in escaping and being picked up by an American, that the knowledge that they had of the training of Wake Island and the knowledge they had of the losses we had suffered in the attack would be of value for the attacking forces. Moreover, I was afraid of what the prisoners would tell the Americans in case they met the Americans after the Americans had made a landing.

55. Q. To whom was the order to execute the American prisoners of war given?

A. To the Headquarters Company Commander. At the time I gave the order the company platoon leader was also present.

56. Q. At the time you gave the order on October 7, 1943, who was the commanding officer of the Headquarters Company?

A. It was Lieutenant Commander Tachibana, who at that time was a lieutenant. In addition to that duty, Lieutenant Commander Tachibana also had duty as communications officer, internal communications officer, as well as being acting executive officer.

57. Q. Prior to the execution of the American prisoners, was Lieutenant Commander Tachibana relieved as commanding officer of the Headquarters Company?

A. Lieutenant Ito, Toraji, arrived on Wake Island around sunset on the 7th and he reported in at the command post around seven, I have forgot the exact time. At that time I told Ito to take over the duties of Headquarters Company Commander and told him that various orders had already been issued to the Headquarters Company Commander. I ordered him to relieve Lieutenant Commander Tachibana.

58. Q. Did Lieutenant Ito relieve Lieutenant Commander Tachibana as commanding officer of the Headquarters Company prior to the execution of the American civilians?

A. Yes.

59. Q. Did Lieutenant Ito, as the new commanding officer of the Headquarters Company, assume all the duties that had previously been assigned Lieutenant Commander Tachibana, as commander of that company?

A. Yes, he was supposed to have received them.

60. Q. Did this include the carrying out of the execution?

A. It certainly should have included that because when Lieutenant Ito relieved Lieutenant Commander Tachibana I made a point of saying to him that there are certain orders which have already been issued to the Headquarters Company Commander and I enumerated these orders.

61. Q. Did the Headquarters Company, under the command of Lieutenant Ito, carry out the command to execute the prisoners as ordered?

A. I received a report to that effect. I received a report from Lieutenant Ito.

62. Q. Were you present at the execution?

A. I did not go.

63. Q. Was Lieutenant Commander Tachibana present at the execution?

A. I do not believe that Lieutenant Commander Tachibana was present at the execution. He should have been in the lower half of the command post where the communications office was located. I was on the upper deck of the command post.

64. Q. As Commanding Officer of the Naval Garrison on Wake Island, did your subordinate officers ever refuse to carry out an order that you issued?

A. All of my combat orders were obeyed implicitly. Towards the end there were some infractions of standing orders such as the case of the man who broke into the supply warehouse. However, my orders applying to combat were obeyed implicitly.

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"Exhibit 37 (6) "

65. Q. What would you do to a subordinate officer who refused to carry out an order you issued him?

A. He would be executed.

66. Q. A statement read by the prosecution, of Admiral Sakaibara, and offered as evidence this morning stated that he actually killed an American prisoner of war on October 15, 1943.

The question was withdrawn by the accused counsel to be rephrased.

67. Q. Was the American prisoner of war who was killed on October 15, 1943, actually killed by you?

A. No.

68. Q. Was the statement which was read into the record this morning in your confession a true statement or false?

The judge advocate objected to the question as not a proper question.

The accused reframed the question.

69. Q. Was the statement in your confession this morning that you killed personally the prisoner on October 15 - is that statement correct?

A. I did not do the execution myself.

. The judge advocate moved that the answer be stricken as it was not a proper answer to the question.

The accused replied.

The judge advocate withdrew his objection to the answer.

70. Q. Will you inform the court why you submitted a false statement in your confession?

A. I admit such a statement because I wanted to personally take - shoulder the responsibility for the execution of the act as well as the ordering of the act because that is the customary habit of the Japanese officer.

71. Q. Will you inform the court who did carry out the actual execution on October 15, of the American prisoner of war?

A. I do not definitely recall the person's name. However, it was one of four officers - a reserve ensign, at present a reserve lieutenant, at the time a reserve ensign who has since become a reserve lieutenant.

72. Q. Did you receive a radio dispatch on October 13, 1943?

A. Yes.

73. Q. Inform the court from whom you received this dispatch and its contents?

A. I believe the source of the dispatch was the Commander-in-Chief, Fourth Fleet. It may have, however, come from 6th Base Unit on Kwajalein. The contents of the dispatch were a report from submarines operating around the harbors in the Hawaiian Islands indicating that a new and more powerful fleet has set out from Pearl Harbor, therefore, Wake Island will prepare for an invasion. After that the dispatch warned all Marshall Islands units to go on alert condition #1.

74. Q. Did you alert Wake Island in accord with this dispatch?

A. I employed all island personnel in rebuilding and repairing damage and in increasing the strength of our gun positions.

75. Q. With an invasion imminent, inform the court why you killed, or had executed, the remaining prisoner of war on October 15, 1943?

A. I had previously heard that the Americans in preparing to invade a place would put ashore from a submarine at night one or two men or a native and get data for the invading forces in this way. Therefore, I thought that even this one man constituted in some measure a threat to security. In

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"Exhibit 37 (4)"

addition to this, the reason for which I had the mass execution of the 96 applied also to this man.

76. Q. In other words, it was assumed that he also had had part in exchanging signals with the Americans, etc?

A. Yes.

77. Q. Did you create a fiction to explain to the American authorities what happened to the prisoners of war on Wake?

A. Yes.

78. Q. Explain to the court in detail what prompted you to create this fiction?

A. I had heard, as I told you a short while ago, that not only were the people who gave the orders in the case of war crimes to be punished but also people who put these orders into execution were to be punished and in connection with the war crimes trials then being carried out in Germany, that there, too, people who carried out orders, as well as people who gave out orders, were to be punished. In Japanese eyes my subordinates who carried out my orders, which had to be obeyed, were innocent of any crime and I feared that telling the true story would involve others. It is most distasteful for a Japanese officer to be forced to involve his subordinates in this way. Also, at the time the war ended I was not fully cognizant of the terms on which the war ended but I thought in case of a trial or an investigation of the war crimes, it would be done in cooperation between the Japanese and the American Government and that the methods of the trials would be - either the trial would be carried out by Japanese or in accordance with Japanese rules, or that it would be carried out after consultation or negotiations with the Japanese. At first I did not believe that Japan had been defeated and furthermore than when this execution took place they were operating under Japanese rules. And also I believed from what I had heard on the radio that in Germany the prosecution of war criminals was being hurried and that the prosecution of war criminals would begin almost with the landing of the American forces and in my case I felt that this would have unfortunate results. Also, I thought that the punishment of the war criminals might be carried out immediately after the occupation.

The commission then at 3:30 p.m. took a recess and reconvened at 3:35 p.m. All parties to the trial entered. No witnesses not otherwise connected with the trial were present.

Cross-examined by the judge advocate:

At this time the prosecution offered into evidence Exhibit 8, so marked for identification, which is the record of investigation of alleged war crimes at Wake Island.

There were no objections by the accused. Exhibit 8 was accepted as evidence by the commission. The exhibit was limited to that part of the investigation which deals with Admiral Sakaibara's testimony.

79. Q. I show you prosecution's exhibit #8, which is the testimony given before American investigating officers at Wake Island and ask you if this is your signature here at the bottom of the various pages of this exhibit?

A. Yes, that is right.

80. Q. I ask you, was this testimony given under oath?

A. Yes, it was.

81. Q. Does this statement contain false words concerning the disappearance of the American prisoners of war?

A. Yes, it does.

82. Q. And this contains the story that some of the American prisoners were killed in a bomb shelter and some killed trying to escape?

A. Yes.

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"Exhibit 37 (8)"

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83. Q. In other words, you testified falsely, under oath, as to your prisoners at Wake?

A. I do not know whether after I made these statements I said that what I had said was true but that is my false testimony.

84. Q. Do you appreciate the nature and sanctity of an oath?

A. Yes, I do.

85. Q. Is it an offense in Japan Naval law to give false testimony under oath?

A. I believe that is true.

86. Q. Admiral, in your statement which you claim to be the final true statement of the facts, you stated, did you not, "I was forced to execute the said person on Peale Island"?

A. Yes.

87. Q. Is that a correct statement of the facts?

A. That is true.

88. Q. Are you aware of the fact that Lieutenant Commander Tachibara said you personally executed this civilian?

A. I had told Tachibara that I intended to perform the execution myself.

89. Q. I show you the statement you made, in the third paragraph, and ask you if it does not read "I was forced to execute the said person on Hajima (Peale Island)"?

A. The meaning of the phrase "I was forced to do this execution" does not imply that it was unavoidable that I, myself, do the execution. The meaning was that because of the circumstances which were unavoidable it was advisable to execute the prisoner, not that it was unavoidable that I myself carry out the execution.

90. Q. In your statement that you made, marked prosecution's exhibit 5-B, did you mention that you saw submarines, an American submarine, and also that the American prisoners were attempting to contact American ships at sea and also that missiles and leaflets had been dropped?

A. I believe that is there. It is as I have told you before.

91. Q. This reference to submarines, leaflets, missiles, and signals to the submarines by civilians does not appear on the statement you made, Admiral.

A. I never made the statement that they exchanged signals with submarines. The signals were made with airplanes.

92. Q. In your statement in which you said you were giving the true facts you did not mention anything about submarines, missiles, signalling, did you?

A. No, it is not in there.

93. Q. Did you or did you not include in your statement of the facts at Wake the fact that a submarine was sighted and that American civilians were trying to signal the submarines or airplanes and that missiles and leaflets were dropped?

A. I was not requested to go into such detail in that statement.

94. Q. How does it happen that in three and one-half months of questioning by American authorities the first mention that you have made of these things has been made in this trial today. How do you explain that?

A. I did not have time to go into such details.

95. Q. Before you ordered the execution of the prisoner in July 1943, the one accused of stealing food, did you give him a trial?

A. I did not carry out any official trial.

96. Q. Was any official trial or legal proceedings accorded the 96 or 97 civilians who were executed the night of October 7, 1943?

A. No.

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"Exhibit 37 (9)"
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97. Q. Was any trial given the American prisoner, the civilian, who was executed on October 15, 1943?

A. No.

98. Q. How many American prisoners were there on Wake when you got there in December 1942?

A. I do not now remember but I believe it was 98.

99. Q. How did it happen you did not send these American prisoners back to Japan?

A. I was intending to send them back when the opportunity arose.

100. Q. Did you make any reports to the Japanese Government on the disappearance of the civilians in October of 1943?

A. I made a report by dispatch.

101. Q. What did you report?

A. Riotous conduct among prisoners. Have executed them.

102. Q. Was this a true statement of the facts?

A. It is a fact that I sent the dispatch.

103. Q. Is it a fact that it was the riotous conduct of the Americans that led you to execute them?

A. That is a fact.

104. Q. You have not mentioned previous to this time any riotous conduct on the part of the American prisoners. How do you account for that?

A. By the word "fuon" I implied such conduct as signalling to the Americans and other things which I have mentioned.

105. Q. Admiral, we read in court today a number of protests in the year 1943 - March 15, March 30, May 25, November 19, and December 2 - on which dates protests were sent by the American State Department to the Government of Japan over the failure of the Japanese Government to report the names of American prisoners of war on Wake. How does it happen that those names of the prisoners held at Wake were not reported to the American Government?

A. I do not know.

106. Q. Did you make periodic reports on the number and condition of the American prisoners on Wake?

A. I believe that monthly reports were made but I myself had other things to do besides wonder about the American prisoners who were on Wake. I myself did not feel it necessary to occupy myself with the prisoners on Wake, which was a small question at the time. I have no clear recollection on that point. It may be that in case there had been no change in the condition of the prisoners since the preceeding month some statement such as no change in the last month would be sent.

107. Q. Are you familiar with the Geneva Prisoners of War Section requiring the governments to make periodic reports on the condition of prisoners of war in their custody?

A. I know about that provision.

108. Q. You know about the provision that says prisoners of war shall be humanely treated?

A. Yes.

109. Q. Did not Kawaguchi, one of the officers at your garrison, make protest to you about the illegality of the execution of the American prisoners?

A. I do not recall it.

110. Q. Who was your superior officer in this area?

A. The commander of the 6th Base Unit.

111. Q. Who was he and where was he located?

A. At first it was Navy Rear Admiral Abe, Kozo, then it became Rear Admiral Akiyama, Munzo.

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/s/ M. P. Mahoney.

"Exhibit 37 (10) "

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112. Q. Who was your superior officer in July 1943?

A. Abe, Kogo.

113. Q. Did he give you any orders with relation to the disposition of these American civilians?

A. No.

114. Q. In other words, you ordered the execution of these prisoners on your own behalf and in your own right without suggestions from anyone else?

A. Yes, that is right. I issued the orders.

115. Q. You testified that there were between 3500 and 3700 fighting men on Wake in 1943?

A. That is right.

116. Q. And there were 97 or 98 American prisoners of war were there not?

A. Yes.

117. Q. Were these Armed Americans?

A. No.

118. Q. Were they American soldiers and sailors, or were they civilians?

A. Civilians.

119. Q. At this time, Admiral, how many guards did you have covering these American prisoners of war civilians?

A. At that time I believe there was only one.

120. Q. In other words you had one Japanese out of a garrison of 3500 guarding the American prisoners and still considered them a menace to security at Wake?

A. I did not believe that the Americans were a menace.

121. Q. You have already testified that they were considered, "that they constituted a threat to the security of Wake Island", have you not?

A. What time are you speaking of now?

122. Q. I am speaking of the first week of October 1943?

A. During the time of the action?

123. Q. Yes.

A. When I said there was only one guard I was speaking of the time prior to that combat - in other words, in peaceful time. However, during that combat there were four or five guards or more assigned to guard the prisoners.

124. Q. Admiral, don't you agree that it would sound unreasonable that a group of civilians, unarmed and guarded by four or five guards, would constitute a threat to a heavily armed garrison of 3500 to 3700?

A. The threat which they constituted to the forces on Wake Island was not the threat that they might break out and harass the enemy's rear. It was the threat that they might establish liaison with the American forces first before the Americans landed, or join with the American after they landed.

125. Q. I ask you, as a military man, wouldn't you have considered it more humane to put more guards on those men rather than to summarily execute them?

A. Just take a look at the map and see how much coast line there is to defend on Wake Island, and also remember that in that 3500 or 3700 were included Seabees who are not real military men and I believe that 3500 was an extremely small number with which to have to defend Wake Island.

126. Q. In regard to the prisoner you executed on October 15, 1943, did you consider one unarmed American civilian at that time, regardless of the situation, a menace to the Wake garrison?

A. There was a danger in that the prisoner might have gotten loose if his guards had been killed by strafing or bombing.

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"Exhibit 37 (11)"

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127. Q. Admiral, in effect, you offer the seriousness of the military situation on Wake on October 6 and 7 as the most justification for your actions, do you not?

A. That is right.

128. Q. Well, then, why, if you consider that a justification for your action, why did you use this prefabricated story about the killing in the bomb shelter and the escape when you were questioned about it?

A. In Japanese eyes I would have been fully justified but I did not know in what light the Americans were going to look on it. I also wondered perhaps the Americans would dismiss my reasons as absolutely worthless and didn't know whether they would recognize them as reasons at all. The circumstances were extremely unusual.

129. Q. You think the circumstances merited your telling this falsehood under oath, is that right?

A. It is a very bitter experience for me to have to tell a falsehood; however, as commanding officer of the men on Wake Island, it would have been even more bitter for me to have had to involve my subordinates who would have been innocent before Japanese eyes, in the matter as executioners of my orders, if there should be any punishment meted out to them.

Examined by the commission:

130. Q. To whom did you give the order to execute the 96 men?

A. I gave the order to the then Lieutenant Tachibana, who was then Headquarters Company Commander. However, the command platoon leader was also present when I gave the order.

131. Q. The order then was given to Lieutenant Tachibana, who executed it, is that so?

A. Tachibana did not execute the order.

132. Q. You issued the order to Tachibana as the executive officer of the station, is that correct?

A. No, I gave it to him as Headquarters Company Commander. The executive officer, or the acting executive officer, is not included in the chain of command for operation orders.

133. Q. Then why did you give it to Tachibana?

A. Tachibana had multiple duties at that time. Part of his duties were being executive officer, being communications officer, being the internal communications officer and Headquarters Company Commander.

The witness made the following statement:

I believe there is considerable difference between the position occupied by what is called an executive officer in the American forces and what is called "fukocho" or "Fukuchō Dairi" in a Japanese Navy Guard Unit, and particularly in the case of a Japanese specially established Navy Guard Unit. (What I have been translating as) "executive officer" is not qualified to receive Army orders or operation orders for this reason: There is a rule stating that even supply officers and medical officers may serve as executive officers, particularly in Navy Guard Units.

134. Q. This is the statement which the Admiral has given to the court. In it you clearly state you gave the following order to Lieutenant Tachibana: "Using the men of the headquarters company appropriately and at a place which will not interfere with our positions, execute by firing squad all prisoners of war". Is that a true statement?

A. That is true. However, Lieutenant Tachibana at the time had a great many different duties and I would have entered and stressed the fact of Lieutenant Tachibana's additional duties in this statement had I had the opportunity at the time but I wanted to get this statement out as fast as possible, therefore, write it this way.

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"Exhibit 37 (12)"

135. Q. Describe step by step the process from the time the Admiral made the decision in his own mind until the last man was put to death? I want to know the chain of orders from the time you made the decision until the time the man's head was cut off. Who did it?

A. I made the decision. I passed the order to Lieutenant Tachibana. At that point, after I had given the order, Lieutenant Ito arrived by plane from Kwajalein around sunset, his plane having been delayed because of the combat situation. Lieutenant Ito reported in at the upper deck of the command post. I then said to Lieutenant Ito, "You are hereby appointed company commander. You will take over the duties immediately". I then informed him that his company had been ordered to execute the American prisoners. I did this so that he would not forget the order.

136. Q. I want to find out the chain of command on the morn of October 15, 1943, the one the Admiral admitted executing, then denied.

A. I had Nakamura, who is commander of command platoon make preparations for the execution and then I gave the order on the site of the execution directly without going through either the executive officer or through the headquarters commander. I gave him the order to execute the prisoner.

137. Q. What date was the Americans' galley burned down?

A. I am not sure whether it was the 6th of October during the day time or whether it was on the 7th.

138. Q. Describe the radio apparatus that was found there, as to whether it was receiving or sending apparatus?

A. I kept thinking I would go down and take a look at the equipment but I was so occupied with the defense of the island I never got around to it. However, I heard the receiver was of the earphone type but because of my duties I never saw it with my own eyes. However, I swear before God to the fact that the radio was found!

139. Q. American or Japanese radio?

A. I heard later that it was American.

140. Q. Were any Japanese executed for stealing food prior to July 1943?

A. No, they were not. At that time there was plenty of food, they were being given plenty of food.

141. Q. On what date did the dispatch go out - the communication to the Japanese Government informing them that the 96 American prisoners had been executed?

A. On the evening of the 7th. I was worried about the possibility that in case our whole unit were wiped out in an American landing there would be no record of what happened to the prisoners so I sent it out that evening.

142. Q. Did you send it by radio?

A. Yes.

143. Q. To whom was the radio addressed?

A. To the Bureau of Military Affairs. I believe that the 4th Fleet and 6th Base Unit were information on the dispatch.

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

The witness made the following statement:

All the incidents which took place on Wake Island took place because I ordered them, and if there should be any guilt arising from the incidents that took place I, as the person who issued the order, would like to take full responsibility for what happened and I would like for the court to take cognizance of this fact.

The witness resumed his status as accused.

"CERTIFIED TO BE A TRUE COPY."
/s/ E. P. Mahoney,

"Exhibit 37 (13) "

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

21 JUN 1948

I hereby certify that the annexed excerpt is a true excerpt from the record in the case of Tanaka, Masaharu, et al, as filed in the office of the Director War Crimes, Pacific Fleet, Commander Marianas Area.

This excerpt consists of the entire testimony of Captain Tanaka, Masaharu, including direct examination, cross examination and re-direct examination.

Herbert L. Ogden
Herbert L. Ogden,
Commander,
United States Navy.

"Exhibit 38 (1) "

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The accused, Tanaka, Masaharu, Captain, Imperial Japanese Navy, was, at
at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. Are you Tanaka, Masaharu, Captain, Imperial Japanese Navy, an
accused in this case?
- A. Yes.

Examined by the accused:

2. Q. Have you ever had any duties at Truk?
- A. I was at Truk from the 27th of December 1943 until the 6th of March 1944.
3. Q. To what unit were you attached?
- A. I was commanding officer of the 41st Guard Unit at Truk from the 27th of
December until the 20th of February 1944. From the 21st of February 1944 to
the 5th of March 1944 I was attached to the 4th Base Headquarters.
4. Q. What were your duties as commanding officer of the 41st Guard Unit?
- A. I was directly under the 4th Base Force and my duties were the defense of
Truk, and at that time my direct superior officers were Admiral Wakabayashi
of the 4th Base Force and Admiral Kobayashi of the 4th Fleet.
5. Q. What was the organization of the 41st Guard Unit?
- A. I had 16 gun batteries under my command, 4 anti aircraft batteries and the
area in which mines were laid and the defense of the whole of Truk. There
was a communication facility and my personnel were the executive officer,

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

"Exhibit 38 (2)"

Lieutenant Commander Nakase, the officer for internal affairs, Lieutenant Commander Ishii, and head of the sea patrol unit, Lieutenant Danzaki. I had about 800 men. Most of them were dispersed to the various gun batteries. At my headquarters were about 120 or 130 men with which the patrolling of the neighborhood of headquarters were done.

6. Q. When did you see a prisoner at Truk?

A. In the beginning of January 1944 some prisoners were placed in our custody. They were brought in when I was not there and when they were taken into custody I was not in at that time.

7. Q. From whom did you receive the report that you had some prisoners in the custody of the guard unit?

A. I received a report from the executive officer when I came back to headquarters that they were taken into custody on the orders of the superior officers.

8. Q. What was done with these prisoners?

A. They were placed in a part of the enlisted men's barracks.

9. Q. Did you question these prisoners?

A. They were not questioned as my term there was very short and I was very busy and the days that I was not at the guard unit were many.

10. Q. Were there any air raids at Truk during your period of duty of fifty-five days?

A. There was a very great air raid on the 17th and 18th of February, 1944.

11. Q. Please tell the commission the circumstances of that air raid?

A. An air alarm was sounded around four in the morning of the 17th of February and it became known that a task force was raiding Truk. The first attacks were centered on the air fields. All three of the air fields became enveloped in flames. About five a.m. when it started to get lighter the attacks were centered upon the ships in the harbor. The tide of war was very much against us. At about eight in the morning there were no friendly planes that could be seen in the air. The American planes came in waves one after another of about 100 planes each. There was always about 100 planes in the air above us, and our losses increased greatly. During that time there were some special orders from the 4th Base Headquarters. One was to help salvage the ships that were damaged in the air raid, a second to dispatch 100 marines to the Takejima Air Field to help guard it. These orders were executed. Because of dispatching of men to the air fields, the personnel at the headquarters was very small and it was very hard to change the guards with the small number of seamen. Intelligence concerning the enemy received about ten o'clock that morning was that the gun battery at Yawata Jima had been bombarded and enemy submarines had slipped into the atoll and transport like ships could be seen. Losses on our side were very great. The number of people dead and wounded was several thousand. Ships were burning and people from the ships were coming up on land and the confusion was very great. This continued into the evening. The enemy centered its attack on the ships going to and from in the harbor about three o'clock in the afternoon and the number of planes going over the headquarters became very few.

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/s/ E. L. FIELD, Lt., USNR.

"Exhibit 38 (3)"

12. Q. What did you do with the prisoners then?

A. During the air raid in the afternoon the prisoners were executed. This I did not see, but I received a report later. I will explain what I knew about this execution before it was done. Around three that afternoon an ensign who was one of my subordinates came to me and said: "To keep these prisoners at such a time is very dangerous. I would like to have them disposed of." At that time, as I believed such a thing should not be done, I scolded him saying: "Would such a thing be done?" Then the ensign left. Later Lieutenant Ishii came and talked to me about this, and I thought at that time there was no other way, but to report this to my superiors and wait for their answer. As Lieutenant Ishii said, "Shall I ask headquarters?", I told him, "Yes". Ishii left and I think he asked permission by telephone. Then Ishii came back saying that the commanding officer said to execute the prisoners. I was very surprised and then I asked him once more whether this was true or not and he confirmed this. At the time, I did not ask Lieutenant Ishii what sort of a telephone call did he make or who answered. I was very troubled and sat there thinking awhile. I judged at that time that these were absolute orders from operational headquarters and I thought that these were orders coming from headquarters concerning forthcoming operations. Then I said that if these are orders of the headquarters, then it can't be helped. Then Ishii said: "Will I dispose of them?" and I answered, "Yes". Ishii left and I think he relayed this to the officer in charge of the prisoners. Ishii again came back to me and said, "Shall I have Danzaki do this?" and I answered, "Have Danzaki do it." Danzaki did this. Danzaki had received orders. Other than this, the rest I did not see and I can not say.

13. Q. Who executed the prisoners?

A. Danzaki is charged with murder, but I know that Danzaki is not guilty of murder. All Danzaki did was to execute the orders of the 4th Base Headquarters which were relayed through myself and Ishii. It was during a period of great confusion as I have stated before and Danzaki had been ordered by Ishii. If Danzaki had done the execution at that time, I know it was because he had orders to do so. Danzaki is a very honest person. He is not a person who is cunning or has malice. He is a person who is respected by his officers and his subordinates. There is nothing further to add.

14. Q. Where were they executed?

A. This report I received later, but it was on the south side of the 41st Naval Guard Unit pier.

15. Q. Did you receive any report concerning the execution?

A. Later, as I stated before, I received a report that the prisoners had been executed on the south shore of the pier.

16. Q. Did you see this execution?

A. As I said before, after I told Ishii to tell Danzaki, I was very busy and I was looking at some maps in the room. I did not see the scene of the execution.

17. Q. Where were you at that time?

A. By the time, where do you mean?

18. Q. About three o'clock in the afternoon of February 17, 1944?

A. For the most part, I was in my room.

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

"Exhibit 38 (4) "

19. Q. Did Dangaki report that he had executed the prisoner?

A. I believe he said the prisoners were disposed of.

20. Q. Is it certain that the 4th Base Headquarters put out an order for the execution of the prisoners?

A. Yes, this is certain and I have learned afterwards the way headquarters were thinking at that time was that the enemy landing was imminent and it was necessary to dispose of the prisoners.

21. Q. Did you report this to headquarters?

A. I think it was reported by telephone and that evening when I went to headquarters, I reported this at that time.

22. Q. To whom did you report this at headquarters?

A. To the senior staff officer, Commander Higuchi.

23. Q. In what room at headquarters was this?

A. There was a conference room on the veranda and it was at that place.

24. Q. Who else was with Commander Higuchi then?

A. After the conference with Commander Higuchi, the rest of the staff were there and I reported this.

25. Q. Are you sure that you reported this matter concerning the prisoners to Commander Higuchi?

A. This is certain, I reported this to Commander Higuchi while standing very close to him and Commander Higuchi answered, "Is that so?" That I reported this is very certain.

26. Q. Were there any staff officers during the air raid who neglected their duties?

A. I do not think so. I am here concerning this incident on a charge of neglect of duty. On this point, in view of my position, I would like to say a few words and I wish you would understand my way of thinking. When I first entered the Navy, I was taught the Japanese penal code. In there it is stated that during operations, if there was anybody who disobeyed he would be put to death. That I was told by my superiors was absolutely obeyed and anything ordered, whether it was good or bad, should be executed immediately. As a result of this, whatever responsibility which may come out shall rest upon the superiors. This I was told. I think this is also the rule in International Law. This was always in mind and actually whenever I came into contact with my subordinates this was the manner with which I dealt with them. According to those rules, a superior officer during operations has very great power and when an order is given a subordinate, it is absolutely obeyed. Moreover, it goes further than absolutely, being just blind obedience to the orders. All the judgement is left up to the superior officer. Whenever orders are given to the people below them, they are followed blindly and obediently and if this is not complied with a war can never be won. As a result, whether it is good or bad, the senior officer should carry the responsibility.

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/s/ E. L. Field, Lt., USNR.

"Exhibit 38 (5)"

1138

27. Q. The question is, were there any subordinates under you who neglected his duty during an air raid?

A. No.

28. Q. Did you write a statement concerning the execution of the prisoners?

A. I gave a statement to Lieutenant Commander Currie on the 15th of October. At that time my defense counsel, Mr. Ito, was not there. Later I found out that Mr. Ito had been appointed my defense counsel on the 30th of August.

29. Q. When did you enter the Navy?

A. In 1903.

30. Q. When did you retire from the Navy?

A. In 1928 I retired from active duty.

31. Q. When were you recalled and when did you come to Truk?

A. I arrived to take up my duties on the 27th of December 1943.

32. Q. How is your family?

A. My wife is 56 years old and I have 4 children.

33. Q. How old are you?

A. 62 years old.

The commission then, at 10:15 a.m. took a recess until 10:42 a.m., at which time it reconvened.

Present:

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

No witnesses not otherwise connected with the trial were present.

Tanaka, Masaharu, Captain, Imperial Japanese Navy, the witness under examination when the recess was taken resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding and continued his testimony.

Cross-examined by the judge advocate:

34. Q. Do you recall the exact date these prisoners were delivered into the custody of the 41st Naval Guard Unit?

A. I do not remember. I just remember that it was in the beginning of January.

35. Q. Now, Captain, who delivered these prisoners into your custody?

A. It seems they were sent on the last ship from the Marshalls and when it came to Truk it was reassigned and they had to discard the prisoners at Truk. They were taken into our custody by the orders of the fleet headquarters.

36. Q. And at the time you received these prisoners, did they issue any instructions to you as to treatment and care of these prisoners?

A. No.

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/s/ E. L. Field, Lt., USNR.

"Exhibit 38 (6)"

37. Q. Did you report the arrival of these prisoners to the 4th Base Unit?

A. No. I think the orders to take the prisoners into custody came from the 4th Fleet headquarters through the base headquarters to the 41st Guard Unit.

38. Q. At any time from January 1944 up until the time of the execution of the prisoners, insofar as you know, Captain, were they inspected or observed by any members of the 4th Guard Unit?

A. An officer was appointed in charge of the prisoners and he was to take care of them. All medical care was given by the doctor.

39. Q. Did the 4th Base Force have any connection in the way of inspection or supervision over these prisoners?

A. That I do not recall.

40. Q. In other words, then, Captain, the custody and supervision and entire handling of these prisoners was within your command?

A. Yes.

41. Q. Now, when these prisoners were turned over to the 41st Guard Unit, were you told how long you could expect to hold them?

A. As I was told by the executive officer that handling the prisoners would bring about many difficulties, I asked the headquarters if they could not be sent back to Japan where they had facilities to take care of them, by plane or transport.

42. Q. During the time these men were in your custody, what did they do? Did you work them?

A. They helped in digging air raid shelters.

43. Q. About how many hours a day did they help dig air raid shelters?

A. About two hours in the morning and about two hours in the afternoon.

44. Q. Are you absolutely certain that they never worked more than two hours in the morning and two hours in the afternoon of the same day?

A. Yes.

45. Q. Aren't two hours in the morning and two hours in the afternoon a very short time? Why didn't you work them more than that?

A. As it is a very hot place, it may have been too much on them.

46. Q. Captain Tanaka, are you a graduate of the Japanese Naval Academy?

A. Yes.

47. Q. In the Naval Academy did you receive any instructions with regard to treatment of prisoners of war?

A. I remember hearing about international law and I also remember that it was said at that time that Japan had not signed any treaties. Other than this I do not remember.

48. Q. Would you say that you are reasonably familiar with Japanese Naval Regulations?

A. I think I am fairly familiar with them.

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/s/ E. L. Field, Lt., USNR.

"Exhibit 38(7)"

49. Q. Do you know whether Japanese Naval Regulations include any sections on the treatment of prisoners of war as taken from International Law?

A. I think there is a section saying the Army would handle the prisoners. I do not think there were some smaller detailed laws concerning this.

50. Q. Do you know whether the regulations covering the Japanese Navy had incorporated into them all or parts of international regulations concerning the treatment of prisoners of war?

A. As Japan has not signed any prisoner of war treaties, I do not think there were any.

51. Q. You testified that when first informed by an ensign, you did not think these prisoners should be executed. Why did you think that?

A. I have known that the handling of prisoners is very important and as the war began, I know of a note sent to the Commander in Chief of the fleet from Central Headquarters saying to send all prisoners from places where there is no way of caring for them to Japan. I would like to add something more: I have also heard that Japan did not sign any treaties but they would have to recognize rules concerning prisoners. This was from the foreign office. I would like to add one thing more. I also think in military circles dispatches concerning prisoners were not known too well and people among the higher headquarters did not dwell too much upon this.

52. Q. Captain, do you know why you did not believe these prisoners should be executed at the very beginning?

A. This can be known with common sense. It also concerns the rules of humanity, and that is how I know.

53. Q. During the time these prisoners were in your custody did they commit any misconduct?

A. I have received no report on this. I do not think there was any.

54. Q. What then prompted the execution of these prisoners? What was the purpose behind the execution of these men?

A. Because it was during battle and because of the orders of the superior officer.

55. Q. Now, this execution took place following the first air raid on Truk, is that correct?

A. While I was there, that was the first air raid. That was the greatest and most terrific air raid I have ever experienced.

56. Q. Did the 41st Naval Guard Unit suffer any casualties as a result of this raid?

A. 80 of my men were killed.

57. Q. As a result of 80 of your men being killed, the animosity for the Americans was very great, is that correct?

A. This is a feeling at a time of battle. As for myself, I was absolutely resigned to my fate, but this feeling was absolutely not extended to the prisoners.

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/s/ E. L. Field, Lt., USNR.

"Exhibit 38(8)"

58. Q. Do you say then that following the air raid on February 17, 1944, you yourself had great animosity toward the Americans as a result of this raid?

A. This was after there were no more of our planes in the sky. And it was a continuous attack by enemy planes. At that time I felt that if we had had more planes we could do more about the raid.

59. Q. As result of this raid what would you say was the condition of the morale of your troops?

A. I think everybody was resigned to his fate.

60. Q. Would you say that the morale was high or low, good or bad?

A. I believe the morale was very high.

61. Q. Is it correct then that with the morale very high all of the men felt they might be facing death very shortly?

A. Yes, because the rumors were circulating that the enemy might land.

62. Q. In the face of these rumors, what was the attitude of you and your troops toward the Americans?

A. As the defeat was so great, the feeling was of great regret.

63. Q. During the air raid, where were these prisoners confined?

A. I do not remember about that time.

64. Q. Insofar as you know were they put in an air raid shelter?

A. As everyone was allotted their place in the air raid shelter, I believe they were there.

65. Q. Were you in the air raid shelter?

A. During the morning there were some planes over head so I spent most of my time in the air raid shelter but in the afternoon I spent most of my time outside.

66. Q. Were these prisoners allotted space in the same air raid shelter in which you took refuge?

A. No, it was some distance apart.

67. Q. Now, Captain Tanaka, you testified that you did not believe it was proper that these prisoners should be executed. Why then did you consult superior authority if you knew it was not proper?

A. I believed they should not be executed and I also scolded and did not give permission, but I judged that it was during battle and it would be better to receive instructions. I have no other reason than this, nor is there any deeper reason.

68. Q. Insofar as you know Captain, was there any justification for the murder of these seven Americans?

A. I heard later, but I believed and judged as it was during operations, that my superior officer had judged so and I said yes. I know of no other small details or reasons. It was during operations and my superior officer had judged the battle conditions as such.

69. Q. Is it correct then Captain, you know of no justification for the murder of these seven men?

A. I have no other way of thinking but it was the orders of the superior officer.

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/s/ E. L. Field, Lt., USNR.

"Exhibit 38 (9)

70. Q. You testified you did not believe these men should be executed and that you knew there was no cause to execute them. Did the fact that you consulted superior officers or superior authority change your belief in that?
A. As I have stated before in the Japanese rules it says during battle, whether the orders of a superior officer are good or bad, we should execute them. This feeling is very strong and also it was during a terrific battle. This is why I said yes.

71. Q. However, at the time you said yes, you knew it was wrong to execute these men?

A. On my own responsibility I would never have done this. If this order had not come out, this would not have happened.

72. Q. Captain, you have testified that Lieutenant Ishii informed you that the 4th Base Force said to execute these prisoners. Did Lieutenant Ishii go to the 4th Base Force at your request?

A. As he came back in a short period of time, I think it was by telephone. He could not have gone and come back from the 4th Base Headquarters.

73. Q. Up until the time Lieutenant Ishii contacted the 4th Base Headquarters by telephone did they know you were contemplating the execution of these prisoners?

A. As it was something that was not reported to headquarters, I do not think they knew.

74. Q. Captain, insofar as you know, had the 4th Base Headquarters been considering the execution of these prisoners prior to the time Lieutenant Ishii contacted them?

A. I do not think that such a thing was possible.

75. Q. If Lieutenant Ishii had not contacted the 4th Base Headquarters, would this execution have ever taken place?

A. As a lot of difficult problems could arise, I thought nothing could be done except wait for the instructions from my superior officer.

76. Q. In other words, the initial idea to execute these prisoners of war was originated at the 41st Guard Unit and passed on to the 4th Base Headquarters for confirmation?

A. Yes, as many officers came to me and said so.

77. Q. You have heard the testimony in this court of Admiral Wakabayashi and his Chief of Staff, Commander Higuchi, and they have both testified that they knew nothing of the prisoners of war being present or that they contemplated the execution of these prisoners, or the execution taking place. How do you explain this testimony in the light of your testimony?

A. I said that I reported this to the Senior Staff Officer, Higuchi. There is no mistake in this.

78. Q. You also said that you had orders from the 4th Base Force. Is there any mistake in that?

A. As Lieutenant Ishii came to me personally and reported this to me, there can be no mistake.

79. Q. Did Lieutenant Ishii tell you to whom he had talked?

A. All he said was he had received orders from headquarters.

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/s/ E. L. Field, Lt., USNR.

"Exhibit 38 (10)"

80. Q. Orders from headquarters to do what?

A. Orders to execute the prisoners.

81. Q. When he told you this, did you consider it rare and unusual that these prisoners were being executed?

A. At that time I did not think of such a thing. The only thing that was in my mind was obedience to orders.

82. Q. Did you attempt to verify in any way these orders that Lieutenant Ishii said had come down to you?

A. I asked Ishii to confirm this and he replied in the affirmative. I relied on him greatly, therefore I took his word. He was a person who was thought very reliable by headquarters and he often talked with the staff officers on his own. He was a person upon whom I relied fully. I do not think he would make any mistakes. I relied on him fully.

83. Q. Is it correct then, Captain, you ordered these seven men executed, relying entirely upon the verbal statement of Lieutenant Ishii?

A. Yes.

84. Q. Do you know as a fact whether he actually contacted 4th Base Headquarters?

A. As the place where I was and the telephone were some distance apart, I could not hear him, so I cannot say.

85. Q. Is it possible then that Lieutenant Ishii made up this account he gave you and never contacted the 4th Base Headquarters?

A. As I relied upon Ishii greatly, even now I do not think he would have done such a thing.

86. Q. On the day of the execution of these prisoners, where were they being confined, if you know?

A. I do not remember.

87. Q. Where was their usual place of confinement, if you know?

A. Are you asking about the air raid shelters?

88. Q. Yes, where was the air raid shelter where these prisoners would be located?

A. To the north of the entrance were three air raid shelters. I think it was one of them.

The commission then, at 11:38 a.m., took a recess until 2:05 p.m., at which time it reconvened.

Present:

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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/s/ E. L. Field, Lt., USNR.

"Exhibit 38 (11)"

Tanaka, Masaharu, Captain, Imperial Japanese Navy, the witness under examination when the recess was taken resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding and continued his testimony.

(Cross-examination continued.)

89. Q. Now Captain, how far were these air raid shelters from your headquarters?

A. I think it was a distance of about 70 to 80 meters.

90. Q. When you passed on the order to execute these men, did you state how or where the execution would take place?

A. No.

91. Q. Now, Captain, do you know the exact place where the execution occurred?

A. I noticed it when I went around later.

92. Q. Now, how far did you say that the place of execution is from your headquarters?

A. From the west end of the veranda headquarters about 50 to 60 meters.

93. Q. Now Captain, how did it happen that these seven men were executed right in front of your headquarters?

A. There is no particular reason.

94. Q. Well, they could just as well have been disposed of at any spot, could they not?

A. As it was an order I thought it was a bad thing but I had no feeling that I would like to hide this.

95. Q. Captain, could this execution have taken place at any other spot other than on the sea wall?

A. As I did not feel that it was something that I should hide I had no particular spot.

96. Q. Captain, was this execution carried out in secret?

A. As I could not help this, the other people must have thought the same, I do not think there was any particular reason.

97. Q. After you had decided to execute these seven men, was the word passed within your unit that the execution was going to take place?

A. No.

98. Q. Did the execution take place in secret?

A. After I passed on the word to have Danzaki do the execution, I did not see it so I can not say.

99. Q. When Danzaki reported the execution to you, did he tell you whether any persons saw it other than himself?

A. He just stated simply that they have been executed.

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/s/ E. L. Field, Lt., USNR.

"Exhibit 38 (12)"

100. Q. How many men did he say had been executed?

A. He did not state the number in his report.

101. Q. When he said "they", did you know how many had been executed?

A. No, I did not.

102. Q. How many men did you have Dansaki execute or how many men did you intend for him to execute?

A. I did not know the number and I did not say that there are so many people and to do such and such. At that time I did not know.

103. Q. It was your intention, then, to execute any and all prisoners that the 41st Guard Unit had in its custody, is that correct?

A. At that time I did not look into the details. I was very busy at that time and I did not notice the details.

104. Q. Captain, were any other men executed besides these seven on the sea wall?

The accused objected to this question on the ground that it was irrelevant.

The judge advocate, with the permission of the commission, withdrew the question.

105. Q. Now Captain, at any time did you intend to participate in this execution yourself?

A. No, also I was busy. Besides this I could not bring myself to look upon the execution.

106. Q. Now Captain, you have heard the testimony of two Trukese witnesses to the effect that they were there and saw approximately one hundred persons on and around the veranda of your headquarters; can you account for all these persons witnessing this execution?

A. After I had given Lieutenant Ishii the order I stayed in my room for a long time. I felt sorry for them. I thought maybe they were being taken there now. I stayed in the room and did not look outside. As I did not see, I did not know how the execution took place. Some time passed and I went outside. My room is located on the eastern side of the veranda and I went outside of the room and walked down the veranda toward the middle of the headquarters where there is a chair which was facing north. I sat there. After a time I went back to my room. The entrance, or the stairs, leading up to the veranda are located in the middle. In the west end were many people and I could not see further. If I had gone further, I might have been able to see, but as I did not wish to see, I stayed there. Is the question, "Was I in a position to see?"

107. Q. No.

A. Are you asking if I was in a position where the witnesses saw me?

108. Q. Now, when you saw this large crowd of people on the veranda did you know what they were doing there?

A. I think it was concerning the execution.

109. Q. You think! Don't you know it was concerning the execution?

A. At that time I did not notice. I did not think as I did not want to see.

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/s/ E. L. Field, Lt., USNR.

"Exhibit 38 (13)"

110. Q. You did not want to see what?

A. This was just a feeling.

111. Q. How do you account for all these persons being present following a violent air raid when they were supposed to be very busy?

A. I think as it was near the evening meal and the number of persons was very few, they had assembled for the dinner.

112. Q. Do you know what time of day this execution took place?

A. As I did not see it, I can not say.

113. Q. Do you know the nationality of these men who were executed?

A. I do not know, but I think Americans.

114. Q. Insofar as you know, as the commanding officer of the 41st Naval Guard Unit, was any trial given to any of these men?

A. I do not know.

Re-examined by the accused:

115. Q. You testified this morning that an ensign came to you on the morning of the 17th to ask you for permission to execute these prisoners. Do you remember who this ensign was?

A. I do not remember.

116. Q. Why do you think an ensign would come you directly on a question like this?

A. At that time I became very angry and scolded him.

117. Q. Then you yourself did not order the execution, did you?

A. As I have stated before, it was on the orders from the headquarters, which I believed, that this was done.

118. Q. Is it correct that your testimony regarding this execution has not been as an eye witness to the execution, but only as to what you heard others say and reported to you?

A. I have not testified as a witness who saw the execution, but I have testified from the reports that I received.

119. Q. Was it your intention to carry out orders of your superiors which were given in battle with the idea that in carrying these out you were helping to win victory for Japan when the tide of battle seemed to be going against her on that day?

A. I believed the orders of my superiors. This was in battle and I have to obey thier orders. The superior officers in giving their orders were trying to win the battle for Japan, this I believe is being sincere to ones country.

120. Q. You answered this morning that the entire custody and care of prisoners of war was yours. Did you mean by that you were not accountable to superior officers at 4th Base Headquarters for their safety and custody?

A. Everybody has a responsibility according to their duties. As I was responsible when they were in the custody of the 41st Naval Guard Unit my direct superiors also had responsibility for the supervision of them. The superior officers above him also have a responsibility for their supervision. Everyone had a responsibility according to their duties.

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

"Exhibit 38 (14)"

121. Q. Were the details of the working hours of these prisoners left up to Lieutenant Ishii?

A. Naturally the executive officer was appointed to do this.

122. Q. How many people were on the veranda when you walked out there?

A. I can only say the number I could see at the end of the veranda. I can not say anything about the number of people which were hidden by the room.

123. Q. But on the veranda itself, how many people were on the veranda?

A. I could see only the ones on a line east and west and I believe there were about ten people.

124. Q. Had you ever been in a battle or an air raid before this time?

A. No.

125. Q. How long ago was it that you were in the Naval Academy?

A. I was a student from 1903 to 1906.

126. Q. When did you last read Navy Regulations?

A. Do you mean Navy Rules?

127. Q. Yes, when did you last read the Navy Rules?

A. I read it every once in awhile to teach my subordinates.

128. Q. Do you know why you were relieved of your duties immediately after this air raid?

A. When I came as commanding officer of the 41st Guard Unit on 27 December 1943, this area was not considered the first line. At the end of January the Marshalls, before that the Gilberts fell and the front line defenses came nearer and nearer. On the 17th of February there was a great air raid and the authority thought that this work was too great for me and I was replaced by a captain on the active list who was ten years younger than myself. As the tide of battle went so rapidly and this area became the front line is why I believe I was relieved of my duties.

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

The commission did not desire to examine this witness.

The witness made the following statement:

I would like to say a few words. I had been assigned a very unfortunate duty in this incident. I feel very regretful. There was a great air raid and concerning the prisoners I had not intended as was stated. Subordinate officers came to me about this. I scolded them once, but later Lieutenant Ishii came and spoke to me about this, and all I thought at that time was an order of the superior officers had come. As for myself I had not such an intention. I received an order from a superior officer. I believe this order from my superior officers was legal. In the Japanese service the orders of a superior require absolute obedience. Even if you believe an order is wrong you are not allowed to go against it. On this point I feel very sorry for Danzaki. That is all.

The witness resumed his status as an accused.

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/s/ E. L. Field, Lt., USNR.

"Exhibit 38 (15)"

RESTRICTED

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

21 JUN 1948

I hereby certify that the annexed excerpt is a true excerpt from the record in the case of Oishi, Chisato, et al, as filed in the office of the Director War Crimes, Pacific Fleet, Commander Marianas Area.

This excerpt consists of the entire testimony of Edward F. O'Brien in rebuttal.

Herbert L. Ogden
Herbert L. Ogden,
Commander,
United States Navy.

"Exhibit 39 (1)"

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RESTRICTED

The judge advocate was called as a witness for the prosecution in rebuttal and warned that the oath previously taken was still binding.

1. Q. State your name, rank, and present station?
A. Edward F. O'Brien, Lt. Comdr., Judge Advocate in this court.
2. Q. Do you have the original suicide note left by Captain SHIGA in your possession?
A. I have not.
3. Q. Where is the note?
A. The note is attached to the record of the Board of Investigation which was convened by the Atoll Commander of Majuro, to investigate the circumstances surrounding Captain SHIGA's death, and forwarded through official channels to higher authorities.
4. Q. Do you have any copies of the note?
A. I have not, and my investigation reveals that none are available.
5. Q. Is a statement of the contents of the note contained in the forward to the investigation into the Mille Atoll events?
A. It is.
6. Q. Is that forward signed by the investigating officer?
A. It is.

The proceedings of the investigation were submitted to the accused and to the commission, and by the judge advocate so much of the forward thereto as contains the contents of Captain SHIGA's suicide note was offered in evidence.

The accused objected to the contents of the note for the reason that the original Japanese copy is not here to compare the translation, and we also believe that on evidence of this character that too great an emphasis might be placed upon it for the reason that the Judge Advocate did not believe it even necessary to present the note, and we would like to have a more accurate copy of the interpretation involved in an investigation.

The judge advocate replied.

The commission overruled the objection.

The judge advocate read as follows:

"Captain Masanori SHIGA, Imperial Japanese Navy, late Atoll Commander of Mille Atoll, Marshall Islands, left a suicide note in Japanese and translated into English reads as follows:

"Although I have not issued an order I realize that there is a responsibility as of Commander and therefore I voluntarily commit suicide," signed Captain SHIGA.

"The original note is attached to a Board of Investigation convened by the Atoll Commander, Majuro, and Senior Officer Present", to investigate the circumstances surrounding Captain SHIGA's death".

Signed by: Emmott E. Cook, Jr.
Lieut. USNR
Investigator.

Jack Vickrey
1st Lt., USNR
Assistant Investigator.

"Exhibit 39(2)"

RESTRICTED

The accused did not desire to cross-examine this witness.

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

The witness resumed his seat as judge advocate.

"Exhibit 39 (3)"

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