77. Q. When were the teams designated?
A. I do not know, but Captain Nakamura told about this team at the assembly so I believe they were designated before this time.

78. Q. Do you know who made the arrangements for the trucks?
A. No.

79. Q. Do you know how many Kempeis there were at the Kempeitai?
A. Yes, I do.

80. Q. How many were there?
A. There were four officers, two warrant officers and about eight non-commissioned officers. Therefore I believe there were fourteen or fifteen in all.

81. Q. Can you give us the names of the eight Kempeis?
A. This includes the two warrant officers and they were as follows: Warrant Officer Nakamura, Warrant Officer Ajioka, Sergeant Major Ishiyama, Sergeant Major Sugimoto, Sergeant Major Ichimiya, Sergeant Major Ozaki, Sergeant Major Tamamoto, Sergeant Yokoyama, Corporal Nakagawa, Sergeant Yamada and Corporal Nagatome.

82. Q. Of these names you have mentioned, who are the men that you remember being present at the scene of the execution?
A. The persons I recall being at the scene are as follows: Warrant Officer Nakamura, Sergeant Major Sugimoto, Sergeant Major Ichimiya, Sergeant Major Tamamoto, Sergeant Yokoyama.

83. Q. Do you know the rank of Kawaguchi at the time of this incident?
A. I believe he was a leading private but I do not recall. He might have been a leading private or a superior private.

84. Q. Do you remember the rate of Ezure at this time?
A. Leading private.

85. Q. Do you remember the rate of Fujitani at this time?
A. I recall he was a leading private.

Cross-examined by the accused:

86. Q. What was the duty of the Chief of the Special Higher Section of the Kempeitai?
A. The order I received from Commanding Officer Miyazaki at that time was to liaison with Division Headquarters and to gather information concerning the maintenance of public safety.

87. Q. Did the gathering of information for the maintenance of public safety include gathering information regarding foreigners?
A. Yes.

88. Q. You have testified concerning the nationality of the six missionaries and the employee. Did you yourself make an investigation as to their nationality?
A. I know of this because I heard it from the Western Branch of the South Sea Government.

89. Q. Please explain further from what and how you came to hear information from the Western Branch of the South Sea Government?

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A. Along with the evacuees from Yap, around June or July, 1944, four missionaries came to Koror from Yap. At that time I received an order from Division Headquarters to make a roster of all the foreigners according to their nationality. Therefore, I went to the police section of the Western Branch of the South Sea Government and learned from them the nationality, name and age of the missionaries that came from Yap. And I reported this to Division Headquarters so I know of this.

90. Q. You have testified that among these missionaries there were one or two Portuguese. Is there no mistake in this?
A. No, there is not.

91. Q. The document you saw at the police section of the South Sea Government -- was this document an official document?
A. I did not personally see this document. I negotiated with the head of the police section and he looked into some document and told me this.

92. Q. Do you know the names of the missionaries and employee who were under custody at the Kempeitai?
A. No.

93. Q. Do you know the name of the one or two Portuguese you have mentioned before?
A. No, I do not know.

94. Q. What nationality was this employee?
A. What I heard from the police section of the South Sea Government was that his nationality was Filipino.

95. Q. What was the appearance of this employee?
A. What struck me at first sight was that he resembled a native.

96. Q. If you know anything concerning the wife of this employee, such as appearance, etc., please tell us.
A. When I heard of this from the police section of the South Sea Government, the chief of the criminal section of the South Sea Government told me that the wife of the Filipino was a native. When I saw her at the scene of the execution I received the same impression.

97. Q. Explain how these missionaries and the employee came to be under custody at the Kempeitai.
A. I recall that it was about June or July 1944 that these missionaries came from Yap. When they came they were put into a theater on Koror but as the surrounding buildings were bombed by American planes and were destroyed, the Western Branch of the South Sea Government requested that they be evacuated from Koror to Babelthuap Island. I recall that they went to live in the homes of the South Seas Development Company at Gasupan. Other than these persons there were two Spanish missionaries living on Koror from before. These two missionaries were also evacuated to Babelthuap Island, Gasupan Village, near a native village, for their church was bombed. After that, about the middle of August, 1944, the Kempeitai received a request from a Japanese force near this place where these two Spanish missionaries were living stating that they would like for these missionaries to move to some other place. At that time, as these foreigners were under the protection of the Western Branch of the South Sea Government, the Kempeitai made a request to the Western Branch of the South Sea Government to make some arrangement to have these missionaries

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moved to some other place for it had been requested from the unit stationed there that they be moved. Soon after this the Kempeitai received an order from Division Headquarters to have these missionaries assembled in one place and for the Kempeitai to protect and guard them.

98. Q. At that time was the Kempeitai in a position to receive orders from Division Headquarters?
A. The Kempeitai had received a written notice stating that concerning the public safety and patroling, to receive delegated command from the supreme commander.

99. Q. Who was the supreme commander of Palau Island?
A. Commanding officer of the division, that is, Lieutenant General Inoue.

100. Q. On the morning of the execution when you conversed with the commanding officer in his room and talked about the execution of the missionaries, did he mention that the employee and his family were also going to be executed?
A. Yes.

101. Q. Then is it true that this employee and his family were executed under the orders of the division headquarters?
A. Yes.

102. Q. At this time did the commanding officer, Miyazaki, tell you the reason for the execution?
A. At this conversation I did not hear anything in particular about that.

103. Q. But did you hear from Commanding Officer Miyazaki the reason for the execution at any other time other than during this conversation?
A. No, I did not. But the Kempeitai received orders to protect and guard the foreigners. So they were all assembled in the home of the South Seas Development Company at Gasupan and they were protected and guarded there. But around the latter part of August we received information that an American force would land on Palau so Lieutenant Colonel Miyazaki said to me and to Captain Nakamura as follows: "In the event the American force lands on Babelthuap, what is to be done with these missionaries who are now being protected by the Kempeitai? In regard to this I will have to receive some instructions from Division Headquarters beforehand."

The commission then, at 3:15 p.m., took a recess until 3:30 p.m., at which time it reconvened.

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

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104. Q. If you have something to add to the last answer please tell us now.
A. As I have stated before, the commanding officer did not give us the reason for the execution except for what I have related previously.

105. Q. You have testified that during the conversation with Lieutenant Colonel Miyazaki he stated that for all the Kempeis and assistant Kempeis to assemble, other than the persons on day duty and on the sick list or who were ill. Does this day duty mean both the road lookout and the air raid lookout?
A. Yes.

106. Q. How many persons were on day duty on the day of the incident?
A. I do not recall exactly how many persons but I believe there were about two persons on day duty and two persons on air raid lookout and one on road lookout. Altogether I believe there were about six who stayed behind.

107. Q. Do you recall who was on duty at the time of the incident and stayed behind?
A. Sergeant Takahashi was on duty and stayed behind and I recall Sergeant Major Kokubo was on duty and stayed behind.

108. Q. In the list of Kempeis you mentioned a while back Sergeant Takahashi's name wasn't mentioned. Who is this Sergeant Takahashi?
A. Other to what I mentioned previously I believe I had left out the names of Sergeant Takahashi and Sergeant Kokubo.

109. Q. Was it the Kempeis or assistant Kempeis who were on duty as air raid lookout and as road lookout?
A. I believe they were assistant Kempeis who took the direct duty.

110. Q. Do you recall who was sick at the time of this incident?
A. I recall definitely that Corporal Nakagawa stayed behind but others I do not recall.

111. Q. Please tell us again who were the persons that were on the truck with you?
A. They were Commanding Officer Miyazaki, Captain Nakamura, First Lieutenant Ichikawa and from the Sumida Unit Captain Yamamoto and one soldier and Imaizumi, an orderly of the commanding officer, and I recall I took along Leading Private Ezure as my orderly. There were also two auxiliary Kempeis.

112. Q. The truck which departed first from the Kempeitai -- did this truck go to the house of the missionaries also?
A. They left first but as our truck neared the home of the missionaries at the South Seas Development Company this first truck was stopped on the road nearby.

113. Q. Then the truck you were on was the only truck that went to the home of these missionaries?
A. Warrant Officer Nakamura was on the first truck and I think they stopped near this place on the road and Warrant Officer Nakamura went to their home.

114. Q. Had the missionaries prepared their belongings and were ready to leave when you went to their home with Commanding Officer Miyazaki?
A. Yes.

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115. Q. Then there was some one who went to their home before Commanding Officer Miyazaki went there and relayed the facts to them?
A. I think Captain Nakamura ordered someone and he had him go there before he went.

116. Q. In relating these facts to the missionaries, in what language would they be spoken to?
A. I do not know but that day when I went to the missionaries' home with the commanding officer, the commanding officer spoke to them in some language. I do not think it was English. I think it was French but the missionaries had answered to what he had said.

117. Q. Were there anyone among the missionaries or their employees or the family of their employee who spoke Japanese?
A. As I did not speak to them directly I do not know.

118. Q. In what language did Miyazaki say to the missionaries, "Let us all go together"?
A. I do not know in what language but after he said it in Japanese he said something in another language.

119. Q. The teams of Kempeis and assistant Kempeis which got the missionaries after getting off the truck -- were they the same teams that were made at the Kempeitai before departing?
A. The teams that were made before they left the Kempeitai did not proceed as appointed. When they went to the scene and when the missionaries got off the truck.

120. Q. What were the circumstances?
A. If the truck with the non-commissioned officers and men had reached there before, I think it might have went well, but as the truck with the missionaries arrived first, and the truck with the non-commissioned officers and men arrived later, as I recall they got off the truck at the same time and it did not work out as planned.

121. Q. Please explain in detail what happened after Miyazaki ordered Captain Nakamura to carry out the execution at the scene.
A. First the six missionaries were made to sit in front of the hole. The others were made to sit about three or four meters to the rear. Guards were placed. At this time Commanding Officer Miyazaki ordered Captain Nakamura to have the men of the Sumida Unit do half of it. Furthermore, Commanding Officer Miyazaki said to Captain Yamamoto, "As to the orders of the Division Headquarters, have the men of the Sumida Unit shoot." I recall two or three of the six missionaries were shot by the Sumida Unit. After the six missionaries were shot, right away the Filipino, his wife and children -- four in all -- were shot at the same place.

122. Q. You have testified that Commanding Officer Miyazaki said to Captain Yamamoto, "As to an order of the Division Headquarters, have the men of the Sumida Unit shoot." Do you mean by this it was an order of the Division Headquarters to have the men of the Sumida Unit shoot?
A. The men of the Sumida Unit were used as helpers at the scene, therefore Commanding Officer Miyazaki said to have the Sumida Unit men shoot also.

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123. Q. Was it an order of the Division Headquarters to use the Sumida Unit's men as helpers at the scene of the execution?
A. That I do not know.

124. Q. You have testified that the following named persons were at the scene, now please tell by what reason you know these persons were at the scene. First, Sergeant Sugimoto?
A. I saw him at the scene.

125. Q. By what reason do you remember him as being there?
A. I saw him get off the truck.

126. Q. Sergeant Major Ichimiya?
A. As I have stated before when the shooting took place Ichimiya's pistol was jammed and did not go off and he was scolded by Commanding Officer Miyazaki.

127. Q. Then Sergeant Ichimiya did not shoot. Is that correct?
A. No, he did not shoot.

128. Q. Sergeant Major Tamamoto?
A. I did not know what he did at the scene, but as Tamamoto was one of the members of the Special Higher Section and as I had received orders from the commanding Officer, Miyazaki, to have him go to the scene I ordered him to go.

129; Q. Did you see him at the scene of the execution?
A. We went together to the scene.

130. Q. Sergeant Yokoyama?
A. I saw him when he got off the truck.

131. Q. Corporal Ezure?
A. He went to the scene on the same truck with me.

132. Q. Leading Private Kawaguchi?
A. I saw him at the scene.

133. Q. Was Leading Private Kawaguchi at the Sumida Unit at the time of this incident?
A. I recall that he was.

134. Q. Wasn't he driving a car at the Kempeitai during this incident?
A. I recall that he was driving for the commanding officer of the First Detachment while we were on Koror but when we came to Babelthuap I recall that he went back to the Sumida Unit.

135. Q. Leading Private Nakamura?
A. I saw him when he got off the truck.

136. Q. Leading Private Okamura?
A. I saw him when he got off the truck.

137. Q. Superior Private Uchida?
A. I saw him when he got off the truck.

138. Q. Do you recall what Adjutant Yamamoto was doing at the scene?
A. I recall that he was at the scene watching with Commanding Officer Miyazaki.

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139. Q. Did Adjutant Yamamoto shoot?
A. I do not recall.

140. Q. What did Adjutant Ichikawa do at the scene?
A. I recall that he stayed with the commanding officer as adjutant.

141. Q. Have you any special reason for seeing Ishiyama at the scene?
A. When we went to the scene and got off the truck, each team took its place alongside each missionary and on the way to the place where the hole had been dug in the jungle the commanding officer shouted in a very loud voice to Sergeant Major Ishiyama, "What are you hesitating about?" so I recall him.

142. Q. You have testified that Commanding Officer Miyazaki shot the missionary whom Ichimiya failed to shoot, but did Commanding Officer Miyazaki shoot any other persons?
A. I do not recall.

143. Q. Do you recall Commanding Officer Miyazaki handing his pistol to anyone?
A. I recall that he handed his pistol over to Warrant Officer Nakamura.

144. Q. Did Commanding Officer Miyazaki directly hand over the pistol to Warrant Officer Nakamura?
A. Yes.

The witness was duly warned.

The commission then, at 4:30 p.m., adjourned until 9 a.m., tomorrow, Saturday, February 21, 1948.

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SIXTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Saturday, February 21, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Robert Oldham, yeoman third class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

145. Q. Did Warrant Officer Nakamura after receiving the pistol from Miyazaki shoot anyone?
A. I recall he shot one person.

146. Q. The following persons you recall not having seen at the scene of the execution; did they remain in the barracks? How about Ozaki?

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

The accused replied.

The commission announced that the objection was sustained.

147. Q. You testified that you did not remember seeing Ozaki at the scene. Do you know where he was at the time of the incident?
A. I do not recall.

148. Q. How about Leading Private Ando, Fukuichi?
A. I do not remember.

149. Q. How about Leading Private Hayashi?
A. I do not remember.

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150. Q. Do you remember whether Hayashi had hurt his foot and was resting at his barracks at the time of the incident?
A. I do not remember that.

151. Q. Is Hayashi your subordinate?
A. No, he is not.

152. Q. Do you recall where Hidaka was at the time of the incident?
A. I do not.

153. Q. How about Ito?
A. I do not recall.

154. Q. How about Leading Private Iwamoto?
A. I do not remember.

155. Q. How about Sagara?
A. I do not remember.

156. Q. Besides hearing from Lieutenant Colonel Miyazaki that the execution of these prisoners were by Division Headquarters' orders, have you any other basis for saying this?
A. Besides having relayed the order of the Division Headquarters to execute the missionaries, after the execution was over Miyazaki told me to make the report to Lieutenant Colonel Yajima of Division Headquarters that the execution was carried out and I made this report. Other than that I did not hear anything else.

157. Q. What report did you submit to Lieutenant Colonel Yajima?
A. This was a brief oral report stating to the effect that yesterday, or the day before yesterday, the missionaries and the family were executed. The details regarding this Miyazaki will report to Yajima when Miyazaki meets him.

158. Q. As chief of this higher special section how many of these accused were members of your section?
A. My immediate subordinates were Sergeant Major Tamamoto and Leading Private Ezure.

159. Q. How many men in your section were excluded from going to the execution by orders of Colonel Miyazaki?

This question was objected to by the judge advocate on the ground that it was not presented in proper form.

The accused withdrew the question.

160. Q. Were any of the men excluded from going to the execution by the orders of Colonel Miyazaki? How many people, if any, from your section were excluded?
A. The subordinates who were attached to my section at that time were Warrant Officer Ajioka, Sergeant Major Tamamoto, Sergeant Takahashi, Leading Private Ezure, who acted as my orderly at that time. Takahashi was on duty so I remember. Ajioka had just been discharged from the hospital so I recall that he remained too. So at the time I ordered Sergeant Major Tamamoto to go.

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161. Q. Did you order Tamamoto to do anything at the scene of the execution?
A. No, I did not.

162. Q. Did anybody order him to do anything at the scene of the execution?
A. On the morning of that day Commanding Officer Miyazaki put out an order to have everybody go who was not on duty or who was not sick so I told Tamamoto to go and all of them were under the command of the commander of the First Detachment - Nakamura.

163. Q. But at the scene of the execution nobody gave orders to him to do anything, did they?

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

The accused made no reply.

The commission announced that the objection was sustained.

164. Q. Did you hear anybody give him orders at the scene of the execution?
A. I do not remember.

165. Q. By that you mean that you don't remember that anyone gave him any orders at the scene?
A. At the scene Captain Nakamura was in charge so I don't remember who and in what form the orders were given.

166. Q. Then at the scene the only persons who gave orders were Miyazaki and Captain Nakamura?
A. Yes.

167. Q. Then you didn't hear Nakamura give him any orders?
A. I don't remember.

168. Q. Did you hear Captain Nakamura give Ezure any orders at the scene?
A. No.

169. Q. Did you hear Colonel Miyazaki give any orders to him?
A. I do not recall.

170. Q. The only thing that Ezure did at the scene of the execution was to act as your orderly, isn't that true?
A. Yes.

171. Q. Now at this assembly that you talked about prior to getting into the truck and at which Colonel Miyazaki and Captain Nakamura made speeches, did you assemble your own men that day at this assembly?
A. All except those who were on duty were assembled.

172. Q. But did you, yourself, assemble them?
A. No.

173. Q. Did you participate in any way in this assembly - by making speeches or anything else?
A. No, I did not.

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174. Q. Are you still kept in solitary confinement at the War Criminal Stockade?
A. Yes.

175. Q. These teams that were organized did you help organize any of these teams?
A. No, I did not.

176. Q. Did you order any of the men of your section to be members of these teams?
A. No, I did not order.

177. Q. You say you boarded the truck with Lieutenant Yamamoto, but isn't it true that Lieutenant Yamamoto rode in the truck alongside of the driver and that you rode in the back with Colonel Miyazaki and the others?
A. As regards to that point I have no definite recollection. I just have a recollection that we went on the same truck.

178. Q. When you went to the house where the missionaries were, were there only three of you that went into the house - Colonel Miyazaki, Captain Nakamura and you?
A. No, besides us Intendance Second Lieutenant Tamanoi went in with us.

179. Q. So there is no truth that you just stood outside the door and waited until the missionaries came out.

This question was objected to by the judge advocate on the ground that this witness had not so testified.

The accused replied.

The commission announced that the objection was sustained.

180. Q. When you say that the four of you went into the house, that is the absolute truth, isn't it?
A. Yes.

181. Q. This woman that you said was the wife of the interpreter, how did you know she was his wife?
A. When I went over to the police section of the western branch of the South Seas Government I found out that the Filipino who was an employee had a wife who was a native and I also found out that he had children. And besides that when they had evacuated from Yap to Palau they were taking shelter in a theatre house and there I saw him.

182. Q. Now when you were enroute in the truck from the house of the missionaries to the scene of the execution was there an air raid?
A. There was an air raid.

183. Q. Now when you say Colonel Miyazaki had pronounced the death sentence on these people did that mean the death sentence was legal?

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

The accused made no reply.

The commission announced that the objection was sustained.

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184. Q. When Colonel Miyazaki pronounced the death sentence on them did he say that they were sentenced to death because they were spies and should be treated as outlaws or words to that effect?
A. No, I do not recall him saying that.

185. Q. What do you recall him saying?
A. I recall him relaying to us when we assembled at his quarters that the execution of the missionaries will take place by orders of Division Headquarters.

186. Q. Did anybody from the Division Headquarters ever interview these persons when they were in the custody of the Kempeitai?
A. I do not recall.

187. Q. Did you ever interview them?
A. On the day of the execution the commanding officer and myself went to their home, besides that I never met them.

188. Q. Who found out then that they were spies?

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

The accused reframed the question.

189. Q. Who then suspected them of spying?
A. I did not hear that they were suspected of spying. When they were two missionaries on Koror I heard that these two missionaries signaled the Americans from a certain unit. That is all I know about it.

190. Q. Is that one of the reasons why these people were killed?
A. We don't know.

191. Q. By "we" do you mean you don't know?
A. Yes.

192. Q. You only know that they were executed by orders of Division Headquarters?
A. Yes.

193. Q. At the scene of the execution you don't mean any of these missionaries sat down alongside of the hole prior to their being executed, do you?
A. I don't remember.

194. Q. Do you remember seeing any of these accused make the missionaries sit down?
A. I do not recall.

195. Q. Do you recall who it was that Colonel Miyazaki shot?
A. I only remember that he shot a missionary.

196. Q. Did he shoot him with his own pistol?
A. Yes.

197. Q. Then did he have two pistols with him that night?
A. I recall that he had two.

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198. Q. When he shot this person did he kill him?
A. As I recall he killed him with one shot.

199. Q. You said that Captain Nakamura made an objection at this assembly. Are you sure it was Captain Nakamura and not Warrant Officer Nakamura?
A. As I recall it was Captain Nakamura who was talking at this time.

200. Q. And at the scene it was Captain Nakamura and not Warrant Officer Nakamura who took an active part in the execution?

This question was objected to by the judge advocate on the ground that it was not presented in proper form.

The accused reframed the question.

201. Q. Are you sure that there is no mistake that it was Captain Nakamura who was issuing orders at the scene of the execution and not Warrant Officer Nakamura?
A. I recall that Captain Nakamura was issuing orders and that Warrant Officer Nakamura was aiding him and doing detail things.

202. Q. What was the age of this male employee - this Filipino?
A. I forget his age.

203. Q. Do you remember how long he had been living in the Palau Islands?
A. I know.

204. Q. How long?
A. He came to the Palaus in July of 1944, so he had been there about two months.

205. Q. Do you know where he came from?
A. I do.

206. Q. Where?
A. He came from Yap together with the missionaries.

207. Q. Do you know how long he had been on Yap?
A. I do not.

208. Q. Who was this policeman from the South Seas Government that gave you this information about these people? Do you remember his name?
A. I do not remember.

209. Q. Was he Japanese?
A. Yes.

210. Q. On the night of the execution do you remember who was Captain Nakamura's orderly?
A. I do not remember.

211. Q. Did all the officers from the Kempeitai have orderlies that night?
A. An orderly was attached to each officer.

212. Q. Do you remember how long Kawaguchi had been assigned as a driver to the Kempeitai organization prior to the time of this execution? Was it

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one or two months that he had only been serving as a driver?
A. I do not have a definite recollection as to how long he was assigned to the Kempeitai but it was a very short time.

213. Q. Do you remember if during the time that he was assigned as a driver he had any other duties at the Kempeitai?
A. I recall that he did not have any other duties other than driver.

214. Q. All during the time that he was assigned to the Kempeitai he acted as a driver to Captain Nakamura, isn't that true?
A. As far as I know that was the way it was.

215. Q. These two missionaries that you talked about on Koror, do you know how long they had been on Koror?
A. I have a recollection that they had been there for quite a long time.

216. Q. Were these the two missionaries that were accused of signaling the Americans?
A. I heard from the unit that was there that such things had been going on.

217. Q. Now there was just a small number of men attached to the Kempeitai, don't you remember that Hayashi had stepped on a nail so that he couldn't walk and couldn't go to the execution that night?

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

The accused reframed the question.

218. Q. Don't you remember that Hayashi had stepped on a nail and had injured his foot on or about this time?
A. As Hayashi was attached to the detachment I do not recall.

219. Q. Do you remember that Iwamoto and Ozaki had the duty that night?
A. No, I don't.

220. Q. Do you remember who was Colonel Miyazaki's orderly that night?
A. I do.

221. Q. Who was he?
A. The orderly was Leading Private Imaizumi.

222. Q. Whose plan was it that didn't work out when you said that one truck got there ahead of the other truck to the scene where they stopped? You testified that the plan didn't work out as planned and one of the trucks got there ahead of the other truck and there was some confusion.
A. I think that the commanding officer ordered Captain Nakamura said that Captain Nakamura had planned this.

223. Q. And the reason for this one truck getting ahead of the other was the air raid?
A. I do not recall.

224. Q. During that air raid did the truck that you were on keep on going or did the truck stop?

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A. I have a recollection that the truck stopped because it had some trouble.

225. Q. What men from the Sumida Unit shot two or three of these missionaries?
A. The men who were at the scene. I saw them shoot.

226. Q. You don't know who they were?
A. No, I don't remember who they were.

227. Q. Do you know how many men were attached to the Sumida Unit?

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

The accused replied.

The commission announced that the objection was sustained.

228. Q. Is there any reason why you shouldn't remember the names of these men from the Sumida Unit?
A. There is no reason but the persons from the Sumida Unit who were at the scene and the persons who I know were only Yamamoto and Kawaguchi. I do not know the names of the others.

229. Q. Do you know whether Yamamoto knows the names of the other men of the Sumida Unit?

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

The accused made no reply.

The commission announced that the objection was sustained.

230. Q. Do you remember who it was that relieved Kawaguchi as a driver for Captain Nakamura?
A. No, I do not remember.

231. Q. Do you remember when he was relieved as a driver for Captain Nakamura? Was it before or after the execution?
A. I do.

232. Q. When?
A. It was before the execution.

233. Q. Now at this assembly where the Kempeitai assembled did any men of the Sumida Unit assemble there?
A. No.

234. Q. Are you sure that Kawaguchi was not assembled there with the Kempeitai men?
A. I am sure that Kawaguchi was not assembled there.

235. Q. You say that you met Lieutenant Yamamoto at the truck. Was that the first time you had seen Lieutenant Yamamoto that evening?
A. Yes.

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236. Q. So that he came to the Kempeitai with the truck that evening. Is that true?
A. Yes.

237. Q. Did you hear Lieutenant Yamamoto ask Colonel Miyazaki about the authorization for the use of the truck from the Sumida unit for that evening?
A. I have no recollection.

238. Q. When Colonel Miyazaki talked to these missionaries in their house, did he tell them to bring their belongings with them?
A. When we got there their belongings were already outside - right by the entrance - and Miyazaki went over and said, "Well, let's start now." I don't know whether he told them to bring these belongings with them or not. I don't remember that.

239. Q. How were these missionaries dressed?
A. I recall that the majority of them had dark gowns on.

240. Q. Now when you said that Colonel Miyazaki had declared the death sentence on these missionaries in a foreign language do you mean that the language was foreign to the missionaries or do you mean that the language was foreign to you and Colonel Miyazaki?
A. It was a foreign language to us.

241. Q. Did Colonel Miyazaki also declare this death sentence to the other four persons?
A. Yes.

242. Q. Do you know what language he used in declaring the death sentence to them?
A. No, I do not recall.

243. Q. You said a hole had been dug in preparation for this execution. Did you have anything to do with digging this hole?
A. Prior to this time there was an incident that three American aviators were executed and these missionaries were brought next to this hole.

244. Q. Were they buried in the same hole that these three American aviators were buried in?
A. That is how I remember it.

245. Q. So that when you came to execute the Spanish missionaries there was still a hole about three meters by three meters by two meters deep. Is that right?
A. Yes.

The commission then, at 10:15 a.m., took a recess until 10:30 a.m., at which time it reconvened.

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

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(Cross-examination continued.)

246. Q. You said you remembered Captain Yamamoto at the scene. Isn't it true that he was only a first lieutenant at that time?
A. He was a first lieutenant at that time.

247. Q. You said nothing could be seen at the scene unless you had lights. Do you remember whether Captain Nakamura had a light with him or was there someone with him who was carrying a light?
A. I do not remember.

248. Q. Do you remember if Captain Nakamura was wearing a sword at the scene of the execution?
A. I do not remember.

249. Q. This candle that you say you had - did your orderly give you this lighted candle?
A. I do not recall from whom I got this candle.

250. Q. You said you were only watching at the scene. Were there any other people there who were in the same category as you - just watching?
A. The intendance officer, Second Lieutenant Tamanoi, was with me.

251. Q. He was just watching?
A. Yes.

252. Q. Wasn't Lieutenant Yamamoto just watching too?
A. Those who were watching were Commanding Officer Miyazaki, First Lieutenant Yamamoto, First Lieutenant Ichikawa, Second Lieutenant Tamanoi and myself.

253. Q. So that Nakamura was in complete charge of the execution. Is that right?
A. Yes.

254. Q. Your testimony that this employee was a Filipino - that is based entirely on what this policeman told you?
A. Yes.

255. Q. You said that two of the missionaries were evacuated because their church was bombed. Was their church bombed by the Americans?

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

The accused replied.

The commission announced that the objection was sustained.

256. Q. When you say that Lieutenant General Inoue was the supreme commander do you mean that military law was in force there?

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

The accused replied.

The commission announced that the objection was sustained.

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257. Q. What do you mean when you say General Inoue was the supreme commander?
A. As a matter of fact there was a dispatch sent that General Inoue was to be the supreme commander and have authority with regard to order and policing.

258. Q. And this was sent before the time of the execution?
A. Yes.

259. Q. When Colonel Miyazaki said to you and Captain Nakamura: "In the event the American forces land at Babelthuap what is to be done with these missionaries who are now being protected by the Kempeitai?" - what did you and Captain Nakamura say in reply to this question that he put to you?
A. I have no recollection.

260. Q. I believe you testified to that effect - that he said that to you and Captain Nakamura.
A. I have no recollection being asked by Miyazaki of such a thing.

261. Q. In your previous testimony you testified as follows: "... but around the latter part of August we received information that an American force would land on Palau so Lieutenant Colonel Miyazaki said to me and to Captain Nakamura as follows: 'If, in the event the American force lands on Babelthuap, what is to be done with these missionaries who are now being protected by the Kempeitai?'" Did you or Captain Nakamura make any reply to that statement by Colonel Miyazaki?
A. The commanding officer did not ask for our opinion. He just told us that he had received information from Division Headquarters that there were great possibilities of the Americans making an attack on Palau Island.

Reexamined by the judge advocate:

262. Q. You have testified that Tamanoi and Ezure belonged to your section - is that correct?
A. As for duty they were under me but as a matter of ordering them, as Tamanoi was a non-commissioned officer attached to the headquarters the commanding officer had the authority ot order him; and as for Ezure, as he was assigned to the detachment, the commanding officer of the detachment would have power to order him.

263. Q. When you say commanding officer, whom do you mean?
A. Which commanding officer?

264. Q. When you use the term commanding officer and commanding officer of the detachment, which officers do you mean, by name?
A. By Tamanoi's commanding officer I mean Lieutenant Colonel Miyazaki and by Ezure's commanding officer I mean Detachment Commanding Officer Captain Nakamura.

265. Q. Were Tamanoi and Ezure present at the assembly when Miyazaki told the assembly that the missionaries were going to be executed?
A. They were there.

266. Q. You have testified that at the scene of the execution all of the enlisted men were under the order of Captain Nakamura. Were Tamanoi and Ezure under the order of Captain Nakamura?
A. Yes.

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267. Q. And even though Ezure was your orderly he was subject to the orders of Captain Nakamura at the scene of the execution. Is that correct?
A. Yes.

268. Q. You have testified that at the scene of the execution only Miyazaki and Nakamura gave orders. Who gave orders to the Sumida men?
A. To the men of the Sumida Unit, Captain Yamamoto gave orders.

269. Q. Do you remember either hearing Yamamoto saying anything to the Sumida Unit or seeing Yamamoto doing something with the Sumida Unit men at the scene of the execution?
A. I saw.

270. Q. Tell us about it.
A. Commanding Officer Miyazaki said to Captain Yamamoto: "Since it is the order of the Division Commander, have them shoot," and Yamamoto at the scene of the execution had them shoot.

271. Q. When you use the term "them" what men are you referring to?
A. Commanding Officer Miyazaki said to Yamamoto: "Have the men of the Sumida Unit shoot."

272. Q. After Miyazaki said this to Yamamoto did you see Yamamoto do anything?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I saw Yamamoto say to the men that he had brought to the scene, "You and you, shoot."

273. Q. Do you know which men he was talking to?
A. They were Yamamoto's subordinates.

274. Q. This dispatch that you told us about, naming Inoue the supreme commander - did that dispatch have anything to say about the Kempeitai?
A. It did not say anything in particular regarding the Kempeitai as I recall.

Recross-examined by the accused:

275. Q. Although Ezure was subject to orders of Captain Nakamura, isn't it a custom of long standing in the Japanese army that no officer gives orders to another orderly as long as that person is acting as orderly for another officer?

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

The accused replied.

The commission announced that the objection was not sustained.

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A. Yes, that is the custom, but as a matter of fact he was under the command of Nakamura and acted under his orders at the scene.

276. Q. But Captain Nakamura at the scene did not give Ezure any orders, did he?
A. I do not remember.

277. Q. By that you mean that you do not remember that Captain Nakamura gave him orders?

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

The accused made no reply.

The commission announced that the objection was sustained.

278. Q. One of the reasons why you and Yamamoto did not object to any of the orders of Colonel Miyazaki that night of the execution was because it was the custom in the Japanese army for officers not to interfere in a case like that. Isn't that true?

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

The accused made no reply.

The commission announced that the objection was sustained.

279. Q. When Commanding Officer Miyazaki said to Captain Yamamoto, "Have the men of the Sumida Unit shoot," what was Captain Yamamoto's reply to this question?
A. I do not recall in particular.

280. Q. Don't you remember that at first Captain Yamamoto refused this?
A. I recall that Yamamoto tried to make sure and said, "Is it all right to go through with it?"

281. Q. Please explain the answer more clearly once more?
A. When Miyazaki said to Yamamoto, "As it is the order of Division Headquarters, have half of them shot by the Sumida Unit," Yamamoto, in replying to this, said, "Is it all right to do it?"

282. Q. Did Yamamoto order Kawaguchi to shoot?
A. As to whom he ordered I do not have any recollection.

283. Q. Isn't it the truth that Miyazaki tapped the shoulders of the men of the Sumida Unit and said to them, "You shoot"?
A. No, I don't remember.

284. Q. After Miyazaki said to Yamamoto, "Have your men shoot," did you hear Ichikawa say the same thing?
A. No, I do not remember.

285. Q. Weren't the men of the Sumida Unit who were at the scene under the command of Lieutenant Colonel Miyazaki?
A. Yes, they were.

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Reexamined by the judge advocate:

286. Q. This custom that you have told us about - about an officer not giving an order to another officer's orderly - isn't it derived from the practice in the Japanese army of an officer never giving an order to subordinates if there is an intermediate officer present?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. When there is an officer and he has a subordinate under him then that officer will not directly order that subordinate.

Recross-examined by the accused:

287. Q. But at the scene of this execution isn't it true that Colonel Miyazaki violated this order constantly by giving orders direct to the enlisted personnel?
A. There was such a fact.

Examined by the commission:

288. Q. In your testimony it is not quite clear just when and where Yamamoto and the men of the Sumida Unit joined this execution party. Can you explain that?
A. When the truck came to the Kempeitai the men of the Sumida Unit came together on the truck and joined them.

289. Q. Who ordered them to come on this truck?
A. I do not know.

290. Q. Do you know whether they remained on the truck during this assembly that you testified to?
A. They were not.

291. Q. Can you explain to the commission more clearly, if you know, the command relationship between Colonel Miyazaki and the Sumida Unit?
A. There was no command relationship between the Kempeitai and the Sumida Unit. The Sumida Unit was directly under Division Headquarters.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 11:30 a.m., adjourned until 9 a.m., Tuesday, February 24, 1948.

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SEVENTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Tuesday, February 24, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Stewart R. Smith, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Yamada, Kiyoshi, former Kempei sergeant.

2. Q. If you recognize the accused tell us their names and ranks?
A. Captain Yamamoto, Second Lieutenant Ichikawa, Sergeant Major Ishiyama, Sergeant Major Sugimoto, Sergeant Ichimiya, Sergeant Ozaki, Sergeant Tamamoto, Sergeant Yokoyama, Leading Private Ezure, Leading Private Fujitani, Leading Private Kawaguchi, Superior Private Ando, Superior Private Hayashi, Superior Private Hidaka, Superior Private Ito, Superior Private Iwamoto, Superior Private Nakamura, Superior Private Okamura, Superior Private Sagara, and Private First Class Uchida.

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

4. Q. Between what dates did you serve there?
A. I served from 29 December 1943 until the time I was demobilized.

5. Q. Was this after the end of the war?
A. Yes.

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6. Q. In September of 1944 to what unit were you attached?
A. First Detachment of the South Seas Kempeitai.

7. Q. Who was the commanding officer of that detachment?
A. Kempei Captain Nakamura, Kazuo.

8. Q. In September of 1944 what were your duties?
A. Police Section of the First Detachment.

9. Q. Do you know who the commanding officer of the entire Kempeitai was?
A. Yes.

10. Q. Who was he?
A. Kempei Lieutenant Colonel Miyazaki, Aritsune.

11. Q. Do you remember an assembly of the Kempeitai in September of 1944 which concerned itself with missionaries?
A. Yes, I know.

12. Q. Were you present at this assembly?
A. Yes, I was present.

13. Q. Do you recall approximately what time of day this assembly was held?
A. Yes, I remember.

14. Q. When was it held?
A. I think it was around three o'clock.

15. Q. Do you remember who called this assembly?
A. I think it was the commanding officer of the Kempeitai.

16. Q. Is that Miyazaki?
A. Yes.

17. Q. Did anyone address this assembly?
A. Yes.

18. Q. Who was it?
A. Lieutenant Colonel Miyazaki and Captain Nakamura - these two.

19. Q. Tell us what Miyazaki had to say?
A. Commanding Officer Miyazaki said that by order of the division headquarters the missionaries will be executed and he said something to the effect that he would leave it to Captain Nakamura to order the details.

20. Q. When Miyazaki mentioned the missionaries did he say they were a particular kind of missionary?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

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A. I did not hear anything to that effect.

21. Q. What else did Miyazaki have to say?
A. Nothing in particular.

22. Q. What did Nakamura have to say?
A. He told us about the organization.

23. Q. What did he tell you about the organization?
A. He told us to form teams comprised of two men each and he also told us what implements we were to take with us.

24. Q. What particular implements did he tell you to take with you?
A. Candles, shovels, etc.

25. Q. What else did he tell you to bring with you?
A. Raincoats.

26. Q. I show you a piece of paper and ask you if this is in your handwriting?

The accused objected to the witness refreshing his memory on the ground that the judge advocate had not laid the proper groundwork.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes.

27. Q. I direct your attention to a particular portion of this paper and ask you if it refreshes your recollection of the facts?
A. Yes.

28. Q. Is your memory refreshed?
A. Yes.

29. Q. What else did he say?
A. He told us that the non-commissioned officers were to take pistols and the auxiliary Kempeis were to take rifles.

30. Q. These teams that you have told us about - what were the teams to be made up of?
A. One team to be formed of one Kempei and one auxiliary Kempei.

31. Q. Were the teams formed?
A. Yes, they were.

32. Q. How many teams were formed?
A. According to my memory there were ten teams formed.

33. Q. Can you give us the names of the Kempeis and assistant Kempeis who were present at this assembly?
A. Yes.

34. Q. Give us their names?
A. Lieutenant Colonel Miyazaki, Captain Nakamura, Second Lieutenant

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Ichikawa, Second Lieutenant Sano, Sergeant Major Sugimoto, Sergeant Major Ishiyama, Sergeant Ichimiya, Sergeant Ozaki, Sergeant Tamamoto, Sergeant Yokoyama and myself. The above Kempeis.

35. Q. Can you give us the names of any auxiliary or assistant Kempeis who were present at that assembly?
A. Yes. Leading Private Ezure, Superior Private Ito, Superior Private Okamura, Superior Private Iwamoto, Superior Private Nakamura, Fujitani. The rest I do not remember.

36. Q. Take a look out here at these accused and see if you remember any of the others present at this assembly. Do you remember any others?
A. Yes.

37. Q. Who are they?
A. Uchida, private first class; Kawaguchi.

38. Q. Any others?
A. At the present time I can not remember any others.

39. Q. What happened after this assembly?
A. For the time being we returned to the quarters.

40. Q. And what happened then?
A. Another assembly was called around five or half past five.

41. Q. Tell us about that assembly?
A. According to my memory we first of all assembled between the detachment barracks and quarters of the Gunzoku, then we moved to the Gasupan highway in front of the Kempeitai quarters. We fell in facing east.

42. Q. What happened then?
A. There the commanding officer inspected our clothing.

43. Q. Which commanding officer was this?
A. Commanding Officer Miyazaki.

44. Q. What happened then?
A. Then we boarded the trucks that were waiting.

45. Q. Where did these trucks come from? Do you know?
A. Yes, I know. They came from the Sumida Unit.

46. Q. Which truck did you get on?
A. I got on the last truck.

47. Q. How many trucks were there?
A. According to my memory there were two trucks.

48. Q. What happened then?
A. Soon after we had boarded the trucks they started to move and after proceeding for two thousand meters we stopped at a bridge, Aikoku Bridge, about two thousand meters from the Kempeitai. The truck stopped at this bridge and after about ten minutes I saw seven or eight people get on the first truck and then we started off again.

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49. Q. Who were these people who got on the first truck?
A. They were the missionaries.

50. Q. From where had they come?
A. I think they came from their living quarters which were about one hundred and fifty meters from the place where we stopped.

The accused moved that this answer be stricken on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the motion was not sustained.

51. Q. As a matter of fact you know they came from their living quarters at this house, don't you?
A. Yes.

52. Q. How many people do you say there were?
A. I think there were seven or eight missionaries.

53. Q. What was the sex of all these people?
A. I do not know. When they got on the truck it was dusk and I could not ascertain their sex but at the scene of the execution I could tell to which sex they belonged - all those who were near me.

54. Q. What happened after the truck started off the second time?
A. After crossing the Aikoku Bridge we turned to the right and went up Gasupan Heights. After riding approximately one hour, the trucks stopping quite frequently on the way, we arrived at our destination. An order was given to alight and the teams as previously organized were attached to each missionary. Under the command of Captain Nakamura we then proceeded for about two hundred meters into the jungle. A hole had been dug in the jungle and at the order of Commanding Officer Miyazaki we made the missionaries sit beside the hole. We took our positions beside the missionaries. I do not remember exectly whether it was by order of Commanding Officer Miyazaki or by that of Captain Nakamura, but we were ordered to load our rifles and pistols and soon after fired. We shot at the order to fire and after taking out the cartridges, putting the bodies into the grave and burying them we were through. After we had finished firing, I do not remember whether it was Commanding Officer Miyazaki or whether it was Warrant Officer Nakamura, but one of them shot all the persons from the right. After firing we all receded a few steps and then one of these two men came forward and shot all those victims from right to left.

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

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Examination continued.)

55. Q. At this execution how many victims were there?
A. According to my recollection there were about ten.

56. Q. Now, what was the sex of these people?
A. I do not know exactly but there was one woman - there was one child whose sex I do not know and the rest, I believe, were all men.

57. Q. How many people actually fired at these victims?
A. I do not know.

58. Q. How many men were lined up in front of them - do you remember?
A. I do not know how many lined up in front of these victims but it seems ten teams were organized in the afternoon, I believe all these ten teams lined up.

The accused moved that the words, "It seems ten teams were organized in the afternoon, I believe all these ten teams lined up" be stricken on the ground that it was the opinion of the witness.

The judge advocate replied.

The commission directed that the words be stricken out.

59. Q. Now, after this first volley was fired at these victims were there any of them standing up?
A. No, there were none standing up.

60. Q. Who was it that you said went along a line shooting at them?
A. It was Commanding Officer Miyazaki or Warrant Officer Nakamura.

61. Q. Is that Warrant Officer Nakamura or Captain Nakamura?
A. It was Warrant Officer Nakamura.

62. Q. Did they fire after the Kempeis and assistant Kempeis had fired that first volley?
A. Yes.

63. Q. Do you know why they went along that line firing?
A. I think they went along and shot because they did not want anyone to be still alive.

The accused moved that the answer be stricken on the ground that it was the opinion of the witness.

The judge advocate replied.

The commission directed that the answer be stricken out.

64. Q. Now, can you give us the names of the men who were present at the execution that night?

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A. Commanding Officer Miyazaki, Captain Nakamura, Second Lieutenant Ichikawa, Second Lieutenant Sano, Sergeant Major Sugimoto, Sergeant Major Ishiyama, Sergeant Major Ichimiya, Sergeant Ozaki, Sergeant Tamamoto, Sergeant Yokoyama, Leading Private Ezure, Superior Private Kawaguchi, Superior Private Ito, Superior Private Iwamoto, Superior Private Nakamura, Private First Class Uchida, Superior Private Okamura, Captain Yamamoto. That is all I remember.

65. Q. Is the Yamamoto that you mentioned the Yamamoto that is here in court today?
A. Yes.

66. Q. Is the Ichikawa you mentioned here?
A. Yes.

67. Q. Ishiyama?
A. Yes.

68. Q. Sugimoto?
A. Yes.

69. Q. Ichimiya?
A. Yes.

70. Q. Ozaki?
A. Yes.

71. Q. Tamamoto?
A. Yes.

72. Q. Yokoyama?
A. Yes.

73. Q. Ezure?
A. Yes.

74. Q. Kawaguchi?
A. Yes.

75. Q. Ito?
A. Yes.

76. Q. Iwamoto?
A. Yes.

77. Q. Nakamura, Jiro?
A. Yes.

78. Q. Okamura?
A. Yes.

79. Q. Uchida?
A. Yes.

80. Q. Are there any others among these accused that you remember being present that night?
A. Leading Private Hidaka.

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81. Q. Do you remember whether or not Ando was present that night?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do not remember.

82. Q. Do you remember whether or not Fujitani was present that night?
A. I do not remember.

83. Q. Do you remember whether or not Hayashi was present that night?
A. I do not remember.

84. Q. Do you remember whether or not Sagara was present that night?
A. I do not remember.

85. Q. Now after the firing was over what was done with the bodies of these people?
A. They were placed in a hole and the earth covered and made like a grave.

86. Q. Now going back for the moment to that first assembly that you attended, were all the non-commissioned Kempeis and assistant Kempeis assigned duties on those ten teams that you mentioned?
A. Yes.

87. Q. Did you have the duty that day?
A. Yes, I had the duty.

88. Q. Then if you had the duty that day how did it happen that you went to the execution?
A. At the time of assembly I asked Captain Nakamura whether I should go since I was assigned to the duty of the last half of the night. Captain Nakamura said that the persons with the duty the first half of the night should stay and the persons on the last half of the night must go. So I went.

89. Q. Where would you stand this duty?
A. The place where we would stand for duty was between the detachment quarters and the Gunzoku quarters where there was a "Y" in the road and we just stood at the fork.

90. Q. How long did you have the duty?
A. From five P.M. until eight A.M. the next morning - the time between is divided into half and I would stand half of one of these.

91. Q. When you were standing this half how many other men were on duty with you at the same time?
A. There would be another person on this day duty and there would be two persons on the road lookout duty.

92. Q. Then when you were standing this watch - there were three other men on duty at the same time with you. Is that correct?
A. Yes.

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93. Q. Now, on the night of this execution do you know the names of the other three men that had the duty with you?
A. I do.

94. Q. Who were they?
A. Sergeant Takahashi. I do not know the names of the two persons on the road lookout.

95. Q. Didn't you relieve Takahashi?
A. No.

96. Q. Didn't Takahashi have the duty in the first part of the night and you in the second part of the night?
A. Yes, that is true.

97. Q. Now, during this second part of the night how many men were on duty with you - do you remember?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do not know. I was assigned to the day duty but actually I did not stand it.

98. Q. Did all the teams that were appointed at that assembly go to the scene of the execution?
A. I do not know exactly.

99. Q. Did Sergeant Takahashi go to the execution?
A. No.

100. Q. You have testified that you were assigned to a team at the assembly - was this team instructed as to what their duty was to be?
A. I was.

101. Q. What were you told your duty was to be?
A. I was told that one Kempei and one assistant Kempei would form a team and take charge of one missionary.

102. Q. Do you remember the man who was assigned to your team?
A. I do not remember.

Cross-examined by the accused:

103. Q. Among these accused who are the persons that were with you in the police section of the detachment?
A. They were Sergeant Major Ishiyama, Sergeant Major Ichimiya and Sergeant Ozaki.

104. Q. Aren't there any among the assistant Kempei?
A. The assistant Kempei did not have any specific duty. We used them freely.

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105. Q. I shall ask you questions concerning the first assembly. When Miyazaki addressed this assembly did he give any other reason for this execution besides saying that it was the order of Division Headquarters?
A. No, he did not.

106. Q. Isn't it that he said something else but you have forgotten it?
A. Yes.

107. Q. Did all of the persons of the Kempeitai assemble at this first assembly?
A. No, all did not assemble.

108. Q. Who did not assemble then?
A. People such as Gunzokus and the persons who were hospitalized and the persons who were resting in their quarters. These people did not assemble.

109. Q. Who were in the hospital at that time?
A. I think Corporal Nakagawa was in the hospital.

110. Q. Do you recall anybody else?
A. I do not.

111. Q. What persons were resting in the barracks?
A. I do not recall about the headquarters but at the detachment Nagatome was resting.

112. Q. At this assembly weren't the persons - such as persons who had the day duty and such - weren't these people divided from the rest?
A. I do not recall.

113. Q. In regard to the people who had to remain at the barracks - were there any other persons besides day duty persons and road lookouts who had to remain?
A. I testified before that there were two persons on this road lookout but there are occasions when this number is increased. As regards to duty there is no other regular duty station. That is how I recall it.

114. Q. Do you remember that there was an air raid lookout station at that time?
A. Yes, I do.

115. Q. Wasn't this air raid duty a duty which caused people to remain at the barracks?
A. I recall that as a rule there was no air raid lookout duty at night.

116. Q. Among the assistant Kempeis who assembled at this assembly wasn't Kawaguchi at the Kempeitai then?
A. I do not remember.

117. Q. When you say that you saw Kawaguchi present at this assembly on what grounds do you say that he was there?
A. I think I did not say I saw Kawaguchi at this first assembly.

118. Q. When you were asked by the judge advocate to give the names of the persons who assembled at this first assembly, as among the assistant Kempeis you stated that Kawaguchi was present.
A. If I testified as Kawaguchi being there, I sincerely wish to correct my testimony.

119. Q. With regard to Iwamoto what basis have you to say you saw him?

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

The accused reframed the question.

120. Q. In direct examination you testified that Iwamoto was present at this first assembly. How could you say that he was there?
A. I said it because I saw him present there.

121. Q. With regard to your memory that you had of the persons that were present at this first assembly, have you always remembered these persons as being present from the time of the incident to this time?
A. Yes.

122. Q. Weren't the teams formed after the first assembly dispersed and the assembly was fixed the second time?
A. As I recall I think we were told about this organization when we assembled the first time.

123. Q. How were these teams formed?
A. These teams were formed by Captain Nakamura who stated "you and you should team."

124. Q. What was the number of your team?
A. Mine was the last team.

125. Q. Whose team was just before yours?
A. Do you mean by name?

126. Q. Yes, whose team was just before yours - by name?
A. It was Yokoyama's team.

127. Q. Who was the assistant Kempei that teamed with Yokoyama?
A. I do not recall.

128. Q. You say that you saw Iwamoto at this first assembly. Where was he when you saw him?
A. When he was assembled in front of the commanding officer I saw him.

129. Q. What people were surrounding the commanding officer?
A. Captain Nakamura, First Lieutenant Ichikawa. These two were the officers who were surrounding the commanding officer.

130. Q. Weren't there any Kempeis or assistant Kempeis there?
A. There were.

131. Q. Give us their names?
A. Sergeant Major Ishiyama, Sergeant Major Sugimoto, Sergeant Ichimiya, Sergeant Ozaki, Sergeant Tamamoto, Sergeant Yokoyama, myself. Assistant Kempeis: Leading Private Ezure, Superior Private Okamura, Superior Private Ito, Superior Private Nakamura, Leading Private Hidaka, Superior Private Iwamoto and Private First Class Uchida. I recall that Sergeant Major Ichimiya came to this assembly late.

0301

132. Q. I would like you to think over the last testimony once more. Is this last testimony true?
A. My recollection is just as I have stated.

133. Q. In the direct examination by the judge advocate you testified that Fujitani was present at this first assembly. Isn't it that you did not have your recollection from the time of this assembly?
A. I have a recollection that I saw Fujitani at this first assembly but I did not recall seeing him at the scene of the execution. At the first assembly I remember seeing him.

The witness was duly warned.

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

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

134. Q. What was the reason for your adding the name of Hidaka to the list of the names of the people who you told the prosecutor in his direct examination were present at the assembly?
A. I said it because I remembered his name.

135. Q. Please tell us the names of the persons who attended the second assembly?
A. As I remember they were Lieutenant Colonel Miyazaki, Captain Nakamura, Second Lieutenant Ichikawa, Sergeant Major Ishiyama, Sergeant Major Sugimoto, Sergeant Ichimiya, Sergeant Ozaki, Sergeant Tamamoto, Sergeant Yokoyama, Leading Private Ezure, Superior Private Okamura, Superior Private Ito, Private First Class Uchida, Superior Private Nakamura, Leading Private Hidaka, Superior Private Iwamoto, Warrant Officer Nakamura and Captain Yamamoto.

136. Q. Where did you see the persons whom you have just testified as seeing?
A. On the Gasupan highway slightly off the entrance of the Kempeitai when we assembled.

137. Q. Did you see soldiers of the Sumida Unit when you were getting on the trucks?
A. Yes, I did.

138. Q. How many did you see?
A. I saw two or three. That is including Captain Yamamoto.

0302

139. Q. When you collected for the second assembly what sort of possessions did you have with you?
A. The noncommissioned officers had pistols, swords, whistles, ropes and raincoats. I think some of them carried candles. Auxiliary Kempeis had rifles and ammunition and had bayonets. I do not know what other equipment they had. The soldiers of the Sumida Unit had rifles with them.

140. Q. Does the customary outfit of the Kempeis when they go out of the unit include pistols and swords?
A. That is so, but ordinarily they do not carry ammunition.

141. Q. Is it also customary for auxiliary Kempeis to take rifles with them when leaving their barracks?
A. Ordinarily the auxiliary Kempeis do not take rifles with them when assigned work outside of the barracks.

142. Q. What do auxiliary Kempeis have as arms?
A. Bayonets.

143. Q. Do not rifles always go with bayonets? Are they not complementary?
A. I said it in the sense that for ordinary duty outside, for example patroling, etc., they would take their rifles with them, but when assigned work inside the barracks they do not carry rifles. That is what I meant in my reply.

144. Q. Who handed out the candles and shovels to those present?
A. I do not know.

145. Q. Did you hold a candle?
A. I did not hold a candle.

146. Q. Did you carry a shovel?
A. I also did not carry a shovel.

147. Q. In answer to the direct examination by the prosecution, you stated that the trucks on the road belonged to the Sumida Unit. On what grounds do you base that statement?
A. The trucks of the Sumida Unit were painted in a peculiar manner. Some of them would have letters of the Japanese alphabet on the back, some would have white paint on the front of the truck. I know of these characteristics and when I saw that they were painted in this manner I judged they belonged to the Sumida Unit.

148. Q. Who boarded the latter truck on which you got?
A. I think they were noncommissioned officers and below who got on the latter truck. I sort of remember that Captain Yamamoto was either in the assistant driver's seat or on the running board of the truck.

149. Q. Who got on the first truck?
A. I believe Commanding Officer Miyazaki, Captain Nakamura, Second Lieutenant Ichikawa, and others got on the first truck.

150. Q. After what interval of time did the truck that you got on start after the first truck?
A. As I remember it, both started at about the same time.

0303

151. Q. When the missionaries got on the first truck - was your truck close to the first truck - the truck they got on?
A. The distance between the two trucks was about fifty to sixty meters and our truck was in the rear.

152. Q. Do you mean your truck had stopped fifty or sixty meters behind the first truck?
A. Yes, exactly so.

153. Q. Did you go into the missionaries' residence?
A. I did not go.

154. Q. Then how can you say that the missionaries came from the residence?
A. I had heard previously when the Kempei detachment was stationed close to the Gasupan waterfalls that the missionaries were residing at the South Seas Development Company quarters and when I saw the truck stop close to this place I deduced that they had come out of the residence.

155. Q. Then you do not know definitely that the missionaries came from their residence?
A. Yes, that is so.

156. Q. You have testified that seven or eight missionaries came out of their residence and later that there were ten victims. How do you account for this difference and where and when did the remaining two or three persons join the party?
A. When I was questioned by the prosecutor, "How many persons did you see get on the truck?," I answered, "seven or eight" because that is the number I believe I saw. Then at the scene of the execution I saw approximately ten persons so I answered that I saw approximately ten.

157. Q. With your shortsightedness could you see what was going on fifty to sixty meters away?
A. I did not see the figures clearly. I just saw vague figures of seven or eight persons moving to the truck.

158. Q. Then your answer to the prosecutor was very vague testimony?

This question was objected to by the judge advocate on the ground that it called for the witness's opinion concerning his own testimony.

The accused withdrew the question.

159. Q. From fifty or sixty meters away could you differentiate between the members of the Kempeitai and the missionaries?
A. Yes, I could differentiate.

160. Q. How were they different?
A. I could judge the Kempeis and auxiliary Kempeis from the missionaries because the former had high boots and wrapped puttees and their legs were thin, whereas the latter, the missionaries, wore baggy gowns like skirts and that is how I could differentiate.

161. Q. Who ordered the people to get off the trucks close the scene of the execution?

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A. I think it was Commanding Officer Miyazaki.

162. Q. Were the missionaries who were ordered to get off the truck bound?
A. No, they were not bound.

163. Q. Were they not blindfolded?
A. No, they were not.

164. Q. Were the teams which attached themselves to the missionaries when they alighted from the trucks the same teams that were organized before leaving the barracks?
A. No, they were not the same.

165. Q. Could you describe the circumstances in detail at that time?
A. At the order of the commanding officer, Miyazaki, to alight we got off first and advanced to the first truck. When we arrived at the truck the missionaries, I think it was at the order of the commanding officer, Miyazaki, began to get off. They were very slow about it and as each missionary alighted, the teams attached themselves to the missionaries, so I do not think the teams were identical with the teams formed prior to departure from the barracks.

166. Q. When you say the teams were not identical, do you mean that the order of the teams was changed or that the personnel of the teams was changed?
A. I meant that the order of the teams was changed.

167. Q. The personnel of the teams was not changed, then?
A. I do not know.

168. Q. Did your team change?
A. No, it did not.

169. Q. How can you, who do not know who teamed up with you, testify that your team did not change?
A. I said that my team had not changed because when the teams were organized my team was the last and also at the scene at the truck mine was last; therefore, I said my team had not changed.

170. Q. Who alighted last from the truck?
A. I think the last person was a man.

171. Q. What was his outward aspect?
A. As I remember it he wore a black gown.

172. Q. Was not the last person who got off the truck a woman carrying a child?
A. I do not remember.

173. Q. Who was mainly in charge at the scene of the execution?
A. Commanding Officer Miyazaki.

174. Q. Did Second Lieutenant Ichikawa do anything at the scene?
A. I did not hear any orders given by Second Lieutenant Ichikawa and I do not know.

0305

175. Q. Do you know what Sergeant Major Sugimoto did at the scene?
A. I heard that Sergeant Major Sugimoto held a candle at the scene of the execution.

The accused moved that this answer be stricken on the ground that it was hearsay.

The commission directed that the answer be stricken out.

176. Q. Did Sugimoto shoot at the scene?
A. I do not know.

177. Q. Do you remember what Ishiyama did at the scene?
A. No, I do not know.

178. Q. What about Ichimiya?
A. I do not know what Ichimiya did at the scene but upon returning to the barracks I heard that the hammer of his pistol had broken off and he did not fire.

179. Q. From whom did you hear about this?
A. I heard it directly from Ichimiya.

180. Q. What did Ozaki do at the scene?
A. I have no recollection.

181. Q. What did Tamamoto do at the scene?
A. I do not know.

182. Q. What did Yokoyama do at the scene?
A. The child who was assigned to Yokoyama began to cry after the shooting and either Commanding Officer Miyazaki or Warrant Officer Nakamura shot the child, therefore, I deduce that Yokoyama did not fire.

The judge advocate moved that the words, "therefore, I deduce that Yokoyama did not fire" be stricken on the ground that it was the mere opinion of the witness.

The commission directed that these words be stricken out.

183. Q. What did Leading Private Ezure do at the scene of the execution?
A. I do not know.

184. Q. What did Leading Private Kawaguchi do at the scene?
A. I do not know.

185. Q. What did Ito do at the scene?
A. I do not know.

186. Q. What did Iwamoto do at the scene?
A. I have no recollection.

187. Q. What did Nakamura do at the scene?
A. I do not know.

188. Q. What did Uchida do at the scene?
A. I think he was attached to the detachment commander.

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189. Q. By attached to the detachment commander do you mean that he was his orderly?
A. Yes.

190. Q. Did the orderly of the detachment commander do something?
A. Nothing in particular.

191. Q. What did Okamura do at the scene?
A. I do not know.

192. Q. What did Hidaka do at the scene?
A. I do not know.

193. Q. What did Yamamoto do at the scene?
A. I do not know.

194. Q. Was Hayashi at the time of the incident attached to the Kempeitai?
A. I do not remember clearly but I do not think he was attached to the Kempeitai.

195. Q. Was he not the chauffeur of the detachment commander's sedan?

This question was objected to by the judge advocate on the ground that it was vague as to time.

The accused reframed the question.

196. Q. Was he not the chauffeur of the detachment commander's sedan at the time of the incident?
A. No, he was not the chauffeur.

197. Q. When did Kawaguchi join this execution party?
A. I think it was at the second assembly on the Gasupan highway that Kawaguchi joined the execution party.

198. Q. What was the method of assigning day duty personnel about the time of this incident?
A. There were two persons assigned to day duty and the hours from five in the evening until eight o'clock in the morning of the following day was divided in two; the first half from five to twelve midnight and the latter half from twelve midnight until eight a.m.

199. Q. How was the day duty from eight in the morning until five in the afternoon?
A. I think that there was somebody assigned to that for duty for these hours.

200. Q. What I am asking is how this day duty system was managed at the time?
A. I think there was somebody on day duty during the daytime and there was a road lookout stationed at the entrance.

201. Q. Did this relief of the day duty take place at five o'clock in the afternoon?
A. As I remember it, it was so.

0307

202. Q. Then you served on day duty from twelve midnight until eight o'clock in the morning?
A. Yes, that was the duty assigned me but in actual fact I did not stand the duty.

203. Q. Was Sergeant Takahashi on day duty from five until twelve midnight?
A. Yes.

204. Q. Who was the other person assigned to day duty with Sergeant Takahashi?
A. I do not know.

205. Q. Do you not recall Sagara's name in this connection?
A. I think Sagara was on road lookout duty. I do not think he was on day duty as I remember.

206. Q. How were the personnel assigned road lookout duty?
A. I do not remember exactly.

207. Q. Do you have any recollections of persons assigned road lookout duty other than Sagara on the day of the execution?
A. I have no recollection.

208. Q. Did you know that Hayashi was ill and confined to quarters at the time of the execution?
A. Superior Private Hayashi was orderly for Detachment Commander Nakamura and he had stepped on a nail and was confined to his quarters. I am aware of the incident to which you refer.

209. Q. Did you see Kawaguchi among those of the Sumida Unit who fired?
A. I do not know.

The commission then, at 3:15 p.m., took a recess until 3:30 p.m., at which time it reconvened.

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

210. Q. When were you demobilized?
A. I returned home January 13, 1946.

211. Q. Is that when you were demobilized?
A. Yes, the day I returned home.

0308

212. Q. Isn't it true that officers like Lieutenant Sano, Captain Nakamura, Tamanoi and Warrant Officer Ajioka were officers in charge of different units at the Kempeitai?

This question was objected to by the judge advocate on the ground that it was irrelevant, immaterial and beyond the scope of the direct examination.

The accused replied.

The commission announced that the objection was sustained.

213. Q. You testified that Captain Nakamura was the commanding officer. Isn't it true that Colonel Miyazaki was the commanding officer and that Captain Nakamura was only the officer in charge of the detachment?
A. That is correct.

214. Q. So that at the scene of the execution the commanding officer of the Kempeitai was Colonel Miyazaki not Captain Nakamura?
A. Yes, that is so.

215. Q. Now this statement that was used to refresh your memory, did you volunteer to write this statement?
A. Yes.

216. Q. You volunteered to write it in the hopes that your own sentence of twenty-five years for murder would be mitigated, is that right?

This question was objected to by the judge advocate on the ground that it was immaterial, irrelevant and collateral to the issues of this case.

The accused replied.

The commission announced that the objection was sustained.

217. Q. Were you present at this first assembly that you testified to?
A. Yes, I was present.

218. Q. What did you do at this first assembly?
A. I listened to the orders and instructions of Commanding Officer Miyazaki and Detachment Commander Nakamura.

219. Q. What was your rank or rate at this time?
A. Sergeant.

220. Q. Ordinarily at a muster or an assembly do you have any particular duty to perform?
A. No, not especially.

221. Q. At this first assembly were the men all assembled in one unit or were they assembled with the units that they belonged to - such as men of the Higher Special Services and the men of the First Detachment?
A. We assembled separately according to our units.

222. Q. Then you didn't check or was it a part of your duty to check - to see that the men of the other units other than your own were present at this assembly. Is that right?

0309

A. It was not my duty to perform and I did not do so.

223. Q. Did you have any duty to check or report on the men that were present from your own detachment at this assembly?
A. No.

224. Q. So that you couldn't say that everybody from your detachment was present at that first assembly?

This question was objected to by the judge advocate on the ground that it was not presented in proper form.

The accused reframed the question.

225. Q. Do you know for sure that all the men from your detachment were present at the first assembly?
A. They were not all present.

226. Q. And they were not all present at the second assembly, were they?
A. No, they were not all there.

227. Q. Do you know the names of the ones that were absent from your detachment at the second assembly?
A. Yes, I remember.

228. Q. Did you have any duty to report on the people that were present on the second assembly?
A. No.

229. Q. But you still remember how many were present?
A. You put the question, "Were all the personnel present?" and I said, "No" and I remember who were absent.

230. Q. Who were absent at this second assembly from your detachment?
A. Corporal Nagatome and Corporal Nakagawa were not present.

231. Q. This first assembly that you talked about - was that in the morning?
A. No, it was in the afternoon.

232. Q. How early in the afternoon?
A. Around three o'clock, I believe.

233. Q. And at this assembly you are sure Kawaguchi was not there?
A. Yes, I am definite.

234. Q. But at the second assembly you remember seeing him there?
A. Yes, I remember that.

235. Q. Was he the only man from the Sumida Unit that was present during this second assembly?
A. No, he was not alone.

236. Q. Did he muster with the First Detachment?
A. As I recall he was with Captain Yamamoto and others.

0310

237. Q. Whom did Captain Yamamoto and the others report to at the second assembly?
A. They reported to Commanding Officer Miyazaki.

238. Q. And they were present while Colonel Miyazaki and Captain Nakamura spoke?
A. Do you mean at the second assembly?

239. Q. Yes, at the second assembly?
A. I do not remember definitely.

240. Q. Didn't Captain Nakamura and Colonel Miyazaki speak at the second assembly?
A. No.

241. Q. Was this inspection of the clothing of the personnel made at the first assembly or the second assembly?
A. At the second assembly.

242. Q. And you say Captain Nakamura made the inspection?
A. Yes.

243. Q. Did you see him inspect the clothing of Captain Yamamoto and Kawaguchi and the other men from the Sumida Unit?
A. No, I did not see.

244. Q. By that do you mean he did not ~~inspect~~ inspect their clothing as he inspected the clothing of the other people?
A. I do not remember whether he inspected their clothing or not.

245. Q. Was Lieutenant Yamamoto assembled with the men from the Sumida Unit at this time?
A. Yes.

246. Q. Did any of the Gunzokus assemble at this time?
A. No, there were no Gunzokus.

247. Q. Just what did Colonel Miyazaki or Captain Nakamura examine about this clothing when he examined it at this assembly?
A. I do not remember exactly but he looked over the things that we were to take with us and such things.

248. Q. He looked over your rifle and examined that then?
A. No, he did not inspect my pistol.

249. Q. Now, did you have a pistol or a rifle with you that night?
A. I had a pistol.

250. Q. You said he examined the things that you were to take with you but he did not examine your pistol - just what did he examine about you?
A. As for myself I was inspected on my rope, whistle, raincoat, position of my belt, etc.

251. Q. Do you remember whether he examined the arms of any of the personnel that were there? That is their fire arms.
A. I have no recollection.

0311

252. Q. Were you told that you were to use your pistol that night to kill another person at this assembly?
A. No, I was not specifically so told.

253. Q. Did you hear Colonel Miyazaki or Captain Nakamura tell anyone else - any of the personnel there at the assembly - that they were to use their firearms to kill people that night?
A. I heard no mention to kill.

254. Q. Where was Lieutenant Yamamoto and the men of the Sumida Unit standing in relation to your own detachment at this second assembly?
A. I saw Commanding Officer Miyazaki speaking to Yamamoto from the certain place where he was standing so I believe the men from the Sumida Unit were to the extreme rear of the assembly.

255. Q. Now, when you say you believe, does that mean you just imagine it or can you remember that they were in the extreme rear?
A. It is not imagination at all because I saw Yamamoto and the men from the Sumida Unit, after Yamamoto had finished conversing with the commanding officer, retreat to the rear and therefore, I remember that such was the situation.

256. Q. And you saw them go from their place of assembly into the trucks. Is that correct?
A. I did not see them get on the trucks.

257. Q. How many men from the Sumida Unit did you see retreat there with Lieutenant Yamamoto at this time?
A. Three or four.

258. Q. Weren't these the drivers of the trucks?
A. I could not tell.

259. Q. But you know for sure that they were never examined or inspected there at that assembly by either Colonel Miyazaki or Captain Nakamura?
A. I could not say.

260. Q. At this assembly did the officers' orderlies fall in and assemble with the other men?
A. I do not remember.

261. Q. Ordinarily would the officers' orderlies fall in and assemble with the other men or would they remain with the officers?

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

The accused replied.

The commission announced that the objection was sustained.

262. Q. Did you get out of the truck that you were in when it stopped about two thousand meters from the place of original assembly and at a point where you said you saw certain figures get into the other truck? Seven or eight I believe you mentioned.

0312

A. Yes, I got off the truck at that place.

263. Q. Did everybody else get off at this place? This is the Aikoku Bridge.
A. Yes, everybody got off.

264. Q. Can you remember how many men were on that truck with you that night?
A. I do not remember very clearly.

265. Q. Can you recollect whether any of these seven or eight missionaries, I think you said they were, got into that truck with you people?
A. They did not get on the same truck as I.

266. Q. How far away was this second truck from this first truck?
A. Fifty to sixty meters.

267. Q. Did you have a lighted candle or any other light at this time?
A. No, I did not have any.

268. Q. How dark was it at this time?
A. It was getting a little dusky.

269. Q. But even if it were getting a little dusky you could still see that these seven or eight people that got into the other truck were wearing robes, is that right?
A. Yes.

270. Q. That night you were wearing your glasses. Were you?
A. Yes, I had my glasses.

271. Q. The same glasses that you are now wearing?
A. The glasses were the same strength. The glasses I had on at the time were not as scratched as the present ones and therefore, I could see better then.

272. Q. Do you mean you could see better with them at night than you could in the day time?

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

The accused replied.

The commission announced that the objection was sustained.

273. Q. Do you know who brought these seven or eight persons to the second truck at this time?
A. I think it was Warrant Officer Nakamura.

274. Q. And at this time were these seven or eight persons carrying their personal belongings with them?
A. I do not remember.

275. Q. Do you remember seeing their personal belongings at any time during that night?

0313

A. After the execution and after the return to the barracks I remember that their belongings were put in the jungle in front of the entrance of the Kempeitai.

276. Q. So their belongings weren't buried with the persons that night?
A. I do not know for sure, but as I told you after the execution and after we returned to the barracks we dumped their belongings in small wrappers in the underground in front of the entrance of the Kempeitai and I do not know whether their belongings were buried at the scene of the execution or not.

277. Q. How many, if any, of these persons did you make sit down near the hole?
A. One.

278. Q. Is that the person that you shot?
A. I did not shoot.

279. Q. Do you mean at the scene of the execution, you, yourself, did not shoot one of these persons?
A. Yes.

280. Q. What did you have with you at the scene of the execution? What kind of a firearm?
A. I had a pistol.

281. Q. Didn't Captain Nakamura order you to shoot with that pistol?
A. He ordered.

282. Q. The reason you didn't shoot was because it jammed or something like that, wasn't it?
A. No, that is not the reason.

283. Q. Why didn't you shoot then?
A. It was because of the place I had that I did not shoot.

284. Q. You said that your team was the last team -- the last team which was supposed to shoot the woman and child. Is that right?
A. No, that is not so.

285. Q. What person was your team supposed to shoot?
A. It was a man.

286. Q. Instead of you -- an assistant Kempei had to shoot as far as your team was concerned?
A. No, I do not say so.

287. Q. So that neither you nor your teammate shot that night. Is that right?
A. That is not so.

288. Q. Well, who shot the person that you were supposed to shoot, then? Captain Nakamura, Colonel Miyazaki, or your teammate, or someone else?
A. I did not shoot. I do not know whether the auxiliary Kempei who was teamed with me shot. I can not state definitely whether he was shot by

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Commanding Officer Miyazaki or Warrant Officer Nakamura when they started shooting everybody.

The witness was duly warned.

The commission then, at 4:30 p.m., adjourned until 9 a.m., tomorrow, Wednesday, February 25, 1948.

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EIGHTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Wednesday, February 25, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Robert Oldham, yeoman third class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

289. Q. These seven or eight missionaries that you say you think came from their living quarters when the truck stopped nearby - is that testimony based on hearsay or could you see them leave their living quarters and walk over to the truck?
A. I saw them.

290. Q. This child that you say you saw - was he fully clothed?
A. I could not tell whether it was a child or not at the truck but it was somebody boarding the truck.

291. Q. Was this child walking when you saw it board the truck?
A. At the scene of the truck I could not tell whether it was a child or not as I have already stated.

292. Q. When did you first ascertain that that was a child?
A. At the scene of the execution.

293. Q. Just before the child was shot?
A. No.

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294. Q. When?
A. When it was getting off the truck I saw it.

295. Q. How did the child get off the truck?
A. I do not remember.

296. Q. Now when you assembled the first time were you facing east or west?
A. I think it was facing south.

297. Q. When you assembled the second time were you facing east or west?
A. Facing east.

298. Q. How many of these persons did Miyazaki and Nakamura shoot that night?
A. I do not know.

299. Q. Didn't you testify that either Miyazaki or Nakamura started to shoot after the Kempeitai enlisted men had fired a volley?
A. Yes, I testified so.

300. Q. Now who did you see shoot - did you see Miyazaki shoot?
A. Yes, I saw.

301. Q. How far away from him were you when you saw him shoot?
A. At that time I was five meters away from him and another time - one meter.

302. Q. So you saw him shoot more than one time?
A. Yes.

303. Q. Did he also shoot the children?
A. Yes, he did.

304. Q. The woman?
A. I do not know about the woman.

305. Q. The woman's husband?
A. I do not remember.

306. Q. What did he shoot with - what kind of a firearm?
A. A pistol.

307. Q. Did you see Captain Nakamura shoot?
A. I did not see.

308. Q. When you said none of the victims were standing up, that is true because all of the victims were sitting down when you and the others fired, isn't it?
A. That is so because when we fired the volley they were all seated.

309. Q. When you saw Colonel Miyazaki shoot the children, were they sitting down?
A. They were sitting down.

310. Q. Was their mother holding them?
A. I think she was carrying the child on her back.

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311. Q. How close to the head of the missionary did you hold your pistol when you were ordered to shoot?
A. I did not shoot and therefore I did not aim my pistol.

312. Q. What did you do with your pistol when you were ordered to shoot?
A. I did nothing.

313. Q. Did Colonel Miyazaki say anything to you when you refused to shoot?

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

The accused withdrew the question.

314. Q. When you didn't shoot - having been ordered to shoot - did Colonel Miyazaki say anything to you?
A. He did not say anything.

315. Q. Did Captain Nakamura say anything to you?
A. He said nothing.

316. Q. Did you order your teammate to shoot instead of you?
A. I did not tell him to.

317. Q. So the victim that you and your teammate was supposed to shoot was not shot?
A. I did not shoot.

318. Q. Was the victim shot that night?
A. As a result he died.

319. Q. Who shot him?
A. I do not know.

320. Q. You were standing not more than one meter away from him when he was shot and you do not know who shot him?
A. Yes.

321. Q. Was that because of your poor eyesight?
A. I do not know.

322. Q. When you testified you named these accused as being at the scene of the execution - were you forced to so testify?
A. No, that is not so.

323. Q. When you assembled this second time did you yourself assign anybody duty on any of these teams?
A. No, I did not assign any duties.

324. Q. You testified that your team was formed and instructed to take charge of a missionary. When did you commence taking charge of this missionary?
A. I took over from when the truck stopped close at the scene of the execution.

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325. Q. What did you do in taking over?
A. We took charge following the instructions of Commanding Officer Miyazaki.

326. Q. What did you do? What were these instructions of Miyazaki's that you followed?
A. The orders were to attach ourselves forming teams of two persons to each missionary as they descended from the truck.

327. Q. Did you do this?
A. Yes, I did.

328. Q. What with? That piece of line that you said you were carrying?
A. I used no such thing as a rope.

329. Q. You didn't tie the missionary that you were taking charge of, them?
A. That is so.

330. Q. Did you blindfold him?
A. No, I did not.

331. Q. Did he walk up to this hole and sit down without any orders from you at all?
A. That is not so.

332. Q. Did somebody else take charge?
A. I did not make the missionary sit down by my orders. Commanding Officer Miyazaki gave the order and I and the others made them sit down.

333. Q. What happened to this missionary that you and your teammate took charge of?
A. He was finally put in the hole and buried.

334. Q. But before he was put in the hole and buried did Colonel Miyazaki shoot him?
A. I do not know.

335. Q. Who gave Kawaguchi orders at this second assembly that you talked about?
A. I do not know.

336. Q. Didn't you see him at this second assembly as Captain Nakamura's orderly carrying Captain Nakamura's pistol?

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

The accused reframed the question.

337. Q. Didn't you see Kawaguchi carrying Captain Nakamura's pistol at this second assembly?
A. I have no recollection.

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338. Q. Do you have no recollection of seeing him at all?
A. That is correct.

339. Q. Was he acting as Captain Nakamura's orderly?
A. I do not know.

340. Q. Who was Captain Nakamura's orderly?
A. As I remember it - Uchida was his orderly at this time.

341. Q. What was the duty that you had on the day of the execution - you testified that you were on duty - was it day duty or was it the duty from five o'clock in the afternoon until midnight?
A. The duty I was assigned was day duty from twelve midnight until eight o'clock of the following day.

342. Q. But you didn't stand that duty that night, did you?
A. Yes, that is so.

343. Q. You didn't want to stand the duty that night, did you?

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

The accused replied.

The commission announced that the objection was sustained.

344. Q. Knowing that you had the duty from midnight until eight o'clock in the morning, nevertheless you went to Captain Nakamura and asked him if you should go to the execution. Is that right?
A. That is so.

345. Q. So as a reward for going to the execution and being a member of one of the teams you were excused from the duty that night?

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

The accused reframed the question.

346. Q. Why were you excused from standing the duty that night?
A. As during the daytime the organization was announced and as I also had been assigned to day duty, I asked Captain Nakamura through Warrant Officer Nakamura whether I was to go to the execution or go to stand duty. Captain Nakamura said, "Those of you that have the first half of the watch will stay but those having the latter half will go."

347. Q. But that doesn't explain why you were relieved from standing that night duty -- from midnight until eight o'clock the next morning?
A. After returning to the barracks from the execution I was physically very fatigued and I told Warrant Officer Nakamura that I was very tired physically. Thereupon Warrant Officer Nakamura told Captain Nakamura of this matter and Captain Nakamura told me through Warrant Officer Nakamura that if you are tired we will have someone relieve you.

348. Q. And that someone was one of these accused that was not at the execution who relieved you?

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

The accused reframed the question.

349. Q. Who relieved you of this duty, then?
A. I have no recollection.

350. Q. Have you any recollection as to whether the rest of the people that were there at the scene of the execution were too tired to take the night duty also?

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

The accused made no reply.

The commission announced that the objection was sustained.

351. Q. This crime that you were found guilty of, did that occur before or after this particular crime to which you are testifying to now?

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

The accused reframed the question.

352. Q. Have you been tried and found guilty of the crime of murder that you committed on Babelthuap?
A. Yes, I was.

353. Q. You testified that you used these assistant Kempeis freely -- they had no assigned duty. Were they therefore assigned the duty of killing these missionaries at the scene of the execution?
A. We non-commissioned officers were not in a position to use the auxiliary Kempeis freely.

354. Q. Who was it that used these assistant Kempeis freely?
A. I think the officers used them by the order of Commanding Officer Miyazaki.

355. Q. Since your team was the last team to be formed, weren't you assigned the duty of taking charge of the woman and children and not one of the priests?
A. That is not so.

356. Q. You people from the Kempeitai had both rifles and bayonets and some had pistols. Is that true?
A. Some had pistols, some rifles; we non-commissioned officers carried swords; auxiliary Kempeis had bayonets.

357. Q. Did anybody use their swords at the execution that night?
A. I do not know.

358. Q. Did your teammate have his bayonet attached to his rifle?
A. No, he did not have it so.

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359. Q. Did anybody that had rifles and bayonets have their bayonets attached to their rifles?
A. I have no recollection but I do not think that anybody fixed their bayonets to his rifle because there was no such order given.

360. Q. Did you see anybody bayonet any of these missionaries?
A. I did not see.

361. Q. Did you see anybody shoot his rifle or hear anybody shoot his rifle that night?
A. I heard.

362. Q. So that some persons that had rifles did shoot them that night. Is that correct?
A. I think it is correct.

363. Q. It is also correct that they held their rifles only a few inches from the head of the missionaries when they shot with their rifles -- isn't that true?
A. As I did not see all of the shooting I do not know.

364. Q. Isn't it true that all the riflemen and the persons that had pistols only had firearms and not candles and shovels?
A. I do not know.

365. Q. When you didn't fire your pistol -- one of the holders of the candles or one of the shovel men didn't relieve you -- didn't come up and fire your pistol, did he?
A. I was not relieved.

366. Q. Did you ever guard or inspect these missionaries while they were living there at the Kempeitai?
A. No.

367. Q. Then how is it that on a night that was so dark you had to use candles in order to see and you with poor eyesight could nevertheless see and distinguish that there were seven or eight persons -- missionaries -- left their quarters and walked over to the truck?

This question was objected to by the judge advocate on the ground that the counsel was misquoting the witness and that it was repetitious.

The accused made no reply.

The commission announced that the objection was sustained.

369. Q. Even if it was dark that night and you had no candle, how is it then that you could say that the teams were not the same as they had been organized at the assembly?

This question was objected to by the judge advocate on the ground that counsel was misquoting the witness.

The accused made no reply.

The commission announced that the objection was sustained.

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370. Q. How is it when you alighted from the truck, you, without any candle, could see that the teams were not in the same order as they had been in the assembly?
A. Even if I personally did not carry a candle there were others holding candles.

371. Q. Didn't Captain Nakamura and Lieutenant Sano come with Colonel Miyazaki when he came to the truck you were in and ordered you to alight?
A. I do not remember.

372. Q. Besides the ten teams, weren't there also about twenty other persons there at the scene who were spectators or orderlies?

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

The accused reframed the question.

373. Q. Besides the ten teams, weren't there also about twenty other persons at the scene?
A. I do not remember.

374. Q. Do you remember anybody else at the scene other than the members of the ten teams?
A. Yes, I remember.

375. Q. How many do you remember?
A. Two.

376. Q. So then besides the ten teams there were only two other persons at the scene of the execution?
A. That is not so.

377. Q. How many others were there?
A. I think there were two or three men from the Sumida Unit and two others besides them.

378. Q. These men from the Sumida Unit were not members of any of the teams?
A. That is so.

379. Q. Kawaguchi was not a member of any of the teams?
A. I do not know.

The commission then, at 10:15 a.m., took a recess until 10:30 a.m., at which time it reconvened.

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

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(Cross-examination continued.)

380. Q. Do you remember whose orderly Iwamoto was that night?
A. I do not know.

381. Q. Isn't it true that Kawaguchi was attached to the Kempeitai from the time that the Kempeitai moved from Koror to Gasupan?
A. Yes, I think so.

382. Q. When did the Kempeitai move to Gasupan?
A. I think it was around July, 1944.

383. Q. Was the Kempeitai still at Gasupan when this execution took place?
A. Yes, they were at so-called Gasupan.

384. Q. Since Hayashi was Captain Nakamura's orderly and he had stepped on a nail and hurt his foot, didn't Captain Nakamura use Kawaguchi, who had been his driver, as an orderly that night?

This question was objected to by the judge advocate on the ground that there had been no evidence that Hayashi was Captain Nakamura's orderly.

The accused withdrew the question.

385. Q. Whose orderly was Hayashi?
A. He wad Detachment Commander Nakamura's orderly.

386. Q. Since he had stepped on a nail and couldn't go to the execution, didn't Captain Nakamura use his driver, Kawaguchi, as an orderly that night?

This question was objected to by the judge advocate on the ground that counsel was assuming facts.

The accused withdrew the question.

387. Q. Don't you know that Hayashi stepped on a nail and was therefore sick at this time?
A. I don't know.

388. Q. So that Hayashi didn't go to the scene of the execution that night, did he?
A. Yes.

389. Q. So Nakamura had to have another orderly, didn't he?
A. Yes.

390. Q. And Kawaguchi, his driver, was his orderly that night wasn't he?
A. As I recall I think Uchida acted as Nakamura's orderly that night.

391. Q. This second assembly, was it before or after the watch was relieved around five o'clock?
A. Yes, it was after.

392. Q. It was after the watch had been relieved?
A. Yes.

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393. Q. But the men who had been relieved of the watch -- they didn't come to this assembly, did they?
A. I do not know.

394. Q. When you say that the bodies were placed in the hole and earth was covered and made like a grave, do you mean there were seven or eight mounds of dirt for seven or eight bodies that were put in there?
A. No.

395. Q. What kind of a grave do you mean?
A. There was only one hole and the earth was covered to make it look like a mound.

396. Q. Was it marked in any way?
A. I do not remember.

397. Q. You recall there was no air raid lookout at night, but do you also recall there were air raids at night?

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

The accused replied.

The commission announced that the objection was sustained.

398. Q. Who gave the warning at night when there were air raids?

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

The accused made no reply.

The commission announced that the objection was sustained.

399. Q. Was there an air raid during the time you were away from the Kempeitai headquarters participating in this execution?
A. I do not remember. When the trucks left the headquarters of the Kempeitai and started out, these trucks stopped many times on the way and there might have been drones of airplanes at this time.

400. Q. Do you recall whether there were any men left behind at the Kempeitai as air raid wardens that night?
A. I do not know.

401. Q. Don't you recall that Colonel Miyazaki said the Americans were expected to land?
A. When?

402. Q. He said it that day?
A. I do remember.

403. Q. So that since the Americans were expected to land, the Kempeitai put out additional lookouts, sentries or guards, posting them that night -- isn't that true?
A. I do not remember that.

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404. Q. You say that you didn't shoot and your teammate didn't shoot, but there were, you believed, ten teams. Isn't it true that there were only seven or eight teams as you first testified, because it wasn't necessary to form teams of two men each to guard the small children and the woman?
A. I don't know exactly.

Reexamined by the judge advocate:

405. Q. You have testified that you didn't see Hayashi at the scene of the execution -- is that correct?
A. That is correct.

406. Q. But you were present at the scene of the execution -- is that correct?
A. Yes, that is correct.

407. Q. If you were present at the scene, do you know as a matter of fact just where Hayashi was that night?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do know.

408. Q. Where was he?
A. I think perhaps he was at his barracks.

409. Q. Do you know whether or not he was at his barracks?
A. I did not ascertain where he was.

410. Q. Who were the men of your detachment who were present at the second assembly?
A. Captain Nakamura, commander of the detachment; Sergeant Major Ishiyama; Sergeant Ichimiya; Sergeant Ozaki; myself; the assistant Kempeis of the detachment and Warrant Officer Nakamura.

411. Q. Who were the assistant Kempeis of the detachment?
A. I do not recall clearly what assistant Kempeis were attached to the detachment and what Kempeis were attached to headquarters.

412. Q. At this second assembly was there anything said about the execution of the missionaries?
A. No.

413. Q. At this second assembly -- can you give us the names of the Sumida men who were present there?
A. First Lieutenant Yamamoto, Superior Private Kawaguchi -- the rest I do not know.

414. Q. On cross-examination you have testified that Kawaguchi was at the second assembly. You have also testified that Kawaguchi wasn't at the second assembly. Are you sure whether or not Kawaguchi was present at the second assembly?
A. It is difficult to say for sure.

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415. Q. Did you see Kawaguchi at this second assembly?
A. I did.

416. Q. At the scene of the execution, other than the Kempeis, the assistant Kempeis, the officers of the Kempeitai, the men of the Sumida Unit and Captain Yamamoto, were there any other people present?
A. As I recall there was nobody else.

417. Q. Were there any Kempeis or assistant Kempeis there at the scene of this execution who were not members of the teams?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. There were.

418. Q. Who were they?
A. They were Captain Nakamura, commanding officer; Second Lieutenant Ichikawa and Second Lieutenant Sano.

Recross-examined by the accused:

419. Q. Yesterday in cross-examination when you were asked whether you knew Hayashi was sick at the time of the incident, you answered you did. Is that correct?
A. Yes, it is.

420. Q. Do you know that Hayashi, at the time of the incident, was going to The Wakui Unit on a motorcycle with a sidecar to have his foot treated?
A. I do not recall clearly but I think there was such a fact.

The judge advocate moved to strike the words, "but I think there was such a fact" on the ground that it was the opinion of the witness.

The accused replied.

The commission announced that the motion was not sustained.

421. Q. You testified that Uchida was Nakamura's orderly -- is that correct?
A. Yes, it is.

422. Q. Then was Uchida excluded from these ten teams?
A. I do not know.

423. Q. Are you certain that Hayashi was not at the scene of the execution?
A. Yes.

// Reexamined by the judge advocate: 9K

424. Q. Do you know where Hayashi was at the time of the execution?

This question was objected to by the accused on the ground that it was irrelevant and immaterial. 9K

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The judge advocate withdrew the question.

425. Q. Where was Hayashi at the time of the execution?
A. You mean the place?

426. Q. Yes.
A. I think perhaps he was in the barracks at the unit.

427. Q. Do you know where Hayashi was at the time of the execution? We don't want to know what you think. We want to know what you know.
A. I do not know.

Recross-examined by the accused:

428. Q. By the time of the execution you mean 5 p.m. until you got back to the barracks from the execution -- is that correct?
A. Yes.

429. Q. And Hayashi was not at the second assembly just before you left for the scene of the execution, was he?

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

The accused withdrew the question.

430. Q. You didn't see him at this second assembly, did you?
A. I did not see him.

431. Q. And you didn't see him in either one of the trucks going to the execution, did you?
A. As I recall I didn't see him.

432. Q. But when you got back from the scene of the execution and went to the barracks, then you saw Hayashi in the barracks, didn't you?
A. The barracks were different so I did not see him.

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.

The commission then, at 11:15 a.m., adjourned until 9 a.m., tomorrow, Thursday, February 26, 1948.

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NINTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Thursday, February 26, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Stewart R. Smith, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. Will you please tell us your name and address?
A. Vincente A. Untalan. I am presently living at Barrigada Village, on Guam.

2. Q. If you recognize any of these accused will you tell us their names and ranks?
A. I do not recognize any of the accused.

3. Q. Have you ever been in the Palau Islands?
A. Yes, I have.

4. Q. When were you last there?
A. I went to Palau in January of 1945; up until then I was on Yap.

5. Q. How long had you lived on Yap?
A. I lived on Yap from 1938 until I went to Palau.

6. Q. Did you know a woman by the name of Filimina Untalan Hondonero?
A. Filimina Untalan was my smaller sister and Hondonero was my brother-in-law.

7. Q. Do you know the full name of Hondonero?
A. I do.

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8. Q. What was it?
A. Agapito C. Hondonero.

9. Q. Do you know when Hondonero and your sister were married?
A. I do know.

10. Q. When were they married?
A. They were married in 1936.

11. Q. Do you know whether or not your sister and her husband had any children?
A. There were.

12. Q. How many children were there?
A. There were two children.

13. Q. Do you know the names of the children?
A. I do.

14. Q. Will you give us their names?
A. The eldest child was a boy and his name was Baltazar C. Untalan. The second child was a girl and her name was Caroline C. Untalan. The "C" stands for the surname of Agapito.

15. Q. Wasn't their last name Hondonero?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes. Their last names were both Hondonero.

16. Q. Do you know in what year the boy, Baltazar, was born?
A. I have forgotten.

17. Q. Do you remember in what year the girl, Caroline, was born?
A. I have forgotten the date on which she was born but her age was three years old.

18. Q. She was three years old in what year?
A. When they moved from Yap to Palau she was three years old then.

19. Q. Do you remember in what year they moved from Yap to Palau?
A. They moved from Yap to Palau in July, 1944. I forget the exact date.

20. Q. How old was the boy when they moved from Yap to Palau?
A. He was five years old.

21. Q. Do you know where Agapito C. Hondonero had come from?
A. I do.

22. Q. Where had he come from?
A. He came from the Philippines.

23. Q. Do you know what his position or job was down at Yap?
A. I do.

24. Q. What was it?
A. He was working at the weather observatory.

25. Q. Do you know who employed him at this weather observatory?
A. I do know.

26. Q. Who did?
A. He was working for the Americans there.

27. Q. Did Hondonero ever tell you what his nationality was?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes, he was a person from the Philippines.

Cross-examined by the accused:

28. Q. When did you first know Agapito C. Hondonero?
A. From the time he came to Yap from the Philippines.

29. Q. When did Agapito Hondonero come to Yap from the Philippines?
A. I don't know exactly, but it was in 1928 or 1929.

30. Q. How old was this Agapito Hondonero?
A. I don't know for sure, but he was about the same age I was. I heard him say so once.

31. Q. How old are you?
A. I am forty years old.

32. Q. Do you know where Agapito Hondonero was born?
A. I have heard from Agapito Hondonero that he was born in the Philippines.

33. Q. Where was your sister born?
A. She was born in Yap.

34. Q. What nationality was your sister, having been born in Yap?
A. She was a Chamorro.

35. Q. Was Agapito also a Chamorro?
A. No, he was a Filipino.

36. Q. When did he tell you that he came from the Philippines?
A. He was on Yap, therefore, I knew that he came from the Philippines. He said that he came in 1928 or 1929.

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37. Q. When did he tell you this? Was it before he married your sister?
A. He was on Yap so I know he came to Yap in 1928 or 1929.

38. Q. So in 1928 or 1929 that was when he told you that he had come from the Philippines - is that right?
A. Yes. He told me that he had come to Yap - in that year he came from the Philippines.

39. Q. And he didn't get married to your sister until 1936?
A. Yes, he was married to my sister in 1936.

40. Q. Were they married according to Japanese law?
A. No, they were married in a Catholic church.

41. Q. By a Spanish priest?
A. Yes.

42. Q. Did you ever work for the Americans on Yap?
A. Until 1938 I was on Guam and after that I went to Yap and there I worked with my mother and my brothers at our own home.

43. Q. Was Agapito Hondonero much older than your sister?

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

The accused replied.

The commission directed counsel to reframe the question.

44. Q. How old was your sister in 1944?
A. I do not know exactly but she was 29 or 30.

45. Q. Do you remember whether her birth was registered when she was born at Yap?

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

The accused made no reply.

The commission announced that the objection was sustained.

46. Q. When did the last American leave Yap?

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

The accused replied.

The commission announced that the objection was sustained.

47. Q. What American did your brother-in-law work for on Yap?
A. At the observatory.

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48. Q. Do you know the name of the American he worked for there?
A. I do not know.

49. Q. In 1944 the Americans were still running an observatory on Yap - is that correct?
A. No.

50. Q. For whom was he working in 1944?
A. There was a war on in 1944 and he was put in a jail; therefore, he was not working for the Americans.

51. Q. Did he work for the Japanese when the war started?
A. I do not know for sure but this observatory was run by the Filipinos and Hondonero was working for them.

52. Q. So instead of working for the Americans, he was working for the Filipinos at Yap?
A. I don't know about the details of that point.

53. Q. Was this weather observatory run by the missionaries?
A. I don't know the details about it. I just heard what I said.

54. Q. From whom did you hear it?
A. I heard this from the persom who came from the Philippines and was at the observatory.

55. Q. When did you last see your sister and your brother-in-law?
A. In July 1944 - I have forgotten the date.

56. Q. Did you say they were both in jail at that time?
A. When the war started, Agapito was put in jail and when they went to Palau his wife went along with hom on a ship.

57. Q. Why was Agapito put in jail when the war started?
A. The Japanese said that he was an enemy so he was placed in a jail.

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.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and present address.
A. Alfonso Untalan Diaz. I am presently living in Barrigada Village on Guam.

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2. Q. If you recognize any of these accused will you give us their names and ranks?
A. I recognize the face of (indicating accused First Lieutenant Yamamoto, Kazuharu, Superior Private Okamura, Gintaro, Superior Private Nakamura, Jiro, Superior Private Hidaka, Kinnosuke and Sergeant Tamamoto, Tadashi) but do not know their names. That is all.

3. Q. Where were you born?
A. I was born in Saipan.

4. Q. Did you ever live in the Palau Islands?
A. Yes.

5. Q. When did you live in the Palau Islands?
A. From May 1942 I was in Palau.

6. Q. Have you ever been on the island of Yap?
A. Yes.

7. Q. In what year did you go there?
A. When I was small I went from Saipan to Yap.

8. Q. How long did you remain on Yap - do you remember?
A. I do remember.

9. Q. How long?
A. I was on Yap seventeen years.

10. Q. Were you on Yap during the war?
A. During the war I was on Palau.

11. Q. During the war were you employed?
A. Yes.

12. Q. By whom were you employed?
A. I was a policeman for the Western Branch of the South Seas Government.

13. Q. Did you know a woman by the name of Filimina Untalan Hondonero?
A. I do.

14. Q. Who was she?
A. Filimina Untalan Hondonero was my mother's younger sister.

15. Q. Was she married?
A. Yes.

16. Q. What was the name of her husband?
A. Agapito C. Hondonero.

17. Q. Did you know Agapito C. Hondonero?
A. Yes.

18. Q. Do you know whether or not Filimina and Agapito had any children?
A. Yes, I do.

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19. Q. Do you know the names of the children?
A. Yes.

20. Q. What were their names?
A. The boy's name was Baltazar and the girl's name was Caroline.

21. Q. Do you know when the boy was born?
A. I don't know.

22. Q. Do you know when the girl was born?
A. No, I don't know.

23. Q. When was the last time you saw the Hondonero family?
A. The last time I saw them was on September 12, 1944.

The commission then, at 10:15 a.m., took a recess until 10:45 a.m., at which time it reconvened.

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Examination continued.)

24. Q. When you saw the Hondonero family in the early part of September 1944 where were they living?
A. They were living in one room.

25. Q. They were living in one room in a house - where was the house located? On what island?
A. This house was located at Gasupan, Babelthuap Island, Palau Islands.

26. Q. Do you know where the house was located in relation to the Kempei-tai Headquarters?
A. The distance was very short.

27. Q. Now when you went to visit this house, was there anyone else in the house other than the Hondonero's?
A. There were.

28. Q. How many people were there other than the Hondonero's?
A. I saw seven others.

29. Q. Now do you know who these seven others were?
A. I do.

30. Q. Who were they?
A. They were two priests from Yap and one attendant and there were four others and I heard from my aunt that they were priests of Palau.

0335

31. Q. Would you be able to recognize a picture of these priests if you saw one?
A. Yes, I can.

32. Q. Do you know the names of any of these priests?
A. I do not know their surnames but I know their first names.

33. Q. Let us have the first names that you remember?
A. One was Luis - another was Bernardo. That is all.

34. Q. I show you six pictures and ask you if you recognize the people whose pictures these are?
A. Yes, I do.

35. Q. Who are these people? Where did you see them before?
A. This priest and this priest here, I knew them when I was on Yap.

The witness indicated Bernardo De La Espriella and Luis Blanco Suarez in the document containing six photographs produced by the judge advocate.

36. Q. Where was the last place that you saw these six men?
A. The place where I saw them last was when they were in the middle of the Gasupan Village.

37. Q. Was this in the house in which your aunt, Filimina, was living?
A. They were all living together in one house.

This document was submitted to the accused and to the commission and by the judge advocate offered in evidence.

Commander Martin E. Carlson, a counsel for the accused, made the following objection:

We object to the introduction of these pictures into evidence on the grounds that there is certain printed matter below each of these pictures printed in some language other than English. We would like to have a translation of that along with the pictures. We can't understand what's written there. Therefore, it is confusing.

The judge advocate replied and stipulated that the Spanish verbage below the photographs was not being offered into evidence, but only the photographs and the names beneath them.

Commander Martin E. Carlson, a counsel for the accused, further objected to these pictures being offered into evidence on the grounds that they are hearsay, irrelevant and immaterial.

The judge advocate replied.

The commission announced the following ruling:

The receipt of this document into evidence will be received under the stipulation that the Spanish captions, with the exception of the names,

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will be stricken from the document. There being no further objection the document was so received, appended marked "Exhibit 3."

38. Q. Approximately how long had the Hondonero family been living in this house when you visited them?
A. The last time I went to this house was on September 19, 1944 and at this time they were not there anymore. They were living there about four months.

39. Q. Do you know how long these six men were living there in this house with them?
A. When I went to visit them they were already there living together with the Hondonero family.

40. Q. Now you told us that the last time you visited them was in September, the early part of September 1944. When was the first time that you visited them at that house?
A. It was around September second.

41. Q. When you visited them on September second did you find the Hondonero family and these six men living at that house?
A. Yes, they were living together.

42. Q. Now when was the last time that you visited the house?
A. The last time I visited this house was on September 19.

43. Q. Were the Hondonero's and these six men living there on September 19 when you visited the house?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. No, they were not there.

44. Q. Did you ever hear from anyone what became of the Hondonero family and these six men?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes, I did hear.

45. Q. What did you hear?
A. I heard that they were killed.

The accused moved that this answer be stricken on the ground that it was hearsay.

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The judge advocate replied.

The commission directed that the answer be stricken out.

46. Q. Whom did you hear this from?
A. The first time I heard this was when I was in my quarters, a girl by the name of Akino told me that she had heard from a soldier that the priests and the persons they had come together from Yap with, that is Agapito and the others, had been killed.

The accused moved that this answer be stricken on the ground that it was hearsay.

The judge advocate replied.

The commission directed that the answer be stricken out.

47. Q. This girl that told you this - did she give you anything?
A. Yes, I got something from her.

48. Q. What did she give you?
A. She gave me a rosary and a crucifix and she gave it to me in memory of my aunt who was killed.

49. Q. Had you ever seen this crucifix and this rosary before?
A. I saw them when my aunt had them.

50. Q. In other words your aunt owned this rosary and this crucifix. Is that correct?

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

The judge advocate replied.

The commission announced that the objection was sustained.

51. Q. Who owned this rosary and this crucifix, if you know?
A. They were Filimina's.

52. Q. By Filimina do you mean your aunt?
A. She's my mother's younger sister.

53. Q. Now when this girl gave you the crucifix and the rosary did she tell you where had secured them?
A. She did.

54. Q. What did she say?
A. She said that a Kempei came over to her house and gave them to her.

The accused moved that this answer be stricken on the ground that it was not the best evidence and also hearsay.

The judge advocate replied.

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The commission announced that the motion was not sustained.

55. Q. This girl that told you this - do you know where she is now?
A. I do know.

56. Q. Where is she?
A. She is in Yap.

57. Q. Is she alive?
A. She died.

Cross-examined by the accused:

58. Q. When and where did you see the accused (indicating Yamamoto, Kazuharu) that is standing now?
A. On Palau.

59. Q. Where on Palau?
A. Gasupan.

60. Q. What was he doing when you saw him?

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

The accused replied.

The commission announced that the objection was not sustained.

A. He was living in a house.

61. Q. This house you mention - where was this house?
A. This house was at Gasupan - the headquarters of the Kempeitai.

62. Q. How do you happen to remember the accused (indicating Okamura, Gintaro) that just stood?
A. I saw him on the road when he was on horseback.

63. Q. How do you happen to recognize the accused (indicating Nakamura, Jiro) now standing?
A. I saw him when he was passing by on a truck on the road.

64. Q. How do you happen to remember the accused (indicating Hidaka, Kinnosuke) that is standing?
A. I saw him near the hospital at Aimirikii, Babelthuap Island.

65. Q. How do you happen to remember the accused (indicating Tamamoto, Tadashi) who is standing now?
A. I met him on the road at Gasupan.

66. Q. Do you know the ranks of the accused that you have just testified to?
A. The person who is standing now (indicating Yamamoto, Kazuharu) is a lieutenant colonel. When I first met him I met him in a house and I was told that he was the commanding officer of the Kempeitai - a lieutenant colonel - and I could not see his rank. The others I do not know. When I saw them they had something over their shoulders so I could not see their rank.

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67. Q. Since when have you known Agapito Hondonero?
A. Since I was eleven years old I knew him.

68. Q. On what island were you living when you were at the age of eleven?
A. On Yap.

69. Q. In what year were you born?
A. I was born on December 24, 1924.

70. Q. When did you first go to Yap?
A. The first time I went there was when I was four years old. Then I went to Saipan and then came back to Yap again when I was six years old.

71. Q. When were Agapito and Filimina married?
A. I do not remember.

72. Q. When did you first visit the house where the Hondonero family were living?
A. Where do you mean - on Palau or some other place?

73. Q. On Palau.
A. The first time I met them was on September 2, 1944.

74. Q. How is it that you said on direct examination that you first met the Hondonero family on September 12, 1944?
A. The last time I saw them was on the twelfth.

The witness was duly warned.

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

Present: All the members, Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate, the reporter, the accused, their counsel and the interpreters.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

75. Q. Are you a Japanese national?
A. No, I am a native.

76. Q. Native of where?
A. I am a native of Yap. I have been living there a long time. I am a Chamorro.

77. Q. Were you born on the island of Yap?
A. I was born on Saipan.

78. Q. Do you remember what year you went to the island of Yap then?
A. No, I do not remember.

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79. Q. You said that you were employed by some police force during the war - what police force was that?
A. I was employed by the Branch Government on Yap and I was a native policeman.

80. Q. An interpreter?
A. Yes.

81. Q. When did you leave this employment?
A. I was working as a policeman up until the time I left Palau for my home.

82. Q. Why did you leave the employment of the police force there?
A. After the end of the war I wanted to be near my family - my brothers and my family were on Yap, so I put in a request to be discharged of this duty and then went to Yap.

83. Q. Were you discharged by the Japanese?
A. When the Americans came in we who were policemen were all turned over to the Americans and then we worked under the Americans. Then we were sent to Koror.

84. Q. This Agapito Hondonero that you said was arrested, did you arrest him?
A. No.

85. Q. Do you know who did?
A. I do not know.

86. Q. When he was on the island of Yap, was he confined in a jail there?
A. Since the war started he was put in jail.

87. Q. Did you visit him when he was over there in confinement in the jail on Yap?
A. Before the war I often visited him at his home but after the war broke out I was prohibited to go and see him.

88. Q. How soon after the war started was he arrested?
A. I do not know exactly but I believe it was one month after the war broke out that he was put in jail.

89. Q. When you went to visit this Hondonero on Yap and also at Babelthuap were you a policeman then?
A. Yes.

90. Q. Do you remember when he was sent from Yap to Babelthuap?
A. I didn't hear that.

91. Q. At the time that he was sent from Yap to Babelthuap was the priests also sent along with him?
A. When I went to visit him he was living together with the priests.

92. Q. You were never employed in the weather station, were you?
A. No.

93. Q. You were also a policeman on the island of Yap, were you not?
A. Yes.

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94. Q. Who told you that they were two priests from Yap?
A. It was a certain native by the name of Rudim.

95. Q. When did she tell you that these two priests were from Yap - at what time did she tell you this? Was it while your aunt was still alive?
A. Yes, it was while she was alive.

96. Q. You testified regarding the names of two priests. Were these the names that they took when they entered the priesthood?
A. They were called that from the first time they came to Yap.

97. Q. What were they called?
A. One was called Luis and the other Bernardo.

98. Q. Now when you said that you went and visited them in a house near the Kempeitai and this woman and her children were living there - was she employed as their housekeeper?
A. They were all living in one house and this woman and the attendant of the priests took care of their meals.

99. Q. You visited them several times - at that time when you visited them was there ever an armed guard stationed there?
A. There was one there.

100. Q. Was this guard there the last time you visited them and they were in the house?
A. Yes.

101. Q. When you came back and visited them and you didn't find them there - was the guard still there?
A. No.

102. Q. Did you ever try to verify whether these people had been killed?
A. From what I heard from another person I was told that they were killed.

103. Q. Did this person tell you that he saw them killed?
A. No, he did not.

104. Q. Did you ask him?
A. I asked him.

105. Q. Did you ask him how he knew they were killed?
A. I did not ask.

106. Q. Was this person any of these accused here in the courtroom today?
A. No, he is not here.

107. Q. These persons that you identified - did you meet any of them because of your work as a policeman?
A. Yes.

108. Q. Which ones did you meet in your work as a policeman?
A. The persons I identified before are the ones that I saw.

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109. Q. You talked to all of them - did you? That is at one time or another.
A. No, I did not talk to them.

110. Q. Do you still think that this first person in the first row (indicating Yamamoto, Kazuharu) was the commanding officer of the Kempeitai?

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

The accused replied.

The commission announced that the objection was sustained.

111. Q. When Agapito was arrested and in jail at Yap was his family with him?
A. Agapito was the only one who was put in jail and his wife and children lived in their home.

112. Q. When he was put in jail did he have two children by his wife at that time?
A. Yes, he had two children.

113. Q. So that in 1944 when you last saw them the children were no more than three years old, is that right?
A. Yes.

114. Q. That night when you were in this house and someone told you that this officer in the first row (indicating Yamamoto, Kazuharu) was the commanding officer of the Kempeitai-- was that the last time you were in the house and visited them?

This question was objected to by the judge advocate on the ground that the counsel was deliberately trying to confuse the witness.

The accused reframed the question.

115. Q. Where did you see this officer in the first row (indicating Yamamoto, Kazuharu)?
A. I saw him at the commanding officer of the Kempeitai's home at Gasupan.

116. Q. Was it after you had last seen your aunt alive?
A. When I first went to meet my aunt I directly went over to their house but there was an auxiliary Kempei who said that I had to get permission to give her the things that I had brought to her and to talk to her, so I went over to Commanding Officer Miyazaki's home.

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.

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A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Takahashi, Genji, former sergeant Kempeitai.

2. Q. If you recognize any of these accused, will you state their names and ranks?
A. Captain Yamamoto, Second Lieutenant Ichikawa, Sergeant Major Ishiyama, Sergeant Major Sugimoto, Sergeant Ichimiya, Sergeant Ozaki, Sergeant Tamamoto, Sergeant Yokoyama, Leading Private Ezure, Leading Private Fujitani, Leading Private Kawaguchi, Superior Private Ando, Superior Private Hayashi, Superior Private Hidaka, Superior Private Ito, Superior Private Iwamoto, Superior Private Nakamura, Superior Private Okamura, Superior Private Sagara and Private First Class Uchida.

3. Q. Did you ever have duty in the Palau Islands?
A. Yes, I have.

4. Q. To what particular unit were you attached when you were in the Palaus?
A. The former South Seas Kempeitai.

5. Q. Between what dates were you attached to the Kempeitai?
A. From 12 September 1943 until 15 February 1945.

6. Q. In September of 1944 what were your duties?
A. I was non-commissioned officer in charge of general affairs.

7. Q. In September of 1944 do you recall a day on which there was a general assembly at which the missionaries were discussed?
A. Yes, I recall.

8. Q. Do you remember the approximate date?
A. No, I do not remember.

9. Q. What were you doing when this assembly was called?
A. I was encyphering some code telegrams.

10. Q. Who told you that there was an assembly?
A. Second Lieutenant Ichikawa ordered that I fall in.

11. Q. Did you immediately fall in?
A. Yes, I did fall in and assemble.

12. Q. Did you go to this assembly?
A. Yes, I went.

13. Q. Now when you got there what did you find?
A. I saw the members of the company assembled there.

14. Q. Do you remember what officers were present at that assembly?
A. Yes, I remember.

15. Q. Who were the officers that were there?

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A. Lieutenant Colonel Miyazaki, Captain Nakamura, Second Lieutenant Sano, Second Lieutenant Ichikawa and Second Lieutenant Tamanoi. Those were the officers.

16. Q. Do you know who the adjutant of the Kempeitai was?
A. Yes, I remember.

17. Q. Who was it?
A. Second Lieutenant Ichikawa.

18. Q. Was this the Ichikawa that is present here in this courtroom today?
A. Yes.

19. Q. Do you remember the names of the men who were present at this assembly?
A. I do not remember very clearly.

20. Q. Give us the names of the enlisted Kempeis and assistant Kempeis that you saw present at this assembly excluding the officers?
A. Warrant Officer Nakamura, Warrant Officer Ajioka, Sergeant Major Sugimoto, Sergeant Major Ishiyama, Sergeant Ichimiya, Sergeant Ozaki, Sergeant Tamamoto, Sergeant Yokoyama, Sergeant Yamada. I do not remember the auxiliary Kempeis very well.

21. Q. Do you remember whether or not Ezure was present at this assembly?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I have no recollection.

22. Q. Do you remember whether or not Okamura was present at this assembly?

This entire line of questioning was objected to by the accused on the ground that it was leading.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do not remember.

23. Q. Did anyone address this assembly?

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

The judge advocate withdrew the question.

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24. Q. Did Miyazaki address the assembly?
A. He gave orders.

25. Q. What did he have to say to this assembly?
A. Lieutenant Colonel Miyazaki said the following: "The American forces have landed on Peleliu and conditions are such that they may attempt a landing on Babelthuap. By orders of Division Headquarters the missionaries will be executed. Details of the execution will be given by Captain Nakamura. Second Lieutenant Ichikawa will prepare the equipment and the trucks."

26. Q. Did Miyazaki have something to say about the teams and the organization?

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

The judge advocate replied.

The commission announced that the objection was sustained.

27. Q. What else did Miyazaki have to say?
A. He ordered Captain Nakamura on the spot to form teams of Kempei and auxiliary Kempei.

28. Q. Did Nakamura carry out those orders?
A. Yes, he did.

29. Q. How many teams were formed - do you remember?
A. I do not remember.

30. Q. Other than telling Nakamura to form the teams, did Miyazaki have anything else to say concerning the teams?
A. He did say.

31. Q. What did he say?
A. He said that one Kempei and one auxiliary Kempei will form a team and each team will take charge of one missionary.

32. Q. Did he say anything as to what was to be done with the missionary?
A. I have no recollection.

The commission then, at 3:15 p.m., took a recess until 3:30 p.m., at which time it reconvened.

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

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(Examination continued.)

33. Q. I show you a statement and ask you if this statement is in your own handwriting?
A. Yes.

34. Q. I direct your attention to a particular portion of that statement and ask you if it refreshes your recollection?

The accused objected to the witness being permitted to refresh his recollection on the ground that the witness did not request it and that the judge advocate had not shown that it was necessary or that the statement was made voluntarily on the part of this witness.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes.

35. Q. Now that your recollection has been refreshed, was anything else said by Miyazaki about the missionaries?
A. Yes, he said something else.

36. Q. What did he say?
A. A team comprised of one Kempei and one auxiliary Kempei will take charge of one person to be executed.

37. Q. What happened after this assembly?
A. After the assembly everybody returned temporarily to their quarters.

38. Q. And where did you go?
A. I returned to the duty of the day.

39. Q. Did you have the duty that day?
A. Yes.

40. Q. What was your precise duty?
A. The duty of the day.

41. Q. How long was this duty to continue?
A. Beginning in the morning, it continued until the morning of the next day.

42. Q. On the day that you had the duty, how many other men were on duty that day?

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

The judge advocate withdrew the question.

43. Q. Do you know how many other men were on duty that day?
A. I do.

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44. Q. How many were there?
A. There were three men that day.

45. Q. Did they also have the duty all day long - if you know?
A. No, not the whole day through.

46. Q. Of the three men, how many had duty all through the day?
A. One.

47. Q. Do you know the names of the other three men who had the duty on the same day you did?
A. Yes, I do know their names.

48. Q. Who were they?
A. On day duty was Sergeant Yamada; road lookout was Superior Private Sagara; there was another man as air raid lookout but I have forgotten his name.

49. Q. Which of these three had the duty all day long - if you know?
A. I do not remember.

50. Q. Was this day duty that Yamada had the same kind of duty you had, namely, did it continue for twenty-four hours?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes.

51. Q. Do you know the duties of the road lookout?
A. Yes, I do.

52. Q. Do you know how long a lookout would be on duty?
A. Each man stood for six hours.

53. Q. When did the six hour period start - at 8 o'clock in the morning?
A. It started from 8 o'clock in the morning.

54. Q. Was there any road lookout during the night - if you know?
A. The road lookout was a duty during the night.

55. Q. Do you know when the road lookout would go on duty?
A. I do know.

56. Q. When?
A. From six in the evening.

57. Q. Do you know how many road lookouts there would be in the evening?
A. I do not remember.

58. Q. On the day of the assembly, after you returned to this duty of the day room, what happened then?
A. I have forgotten.

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59. Q. Was there another assembly that day?
A. No, there were no assemblies.

60. Q. After this first assembly did all the officers and men assemble again someplace?
A. Yes.

61. Q. Were you present when the officers and the men got together later on that day?
A. I was not present.

62. Q. Were you looking at them? Did you see them?
A. I did not see them assemble.

63. Q. How do you know that they did assemble then?
A. Everybody went out towards the road and afterward Commanding Officer Miyazaki also went that way, asking whether the assembly had been completed.

64. Q. Did you see them go out toward the road and did you see Miyazaki?
A. Yes, I saw them.

65. Q. Where did they assemble?
A. They assembled on the road.

66. Q. What was said at this assembly?
A. I did not hear this.

67. Q. I show you a statement and ask you if this statement is in your own handwriting?
A. That is so.

68. Q. I direct your attention to a particular portion of this statement and ask you if it refreshes your recollection?
A. Yes.

69. Q. Is your recollection refreshed?
A. Yes.

70. Q. How far was this day duty room from the place where these men assembled that evening?
A. Approximately sixty meters.

71. Q. Where were you when the men assembled there?
A. I was in the duty room.

72. Q. Did this duty room have windows and doors in it?
A. This room did not have windows or doors.

73. Q. This room had no windows or doors in it - is that correct?
A. Yes.

74. Q. How did you get into it, then?
A. This room was two yards square and on three sides of it were piled provisions.

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75. Q. And what was on the fourth side?
A. There was nothing on the fourth side, it was used for a free entrance and exit.

76. Q. And through this fourth side could you see this assembly and hear what was being said?
A. Yes, I could hear.

77. Q. Could you see?
A. Yes, I could see.

78. Q. Now that your recollection has been refreshed from your statement - what did you hear said at this assembly?
A. The commanding officer and the rest of the officers were on the road at the foot of the auxiliary Kempeis' quarters. Captain Nakamura was seen to go to the detachment quarters and Lieutenant Sano to the headquarters barracks and were heard to order an immediate assembly. Meanwhile, Miyazaki was saying that it was still early and therefore to wait.

The accused moved that this answer be stricken on the ground that it was not responsive to the question.

The judge advocate replied.

The commission announced that the motion was not sustained.

79. Q. While you were watching did you see any of the auxiliary Kempeis get anything?
A. I did not see them being given anything.

80. Q. Did you see any of the Kempeis themselves go and get anything?
A. Yes, I saw.

81. Q. What did you see?
A. I saw them take out shovels from under the headquarters' and detachment barracks.

82. Q. Give us the names of all the enlisted Kempeis and assistant Kempeis that you saw at this assembly?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Warrant Officer Nakamura, Warrant Officer Ajioka, Sergeant Major Ishiyama, Sergeant Major Sugimoto, Sergeant Ichimiya, Sergeant Ozaki, Sergeant Tamamoto, Sergeant Yokoyama, Sergeant Yamada, Leading Private Ezure, Superior Private Ando, Superior Private Hidaka, Superior Private Ito, Superior Private Nakamura, Superior Private Okamura and Private First Class Uchida. There seemed to be some others but I do not clearly remember their names.

83. Q. What happened after you saw all these people present at this assembly?
A. They left the barracks.

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84. Q. Did they leave in a body?
A. When they left the barracks they were scattered.

85. Q. What do you mean by "they left the barracks" - did they go out of a building or did they go from the Kempeitai?
A. By their leaving the barracks I mean I saw them go out to the entrance which faced the road leading from Misuzu to Gasupan.

86. Q. And they left the Kempeitai - is that correct?
A. Yes, that is so.

87. Q. Do you know where they went?
A. I do not know.

88. Q. Were you still on duty when they returned?
A. Yes, I was on duty.

89. Q. About how many hours would you say elapsed from the time they left until the time they came back?
A. I think about three hours.

90. Q. After they returned, did you have a conversation with any of them?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes, I spoke.

91. Q. To whom did you speak?
A. I spoke to Sergeant Major Sugimoto, Sergeant Tamamoto and Sergeant Yokoyama.

92. Q. What did you say to Yokoyama and what did he say to you?
A. I said to Yokoyama: "How did it go Yokoyama?" and he said, "It was dreadful. I killed a person for the first time."

93. Q. What did you say to Sergeant Tamamoto?
A. I asked, "Tamamoto, did you also shoot?" and he answered, "Those who did not go had better not ask extraneous questions."

94. Q. What did you say to Sugimoto and what did he say to you?
A. Sugimoto said to me: "I got off without having to shoot" and I asked him, "How was that?" and he answered, "I was holding a candle."

95. Q. Did he say why he was holding a candle?
A. No, he did not tell me.

96. Q. I show you a statement and ask you if it is in your own handwriting?
A. It is so.

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97. Q. I direct your attention to a particular portion of that statement and ask you if it refreshes your recollection?
A. Yes.

98. Q. Has your recollection been refreshed?
A. Yes.

99. Q. Now do you recall whether or not Sugimoto said why he was holding the candle?

This question was objected to by the accused on the ground that it was irrelevant, immaterial and hearsay. The other nineteen accused should not be bound by what Sugimoto said to this witness.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes.

100. Q. What did he say?
A. When I asked him, "What were you doing?," he answered, "I was holding a candle and illuminating the place."

The witness was duly warned.

The commission then, at 4:30 p.m., adjourned until 9 a.m., tomorrow, Friday, February 27, 1948.

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TENTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Friday, February 27, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Robert Oldham, yeoman third class, U. S. Navy, reporter.
The accused, their counsel and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

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

Cross-examined by the accused:

101. Q. You testified that at the time of the incident you were in charge of general affairs. Is it not correct that your duties were with the Special Higher Section?
A. My duties were with the General Affairs Section.

102. Q. At the time of the incident who were working with the General Affairs Section?
A. Myself and Sergeant Yokoyama.

103. Q. Was not Sergeant Major Sugimoto with the General Affairs Section?
A. Sergeant Major Sugimoto was with the Galley Intendance Section.

104. Q. Who was your superior officer in the General Affairs Section?
A. Second Lieutenant Ichikawa.

105. Q. You testified yesterday that the order to assemble was given you by Second Lieutenant Ichikawa at the time of the incident. Was this because Second Lieutenant Ichikawa was your superior officer in the General Affairs Section?

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

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The accused replied.

The commission announced that the objection was not sustained.

A. That is so.

106. Q. What was the approximate time when the persons were ordered to assemble on the day of the incident?
A. Around half past five in the afternoon.

107. Q. Around what time did the personnel again assemble in the afternoon?
A. Slightly before six.

108. Q. Were you in this day duty post at five thirty?
A. Yes, I was on duty.

109. Q. Then you attended this assembly even though you were on day duty?
A. Yes, I did participate.

110. Q. Did air raid lookouts and road lookouts on duty at that time also attend this assembly?
A. Yes, they attended.

111. Q. You testified that at this first meeting teams were formed. Were you organized into any of them?
A. No, I was not.

112. Q. Then were there others at this meeting who were not organized into teams?
A. There were.

113. Q. Name those who were not organized into teams?
A. Those on duty and sick personnel were not organized. I do not recall their names exactly.

114. Q. Then did even the sick personnel attend this meeting?
A. As I remember it I do not think they attended.

115. Q. About how many persons were not teamed up?
A. I do not remember clearly.

116. Q. Do you know who did not attend that meeting?
A. Corporal Nakagawa, Corporal Nagatome and Superior Private Hayashi.

117. Q. Do you know the reason why Superior Private Hayashi did not attend this meeting?
A. Yes, I do.

118. Q. Please explain the reason.
A. A few days prior to the day of the incident, Superior Private Hayashi, under the command of Captain Nakamura, had gone to Koror to collect building material. At the time he returned with a nail in the bottom of his foot. The wound caused by this nail resulted in a suppuration. He was suffering from the same. At the time Sergeant Corpsman Hongama was hospitalized, and I treated Hayashi's wound. About the time of the incident he had difficulty in walking and he was in bed. I later heard from Sergeant Major Ishiyama that he had been reprimanded by Captain Nakamura because I had treated this wound and the reason was Sergeant Major Ishiyama was then a squad leader of the detachment and therefore was responsible.

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119. Q. At the time of the assembly were you not notified as to who was not to go to the scene of the execution but to remain at the barracks?
A. I was.

120. Q. Who were told to remain at the barracks?
A. The non-commissioned officer corpsman and one day duty personnel.

121. Q. Was that all?
A. The sick personnel were told to remain.

122. Q. Of those on duty was only one day duty person told to remain behind?
A. One person was told to remain behind.

123. Q. What duties did this single man have?
A. The persons on day duty during the night was divided into two groups, one for the first half of the night and one for the latter half. The senior of the persons was assigned to the first half and the junior assigned to the second half. I was told to remain as a person on day duty.

124. Q. Will you clearly repeat again who were the persons that were told to remain behind on that day of the execution?
A. They were the intendance officer, the non-commissioned officer corpsman, one day duty person and the sick personnel.

125. Q. In regard to the prosecutor's question yesterday if you knew the persons that were on duty on the day of the execution you replied that three were on duty and that one of them was on duty throughout the day. Did you mean that there was one person besides you who was on day duty throughout the day?
A. What I said was that there was one person besides me throughout the day.

126. Q. You testified just now that there was one person told to remain on day duty and that one person was you. By your reply do you mean that there was one other person besides you who was on duty?
A. That is so.

127. Q. Who was this other person?
A. It was Superior Private Sagara.

128. Q. When this second meeting was held, were you at all times in your day duty office?
A. I was.

129. Q. Yesterday in reply to the prosecutor you stated that you knew of this assembly because you saw everybody going towards the road and you heard Commanding Officer Miyazaki asking whether the assembly had been completed. Now is it not true that you knew of this assembly but you didn't actually see the people assemble?
A. When I saw everybody assembled on this small pathway just below the auxiliary Kempeis' barracks I thought that there was an assembly.

130. Q. Was it only the auxiliary Kempeis that you saw assembled on this small pathway?
A. There were Kempeis and auxiliary Kempeis.

131. Q. Did Commanding Officer Miyazaki and Captain Nakamura also assemble on this pathway?
A. I think I saw Captain Nakamura proceed to the highway before this meeting.

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132. Q. You testified yesterday that the assembly took place on the highway. Did you by that mean that this assembly was on this pathway below the barracks of the auxiliary Kempeis?
A. What I testified to was all this gathering was on this pathway below the barracks of the auxiliary Kempeis. And I said there was an assembly because I saw everybody gathering below at this point.

133. Q. You stated yesterday that there was an assembly on the road or the highway. That assembly is something different from this assembly of auxiliary Kempeis and Kempeis just referred to by the witness, is that not so?
A. It does not differ.

134. Q. At the meeting did Commanding Officer Miyazaki or Captain Nakamura give any instructions?
A. At this meeting Commanding Officer Miyazaki said, "As it is still light wait a bit," and after it got dusk they all moved on.

The commission then, at 10:15 a.m., took a recess until 10:30 a.m., at which time it reconvened.

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

135. Q. At this meeting that you witnessed were there trucks present?
A. No, there were no trucks.

136. Q. Did you see any persons not attached to the Kempeitai at this assembly?
A. No, I did not see.

137. Q. Is it a fact that you did not attend the second meeting?
A. That is so.

138. Q. You testified that you attended the first meeting, but that you did not recall the names of the auxiliary Kempeis present. You further testified that you did not attend the second meeting, but that you remembered most of the auxiliary Kempeis present at this second meeting. How do you remember the names of the auxiliary Kempeis present at this second meeting?
A. All personnel excluding the gunzokus were called to the first meeting and therefore I had a vague idea of those present but did not consider the names of the persons very carefully and therefore did not remember them. At the second meeting I took notice of those assembled because I had in mind that they were going to the execution and therefore I remembered the names.

139. Q. You testified that Warrant Officer Ajioka was present at the first and second meetings -- is that correct?
A. That is correct.

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140. Q. Isn't it true that Warrant Officer Ajioka was in the hospital at the time of the incident?
A. That is not so.

141. Q. Do you know where Leading Private Fujitani was at the time of the second meeting?
A. I have no recollection.

142. Q. Do you know where Leading Private Kawaguchi was at that time?
A. I do not remember.

143. Q. How about Leading Private Iwamoto?
A. I do not remember.

144. Q. When did the members of the Kempeitai start out from this second meeting?
A. Around six o'clock.

145. Q. Is it correct that Superior Private Hayashi remained at the barracks and that Superior Private Sagara was on duty during the hours from six to nine -- that is from the time the members of the Kempeitai left the barracks until they returned to the barracks?
A. That is correct.

146. Q. You testified that after the members of the Kempeitai returned you spoke with Sergeant Yokoyama. Where did this conversation take place?
A. At the barracks of the headquarters.

147. Q. When was this?
A. Immediately after they returned.

148. Q. Where and when did you speak with Sergeant Tamamoto?
A. At the barracks immediately upon his return.

149. Q. What about Sergeant Major Sugimoto?
A. At the barracks immediately upon his return.

150. Q. Were you not on duty when the members of the Kempeitai returned?
A. I was.

151. Q. Were you not in the day duty room when they returned?
A. I was in the day duty room.

152. Q. Then was it after you were relieved by somebody else that you held this conversation with Yokoyama, Sugimoto and Tamamoto -- to which you have just testified?
A. I was not relieved.

153. Q. You have just stated that you held conversation with Yokoyama, Sugimoto and Tamamoto immediately after their return there in the headquarters barracks. Then you have testified that you were in the day duty office when the members of the Kempeitai returned. Which of these statements is the correct one?
A. I was in the day duty office when all of the members returned. When all of them turned in at their barracks I went over to the barracks and spoke with them and returned promptly to my office again.

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154. Q. You stated that you saw Corporal Ezure at the second meeting. Was Ezure assigned to one of the teams?
A. I do not remember.

155. Q. What about Superior Private Ando?
A. I do not remember.

156. Q. What about Superior Private Hidaka?
A. I do not remember.

157. Q. What about Leading Private Ito?
A. I do not remember.

158. Q. How about Leading Private Nakamura?
A. I do not remember.

159. Q. Okamura?
A. I do not remember.

160. Q. Superior Private Uchida?
A. I do not remember.

161. Q. From this day duty post could you hear everything that Colonel Miyazaki said at this assembly?
A. You mean when they were assembled?

162. Q. Yes.
A. Do you mean the first or the second assembly?

163. Q. The second assembly.
A. Yes, I could hear.

164. Q. And you could see everybody that assembled there?
A. Yes, I could see.

165. Q. How many did you see that assembled there?
A. I do not remember exactly how many I saw.

166. Q. Do you remember that you saw all twenty of these accused there?
A. I remember seeing the majority of them there but I do not remember seeing all of them.

167. Q. Was Yamada on duty from midnight until eight o'clock the next morning?
A. No, he was not on duty.

168. Q. Who was on duty?
A. A civilian employee, Ochi, attached to headquarters.

169. Q. You said you attended the first assembly. Who took your duty while you attended this assembly?
A. I was not relieved.

170. Q. Who took your duty when you went over and talked to these three men in the barracks?
A. I was not relieved.

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171. Q. How many other times did you leave your duty post without being relieved?

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

The accused replied.

The commission announced that the objection was sustained.

172. Q. Are you sure that you stayed at your duty post during the time of the execution?

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

The accused replied.

The commission announced that the objection was not sustained.

A. After everybody had left I went to the entrance of the Kempeitai adjacent to the highway.

173. Q. Did you inspect the barracks?
A. Yes, I inspected the barracks.

174. Q. And you only saw in the barracks the men that you have already testified as having remained at the Kempeitai -- is that true?
A. They were.

175. Q. Didn't you also see Fujitani there?
A. I do not remember.

176. Q. These statements that were used to refresh your memory -- were there two statements that you used to refresh your memory?
A. I made two statements.

177. Q. Were they made to be used to refresh your memory?

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

The accused replied.

The commission directed the accused to reframe the question.

178. Q. Did the prosecution force you to make these two statements that you used to refresh your memory?
A. No, that is not so.

179. Q. Then did you make them in order that you might refresh your memory?
A. I wrote what I happened to recollect.

180. Q. When did you write these two statements?
A. When I was in Sugamo.

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181. Q. You testified that at one of these assemblies everybody was present. Do you mean to say that someone went out and got all the lookouts and sentries and brought them to this assembly?
A. I do not remember.

182. Q. Did you see Lieutenant Yamamoto and the Sumida Unit men at this first assembly -- the assembly that you attended?
A. I did not see.

183. Q. Did you see them at the second assembly?
A. No, I did not see.

184. Q. By that do you mean that they were not present at this second assembly?
A. Are you referring to the second meeting that I mentioned in my testimony?

185. Q. Yes.
A. Yes, I meant it so.

186. Q. Did you, as the person who had the duty, keep a list of the men who assembled at this second assembly?
A. No, I did not make a list.

187. Q. These men that you saw go and get shovels under the barracks -- how many men went to get shovels and how many shovels did they get?
A. Two men came to fetch them but I do not remember how many shovels they took with them.

188. Q. Just two men got shovels?
A. As I remember it there were two.

189. Q. Which two of these accused got shovels?
A. I do not remember.

190. Q. Is the reason you could hear what Colonel Miyazaki was saying because he was facing you at the second assembly when you were on duty at the lookout room?
A. He was not facing me in particular.

191. Q. He was facing away from you then?
A. He was facing sideways.

192. Q. Then how could you see the faces and recognize all the other people that were assembled there from where you were?
A. That was because the distance between the day duty office and where the men assembled was close.

193. Q. You said it was sixty meters?
A. When I said yesterday that the distance was sixty meters I meant the distance from my post to the exit of the Kempeitai.

194. Q. How far away was it from your post to where Colonel Miyazaki was talking to these men?
A. I think it was about twenty meters.

195. Q. After the second assembly and after Colonel Miyazaki got through talking to them, did everybody go into the barracks?
A. No, they did not return to their barracks.

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196. Q. Did they leave immediately after Colonel Miyazaki got through talking to them?
A. At the second assembly after Commanding Officer Miyazaki had spoken to them, they left after a short lapse of time.

197. Q. They left to go where?
A. I do not know.

198. Q. You didn't see any trucks from where you were?
A. I did not see.

199. Q. These men that you have testified as being on duty -- did you detail these men to the duty?
A. It was not I.

200. Q. Do you know who it was?
A. You mean day duty?

201. Q. All duties -- lookouts and sentries you have testified had the duty -- who detailed them to duty?
A. I think it was Warrant Officer Nakamura of the detachment.

202. Q. Did these people report to you when they went on duty?
A. Yes, they reported before.

203. Q. And they also reported to you when they finished their duty -- is that right?
A. Yes.

204. Q. Are you the person who knows who was on duty and the duty he stood that day and night?
A. That does not limit the number of persons with that knowledge to me.

205. Q. But, if there had been any changes in the duty list, you would know, wouldn't you?
A. That is so.

206. Q. This duty post that you were supposed to stand duty at -- was that a lookout duty post?
A. It was not necessarily a lookout.

207. Q. Do you remember if Kawaguchi was still assigned as a driver for Captain Nakamura at the time of this incident on September 18, 1944?
A. I do not remember.

208. Q. The judge advocate refreshed your memory three times. Is your memory that faulty that it has to be refreshed like that?

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

The accused replied.

The commission announced that the objection was sustained.

209. Q. How big a place did Sugimoto say he was illuminating with his candle?
A. I didn't hear.

0361

210. Q. Did he say he was the only one who held a candle that night?
A. I think he mentioned some others but I do not remember.

211. Q. Have you written any statements which include the names of those people who held candles, so that you can refresh your memory as to who Sugimoto also said was holding candles?
A. I wrote about Sergeant Major Sugimoto but of others I have not written.

212. Q. Why don't you look at that paper that you brought into court this morning and see if it is written there and if it will refresh your memory on that point. Or are you sure that it isn't written in there?

(The witness produced a paper.)

A. I have not written on that matter in these papers.

The witness was duly warned.

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

Present: All the members, Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate, the accused, their counsel and the interpreters.

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

Reexamined by the judge advocate:

213. Q. You have testified that the persons who were sick and that the persons who had the duty were told they didn't have to go to this execution. Is that correct?
A. Yes.

214. Q. Now, when were these persons who were sick and the persons who had the duty told that they didn't have to go to the execution?
A. At the first assembly.

215. Q. Was Hayashi present at the first assembly?
A. No, he was not present.

216. Q. Was Sagara present at the first assembly?
A. I have no recollection.

217. Q. Do you know then whether or not Sagara and Hayashi were told that they didn't have to attend this execution?
A. I do not know.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

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The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and present address.
A. Roman Thmetuchl, My address is Barrigada, Guam.

2. Q. Have you another name also?
A. My Japanese name is Kandoku.

3. Q. Are you also known by the name of Ngirathmetuchl?
A. My native name is Thmetuchl and the Japanese find it hard to pronounce so they called me Kandoku.

4. Q. Are you also known as Roman Thmetuchl?
A. Yes. My name is Roman Ngirathmetuchl but since my last name is very long I cut it from Ngira and just use the last part of it -- Thmetuchl.

5. Q. If you recognize any of these accused tell us their names and former ranks?
A. The person on the first row, second from the left, is Second Lieutenant Ichikawa. The person next to him is Sergeant Major Ishiyama. The next is Sergeant Major Sugimoto. The person on the second row, the one on the far left, I recognize his face but I just forget his name at the moment (indicating accused Ozaki, Katsutoshi). The next person is Sergeant Major Tamamoto. The next person is Sergeant Yokoyama. The next person is Leading Private Ezure. The next person I have forgotten (indicating accused Fujitani, Yoshio). The persons in the third row: I recognize him but I do not recollect his name at the moment (indicating accused Ando, Fukuichi). I recognize the next person but I do not recollect his name (indicating accused Hayashi, Umeji). The next person -- I recognize his face but I have forgotten his name (indicating accused Hidaka, Kinnosuke). I recognize the face but I have forgotten the name of the next person (indicating accused Ito, Mitsuyuki). In the fourth row: Superior Private Iwamoto, Superior Private Nakamura. The next person I have forgotten his name but I recognize his face (indicating accused Okamura, Gintaro). The next is Superior Private Sagara. Private First Class Nakamura (the witness recognized Private First Class Uchida, Fumio but called him Private First Class Nakamura). Going back to the second row, the person on the extreme left is Sergeant Major Ozaki.

6. Q. Where were you born?
A. I was born at Airai Village, Babelthuap, Palau Islands.

7. Q. How long did you live in the Palau Islands?
A. Up until a year ago when I came to Guam I was always living on Palau.

8. Q. Were you in the Palau Islands during the recent war?
A. Yes.

9. Q. During the years of the war were you employed?
A. Yes.

10. Q. Who employed you?
A. I was employed by the police section of the Palau Police Station.

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11. Q. What kind of work did you do for this police section?
A. I did not work here. I was on Palau and policeman Takahashi came over and ordered me to go to the Kempeitai and work there. So I worked there.

12. Q. What kind of work did you do at the Kempeitai?
A. First I was just working there as an employee.

13. Q. When did you begin to work for the Kempeitai? The year will be good enough. Was it before or after the war?
A. It was, naturally, after the start of the war but before Palau was raided by the Americans.

14. Q. Do you mean after the war started?
A. Yes.

15. Q. Were you employed by the Kempeitai during the year 1944?
A. Yes.

16. Q. And more particularly, were you employed by the Kempeitai during September of 1944?
A. Yes.

17. Q. Do you remember a particular day in September of 1944 when there was a general assembly held at the Kempeitai and the execution of the missionaries was discussed?
A. I remember.

18. Q. Did you see this assembly?
A. No, I did not see this assembly.

19. Q. Did you hear what was said there?
A. No, I did not hear directly.

20. Q. From whom did you hear about this assembly?
A. I was living in a small hut together with five or six other soldiers and while these soldiers were talking about it I was beside them and heard after the assembly.

21. Q. Can you give us the names of any of these soldiers?
A. At that time there was Watanabe -- he was not a soldier but a gunzoku. There was Uemura and he also was a gunzoku. That is all I remember.

22. Q. What did they tell you about this assembly?

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

The judge advocate replied.

The commission announced that the objection was sustained.

23. Q. Tell us about the events of this particular day which preceded this assembly which you know about?
A. This happened that morning. Right near the road there was the quarters of the assistant Kempeis and in their quarters there were lots of things in it and at that time, particularly that day, we were told not to go into that building.

24. Q. Were you told anything about leaving the Kempeitai that day?
A. No.

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25. Q. Did you know a family by the name of Hondonero?
A. I do not know. I just saw that they were living at Gasupan.

26. Q. Did you ever meet the Hondoneros?
A. I never went over and visited them but I saw them.

27. Q. Do you know how many Hondoneros there were?
A. I think there was the wife and she had two children with her.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the motion was not sustained.

28. Q. Do you know where the Hondoneros were living in relation to the Kempeitai?
A. They were living together with the Catholic priests in a house.

The accused moved to strike out this answer on the ground that it was not responsive.

The judge advocate concurred.

The commission directed that the answer be stricken out.

29. Q. I didn't ask you with whom the Hondonero family was living. I asked you where the house was in relation to the Kempeitai? Was it near? Was it far? Was it a mile away?
A. I do not know exactly but I believe it takes about twenty or twenty-five minutes to walk it on foot from the Kempeitai to this house.

30. Q. Do you know whether or not there were any persons living with the Hondoneros in this house?
A. I know they were living together with Catholic priests.

31. Q. Do you know the names of these Catholic priests?
A. I know about the names of two priests.

32. Q. What were their names?
A. I do not know their full name but usually the natives were calling them Elias and Marino.

33. Q. I show you "Exhibit 3" and ask you if you can identify the men whose pictures these are?
A. This is Elias (indicating first picture in top row), and this is Marino (indicating picture in the middle of the bottom row), and this person here is usually called Emilio (indicating last picture in bottom row).

34. Q. You have identified three of them. Do you know who the other three are?
A. I do not know the names of the other three.

35. Q. Do you know what the other three looked like. Have you ever seen them?
A. I met them on the road once.

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36. Q. Do you know how many other people were living in the Hondonero house with them in September of 1944?
A. No, I do not know exactly how many persons were living with them.

37. Q. Do you know whether or not the three priests that you have just identified were living with the Hondoneros?
A. I know.

38. Q. Do you know whether or not that house was kept guarded?
A. While at Gasupan one assistant Kempei would be guarding them all day through. After the air raids, well, it was very difficult to go so I do not know what happened after that.

39. Q. Now on the day that they had this assembly, did you actually see an assembly that day?
A. No, I did not actually see this assembly.

40. Q. Did you ever see any kind of a gathering of the Kempeis and assistant Kempeis that day?
A. Around six o'clock that evening I saw the Kempeis gathered in front of my quarters.

41. Q. You actually saw them. Is that correct?
A. Yes.

42. Q. Were there any officers there?
A. Yes.

43. Q. Who were the officers, if you know?
A. Commanding Officer Miyazaki was there.

44. Q. Any other officers?
A. First Lieutenant Nakamura was also there.

45. Q. Were there any other officers?
A. The rest I do not remember.

46. Q. Can you remember the names of any of the enlisted Kempeis or assistant Kempeis that you saw at this gathering?
A. Yes, I remember.

47. Q. Let us have the names.
A. Some I do not know their names but I recognize their faces and I know that they were there. Sergeant Major Ishiyama, Sergeant Major Sugimoto, Sergeant Major Ichimiya, Sergeant Major Ozaki, Sergeant Major Tamamoto, Leading Private Ezure. As for Sergeant Major Yokoyama I have forgotten whether he was there or not. In the third row, second man from the left (indicating accused Ando, Fukuichi). The next person, I think he was there too (indicating accused Hayashi, Umeji). He was there (indicating accused Iwamoto, Harukichi). The next person was there (indicating accused Nakamura, Jiro). The next person was there (indicating accused Okamura, Gintaro). The next was there (indicating accused Sagara, Masashiro). That is all.

48. Q. Point out again the man you thought was there but of whom you are not sure. Where is he sitting?
A. The last row, the third and fourth persons (indicating accused Okamura Gintaro and Sagara, Masashiro). Those are the persons that I think were there but I am not sure.

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49. Q. Is there anyone else that you pointed out that you merely think was there but are not sure about?
A. Those last two persons in the third row (indicating accused Hidaka, Kinnosuke and Ito, Mitsuyuki).

50. Q. Now you have stated you were not sure concerning four of these accused that you pointed out. Are you sure about all the others that you mentioned and pointed out?
A. I am sure that the rest were there.

51. Q. How about that man (indicating accused Hayashi, Umeji)? Are you sure he was there or are you just guessing about him?
A. I think he was there.

52. Q. When you say "I think he was there," what do you mean? Do you have a distinct recollection of having seen him or are you just guessing as to whether or not he was actually there?
A. At this time we were in an air riad and as it was dusky I was looking through a window and I could not see very well. I think he was there but I am not sure. I do not know for sure whether he was there or not because I was just looking through this window.

53. Q. Was there anything said by any of the officers at this gathering?
A. At first for a while the commanding officer addressed the men.

54. Q. Do you remember what he said.
A. I do not remember.

55. Q. Did you hear these soldiers given any orders?
A. I heard Warrant Officer Nakamura give the order, "Load your guns and put your safety catch on."

56. Q. After you heard this order given, what happened then?
A. They all left toward the road.

57. Q. About what time of the day did they leave -- if you remember?
A. I am not sure but I believe it was six thirty or seven.

58. Q. Did anything else happen that evening?
A. About thirty minutes or forty minutes, I do not know exactly how many minutes elapsed, but after I heard shots.

59. Q. Do you remember how many shots you heard?
A. The shots were all at once and I just heard them once.

60. Q. Did the soldiers come back that night?
A. Yes.

61. Q. Did you have a conversation with any of those soldiers after they returned?
A. I did not talk with them that night but the next day I had a conversation with them.

62. Q. With whom did you have this conversation?
A. I had a conversation with Private First Class Kawashima.

63. Q. Was Kawashima one of the men that you had seen at this gathering the night before?
A. Yes.

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64. Q. Had Kawashima come away with these other soldiers the previous night?
A. He was in the line but when they left I could not see who was in the line or who was left behind. The persons I pointed out previously were in the line when they were lined up but when they left I do not know who left and who were left behind.

65. Q. What did Kawashima tell you?

This question was objected to by the accused on the ground that it was irrelevant, immaterial, and hearsay. Further that Kawashima was not one of these accused and that this witness should not be allowed to testify as to what Kawashima told him.

The judge advocate replied.

The commission announced that it would withhold its ruling until further questions had been asked.

66. Q. Who was Kawashima? Was he a Japanese soldier?
A. Yes, he was a private first class in the Japanese army.

67. Q. Was he attached to the Kempeitai?
A. Yes, he was one of the assistant Kempeis.

68. Q. In this conversation did Kawashima tell you he had been to the execution?

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

The commission announced that the witness would be allowed to answer the question before announcing its ruling.

A. No, he did not tell me because I did not ask him.

The commission announced that the objection was sustained.

The commission announced that the objection prior to the last one was sustained.

69. Q. What happened the next day, if anything?
A. The next day Kochi, Uemura and I went over to the house where these priests were living and brought back what remained of their possessions on a cart.

70. Q. What did you find as their possessions?
A. There was some on a shelf and most of the stuff was kitchen utensils.

71. Q. Did you find a pair of glasses?
A. No.

73. Q. Did you find anything behind the outhouse in the back of the house in which the missionaries had been living?

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

The judge advocate replied.

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The commission announced that the objection was not sustained.

A. I found a pair of spectacles.

73. Q. Had you ever seen these glasses before?
A. Yes, I recognized them.

74. Q. Where had you seen the glasses before?
A. These glasses were one of the priests -- he had previously worn them.

75. Q. Do you know the name of the particular priest who had on the glasses?
A. I think it was the priest called Marino. I am not sure but I think it was him.

The accused moved to strike out this answer on the ground that it was the mere opinion of the witness.

The commission directed that the answer be stricken out.

The commission then, at 3:15 p.m., took a recess until 3:30 p.m., at which time it reconvened.

Present: All the members, Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate, the accused, their counsel and the interpreters.

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Examination continued.)

76. Q. After you found these glasses did you ever see their owner at any time after that?
A. No, I did not see the owner after that.

77. Q. Did you ever see the Hondoneros after that?
A. No.

78. Q. In this conversation you had with Kawashima, did Kawashima lead you to believe he had been present at the execution?

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

The commission announced that the objection was sustained.

Cross-examined by the accused:

79. Q. The names of these two priests, Elias and Marino, do you know whether these were the names the priests took when they entered the priesthood?
A. I do not know. They were just ordinarily called Elias and Marino.

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80. Q. This set of pictures that you picked out two names on -- was this the first time you ever saw this picture, when the judge advocate just showed it to you a little while ago?
A. I saw that picture about two times.

81. Q. You saw it then before you testified here this afternoon in the court-room?
A. Yes.

82. Q. You testified the priests were under guard. Did you also hear why they were under guard?
A. I do not know.

83. Q. You said something about the air raids and how difficult it was. How difficult was it during these air raids?

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

The accused withdrew the question.

84. Q. Notwithstanding the fact that you said it was difficult during the air raids, you testified there was an air raid and that you were in the air raid shelter and looked out the window of the shelter and saw the members of the Kempeitai. Do you mean you had taken refuge in an air raid shelter and you were looking out on an assembly?

This question was objected to by the judge advocate on the ground that it was improper in form.

The commission directed the accused to reframe the question.

85. Q. Where were you when you saw these people assemble?
A. I was in the house where I was living.

86. Q. Then you didn't testify before that you looked out from an air raid shelter?
A. No.

87. Q. How far away were you when you saw these persons assemble?
A. I was about from here to the corporal (indicating the provost marshal, approximately twenty feet distant). It might have been a little closer.

88. Q. How big a window were you looking through?
A. The window itself was very big but it was closed. I thought it was not good to have it open. I opened it a little bit and saw through there.

89. Q. How far did you open the window? Will you show us with your hands?
A. About seven inches (indicating with his hands).

90. Q. How many persons were looking through this space where you opened the window?
A. The window was opened about seven inches but if you just looked through it direct you could see about two persons; but I moved my head around and saw more.

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91. Q. Was anyone else looking out this window with you at this time?
A. There were other persons sitting beside me but I don't know whether they looked through or not, but I did.

92. Q. And you could see twenty or thirty persons assembled?
A. This house that I was in had lots of holes in it. First I looked one way and then I turned my head and looked the other way.

93. Q. And you could see twenty or thirty persons assembled?
A. If you wanted to see you could see everybody -- forty or fifty persons from the opening that I had.

94. Q. And you actually saw forty or fifty persons assembled there?
A. No, I did not actually see forty or fifty -- the number I saw was about twenty people. I am not sure of this.

95. Q. How many persons remained behind and did not go with the others when the others left?
A. Just before Warrant Officer Nakamura gave the order to load the gun and put the safety catch on, I stopped looking, so I do not know who was left behind.

96. Q. How do you know, then, that some of the persons were left behind?
A. I do not know who was left behind or who went.

97. Q. These shots that you heard about forty minutes later -- were they rifle shots?
A. I can not distinguish between the shot of a pistol and that of a rifle very well, but as these shots were all at once I believed it was firearms.

98. Q. During this time wasn't there also an American air raid?
A. At this time I believe the Americans were planning to land on Peleliu and of course there were air raids at this time.

The judge advoced moved to strike this answer out on the ground that it was the opinion of the witness.

The commission directed that the answer be stricken out.

99. Q. Isn't it true that there was an American air raid that evening?
A. I do not remember.

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.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Imaizumi, Keishiro, former leading private.

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2. Q. If you recognize any of these accused state their names and former ranks
A. The first man in the front row to the left is First Lieutenant Yamamoto. The man to the right is Second Lieutenant Ichikawa. The man to the right of him is Sergeant Major Ishiyama. The next man is Warrant Officer Sugimoto. The next man is Sergeant Major Ichimiya. The man at the extreme left of the second row is Sergeant Major Ozaki. The man to the right is Sergeant Tamamoto. The man to the right is Sergeant Yokoyama. The man to the right is Leading Private Ezure. The man to the right is Leading Private Fujitani. The next row, extreme left, is Leading Private Kawaguchi. The man to the right of him is Leading Private Ando. The man to the right of him is Superior Private Hayashi. The man to the right is Superior Private Hidaka. The man to the right of him is Superior Private Ito. The person at the extreme left of the last row is Superior Private Iwamoto. The man to the right is Superior Private Nakamura. The man to the right is Superior Private Okamura. The man to the right of him is Superior Private Sagara. The man to the extreme right is Private First Class Uchida.

3. Q. Have you ever had duty in the Japanese army in Palau?
A. Yes, I have.

4. Q. Between what dates did you serve in that area?
A. From around July, 1944, until December of 1945.

5. Q. To what particular outfit were you attached when you were in the Palaus?
A. The South Seas Kempeitai.

6. Q. In September of 1944, what were your duties with the Kempeitai?
A. I was orderly for Lieutenant Colonel Miyazaki.

7. Q. How long did you remain as his orderly?
A. Approximately nine months.

8. Q. In September of 1944 do you recall a particular assembly of all the Kempeis and assistant Kempeis in which the subject of missionaries was discussed?
A. Yes, I remember.

9. Q. About what time of the day was this assembly?
A. I do not remember the exact hour but I think it was in the afternoon.

10. Q. Did you yourself attend this assembly?
A. I fell in at the first assembly but the commanding officer told me that orderlies need not be present so I retired.

11. Q. Was this before or after Colonel Miyazaki had spoken to the assembly?
A. It was before he spoke to the assembly.

12. Q. Then how do you know that the subject of missionaries was discussed at this assembly?
A. I knew this because the auxiliary Kempeis came to the orderlies' room to receive orders after the assembly was over. And further, when taking the evening meal to the commanding officer I was told so by him.

0373

13. Q. What did he tell you?
A. He said that by order of Division Headquarters we had to go and execute the missionaries and, "therefore you had better hurry with your dinner and be ready to go."

14. Q. Did he say anything which led you to believe that he had told the assembly about the execution that afternoon?

This question was objected to by the accused on the ground that it was irrelevant, immaterial and called for the opinion of the witness.

The judge advocate withdrew the question.

15. Q. Is that all he told you at this time?
A. Yes, that is so.

16. Q. What were you told by these assistant Kempeis?

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

The judge advocate withdrew the question.

17. Q. Are any of these assistant Kempeis who told you about the assembly present here in court today?
A. I do not remember.

18. Q. Do you remember the names of the assistant Kempeis with whom you discussed this?
A. I do not remember.

19. Q. How long were you present at this assembly yourself?
A. I think I stayed only for about five minutes after everybody had assembled.

20. Q. Tell us the names of the enlisted Kempeis and assistant Kempeis who were present with you at this assembly?
A. Leading Private Ezure, Superior Private Hidaka, Superior Private Okamura; and of the Kempeis: Sergeant Yokoyama, Sergeant Major Tamamoto, and I do not remember the rest. I think Warrant Officers Nakamura and Ajioka were also present.

21. Q. Were there any others of these accused there that you remember?
A. Warrant Officer Sugimoto, Second Lieutenant Ichikawa and Superior Private Nakamura. Of the rest I do not remember.

22. Q. What happened after you had had this conversation with Miyazaki that evening?
A. After the evening meal the second assembly was called. The place of this assembly was between the second and third Kempeitai barracks. The commanding officer came and said the hour was still too early and this meeting was temporarily disbanded.

23. Q. Did you attend this meeting?
A. Yes, I was present.

24. Q. Did you bring anything with you?
A. I carried the commanding officer's pistol and sword.

0374

25. Q. Did you have anything else?
A. Besides that I had my bayonet.

26. Q. About how many men came to this assembly?
A. I remember twenty-two or twenty-three persons.

27. Q. Give us the names of the persons who came to this assembly?
A. Lieutenant Colonel Miyazaki, Captain Nakamura, Second Lieutenant Ichikawa, Second Lieutenant Tamanoi, Warrant Officer Nakamura, Warrant Officer Ajioka, Warrant Officer Sugimoto, Sergeant Major Tamamoto, Sergeant Major Ishiyama, Sergeant Major Ichimiya, Leading Private Ezure, Leading Private Imaizumi, Superior Private Hidaka, Superior Private Okamura and Private First Class Uchida. I do not remember the rest very clearly.

The witness was duly warned.

The commission then, at 4:30 p.m., adjourned until 9 a.m., tomorrow, Saturday, February 28, 1948.

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ELEVENTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Saturday, February 28, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Stewart R. Smith, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

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

(Examination continued.)

28. Q. What happened at this gathering?
A. Commanding Officer Miyazaki said that since the hour is still early we will wait a while, and so we all dispersed.

29. Q. Did you come together again?
A. After this dispersal the Kempeis and assistant Kempeis went toward their barracks which were near the road; and the officers - there were five of these - and Imaizumi, Ezure and Private First Class Uchida remained there on the spot.

30. Q. Did the Kempeis and assistant Kempeis gather at that spot again later?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. They did not.

0376

31. Q. After they had dispersed pursuant to Miyazaki's instructions, did everybody come together again?
A. They did not gather at that spot but they gathered on the road.

32. Q. Were you present at this gathering?
A. Yes.

33. Q. Who else was present there other than the officers?
A. The assistant Kempeis and the Kempeis were gathered here.

34. Q. Give us the names of all the men you remembered there, with the exception of the officers?
A. Warrant Officer Nakamura, Warrant Officer Sugimoto, Sergeant Major Ichinomiya, Sergeant Major Ishiyama, Sergeant Major Ozaki, Sergeant Major Tamamoto, Sergeant Yokoyama, Leading Private Ezure, Leading Private Imaizumi, Superior Private Hidaka, Superior Private Okamura, Superior Private Ito, and Private First Class Uchida. That is all I remember.

35. Q. When you say "Ichinomiya" do you mean the man who is present in this courtroom today (indicating the accused Ichimiya, Masao)?
A. Yes.

36. Q. Were there any others among these accused that were present at this gathering?
A. I do not remember any other person.

37. Q. At either the first or this second gathering was an inspection made by any of the officers?
A. As I recall Captain Nakamura inspected us.

38. Q. At which gathering was this?
A. I remember that this was at the second assembly.

39. Q. The one you have just told us about - is that correct?
A. Yes.

40. Q. You mean the one out on the road - is that correct?
A. Yes.

41. Q. I am not talking about the very first assembly at which you did not stay. I am talking about the second assembly in the evening. At which of these gatherings was the inspection made?
A. The first assembly in the evening, when we gathered in the road which was in between the number two and number three barracks.

42. Q. What did he inspect?
A. I recall that he inspected our clothing and the things that we had.

43. Q. What things did the men have?
A. The men had rifles and the Kempeis had pistols.

44. Q. Other than rifles and pistols did they have anything else with them?
A. I believe that they had ropes and I recall that they had raincoats with them.

0377

45. Q. At this gathering was anything said by the detachment commander?
A. What he said before starting off is as follows: "We will start off but with regard to the action that we will take hereafter you will not divulge it to any of the employees or the natives."

46. Q. Who was the detachment commander?
A. Captain Nakamura.

47. Q. Was anything said by anyone else?
A. I do not remember.

48. Q. Who was the unit commander?
A. Lieutenant Colonel Miyazaki.

49. Q. At this time did Miyazaki have anything to say?
A. As I recall he did not say anything.

50. Q. When Nakamura said not to tell this to anybody, at which gathering in the evening was this - the first or the second?
A. At the first in the evening.

51. Q. I show you a statement and ask you if it is in your own handwriting?
A. Yes.

52. Q. I direct your attention to a particular portion of this statement and ask you if it refreshes your recollection?
A. Yes.

53. Q. Did Miyazaki say anything?
A. As I recall the commanding officer, Miyazaki, repeated about the same thing that the detachment commander had said.

54. Q. What happened then?
A. Then for about twenty or thirty minutes we waited. After that the commanding officer and the officers and the orderlies proceeded first to the road and after the others followed to the road and waited there for the trucks.

55. Q. How many trucks came?
A. I recall two.

56. Q. Did you all reach the road before these trucks got there?
A

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

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. As I recall we had all reached the road.

0378

57. Q. From where did these trucks come, if you know?
A. As I recall they came from the Sumida Unit.

58. Q. Who were the men who came in these trucks?
A. I know First Lieutenant Yamamoto of the Sumida Unit, but the rest I do not know.

59. Q. Other than Yamamoto, did any of the accused come in these trucks?
A. No.

60. Q. Before the trucks came, did you overhear a conversation between Miyazaki and one of these accused?
A. I did.

61. Q. Who was the man talking to Miyazaki?
A. As I recall it was Second Lieutenant Ichikawa.

62. Q. And what did you hear?
A. As I recall the commanding officer was mad because the trucks were delayed in coming.

63. Q. And what did Ichikawa say to him, if anything?

This question was objected to by the accused, with the exception of Ichikawa, on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. As I remember he said either he had phoned and made contact with them or he himself had gone there and contacted them about this matter.

64. Q. The man who said that was Ichikawa ?
A. As I recall it was Second Lieutenant Ichikawa.

65. Q. What happened after the trucks arrived?
A. Adjutant Yamamoto came down from the truck and then greeted Commanding Officer Miyazaki.

66. Q. Did you hear what they said to one another?
A. No, I could not hear what was said between them.

67. Q. What happened then?
A. Then, by the order of Commanding Officer Miyazaki, all got aboard the trucks.

68. Q. Which truck did you get aboard?
A. As I recall I got on the rear truck.

69. Q. How many trucks were there - if you remember?
A. As I recall there were two trucks.

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70. Q. Who got on the truck with you?
A. I believe the persons connected with the headquarters got on the truck that I got on.

71. Q. What were the names of these persons?
A. Lieutenant Colonel Miyazaki, Second Lieutenant Ichikawa, Second Lieutenant Sano, Second Lieutenant Tamanoi, Warrant Officer Sugimoto, Sergeant Major Tamamoto, Sergeant Yokoyama, Leading Private Ezure, Leading Private Imaizumi, Superior Private Hidaka and Private First Class Uchida. These are the persons that I remember.

72. Q. I show you a statement and ask you if it is in your own handwriting?
A. Yes.

73. Q. I direct your attention to a particular portion of that statement and ask if it refreshes your recollection?
A. Yes.

74. Q. Was there anyone else in the truck with you?
A. As I recall, assistant Kempeis Ito and Nakamura were on that truck with me.

75. Q. With the exception of Miyazaki, Sano and Tamanoi, are all the men whose names you have just given us present in this courtroom today?
A. Yes.

76. Q. After you got on the truck what happened?
A. After we got on the truck, as I recall, Commanding Officer Miyazaki ordered all of us to be on the lookout for air raids.

77. Q. Where did you go on the truck?
A. We went to the South Seas Development Agricultural Station at Gasupan.

78. Q. And what happened when you got there?
A. After we got there the five officers and Ezure, Imaizumi and Uchida got off the truck and proceeded to where the missionaries were living.

79. Q. How many missionaries were living there - do you know?
A. As I recall there were six missionaries.

80. Q. Was there anyone else living in the house with them?
A. An interpreter and his wife were living there.

81. Q. Anyone else?
A. Their two children.

82. Q. Did you go into the house?
A. No, we did not.

83. Q. What happened at the house?
A. As I recall, Lieutenant Colonel Miyazaki said to Captain Nakamura, "This place here is dangerous because of the severe air raids and since a house has been build on a different spot make preparations to move them there."

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84. Q. Did Miyazaki say this to Captain Nakamura or did Miyazaki say it to the people who were living in the house?

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

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. Miyazaki said to Captain Nakamura to tell this to the people who were living in the house.

85. Q. Did he say anything else?
A. This was all Miyazaki said to Nakamura. Nakamura went over to the window and spoke to the woman but he was not able to convey his will and was having difficulty and so Miyazaki said that he would speak to them and I believe he said the same thing in Spanish.

The accused moved that the words "and I believe he said the same thing in Spanish" be stricken on the ground that it was the mere opinion of the witness.

The judge advocate concurred.

The commission directed that these words be stricken out.

86. Q. After Miyazaki spoke to these people what happened?
A. All the missionaries carried their belongings and came out.

87. Q. Did the man and his wife and two children also come out?

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

The judge advocate withdrew the question.

88. Q. Did anyone else come out with the missionaries?
A. The interpreter and his wife and all the rest came out.

89. Q. Whom do you mean by "all the rest" - the two children?
A. Yes.

90. Q. What happened then?
A. I remember that I made two trips in carrying their baggage to the truck.

91. Q. Did the missionaries get on the trucks?
A. Yes.

92. Q. What happened then?
A. After the missionaries got on the truck all the other persons there got on and started for Gasupan Hill. After arriving at Gasupan everybody got off the trucks and there the missionaries were made to line up in a file. Then I recall that the Kempeis and the assistant Kempeis were teamed up.

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93. Q. What do you mean they "were teamed up"?
A. By that I mean that one Kempei and one assistant Kempei formed one team and was attached to one missionary.

94. Q. And how many teams were there?
A. As I recall - eight.

95. Q. And you were not put on a team?
A. I recall that Leading Private Ezure, Private First Class Uchida and Leading Private Imaizumi were excluded from these teams.

96. Q. Other than the men you have just mentioned including yourself, were there any other enlisted Kempeis or assistant Kempeis who were not members of the teams?
A. I do not remember.

97. Q. How many enlisted men in all do you recall being there when the missionaries got off the trucks?
A. As I recall, I believe there were about twenty-one or twenty-two.

98. Q. You have told us that there were eight teams of two men each, and you have told us that there were three men, including yourself, who were not on teams. What did the other men do?
A. I do not remember.

99. Q. I show you a statement and ask you if this statement is in your own handwriting?
A. Yes.

The commission then, at 10:15 a.m., took a recess until 10:30 a.m., at which time it reconvened.

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Examination continued.)

100. Q. Has your recollection been refreshed?
A. Yes.

101. Q. What about the others who were not members of the teams?
A. As to the others who were not on the teams the commanding officer told them that since the missionaries might make an escape - guard the area.

102. Q. What happened then?
A. Then by order of the commanding officer they were bound.

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103. Q. Who were bound?
A. The missionaries.

104. Q. And how about the others who had come out of the house with the missionaries - were they also bound?
A. As I recall they were bound but the children were not bound.

105. Q. After the missionaries were bound what happened then?
A. Captain Nakamura led the way and everybody else advanced.

106. Q. Now when you got off the truck and after the missionaries had been tied about what time of the day was it?
A. I do not know the exact time but it was pretty dark by then.

107. Q. How could you see?
A. It was not that dark that you couldn't see a person.

108. Q. Was anything else done when you got off the truck and after the missionaries were bound before you went into the jungle?
A. Before going into the jungle Captain Nakamura could not find the position of the hole - Warrant Officer Nakamura then looked for it but he could not find it and at this time before going into the jungle I believe the lights were lit.

109. Q. What kind of lights were they?
A. Candles and lanterns. They were sort of in a can shape lantern.

110. Q. About how many candles and lanterns were there?
A. I do not recall the number.

111. Q. Can you recall the names of the men that held these candles or held these lanterns?
A. Captain Nakamura, Second Lieutenant Ichikawa, Second Lieutenant Tamanoi. These three I remember.

112. Q. After the missionaries were bound and the lanterns were prepared, what happened then?
A. Then all advanced but there was one place in the road where the road was very bad and the persons who proceeded first were hesitating at this spot, so the persons who followed after came through another road and when everybody got to the scene the first order in which they had lined up in the beginning was confused.

113. Q. What was at the scene?
A. There was a hole.

114. Q. Do you know when this hole had been dug?
A. This was the first time that I saw.

115. Q. Well, did it look like a freshly dug hole or an old hole?

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

The judge advocate withdrew the question.

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116. Q. About how big was this hole?
A. The length of this hole was, I believe, about two meters and a half and the width - one meter and a half.

117. Q. What happened when you got to the scene?
A. At first all were standing until the personnel in the rear caught up and came to the scene and when the rear came to the scene they were all made to sit down in front of the hole.

118. Q. How many people were made to sit down in front of this hole?
A. As I recall nine persons.

119. Q. What happened to the tenth person?
A. The woman had her child on her back.

120. Q. After they were all made to sit down what happened then?
A. Then Miyazaki said to Adjutant Yamamoto, "Won't you have your men shoot also?" To this Yamamoto refused.

121. Q. What did Yamamoto say - if you remember?
A. I do not remember clearly.

122. Q. Well, you said he refused this - what do you mean by that?
A. When Lieutenant Colonel Miyazaki said to Adjutant Yamamoto of the Sumida Unit, "Won't you have your men of the Sumida Unit shoot also?", Yamamoto said something and then after that he said, "I would like the Kempeitai to do it."

123. Q. What gives you the idea that Yamamoto refused to have his men participate in this execution?
A. The first time the men of the Sumida Unit did not come forward but the commanding officer went the second time and then the men of the Sumida Unit came forward.

124. Q. In other words all that you know is that Yamamoto said to Miyazaki, "I would like to have the Kempeitai do it." Is that correct?

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

The judge advocate replied.

The commission announced that the objection was sustained.

125. Q. After Miyazaki finished talking to Yamamoto what happened then?
A. Then Captain Nakamura went over to the adjutant of the Sumida Unit and asked to have some of his men come out but he was refused by the adjutant so then the commanding officer went over to the adjutant and said, "Since this is by orders of the Division Headquarters there is nothing to worry about" and Miyazaki then faced the men of the Sumida Unit and spoke to them. After which two men of the Sumida Unit came forward.

126. Q. After this conversation what happened then?
A. After two men from the Sumida Unit came out they went to the far right of the line and relieved the two Kempeis that were there.

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127. Q. Do you know the names of these Sumida men?
A. This had been the first time I saw them - I do not know them and I have no recollection.

128. Q. Are any of them here in court today?
A. He is not here.

129. Q. Are any of the Sumida men that were present at this execution here in court today?
A. Kawaguchi belonged to the Sumida Unit but at this time I recall that he had come from the Kempeitai.

130. Q. Was Kawaguchi present at this execution?
A. Yes, he was.

131. Q. Are there any other Sumida Unit men present in this courtroom today that were present at this execution?
A. No, except Adjutant Yamamoto.

132. Q. After the two Sumida men came forward what happened then?
A. Then Lieutenant Colonel Miyazaki was going to change his position to the left when Warrant Officer Nakamura came forward and borrowed his pistol.

133. Q. Go ahead?
A. Lieutenant Colonel Miyazaki handed over his colt type pistol to Warrant Officer Nakamura so I handed over the pistol that I had to Lieutenant Colonel Miyazaki.

134. Q. Before this pistol was turned over did Miyazaki have anything else to say?
A. Before he handed over this pistol?

135. Q. Yes.
A. Before Miyazaki handed his pistol over, Captain Nakamura came over to Miyazaki and asked whether they should shoot simultaneously but Miyazaki said to shoot from the right and aim at the back of their heads where it is kind of hollow.

136. Q. And after Miyazaki said this - did he say anything else?
A. Yes, he did.

137. Q. What did he say?
A. "Now you will be executed but don't hate me for this. If you have anything to say I wish you would say it now. We also may have to die in action on Palau if the Americans make their landing and even if the Americans do not make their landing we must die of starvation. Since food has become very scarce perhaps it might be better to die instantaneously than to suffer by dying through gradual starvation."

138. Q. And after he finished saying this what happened?
A. Then after that Miyazaki addressed the missionaries and said to offer their last prayers.

139. Q. After he finished talking to the missionaries, what happened then?
A. Then Miyazaki gave the order to fire and Captain Nakamura relayed this order and from the right at an interval of one second they started shooting from the right.

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140. Q. Now after all the shooting was over what was done with the bodies of these people?
A. After all the shooting was over as I recall either the third or fourth person from the right had some kind of trouble with his pistol.

141. Q. After all the shooting was over what was done with the bodies of the people that were shot?
A. They were buried.

142. Q. Now give us the names of all the officers and all the enlisted men that were present at that scene.

This question was objected to by the accused on the ground that it was not presented in proper form.

The judge advocate withdrew the question.

143. Q. Give us the names of all the people that you saw at that scene?
A. Lieutenant Colonel Miyazaki, Captain Nakamura, Second Lieutenant Ichikawa, Second Lieutenant Sano, Second Lieutenant Tamanoi, Warrant Officer Nakamura, Warrant Officer Ajioka, Warrant Officer Sugimoto, Sergeant Major Tamamoto, Sergeant Yokoyama, Sergeant Major Ichinomiya, Sergeant Major Ishiyama, Leading Private Ezure, Leading Private Imaizumi, Superior Private Nakamura, Superior Private Hidaka, Superior Private Okamura, Superior Private Ito, Superior Private Iwamoto, Private First Class Uchida and Leading Private Kawaguchi. These are all the persons that I remember.

144. Q. Did you see First Lieutenant Yamamoto there that night?
A. Yes, I did.

145. Q. Did you see Sergeant Ozaki there that night?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. As I recall I saw him.

146. Q. Did you see Leading Private Fujitani there that night?

The accused objected to this entire line of questioning on the ground that it was leading.

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. I do not remember.

147. Q. Did you see Ando at the scene?
A. I have a recollection that I saw him somewhere.

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148. Q. At the scene?
A. At the scene I have no definite recollection.

149. Q. Did you see Hayashi at the scene?
A. I do not remember.

150. Q. Did you see Sagara at the scene?
A. I do not recollect him at the scene.

The witness was duly warned.

The commission then, at 11:20 a.m., adjourned until 9 a.m., Monday, 1 March 1948.

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TWELFTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Monday, March 1, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Robert Oldham, yeoman third class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

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

Cross-examined by the accused:

151. Q. When were you attached to the Kempeitai?
A. In July of 1944.

152. Q. Who else at this time, together with you, were attached to the Kempeitai?
A. Superior Private Okamura, Private First Class Uchida, Superior Private Ito, Superior Private Sagara and myself. All five came together.

153. Q. How was this first general assembly relayed to you?
A. My orderly room was in the back of the commanding officer's quarters. It was about thirty meters away from where I was living and it was separated from the quarters. Sergeant Yokoyama or an assistant Kempei would come and contact me.

154. Q. Were all the orderlies of the officers living together in this orderly room?
A. No, the other assistant Kempeis who were orderlies lived in the assistant Kempei barracks but I was living in this room which was in back of the commanding officer's room.

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155. Q. In answer to direct examination you testified that after everybody had assembled at this first assembly you left this assembly - being present there about five minutes and this was prior to Commanding Officer Miyazaki addressing this assembly. Tell us all you know that happened during this five minutes that you were present at this assembly?
A. Whenever the commanding officer would go out I would have to see that everything regarding the commanding officer was prepared, so whenever there was an assembly I would assemble later than any of the other persons. At this assembly also the commanding officer had me take care of his boots and other matters. So I assembled at this assembly later than the others.

The judge advocate moved that this answer be stricken on the ground that it was not responsive.

The commission directed that the answer be stricken out.

156. Q. Tell us all you know that happened during this five minutes that you were present at this assembly?
A. At this assembly while I was there everybody had assembled and they were waiting for the commanding officer to come.

157. Q. When Commanding Officer Miyazaki said for the orderlies to retire - was he addressing only you or was he addressing all of the orderlies?
A. As I recall he was addressing all the orderlies.

158. Q. Did all the other orderlies retire as you did?
A. As I recall, yes.

159. Q. Who was Detachment Commander Nakamura's orderly at this time?
A. As I recall it was Private First Class Uchida.

160. Q. Who was Second Lieutenant Sano's orderly at this time?
A. As I recall it was Leading Private Ezure.

161. Q. Who was Second Lieutenant Ichikawa's orderly at this time?
A. As I recall it was Leading Private Fujitani.

162. Q. Who was Second Lieutenant Tamanoi's orderly at this time?
A. As I recall it was Superior Private Hidaka.

163. Q. How did you come to know about this second assembly?
A. I knew about this assembly because the commanding officer had called me.

164. Q. Was there a formation at the second assembly?
A. Yes.

165. Q. You testified in direct examination that at this second assembly - after assembling - this second assembly dispersed and the assistant Kempeis and the Kempeis returned to their barracks awhile during which time the officers and the orderlies, namely Ezure and Uchida and yourself, remained there with the officers. What was the reason for you three orderlies to remain with the officers?
A. The duty of the orderlies is to stay by the officers and attend the officer. So if the officer did not give any word to the orderly to go

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back we had to stay with the officer; therefore, we stayed.

166. Q. At this time, besides Ezure, Uchida and yourself, did not Fujitani and Hidaka remain also?
A. As I recall only the three of us remained,there.

167. Q. Were Second Lieutenant Ichikawa's orderly and Second Lieutenant Tamanoi's orderly there together with all of you?
A. As I recall they were.

168. Q. How was this third assembly made known to you?
A. This third assembly -- I would say it was rather a gathering than a formal assembly. We gathered on the road at this time in order to get on the trucks.

169. Q. You testified in direct examination that when you all got on the road the trucks had not arrived yet. Is that correct?
A. Yes.

170. Q. After the second assembly everyone had dispersed; now how was this third gathering made known to all the people who had dispersed?
A. The officers went out toward the road and the commanding officer also went out to the road and on the way they passed by the barracks and the assistant Kempeis and the Kempeis fell in then.

171. Q. In your direct examination you testified that the commanding officer said, "The time is a little early yet." By this do you mean that it was a little early for the trucks to come or it was a little early to start out to the execution?
A. During the day, from morning to about six in the evening, the enemy planes would constantly be above and from six to eight in the evening there would not be any airplanes so I think this was taken into consideration at this time.

172. Q. Isn't it true that at this third gathering Warrant Officer Ajioka was not there?
A. I have no definite recollection.

173. Q. Was Sergeant Yamada present at this third gathering?
A. I have a feeling that he was, but I have no definite recollection.

174. Q. Upon starting, who got on the first truck?
A. I recall Captain Nakamura and the men of the detachment. Since the detachment and the headquarters were divided, I believe the men of the detachment and Captain Nakamura got on the first truck.

175. Q. In direct examination you testified that five officers got off the truck and went towards the house where the missionaries were living. Who were these five officers?
A. They were Lieutenant Colonel Miyazaki, Second Lieutenant Sano, Second Lieutenant Ichikawa, Captain Nakamura and Second Lieutenant Tamanoi.

176. Q. When the rear truck got to the missionaries' house, what was the first truck doing?
A. As I recall it was waiting.

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177. Q. Where did Captain Nakamura join you people?
A. When we got off the truck and on the way to the house of the missionaries.

178. Q. How did you know that six missionaries were living there?
A. I first knew about it when they came out with their baggage.

179. Q. Did you tie the missionaries?
A. No, I did not.

180. Q. Did Ezure tie them?
A. I believe the orderlies were not included in the line so I believe they did not bind them.

181. Q. Did the orderlies blindfold the missionaries?
A. As I recall the missionaries were not blindfolded.

182. Q. Is it correct that the number of teams that were formed at this time was eight?
A. I think that is so.

183. Q. Then the woman and the two children were there in the charge of one team?
A. The smaller of the two was borne on the back of the mother and the other child, whom I believe was about three years old, was outside of this line.

184. Q. Six missionaries - one interpreter and the woman and two children together - which is eight; therefore, wasn't it true that there were only eight teams?

This question was objected to by the judge advocate on the ground that it was not presented in proper form.

The accused withdrew the question.

185. Q. In the answer that you just gave you mentioned "outside of the line." What do you mean by that?
A. The assistant Kempei and Kempei formed one team and what I meant was that this child was not in this team.

186. Q. Then do you mean that there was no team that took charge of this child?
A. Yes, that is how I remember it.

187. Q. If you know, please name all the assistant Kempeis at the time of this incident?

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

The accused reframed the question.

188. Q. Please name all the assistant Kempeis who were in the Kempeitai at the time of the incident?
A. Do you mean all the assistant Kempeis?

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189. Q. Yes.
A. Leading Private Ezure, Leading Private Imaizumi, Superior Private Hidaka, Superior Private Sagara, Superior Private Okamura, Superior Private Hayashi, Superior Private Iwamoto, Leading Private Fujitani, Superior Private Ando, Superior Private Nakamura, Private First Class Uchida, Private First Class Kawashima, Superior Private Gomi and Superior Private Ito.

190. Q. Was Superior Private Kawashima at the scene at the time of the execution?
A. Yes.

191. Q. Was Kawashima in the teams?
A. As I recall, yes.

192. Q. Did Superior Private Gomi go to the scene?
A. I think he went but I have no definite recollection.

193. Q. Do you remember that Gomi was sick at the time of the incident?
A. I have no definite recollection.

194. Q. Who were the Kempeis that were relieved by the Sumida Unit men at the scene of the execution?
A. I do not remember clearly.

195. Q. Weren't they Warrant Officer Nakamura and Sergeant Major Sugimoto?
A. I do not remember clearly.

196. Q. Did Miyazaki directly hand over his pistol to Warrant Officer Nakamura?
A. Yes.

197. Q. Who was the one that failed to shoot because of the trouble with his pistol?
A. What I recall is that it was the person third or fourth from the right and I do not recall his name.

198. Q. Do you know who shot after this person failed to shoot?
A. I do not have a clear recollection.

199. Q. Did Commanding Officer Miyazaki shoot at the scene of the execution?
A. As for myself, I recall that he did not shoot.

200. Q. Were you right beside Commanding Officer Miyazaki all through the execution?
A. I was not always right beside him.

201. Q. Do you remember Warrant Officer Nakamura shooting?
A. I do.

202. Q. Do you remember what First Lieutenant Yamamoto of the Sumida Unit did at the scene?
A. As I recall he did not do anything in particular.

203. Q. Was it Commanding Officer Miyazaki who addressed the men of the Sumida Unit who came forward?
A. Yes.

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204. Q. How many men were posted to prevent the escape of the missionaries at the scene?
A. As I recall there were four or five men from the Sumida Unit for this.

205. Q. Were the guards to prevent the escape of the missionaries men of the Sumida Unit?
A. As I recall the commanding officer addressed this to all of the persons that were there.

206. Q. I am asking whether it was the men of the Sumida Unit who were posted as guards at the scene?
A. As regards to that point I have no definite recollection.

207. Q. Then isn't it true that there was no assignment as to guard against the escape of the missionaries at the scene?
A. As for myself, I recall that the commanding officer said such a thing.

208. Q. Then in reality weren't the men of the Sumida Unit given this assignment?
A. I think so.

209. Q. Was Fujitani, who was Second Lieutenant Ichikawa's orderly, not one of the teams?
A. I think he was not assigned to a team.

210. Q. Why wasn't he assigned to a team?

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

The accused reframed the question.

211. Q. Do you know why Fujitani was not assigned to a team?
A. As I recall, I believe the reason for this was because he was not at the scene.

212. Q. Do you know why he was not at the scene?
A. As I recall, because he had just returned from the hospital.

213. Q. Was Hidaka, who was Second Lieutenant Tamanoi's orderly, assigned to a team?
A. I have no definite recollection.

214. Q. What did the assistant Kempeis who were not assigned to these teams do at the scene?

This question was objected to by the judge advocate on the ground that it was not presented in proper form.

The accused reframed the question.

The commission then, at 10:15 a.m., took a recess until 10:30 a.m., at which time it reconvened.

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

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Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

215. Q. Was Kawaguchi attached to the Kempeitai at the time of this incident?
A. Yes.

216. Q. Was Kawaguchi assigned to a team?
A. I have no definite recollection.

217. Q. Did you see Second Lieutenant Ichikawa doing anything at the scene?
A. No.

218. Q. Was Iwamoto assigned to one of the teams?
A. I do not have a definite recollection.

219. Q. Do you remember the persons who did not go to the scene and remained behind at the barracks?
A. I think Sergeant Takahashi had the day duty and remained and I think Sergeant Hongama was sick and remained at the barracks.

220. Q. Other than the day duty personnel, were there any other duty personnel who had to remain at the barracks?
A. As I recall I believe there was also a road lookout duty.

221. Q. Do you know who had the road lookout on the day of the incident?
A. When I came from the small path out into the road I recall seeing Superior Private Sagara standing on the left of me.

222. Q. Do you remember that Hayashi was sick at this time and remained at the barracks?
A. I do not remember that.

223. Q. Were your quarters and Hayashi's quarters different?
A. They were.

224. Q. Wasn't Sugimoto a sergeant major at the time of the incident rather than a warrant officer?
A. The fact is that he was a sergeant major.

225. Q. Did you see the assistant Kempeis who were not assigned to the teams do anything?
A. No, I did not see.

226. Q. You said that the officers had orderlies. Did the warrant officers, Nakamura and Ajioka, have orderlies that night?
A. They did not have orderlies.

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227. Q. This orderly room where the assistant Kempeis came to receive orders after the assembly was over - do you know what kind of a room that was?
A. I was the only orderly that had separate quarters. All the other orderlies were living together so I would often go over to the headquarters and ask whether there were any orders and when I would go someone from headquarters would come over and tell me about it.

228. Q. Do you know whether these assistant Kempeis, who you said went over to the orderly room to receive instructions after the assembly, did receive instructions in this room?
A. I don't know.

229. Q. Were you ordered to go to the scene of the execution?
A. When I brought the commanding officer's supper the commanding officer ordered me to go.

230. Q. Then since the commanding officer had ordered his orderly to go, unless the officer ordered his orderly to go to the scene, the orderly would not have been ordered to go to the scene without the orders of the officer?

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

The accused replied.

The commission announced that the objection was sustained.

231. Q. There was no muster at this third assembly, was there?
A. There was none.

232. Q. As soon as the trucks came the men that were there were ordered to get into the trucks - is that correct?
A. I think that is the truth.

233. Q. At this first assembly do you know how long it took the men to assemble from the time the word was passed until the men assembled?

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

The accused replied.

The commission announced that the objection was sustained.

234. Q. When you assembled at the first assembly, did you or the other officers' orderlies fall in with the other men?
A. The orderlies assembled.

235. Q. With the other men?
A. Yes.

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236. Q. You said that you carried Commanding Officer Miyazaki's sword and pistol that night. How many pistols did you carry for him that night?
A. I carried one and the commanding officer carried one Colt-type pistol.

237. Q. Do you know as to the other orderlies whether they were required and did carry the pistols and swords of the other officers?
A. As I recall the other orderlies did not carry anything. The officers themselves carried their pistols.

238. Q. You said that you all dispersed after Colonel Miyazaki said that the hour was too early. Do you mean the orderlies dispersed?
A. No, all the men except the orderlies dispersed. The orderlies remained.

239. Q. You testified that you were of the opinion that it was too early because of the American air raids. Did Colonel Miyazaki say why the hour was too early?
A. I do not recall clearly that point.

240. Q. Do you recall at what hour Colonel Miyazaki and the officers and their orderlies gathered on the road that night?
A. As I recall I believe it was past 5:30 in the evening.

241. Q. Was it dark?
A. It was not dark yet.

242. Q. Was there a native house only twenty meters away from this gathering?
A. There was no native house in particular.

243. Q. Do you know how close the nearest native house was to this place?
A. There was no native house. How I remember it is that the natives were living in the house together with the employees.

244. Q. And how near was that house?
A. Among the natives was a person named Ramona but all the other natives, as I recall, were living in barracks number three.

245. Q. So that a person at this barracks number three could not see this third gathering from this barracks?

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

The accused withdrew the question.

246. Q. How far away from this gathering was this barracks where these civilians lived?

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

The accused made no reply.

The commission announced that the objection was sustained.

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247. Q. Did you see Lieutenant Yamamoto at the first assembly?
A. No.

248. Q. At the second assembly?
A. No.

249. Q. At the third gathering?
A. At this third gathering the trucks came so I saw him.

250. Q. That was the first time you had seen either Lieutenant Yamamoto or any men from the Sumida Unit that day?
A. Yes.

251. Q. You said that you waited for twenty or thirty minutes. Where did you wait for this twenty or thirty minutes?
A. The place where we waited when the commanding officer said, at the second assembly, that it was still early and where we dispersed and waited.

252. Q. Did you wait right there at the assembly place?
A. As I remember it we waited by the number two and number three barracks together with the commanding officer and the rest.

253. Q. You said that two trucks came from the Sumida Unit that evening. How do you know that they came from the Sumida Unit?
A. Because the men of the Sumida Unit came on them.

254. Q. But whenver the Sumida Unit furnished trucks or transportation didn't they send their own drivers with the transportation?
A. As I am not in charge of the vehicles I do not know these things in detail.

255. Q. Did you hear Lieutenant Yamamoto say anything to Colonel Miyazaki when he first came with one of the trucks?
A. Yes, I heard.

256. Q. What did you hear?
A. As it was some distance away I could not hear what they were saying.

257. Q. But you did see that he was talking to Colonel Miyazaki - is that right?
A. Yes.

258. Q. You testified that before the truck came Colonel Miyazaki was mad and said something to Adjutant Ichikawa. Do you know who else heard Miyazaki talking to Ichikawa?

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

The accused made no reply.

The commission announced that the objection was sustained.

259. Q. You named twelve persons whom Captain Nakamura inspected. Can you tell what these persons had that Captain Nakamura inspected?

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A. I was asked what I had by Captain Nakamura. How it was with the others I do not know.

260. Q. Of these twelve persons that you named do you know which persons had pistols, which persons had rifles, and which persons had ropes that night?
A. I can not understand what counsel means by "these twelve persons."

261. Q. At this assembly - you testified that Nakamura inspected certain people, and then you named twelve people. Now, can't you tell what each of these twelve people had that Captain Nakamura inspected at that assembly?
A. What I said was the names of the twelve persons who were there. I did not say that these persons were in any way inspected.

262. Q. You heard Colonel Miyazaki talk to Ichikawa regarding the trucks, at the time you said he was mad that the trucks had not arrived. Did you hear him say that he had ordered Ichikawa to see that the trucks were there?
A. No, I didn't hear that.

263. Q. Did you or other officers' orderlies ride with their officers in the trucks that night?
A. As I recall they did.

264. Q. Did anyone else ride in that truck to the missionaries' house besides the officers and their orderlies?
A. As I testified yesterday, I recall that Nakamura and Ito were on the same truck.

265. Q. Is that Warrant Officer Nakamura?
A. I meant Assistant Kempei, Superior Private Nakamura.

266. Q. Did the missionaries and the man and his family get on that same truck that you were on?
A. I don't remember clearly.

267. Q. Do you remember whether Lieutenant Yamamoto was on this same truck?
A. I don't remember.

268. Q. Do you remember whether the missionaries carried their own belongings from their house to the truck?
A. The missionaries themselves carried some of their belongings and I made two trips and carried their baggage.

269. Q. In writing this statement that was used to refresh your memory, was this statement written in answer to questions that were asked you?

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

The accused made no reply.

The commission announced that the objection was sustained.

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270. Q. Were you told that you were to write so and so in this statement that was used to refresh your memory?

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

The accused made no reply.

The commission announced that the objection was sustained.

271. Q. These missionaries - were they armed at any time?
A. No, they were not.

272. Q. Were they bound?
A. They were not.

273. Q. Did you see any of these accused here detailed to guard duty with the Sumida Unit men that night?
A. I don't remember.

274. Q. Do you recall that Fujitani had gone to the hospital with this man Hongama and, therefore, did not go to the execution?

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

The accused replied.

The commission directed the accused to reframe the question.

275. Q. You do recall that Fujitani had gone to the hospital with this man Hongama?
A. I do.

276. Q. For that reason he did not participate in the execution?

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

The accused made no reply.

The commission announced that the objection was sustained.

277. Q. Who ordered the candles to be lighted - Colonel Miyazaki?
A. Yes, Miyazaki.

278. Q. You testified that you saw Second Lieutenant Ichikawa holding a candle. That's the only thing you saw him do at the execution, isn't it?
A. I saw, therefore, I recall him holding a candle.

279. Q. And that's all that you saw him do - just holding a candle?
A. Yes.

280. Q. Did you see Lieutenant Yamamoto holding a candle?
A. I don't remember.

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281. Q. Captain Nakamura?
A. Yes, he had a candle.

282. Q. And Captain Nakamura was giving orders that night, wasn't he?
A. Yes.

283. Q. Could you see from where you were whom these Sumida Unit men relieved down on the other end of the line?
A. When they were relieved I was beside the commanding officer and the adjutant of the Sumida Unit.

284. Q. And you couldn't see from there?
A. I could see.

285. Q. Could you see whom they relieved?
A. I don't recall whom they relieved.

286. Q. From whom did Nakamura borrow this pistol - you or Miyazaki?
A. From Lieutenant Colonel Miyazaki.

287. Q. When you say you saw certain persons at this scene, do you mean you could see them all from one place or did you have to walk around to see everybody who was there at the scene?
A. I saw them while I walked around.

The witness was duly warned.

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

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

288. Q. How close together were these victims sitting as they sat alongside the hole waiting to be shot?
A. I think the distance between the back of the head and the pistol was ten centimeters.

289. Q. What I mean is - the distance between the victims. How close were the victims to each other?
A. I believe they were side by side, touching.

290. Q. Do you remember how deep this hole was?
A. I do not remember.

291. Q. Now you heard Colonel Miyazaki talk to Lieutenant Yamamoto - didn't you hear Lieutenant Yamamoto say to him that he only had pity for these victims and that he couldn't order anybody to shoot them?
A. I do not remember clearly.

292. Q. You remember something to that effect, don't you?

This question was objected to by the judge advocate on the ground that it was vague and repetitious.

The accused made no reply.

The commission announced that the objection was sustained.

293. Q. Didn't you hear Yamamoto say that the execution is something outside the duty of the transportation company and if it is to be done - it should be done by the Kempeitai and not by the Sumida Unit men?
A. As I testified, yesterday, I did see Captain Yamamoto speaking with Colonel Miyazaki but I do not remember what the content of the conversation was.

294. Q. Then after the conversation Colonel Miyazaki went over to the Sumida Unit men and ordered them to participate in it directly - ordered them to do so, isn't that right?
A. After the conversation Colonel Miyazaki told the men of the Sumida Unit to step forward and two men did so. That is the correct picture.

295. Q. So that Colonel Miyazaki ordered the Sumida Unit men to step forward and shoot?
A. Yes, that is so.

296. Q. Don't you have a definite recollection that none of the orderlies were on these teams?
A. I have a definite recollection.

297. Q. And when these two Sumida Unit men stepped forward, Kawaguchi, one of the accused here present, wasn't one of those two men, was he?
A. I do not think it was Kawaguchi.

The judge advocate moved to strike out this answer on the ground that it was the opinion of the witness.

The question was repeated.

A. As I recall I do not think it was Kawaguchi.

The commission announced that the motion to strike was not sustained.

298. Q. Now you testified, "I recall Kawaguchi belonged to the Sumida Unit but at this time I recall that he had come from the Kempeitai." Do you mean that he had been detailed from the Sumida Unit as a driver of one of the vehicles assigned to the Kempeitai?
A. That is what I mean.

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299. Q. Now, are you sure it was Captain Nakamura who came over and asked Colonel Miyazaki whether they should shoot simultaneously or was it Warrant Officer Nakamura?
A. It was Captain Nakamura.

300. Q. Now when Colonel Miyazaki said to these missionaries, "You are being executed but don't hate us for this. If you have anything to say I wish you would say it now." Did any of these missionaries say that they should not be shot because they were not spies?

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

The accused replied.

The commission announced that the objection was not sustained.

A. I do not remember.

301. Q. Do you remember how long Colonel Miyazaki allowed these missionaries to pray before they were executed?

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

The accused replied.

The commission announced that the objection was sustained.

302. Q. Now after Miyazaki had given the order to fire - did Captain Nakamura take over from there?
A. The commanding officer gave the command to fire and Captain Nakamura merely repeated that command.

303. Q. Now when he repeated it - did he repeat it to each individual team or did he just repeat it one time?
A. The man who gave the command was Colonel Miyazaku but Captain Nakamura was in charge of the execution. He gave the command to all the teams just once.

304. Q. Did he go and stand by each team to see that they fired?
A. After the shooting he inspected each team to see whether they had shot.

Reexamined by the judge advocate:

305. Q. How many orderlies lined up with you at the very first assembly?
A. As I remember it all the orderlies attended the first meeting.

306. Q. Give us the names of all the orderlies that you say attended the first assembly?
A. Leading Private Ezure, Leading Private Hidaka, Private First Class Uchida, Leading Private Imaizumi. I do not remember exactly about Leading Private Fujitani.

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307. Q. How many of these orderlies do you remember seeing at the scene of the execution?
A. I saw Leading Private Ezure, Leading Private Hidaka and Private First Class Uchida.

308. Q. At the scene of the execution were you under the command of Colonel Miyazaki and Captain Nakamura?

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

The judge advocate withdrew the question.

309. Q. At the scene of the execution were you under the command of Colonel Miyazaki?
A. Yes.

310. Q. At the scene of the execution were you also subject to the orders of Captain Nakamura?
A. I do not remember receiving any instructions from him.

The accused moved to strike out this answer on the ground that it was mis-leading, irrelevant and immaterial.

The judge advocate replied.

The commission announced that the motion was not sustained.

The question was repeated.

A. As he was the detachment commander I had to follow the orders of my superior, namely, Captain Nakamura.

The accused moved to strike out this answer on the ground that it was not responsive.

The commission announced that the motion was not sustained.

311. Q. Were you actually a member of Nakamura's detachment?
A. I was attached to the headquarters.

312. Q. Was Captain Nakamura your commanding officer?
A. I do not grasp the exact meaning.

313. Q. Is it true then that you were not a member of Captain Nakamura's detachment?
A. That is so.

314. Q. Is it also true that at the scene of the execution you were subject to Captain Nakamura's orders?
A. I do not know what understanding was reached between Colonel Miyazaki and Captain Nakamura on this point but I went to the scene of the execution as the commanding officer's orderly and I never received instructions from Captain Nakamura.

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315. Q. These two men that you say were relieved by the Sumida Unit - were they members of a team?
A. They were members of a team.

316. Q. When Miyazaki spoke about guarding the prisoners, did he only address his remarks to the Sumida men?
A. According to my memory he said that to only the members of the Sumida Unit. I recall he said to keep guard to everybody.

317. Q. Will you explain to us just where Miyazaki was standing in relation to everyone present when he gave this command?
A. As I recall he was right at the rear of the group when he gave that order.

318. Q. At the rear of which group?
A. Of everybody present - at the rear.

319. Q. Was he facing them?
A. I do not know whom he was addressing.

320. Q. What exactly did Miyazaki say?
A. He said, "Watch in all directions and see that they do not escape and also to keep lookout for air raids."

321. Q. When he gave this command he didn't mention any particular group of the people present, did he?

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

The judge advocate withdrew the question.

Recross-examined by the accused:

322. Q. Was not this order of Colonel Miyazaki to watch the missionaries executed by the members of the Sumida Unit?
A. As I remember it - it was the Sumida Unit men who carried out this order.

323. Q. Did anyone relay that order of Colonel Miyazaki to guard the prisoners and look out for air raids?
A. I have no definite recollection.

324. Q. Now as long as you were acting as Colonel Miyazaki's orderly in the presence of Colonel Miyazaki - did you ever remember that Lieutenant Nakamura ever gave you any orders without first consulting Colonel Miyazaki?
A. No.

325. Q. And on this night of the execution Lieutenant Nakamura never gave you any orders, did he?
A. As I remember it there were no orders given to me by him.

Examined by the commission:

326. Q. You testified in your direct examination that upon arriving at the scene teams were formed - I believe you used the word "team" - teams

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were formed then Colonel Miyazaki gave orders to this effect. All those not on teams or others will act as guards in case these missionaries attempt to escape. Is that correct?
A. I believe that to be correct.

327. Q. Referring to your last answer - where you verified the previous testimony, which is correct - did it take place after they got off the truck and before they went into the jungle - or when they were lining up before the hole?
A. I referred to the order given while we were proceeding from the place where we alighted from the trucks while we were passing through the jungle.

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

The witness made the following statement:

As for myself, I can only pray from the bottom of my soul for the souls of the departed.

The witness was duly warned and withdrew.

The commission then, at 3:05 p.m., took a recess until 3:20 p.m., at which time it reconvened.

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank?
A. Kumagai, Satoshi, former superior private.

2. Q. What was your last rank?
A. My last rank given me when I landed in Japan was that of a corporal.

3. Q. If you recognize these accused tell us their names and ranks?
A. The first man on the left-hand side of the first row is former Adjutant Captain Yamamoto. I do not know the others. It is the first time I have seen them.

4. Q. Did you ever have duty in the Palau Islands?
A. I served on Koror, later at Arakabesan, then on Koror again and finally on Babelthuap.

5. Q. Between what dates did you serve in the Palaus?
A. I arrived on Palau in June of 1943 and I left Palau for home in December of 1945.

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6. Q. To what outfit were you attached in September of 1944 ?
A. I was attached to Headquarters, Sumida Unit.

7. Q. Do you recall a particular evening in September when you left the Sumida Unit with other men and two trucks and drive to the Kempeitai?
A. We did not ride on two trucks. The two units, the Sumida Unit and the Kempeitai, were adjacent. When I started out with the adjutant there was a truck in waiting. I think that this truck was one of the trucks of the Sumida Unit and because this truck came always from the company to the unit headquarters. There was another truck which came after that. I believe that this truck was the one despatched from the company to the Kempeitai.

8. Q. Is it correct that you did not ride from the Sumida Unit to the Kempeitai?
A. That is so. The distance from the Sumida Unit was approximately one hundred meters. The Sumida Unit was located at the bottom of the hill which led up to the Kempeitai.

9. Q. Did you walk from the Sumida Unit to the Kempeitai with anyone?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I did not walk the distance to the Kempeitai. I merely walked the distance between my quarters, which were some distance from the road, to the main road. On reaching the road I saw a truck parked close to Misuzu Bridge on the Gasupan Highway. I think that is the truck which was sent from the company to the unit headquarters.

10. Q. Do you recall a particular evening in September of 1944 when you were on the road in front of the Kempeitai with other members of the Sumida Unit and with other members of the Kempeitai?
A. It was not on this highway in front of the Kempeitai but on the highway in front of the Sumida Unit.

11. Q. You remember that evening - is that correct?
A. Yes, I remember.

12. Q. Who was with you on that evening on the road?
A. When I arrived on the road with the adjutant there was an officer who I think was the commanding officer of the Kempeitai and two or three other officers, in all five or six persons. There was Leading Private Namekawa of the Sumida Unit there also.

13. Q. When you say the adjutant, whom do you mean?
A. I mean Adjutant Yamamoto.

14. Q. When you say Adjutant Yamamoto do you mean the Yamamoto who is present in this courtroom?
A. Yes.

15. Q. Other than yourself and Namekawa, were there any other men of the Sumida Unit along with you?
A. No, there was nobody else.

16. Q. After you all met on the road, what happened then?
A. A truck came with the Kempeis and soldiers down the hill from the Kempeitai quarters. This truck parked in front of ours and after they had reached an understanding with the persons in the other truck this truck started to go forward.

17. Q. Did you get on the truck?
A. After the truck which had come from the Kempeitai started off, everybody gathered around the other truck and boarded same and we immediately started to follow in the tracks of the first.

18. Q. Who was driving the truck which you were on?
A. The driver was from the company. The truck attached to the Battalion Headquarters had broken down. Therefore, I do not remember the name of this driver.

19. Q. Was the driver from the Sumida Unit?
A. Yes, he was from a company of the Sumida Unit, but as they were alternating I do not remember who it was.

20. Q. The truck started off -- what happened then?
A. Following the first truck we proceeded for one or two kilometers when the first truck stopped and we also stopped.

21. Q. What happened then?
A. Those on the first truck got off and went into an alley. After some time they emerged with the missionaries. They all got on and continued.

22. Q. How many missionaries were there -- if you remember?
A. I do not remember. I could not ascertain how many there were.

23. Q. After they got on the truck -- what happened then?
A. After the missionaries got on we all boarded the trucks and proceeded for about two or three kilometers when we stopped.

24. Q. When you stopped, what happened?
A. When we stopped, we all alighted from the truck and (I think it was to the left) we took a turn. I think it was when we alighted from the truck but somebody gave the order to bind the missionaries and after binding them we proceeded in single file. I got off last from the truck. Following the file I arrived at a small clearing. There was a hole dug there. The missionaries and the man and woman and the two children were ordered to sit around the hole. At a place to the rear of the scene Colonel Miyazaki, Adjutant Yamamoto and two or three others were conversing. Namekawa and I attached ourselves to the adjutant. The commanding officer was talking with Adjutant Yamamoto. He was saying that it was by orders of the Division Headquarters and for the Sumida Unit to place some men at his disposal.

25. Q. What happened then?
A. And when Adjutant Yamamoto was silent, Colonel Miyazaki repeated the same demand.

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26. Q. And what did Yamamoto say, if anything?
A. Yamamoto said something but I could not understand what it was.

27. Q. After this conversation, what happened?
A. After this repeated urging, Yamamoto turned around and said, "It can't be helped. Namekawa step forward."

28. Q. And did you see Namekawa step forward?
A. Yes, I saw.

29. Q. What happened after Namekawa stepped forward?
A. After steppping forward he went, I think, toward the extreme right.

30. Q. Do you know Namekawa's first name?
A. It is Genji.

31. Q. What happened after Namekawa went to the right?
A. Some time after he had gone to the right I think he fired at the command given by the commanding officer of the Kempeitai.

The accused moved to strike out this answer on the ground that it was the opinion of the witness.

The judge advocate replied.

The commission directed that the answer be stricken out.

32. Q. Did you yourself see Namekawa fire?
A. I could not see.

33. Q. Why not?
A. There was somebody standing between us.

34. Q. When Namekawa went to the right, what did he do, if anything?
A. I think he went to shoot the missionaries.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate made no reply.

The commission directed that the answer be stricken out.

35. Q. When Namekawa went to the right, where was he standing in relation to the missionaries?
A. I saw Namekawa standing behind the missionaries who were lined up in front of the hole with their hands bound.

36. Q. How far was he from the nearest missionary?
A. He was immediately behind the missionary so I think it must have been a meter or a meter and a half.

37. Q. Did Namekawa have anything in his hands?
A. He had a rifle.

38. Q. Who gave the order to fire?
A. I think it was the commanding officer of the Kempeitai, Miyazaki?

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39. Q. Didn't you actually hear him say that?

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

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. I heard the order to fire given and I thought it was Miyazaki who gave the order.

The accused moved that the words "and I thought it was Miyazaki who gave the order" be stricken on the ground that it was the opinion of the witness.

The judge advocate concurred.

The commission directed that these words be stricken out.

Cross-examined by the accused:

40. Q. To what duty were you assigned at the headquarters of the Sumida Unit?
A. I was the driver of the sedan of the adjutant of the battalion headquarters.

41. Q. What circumstances led you to accompany Adjutant Yamamoto on that evening?
A. When the adjutant left the orderly usually stayed in the adjutant's quarters, and as somebody always accompanied him I was assigned to him.

42. Q. What did Captain Yamamoto tell you before you left that evening?
A. I do not think I was told anything before leaving the barracks but the orderly told me that the adjutant was leaving so I hurriedly made preparations and I do not remember whether it was before I left my quarters or not but I was told that we were to escort some spies.

43. Q. Who told you this?
A. It was Adjutant Yamamoto who told me so.

44. Q. You said that you hurriedly made preparations -- what do you mean by "preparations"?
A. I had my puttees on my uniform and I carried a rifle and bayonet.

45. Q. Were you told by somebody to take your rifle with you?
A. About that time this was the usual uniform when we went out in company with the adjutant.

46. Q. When you left the barracks, in whose company did you do so?
A. There was some distance between my quarters and those of the adjutant and when the orderly came to tell me I hurriedly went over to the adjutant's quarters and we left together.

47. Q. You mentioned Leading Private Namekawa. What duty was he assigned at the Sumida Unit?
A. He had various duties at the unit headquarters' office.

48. Q. When did you meet Namekawa on that night?
A. When I went out on the main road.

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49. Q. Was Namekawa the only soldier from the Sumida Unit that you saw on the road that night?
A. Yes, I saw only him.

50. Q. Did you see any other persons from the Sumida Unit other than the drivers on the trucks when you saw the truck on the road?
A. I could not see who was in the cab because the truck was facing away from me but I did not see any men of the Sumida Unit on the back of the trucks.

The witness was duly warned.

The commission then, at 4:30 p.m., adjourned until 9 a.m., tomorrow, Tuesday, March 2, 1948.

THIRTEENTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Tuesday, March 2, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Stewart R. Smith, yeoman first class, U. S. Navy, reporter.
The accused, their counsel and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued).

51. Q. You met Leading Private Namekawa on the road to Gasupan. Do you know why Namekawa was there?
A. I do not know the reason. There was usually one or two persons accompanying the adjutant and Namekawa may also have been ordered to accompany the adjutant.

52. Q. Was there a conversation held between Captain Yamamoto and Lieutenant Colonel Miyazaki on the Gasupan Highway?
A. I saw Captain Yamamoto salute Miyazaki and exchange civilities and I do not remember whether there was a conversation or not.

53. Q. Who got on the truck that you boarded?
A. There were on the truck myself, Leading Private Namekawa, Captain Yamamoto, Lieutenant Colonel Miyazaki and I believe two or three Kempeis.

54. Q. When your truck stopped close to the missionaries' house, did you get off the truck?
A. No, I did not get off.

55. Q. Did Captain Yamamoto alight from the truck?
A. I do not think he got off.

0411

56. Q. Were you close to Captain Yamamoto when the missionaries started into the jungle after alighting from the trucks?
A. Yes, I was close to him.

57. Q. Did you hear the conversation between Captain Yamamoto and Colonel Miyazaki on the way from where they got off the trucks to the scene of the execution?
A. I did not notice.

58. Q. Do you not remember Captain Yamamoto asking Colonel Miyazaki what he was to do with these missionaries?
A. I do not remember.

59. Q. You testified yesterday that at the scene of the execution Colonel Miyazaki told Captain Yamamoto that this execution was by orders of Division Headquarters and that men of the Sumida Unit were to participate in it. Can you give us a more accurate wording of what Colonel Miyazaki told Captain Yamamoto?
A. I do not remember exactly what Captain Yamamoto said but I remember hearing Colonel Miyazaki saying that this was by orders of Division Headquarters.

60. Q. Is that all?
A. That is all I remember. There may have been something else but I do not remember.

61. Q. Did not Miyazaki further say that men of the Sumida Unit were to shoot?
A. I seem to recall his saying that men of the Sumida Unit were to come forward.

62. Q. Is it not true that when Commanding Officer Miyazaki said this to Captain Yamamoto the latter at first refused?
A. I heard Captain Yamamoto say something in reply but I could not make out what it was.

63. Q. You testified yesterday that Colonel Miyazaki urged the men of the Sumida Unit to fire. Can you explain this situation in greater detail?
A. As I remember, Colonel Miyazaki repeatedly urged Captain Yamamoto to have men of the Sumida Unit participate in the firing.

64. Q. You testified yesterday that Captain Yamamoto said, "It can't be helped. Namekawa, step forward." Isn't it a fact that Colonel Miyazaki himself indicated Namekawa in person before Captain Yamamoto spoke?
A. That may have been so but I did not notice it.

65. Q. Were the truck drivers present at the scene of the execution?
A. I did not notice the fact.

66. Q. Do you recognize the man in the third row extreme left (indicating accused Kawaguchi, Wahei)?
A. I do not recognize him.

67. Q. You said that you were on the Palau Islands from June, 1943, until December, 1945. Were you in the Sumida Unit all during that time?
A. I was attached to Headquarters, Sumida Unit.

0412

68. Q. What kind of a unit is this Sumida Unit?
A. It was a motor transport unit with trucks.

69. Q. Did you know everybody that was in that unit?
A. I knew all persons at Unit Headquarters and some persons belonging to the companies who came to headquarters, but of the rest I do not know.

70. Q. Who was the head of this Sumida Unit?
A. Major Sumida.

71. Q. Was he the head of the unit on September 18, 1944 when you went out with adjutant Yamamoto?
A. That is so.

72. Q. How many of these accused were members of the Sumida Unit?
A. There are two persons.

73. Q. Who are they?
A. Captain Yamamoto and Kawaguchi, who I hear later belonged to the Sumida Unit, although I was not aware of the fact at the time of the incident.

74. Q. Why were you not aware of the fact that Kawaguchi was a member of the Sumida Unit at the time?
A. He belonged to one of the companies and because I had not met him I did not know.

75. Q. Were there about eight hundred men in the Sumida Unit?
A. That is so.

76. Q. When the Sumida Unit furnished trucks for the other companies, did they also furnish drivers?
A. Yes, I think whenever a certain number of trucks were requested from the Sumida Unit they supplied the same number of drivers.

77. Q. On this night when you went out were you a driver of one of the trucks?
A. No, I was not a driver.

78. Q. You said you attached yourself to the adjutant? What do you mean by that?
A. I was an orderly.

79. Q. For the adjutant?
A. Yes, orderly for the adjutant.

80. Q. All during that evening -- were you close by the adjutant?
A. Yes, I was in his vicinity generally.

81. Q. Didn't you hear him say to Colonel Miyazaki that he only had pity for the missionaries and for the other persons and couldn't order anybody from the Sumida Unit to kill them?
A. I did not hear.

82. Q. Didn't you hear him say that this execution was something outside of the Sumida Unit and if it should be done it should be done by the Kempeitai?
A. I do not remember.

0413

83. Q. You carried a rifle. Did Lieutenant Yamamoto carry a pistol?
A. I believe he carried a pistol.

84. Q. Did you see him shoot these missionaries or any of these other persons that night?
A. No, I did not see. At the scene of the execution I was standing immediately behind Captain Yamamoto and I did not move from my place so I could observe all his actions.

85. Q. The only people that you saw shoot these missionaries and the other people were the Kempeis -- is that true?

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

The accused replied.

The commission announced that the objection was not sustained.

A. I do not know the exact circumstances because I only saw them preparing to shoot and I did not actually see them fire. But as Namekawa went forward I think he fired.

The accused moved that the words "But as Namekawa went forward I think he fired" be stricken out on the ground that it was the mere opinion of the witness.

The commission directed that these words be stricken out.

86. Q. All during the time Yamamoto was there at the scene did you see him holding a candle at any time?
A. I do not believe Captain Yamamoto held a candle.

The judge advocate moved that this answer be stricken on the ground that it was not responsive.

The accused made no reply.

The commission announced that the motion was not sustained.

87. Q. Was there anybody else there who was holding a candle?

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

The accused withdrew the question.

88. Q. Did you see anybody there at the scene holding a lighted candle?
A. Yes, I did.

89. Q. Kempeis?
A. They were people from the Kempeitai but I do not know whether they were Kempeis or assistant Kempeis.

0414

90. Q. But you didn't see anybody from the Sumida Unit holding a candle that night?
A. The persons from the Sumida Unit were Namekawa, Adjutant Yamamoto and myself, only three, and none of us were carrying candles.

91. Q. This adjutant, Yamamoto, from the Sumida Unit -- you didn't see him doing anything there that night in furtherance of the execution, did you?

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

The accused replied.

The commission announced that the objection was sustained.

92. Q. Did you see Lieutenant Yamamoto, the adjutant, doing a single thing there that night at the execution?
A. He seemed to be conversing with Colonel Miyazaki in low tones several times but I did not see him do anything.

93. Q. This conversation with Colonel Miyazaki -- was Lieutenant Yamamoto objecting to the orders of Colonel Miyazaki that the Sumida Unit men participate in the execution?

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

The accused replied.

The commission announced that the objection was sustained.

94. Q. Do you know what he was talking to Colonel Miyazaki about?
A. These conversations were held in low tones and I could not clearly understand.

95. Q. When the men fired at the victims -- isn't it true that Colonel Miyazaki gave the order to fire?
A. I believe it was Colonel Miyazaki.

96. Q. Did you hear anyone else give orders to fire that night?
A. I did not notice.

97. Q. Did you hear your adjutant, Lieutenant Yamamoto, give any orders to fire that night?
A. No.

Reexamined by the judge advocate:

98. Q. Do you know where Namekawa is now?
A. Namekawa died when he was in the hospital in Palau.

99. Q. From where do you remember Kawaguchi?
A. From the time I entered Sugamo Prison.

100. Q. Hadn't you ever seen Kawaguchi before you went into Sugamo Prison?
A. I had never met him before that nor had I met him would I have recognized him as a soldier from the Sumida Unit.

0415

The accused moved that the words "nor had I met him would I have recognized him as a soldier from the Sumida Unit" be stricken on the ground that it was not responsive to the question.

The judge advocate concurred.

The commission directed that those words be stricken out.

101. Q. I am not asking you whether you had met him. I am asking you whether you had ever seen him before you went to Sugamo Prison?
A. I do not remember.

Recross-examined by the accused:

102. Q. When were you in Sugamo Prison?
A. I was in Sugamo Prison from 15 January to 28 Janury, 1948.

103. Q. And that is the first time that you met Kawaguchi -- when you were in Sugamo Prison during that period of time in 1948?
A. Yes.

104. Q. This Namekawa you said died in the hospital. Were you there when he died?
A. No, I was not present at his death.

105. Q. Then the only reason you said he was dead is because somebody told you he was dead?
A. I know this because a report was received from the hospital reporting his death, and at the Unit Headquarters preparations, etc., for the funeral were carried out and therefore I am aware of this fact.

106. Q. Were you present at the funeral?
A. Yes, I attended the funeral.

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.

The judge advocate was called as a witness for the prosecution and was duly sworn.

Examined by the judge advocate:

1. Q. Will you state your name, rank and present duty?
A. James P. Kenny, lieutenant, U. S. Navy, attached to the office of the Director War Crimes, Pacific Fleet, and judge advocate of this commission.

2. Q. If you recognize the accused, state their names and ranks?
A. I recognize a good many of these accused but I don't recall them individually by their names.

0416

3. Q. Do you have in your possession any papers which deal with the issues of this case?
A. I have.

4. Q. Are you the legal custodian of these papers?
A. I am. These papers came into my custody as a member of the office of the Director of War Crimes, Pacific Fleet.

5. Q. Where did you receive these papers?
A. One set of papers is the result of a request from Commander Marianas to the Chief of Naval Operations for certain information relative to the victims in this case. They include a reply to that request from the Apostolic Delegate, United States of America, A. G. Cicognani, Archbishop of Laodicea.

The document produced by the witness was submitted to the accused and to the commission, and by the judge advocate offered in evidence.

Commander Martin E. Carlson, U. S. Naval Reserve, a counsel for the accused, requested that the morning recess be taken at this time in order to allow counsel for the accused adequate time to make a perusal of the document submitted by the judge advocate. The request was granted, and the commission then, at 10 a.m., took a recess until 10:30 a.m., at which time it reconvened.

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

Cross-examined by the accused:

6. Q. Do you know the signers of any of these documents?
A. I do not know any of the signers personally.

7. Q. Were you present when any of these documents were signed?
A. I was not.

Commander Martin E. Carlson, a counsel for the accused, read a written objection to this document being received in evidence, appended marked "W."

The accused waived the reading of this objection in Japanese.

The judge advocate replied.

The commission announced that the objections were not sustained. There being no further objection, the documents were so received in evidence, appended marked "Exhibit 4(1)," "Exhibit 4(2)," "Exhibit 4(3)," "Exhibit 4(4)" and "Exhibit 4(5)."

Reexamined by the judge advocate:

0417

8. Q. Will you read those documents?

The witness read "Exhibit 4," consisting of five pages.

An interpreter read a Japanese translation of "Exhibit 4."

9. Q. Do you have another document which has a bearing upon the issues of this case?
A. I have.

10. Q. Will you tell us how this document came into your possession?
A. This document was forwarded to Commander Marianas from the Civil Administrator, Ponape District, in response to a request contained in a letter from Commander Marianas under date of 30 January 1948.

11. Q. Are you the legal custodian of this document?
A. I am.

The document produced by the witness was submitted to the accused and to the commission, and by the judge advocate offered in evidence.

Recross-examined by the accused:

12. Q. Do you know the affiant Hyginio Berganza?
A. I do not.

13. Q. Do you know Lieutenant Commander W. D. Mooney before whom this affidavit was sworn to?
A. I do.

14. Q. Is he available as a witness?
A. That I do not know.

Commander Martin E. Carlson, a counsel for the accused, read a written objection to this document being received in evidence, appended marked "X."

The accused waived the reading of this objection in Japanese.

The judge advocate replied.

The commission announced that the objections were not sustained. There being no further objection, the document was so received in evidence, appended marked "Exhibit 5."

Reexamined by the judge advocate:

15. Q. Will you read this document?

The witness read "Exhibit 5."

An interpreter read a Japanese translation of "Exhibit 5."

16. Q. Do you have in your possession any statements from the accused having to do with the issues of this case?
A. I have many statements from the various accused in this case.

0418

17. Q. How did these documents come into your possession?
A. These documents were forwarded from the liaison office of the Director of War Crimes located in Tokyo Japan to the office of the Director of War Crimes, Pacific Fleet, located here at Commander Marianas.

18. Q. Are you the present legal custodian of these documents?
A. I am.

19. Q. When did you receive these documents?
A. These documents came into my custody a short time before the twenty-eighth of January, 1948.

20. Q. When you received these documents, what did you do with them?
A. The documents were taken to the War Criminal Stockade, Guam, and each accused was brought from his place of confinement. The document was read to him in Japanese, rather he was allowed to read the document in Japanese and it was also translated to him from the English by the interpreter, Mr. Frederick Savory. After having read the document he was asked if the statements, the matters contained therein, were the truth and if it had been signed by him and he answered in the affirmative to both of these questions. Each accused again signed and swore to the document in my presence.

21. Q. Did you at any time use any threats in order to make any of these accused swear to those statements?
A. I did not.

22. Q. Did you at any time make any promises in order to make any of these accused swear to those statements?
A. I did not.

The statements of the accused Yokoyama, Kyohisa; Uchida, Fumio; Hidaka, Kinnosuke; Ezure, Shigeru; Ishiyama, Zenzo and Sugimoto, Takeji (two statements), produced by the witness, were submitted to the accused and to the commission, and by the judge advocate offered in evidence.

Recross-examined by the accused:

23. Q. When the affiant Yokoyama made this affidavit was he then in custody?
A. Are you referring to the time when he originally made the statement?

24. Q. No. At the time when he made the affidavit before you?
A. He was.

25. Q. Was he at that time charged with a crime?
A. He was not.

26. Q. Does this affidavit pertain to the charges and specifications in this present case?
A. It does.

27. Q. When was the affiant Yokoyama formally served with the charges and specifications and accused of the crimes for which he is here being charged?
A. I believe it was the second of February, 1948.

28. Q. You said that the affiant Yokoyama answered you. In what language did he answer you?
A. He answered in Japanese and his answer was immediately translated into English by an interpreter who was present.

0419

29. Q. Who was this interpreter?
A. I used two different interpreters at various times. The two interpreters were Mr. Frederick Savory and Lieutenant Kerrick.

30. Q. Is either Lieutenant Kerrick or Frederick Savory available for questioning in regard to this matter?
A. In regard to what matter?

31. Q. The affidavit of Yokoyama.
A. They are available - yes sir.

32. Q. Was anyone else present when Yokoyama made this affidavit?
A. I do definitely recall that in the case of each one of these statements either Mr. Savory or Mr. Kerrick was present as interpreter.

33. Q. When the affiant says that the foregoing statement on the seventh day of May, 1947, is true and correct, what statement does he refer to?
A. He is evidently referring to the statement that was made by him on that particular date.

34. Q. Do you know where he made that statement on that date?
A. I do not know.

35. Q. Do you know whether that statement was made by him in answer to questions by an officer while he was in custody?
A. I do not.

36. Q. At the time that you took this affidavit did you interrogate the affiant?
A. I did. I asked him if he had signed the statement and if the matters contained therein were true.

37. Q. Did you caution and warn the affiant, Yokoyama, that this affidavit would be used as evidence against him?

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

The accused replied.

The commission announced that the objection was sustained.

38. Q. Did you inform Yokoyama that he was not obligated to make this affidavit or say anything unless he desired to do so?

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

The accused made no reply.

The commission announced that the objection was sustained.

39. Q. Did the affiant, Yokoyama, have the benefit of counsel when he was interrogated by you and when he signed this affidavit?

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

0420

The accused replied.

The commission announced that the objection was sustained.

40. Q. Isn't it true that you asked the affiant, Yokoyama, to sign this affidavit?
A. I asked him to sign it after I asked him if the matters contained therein were true to the best of his knowledge.

41. Q. So that he didn't volunteer to make this statement then?
A. The statement was not made in my presence.

42. Q. No, but the affidavit -- did he volunteer to make this affidavit?
A. I made the affidavit not the affiant. You are talking about the part in the oath?

43. Q. Yes.
A. I made that.

44. Q. But did he volunteer to make this oath and swear to you or did you ask him to do so?
A. As I have explained, I asked him if the statements -- the matter contained in the statements -- was the truth to the best of his knowledge and if his signature was affixed thereto.

45. Q. In other words, you went down to the stockade and asked him to make this statement rather than he sent for you and said he desired to make a statement?
A. I again point out that I never asked the witness to make the statement. The statement was not taken here on Guam but it was transmitted from Tokyo to the office of the Director of War Crimes, Pacific Fleet, at Guam.

46. Q. From your investigation up to this time and at the time you asked Yokoyama to make this affidavit, isn't it true that there was evidence to support the charges and specifications with which he was charged afterwards?

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

The accused made no reply.

The commission announced that the objection was sustained.

47. Q. Who was present when Uchida made his affidavit?
A. The interpreter, Frederick Savory, and I am not sure but Lieutenant Commander Regan might have been present.

48. Q. Was Uchida in custody at this time?
A. He was.

49. Q. Was he charged with a crime?
A. He was not.

50. Q. Does the affidavit which is being offered into evidence pertain to the charges and specifications in this present case?
A. It does.

0421

51. Q. And the affiant, Uchida, was not formally served with the charges and specifications until after you had secured this affidavit from him, is that true?
A. That is true.

52. Q. All questions and answers were interpreted to Uchida -- were they, at this time?
A. They were.

53. Q. The interpreter was Mr. Frederick Savory?
A. That is correct.

54. Q. Is he available for questioning in regard to the affidavit of Uchida?
A. He is.

55. Q. Do you know whether the statement on which he made the affidavit was signed while he was in custody at Sugamo Prison.
A. I have no information on that.

56. Q. Doesn't the statement show where it was made and on what date?
A. The statement shows that it was made on the ninth day of September, 1947, but the place where it was taken is not shown.

57. Q. Did you caution Uchida that this affidavit which he was making and the statement would be used as evidence against him?

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

The accused made no reply.

The commission announced that the objection was sustained.

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

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

58. Q. Section 261, Naval Courts and Boards, states: "A witness may properly decline to answer an incriminating question." Did you caution Uchida, Hidaka, Ezure, Ishiyama, Sugimoto and Yokoyama that they did not have to make affidavits or statements that were incriminating?

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

The accused made no reply.

0422

The commission announced that the objection was sustained.

59. Q. While you were questioning and getting these affidavits from Uchida, Hidaka, Ezure, Ishiyama, Sugimoto and Yokoyama, did they have the benefit of counsel?
A. No, they did not.

60. Q. These affiants, Uchida, Hidaka, Ezure, Ishiyama, Sugimoto and Yokoyama, did they all answer and write their affidavits and statements in Japanese, and were they interpreted by an interpreter?
A. These statements were all made originally in Japanese before these parties arrived on Guam. When the statements came into my custody they had been translated by an official interpreter of our Tokyo office, Lieutenant Frederick Tremayne.

61. Q. Were all statements of these five affiants written while they were in custody at Sugamo Prison?
A. I do not know.

62. Q. Do you know who was present when they wrote these statements?
A. I do not.

63. Q. Who else was present when they signed their affidavits here on Guam?
A. The interpreter in each instance was either Frederick Savory or Lieutenant Kerrick. When some of these statements were taken, I don't recall which particular ones, Lieutenant Commander Regan was also present.

64. Q. Isn't it true that these affidavits incorporating the statements were secured from these six affiants after they had been investigated to such an extent that it was determined they were to be charged with a crime?

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

The accused made no reply.

The commission announced that the objection was sustained.

65. Q. At the time you secured these affidavits did you inform these affiants that they were to become accused?

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

The accused made no reply.

The commission announced that the objection was sustained.

66. Q. Did you instruct any of these six affiants they they were not to make statements that were founded on rumors or hearsay?
A. I did not. There was no need to so instruct.

67. Q. Do not some of the statements contain statements which are based on rumor and hearsay rather than on a personal knowledge of the affiant?
A. I couldn't say off hand for I haven't examined the contents of these statements closely enough to answer that question.

0423

The judge advocate requested the permission of the commission to offer in evidence seven additional statements, namely, those of Ichikawa, Yokichi; Ishimiya, Masao; Yamamoto, Kazuharu; Yokoyama, Kyohisa; Okamura, Gintaro; Nakamura, Jiro and Kawaguchi, Wahei, which were taken under the same circumstances as the documents to which this witness has already referred and testified.

The commission announced that this request was granted.

Reexamined by the judge advocate:

68. Q. Do you have in your possession additional documents bearing on the issues of this case?
A. Yes, I also have a number of other statements from various accused.

69. Q. Did these statements come into your possession and did you take such action as you have testified you took concerning previous statements?
A. All these documents came into my possession and were handled in a similar manner to that testified to in relation to the others.

The additional documents produced by the witness were submitted to the accused and to the commission, and by the judge advocate offered in evidence.

Mr. Kuwata, Hideo, a counsel for the accused, moved that the commission grant the accused one hour in which to study the documents offered by the judge advocate in evidence in order to allow time to prepare an objection to their being received in evidence.

The judge advocate replied.

The commission made the following ruling:

The commission finds the request for delay of one hour not warranted; therefore the motion is not sustained.

Mr. Kuwata, Hideo, a counsel for the accused, rose to make an objection to the documents. The commission announced that it would only hear argument on the question of volunteerness. The counsel, therefore, did not make any argument.

Commander Martin E. Carlson, a counsel for the accused, read a written objection to the receipt of these statements in evidence, appended marked "Y."

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

The judge advocate replied.

The commission advised the accused that they could be examined on their voir dire regarding these statements offered by the judge advocate in evidence, before the commission made its ruling on their admissibility.

The accused replied in the negative.

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

0424

The commission announced that the objections were not sustained. There being no further objection, the documents were so received in evidence, appended marked "Exhibit 6" through "Exhibit 19." The English translations thereof appended marked "Exhibit 6(a)" through "Exhibit 19(a)."

The commission made the following statement:

We point out to the defense counsel at this time that the proper time for comment on the substance of these documents is in their final arguments.

70. Q. Will you read the documents?

The witness read the statement of Yokoyama, Kyohisa, in English, appended marked "Exhibit 6(a)."

An interpreter read the statement of Yokoyama, Kyohisa, in Japanese, appended marked "Exhibit 6."

The witness read the statement of Ezure, Shigeru, in English, appended marked "Exhibit 7(a)."

An interpreter read the statement of Ezure, Shigeru, in Japanese, appended marked "Exhibit 7."

The witness read the statement of Uchida, Fumio, in English, appended marked "Exhibit 8(a)."

An interpreter read the statement of Uchida, Fumio, in Japanese, appended marked "Exhibit 8."

The witness read the statement of Ishiyama, Zenzo, in English, appended marked "Exhibit 9(a)."

An interpreter read the statement of Ishiyama, Zenzo, in Japanese, appended marked "Exhibit 9."

The witness read the statement of Sugimoto, Takeji, in English, appended marked "Exhibit 10(a)."

An interpreter read the statement of Sugimoto, Takeji, in Japanese, appended marked "Exhibit 10."

The commission then, at 4:30 p.m., adjourned until 9 a.m., tomorrow, Wednesday, March 3, 1948.

0425

FOURTEENTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Wednesday, March 3, 1948.

The commission met at 9:15 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Robert Oldham, yeoman third class, U. S. Navy, reporter.
The accused, their counsel and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

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

(Reexamination continued.)

71. Q. Will you continue reading the statements?

The witness read the statement of Sugimoto, Takeji, in English, appended marked "Exhibit 11(a)."

An interpreter read the statement of Sugimoto, Takeji, in Japanese, appended marked "Exhibit 11."

The witness read the statement of Hidaka, Kinnosuke, in English, appended marked "Exhibit 12(a)."

An interpreter read the statement of Hidaka, Kinnosuke, in Japanese, appended marked "Exhibit 12."

The witness read the statement of Yokoyama, Kyohisa, in English, appended marked "Exhibit 13(a)."

An interpreter read the statement of Yokoyama, Kyohisa, in Japanese, appended marked "Exhibit 13."

The witness read the statement of Okamura, Gintaro, in English, appended marked "Exhibit 14(a)."

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An interpreter read the statement of Okamura, Gintaro, in Japanese, appended marked "Exhibit 14."

The commission then, at 10:30 a.m., took a recess until 11 a.m., at which time it reconvened.

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Reexamination continued.)

The witness read the statement of Nakamura, Jiro, in English, appended marked "Exhibit 15(a)."

An interpreter read the statement of Nakamura, Jiro, in Japanese, appended marked "Exhibit 15."

The witness read the statement of Kawaguchi, Wahei, in English, appended marked "Exhibit 16(a)."

An interpreter read the statement of Kawaguchi, Wahei, in Japanese, appended marked "Exhibit 16."

The witness read the statement of Ichikawa, Yokichi, in English, appended marked "Exhibit 17(a)."

The commission then, at 11:30 a.m., adjourned until 9 a.m., tomorrow, Thursday, March 4, 1948.

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FIFTEENTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Thursday, March 4, 1948.

The commission met at 9:20 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Stewart R. Smith, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

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

(Reexamination continued.)

An interpreter read the statement of Ichikawa, Yokichi, in Japanese, appended marked "Exhibit 17."

The witness read the statement of Ichimiya, Masao, in English, appended marked "Exhibit 18(a)."

An interpreter read the statement of Ichimiya, Masao, in Japanese, appended marked "Exhibit 18."

The witness read the statement of Yamamoto, Kazuharu, in English, appended marked "Exhibit 19(a)."

An interpreter read the statement of Yamamoto, Kazuharu, in Japanese, appended marked "Exhibit 19."

72. Q. Do you have another document dealing with the issues of this case?
A. I have. It is a statement of the accused Ito, Mitsuyuki.

73. Q. Are you the legal custodian of that document?
A. I am.

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74. Q. How did that document come into your possession?
A. This document was forwarded from our liaison office in Tokyo, that is, the liaison office of the Director War Crimes, Pacific Fleet, to our office here at Commander Marianas, and I, being a member of that office, became legal custodian of it.

75. Q. After you received this document did you take any action with respect to it?
A. I did. At the time this document came into my custody Ito, Mitsuyuki was here on Guam and was recuperating from an operation at the United States Naval Hospital, Guam. In company with Lieutenant Commander Regan and an official interpreter, Lieutenant Eugene E. Kerrick, I went to the hospital. There we spoke to Ito concerning the statement. He acknowledged that he had made the statement. Thereafter we had some language difficulty and were not able to interview him much further. He did indicate that he did not wish to again sign the statement. He did acknowledge that he had made this statement.

The accused moved that this answer be stricken on the ground that it was hearsay, because the witness had not testified as to what he heard but what a third party told him, the third party being an interpreter not the choice of the accused Ito but the agent of this witness.

The judge advocate replied.

The commission announced that the motion was not sustained.

The document produced by the witness was submitted to the accused and to the commission and by the judge advocate offered in evidence.

Recross-examined by the accused:

76. Q. Do you speak, understand or read Japanese?
A. I do not.

77. Q. You testified that you were having language difficulty when interrogating Ito. What was the nature of this language difficulty?
A. The language difficulty was between Lieutenant Kerrick and the accused here, Ito. There was no difficulty as regards his acknowledgment that it was his statement. There was some difficulty in further interrogation as to just what was being said by Ito. Mr. Kerrick informed me that he just could not grasp the type of Japanese being used by Ito, therefore we discontinued the conversation.

78. Q. Was Ito at the time of this interrogation by you at the hospital in custody, charged with a war crime?

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

The accused made no reply.

The commission directed the accused to reframe the question.

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79. Q. Was Ito at this time a patient at the hospital?
A. He was.

80. Q. What hospital was this?
A. United States Naval Hospital, Guam.

81. Q. Do you know why he was a patient at this hospital?
A. I do. He had been operated upon in Japan. The operation performed up there was an appendectomy. Following the operation he developed a fistula in the area of the appendectomy and when he arrived here on Guam he was confined in the hospital so that this fistula, which was still draining, could be cleared up. This information was given to me by a doctor of the U. S. Navy.

82. Q. At the time of this interrogation was Ito charged with a war crime?
A. He was not.

83. Q. Was he suspected of a war crime?

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

The accused made no reply.

The commission announced that the objection was sustained.

84. Q. At this time was there sufficient evidence to warrant bringing charges against Ito?

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

The accused made no reply.

The commission announced that the objection was sustained.

85. Q. For what purpose did you ask him to sign an affidavit regarding the statement he had made in Japan?
A. In going to see Ito it was my purpose to ascertain if he would acknowledge that this statement was his statement and had been made by him. The purpose too, if possible, was to get his signature anew to it for the same reason.

86. Q. At this time did you have written orders to investigate this particular war criminal?
A. The orders that brought me to Guam attached me to the office of the Director War Crimes, Pacific Fleet. I am attached to that office for duties in connection with investigation or trial of suspected war criminals.

87. Q. Do your written orders read to that effect?
A. They do.

88. Q. It was your intention, then, to get an affidavit from Ito in order that you might use the affidavit in a statement in evidence in the contemplated or pending trial of Ito and others, for the particular war crime that you were investigating. Is that true?

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

The accused made no reply.

The commission announced that the objection was sustained.

89. Q. Did you caution Ito that he did not have to make an incriminating statement?

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

The accused replied.

The commission announced that the objection was sustained.

The commission then, at 10:15 a.m., took a recess until 10:30 a.m., at which time it reconvened.

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

Commander Martin E. Carlson, a counsel for the accused, read a written objection to the document being offered into evidence, appended marked "Z."

The accused waived the reading of this objection in Japanese.

The judge advocate replied.

The commission announced that the objection was not sustained. There being no further objection, the document was so received in evidence, appended marked "Exhibit 20." The English translation thereof appended marked "Exhibit 20(a)."

Reexamined by the judge advocate:

90. Q. Will you read this document?

The witness read the statement of Ito, Mitsuyuki, in English, appended marked "Exhibit 20(a)."

An interpreter read the statement of Ito, Mitsuyuki, in Japanese, appended marked "Exhibit 20."

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91. Q. Are you the legal custodian of a record of proceedings of a military commission convened at the United States Pacific Fleet, Commander Marianas, Guam, Marianas Islands by order of the Commander Marianas in the case of Nakamura, Kazuo, et als?
A. I am.

92. Q. Have you this document with you?
A. I do.

93. Q. Are the proceedings duly authenticated by the president of the military commission and by the judge advocates of the military commission?
A. They are.

94. Q. What part of these proceedings do you desire to introduce into evidence?
A. I wish to introduce "Exhibit 3" which relates to Miyazaki, Aritsune.

Recross-examined by the accused:

95. Q. Has this record of proceedings been approved by the convening authority?
A. It has not.

96. Q. Do you know whether it has been reviewed by the reviewing authority of any member of his staff?
A. It has not yet been reviewed.

97. Q. Since it has not even been reviewed by the convening authority, is it then competent evidence in this present trial?

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

The accused made no reply.

The commission announced that the objection was sustained.

Commander Martin E. Carlson, a counsel for the accused, objected to the document being offered into evidence as follows:

We object to this document on the ground that it is not competent evidence in this present trial. We object on the ground that it is hearsay evidence. At this time we also make a motion to supress any evidence which pertains to the trial of Nakamura, Kazuo, et als on the ground that it is prejudicial to the substantive rights of these twenty accused if there is any evidence allowed from the Nakamura trial to be introduced at this trial.

The judge advocate replied.

The commission announced that the objection was not sustained. There being no further objection, the document was so received in evidence, certified copy appended marked "Exhibit 21."

The commission made the following ruling:

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As to the motion of the defense counsel - the commission will not entertain it.

98. Q. Will you read such portions of that document as have to do with the issues of this case?
A. It is a report from the Detective Bureau by Hirai, Kyoshi of the Ozaki-Fu Police Department. The witness read as follows: "Report - Place of Registration: Tokyo-to, Setagaya-ku, Kamiuma-machi, Itchome, 875-Banchi. Address: Okayama-ken, Maniwa-gun, Yuhara-machi, Oaza-Yumoto, 115-Banchi. Care of Nakata, Masatane. Miyazaki, Aritsune. Born 6 October 1901. On 24 January 1947, Detective Tanji, Akira, and myself were ordered by Investigating Officer Yoshida, who is on duty with Osaka Branch of Legal Section, GHQ, SCAP, to arrest and bring in the above person. Even though we arrested him in his room at the above mentioned place of residence about nine-thirty in the morning on the twenty-sixth day of the same month, he was sick in bed and, as communications were bad from his place of residence, we made preparations to bring him in on the following day, the twenty-seventh. About seven o'clock in the morning on the twenty-seventh he watched for a moment when the guard wasn't watching, took potassium cyanide internally in the latrine and finally died....."

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness resumed his seat as judge advocate.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, rank and present duty station.
A. Commander Herbert L. Ogden, United States Navy, attached to the office of the Director of War Crimes, Pacific Fleet.

2. Q. If you recognize any of these accused will you state their names and ranks?
A. I recognize Yamamoto, Ichikawa, and Ozaki. Ozaki is behind Yamamoto. Iwamoto is in the back row. These are the only ones I recognize.

3. Q. Do you have in your possession any documents dealing with the issues of this case?
A. I have statements of Yamamoto and Ozaki.

4. Q. Are you the legal custodian of these documents?
A. I am.

5. Q. Will you tell the commission how those documents came into your possession?
A. These statements were taken at the War Criminal Stockade and were either delivered to me by the marine guard or by the interpreter of our office stationed at the stockade.

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6. Q. Did you make any promises to either Yamamoto or Ozaki in order to induce them to make these statements?
A. I did not.

7. Q. Did you use any force or duress upon Yamamoto or Ozaki to force them to make those statements?
A. I did not.

The documents produced by the witness were submitted to the accused and to the commission, and by the judge advocate offered in evidence.

Cross-examined by the accused:

8. Q. When did you take the statement of Yamamoto?
A. My recollection is that both of these statements were taken during the month of January. I don't recall the exact date.

9. Q. At that time were both Yamamoto and Ozaki held in solitary confinement at the stockade?
A. They were both confined at the stockade.

10. Q. Were you present when they wrote these statements?
A. I followed the usual practice of interrogating the two individuals and after I talked to them I asked them to make a written statement covering the information they had given me verbally but I was not present at the time they wrote the entire statement.

11. Q. Then you don't know of your own knowledge whether any force, threats, promises or intimidations were used by anyone in order to make them write these statements, do you?
A. I do not, but I do know that the information that they gave me in the written statements is the same information that they had given me voluntarily in the oral statement.

12. Q. You say the information was given to you - you mean the information that was given an interpreter?
A. That is correct.

13. Q. So that what you testified to is hearsay testimony - the testimony that you received from the interpreter?

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

The accused made no reply.

The commission announced that the objection was sustained.

14. Q. All your information regarding the testimony that you have given is based on what the interpreter told you, isn't that true?
A. I do not speak Japanese.

15. Q. So that you do not know of your own information what either one of these two persons, Yamamoto and Ozaki, said?
A. My only conversation was through the interpreter. I have no other knowledge.

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16. Q. Did these persons make affidavits to their statements that were made in Sugamo Prison in your presence?
A. These statements were not made in Sugamo Prison.

17. Q. Are the statements sworn to?
A. They are not sworn to before an officer.

18. Q. Are they sworn to by anybody qualified to administer oaths?

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

The accused made no reply.

The commission announced that the objection was not sustained.

A. If it please the commission, I would like to make a correction. I find that the Japanese on one statement was sworn to before me. It is the statement of Yamamoto.

19. Q. Who was the interpreter that you used?
A. Fred Savory.

20. Q. Is he available for questioning?
A. He is available.

Commander Martin E. Carlson, a counsel for the accused, read a written objection to the documents being offered into evidence, appended marked "AA."

The accused waived the reading of this objection in Japanese.

The judge advocate replied.

The commission announced that the objections were not sustained. There being no further objection, the documents were so received in evidence, appended marked "Exhibit 22" and "Exhibit 23". The English translation thereto is appended marked "Exhibit 22(a)" and "Exhibit 23(a)."

21. Q. Will you read the statement of Yamamoto?

The witness read the statement of Yamamoto, Kazuharu, in English, appended marked "Exhibit 22(a)."

An interpreter read the statement of Yamamoto, Kazuharu, in Japanese, appended marked "Exhibit 22."

22. Q. Will you read the statement of Ozaki?

The witness read the statement of Ozaki, Katsutoshi, in English, appended marked "Exhibit 23(a)."

An interpreter read the statement of Ozaki, Katsutoshi, in Japanese, appended marked "Exhibit 23."

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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.

The prosecution rested.

Commander Martin E. Carlson, a counsel for the accused, made a motion for a directed acquittal on behalf of the accused Yamamoto, Kazuharu; Ichikawa, Yokichi; Ozaki, Katsutoshi; Ezure, Shigeru; Fujitani, Yoshio; Kawaguchi, Wahei; Ando, Fukuichi; Hayashi, Umeji; Hidaka, Kinnosuke; Ito, Mitsuyuki; Nakamura, Jiro; Iwamoto, Harukichi; Sagara, Masashiro, and Uchida, Fumio, on the ground that the law and the evidence clearly shows these accused not guilty as charged.

The judge advocate replied.

The commission announced that the motion was not sustained.

The accused requested an adjournment until Friday, March 12, 1948, at 9 a.m., in order to prepare their defense.

The judge advocate replied.

The commission was cleared. The commission was opened. All parties to the trial entered.

The commission announced as follows:

The commission has considered the request of the defense counsel and will grant a delay until Tuesday morning, March 9, 1948 at 9 a.m.

The commission then, at 11:45 a.m., adjourned until 9 a.m., Tuesday, March 9, 1948.

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SIXTEENTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Tuesday, March 9, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Stewart R. Smith, yeoman first class, U. S. Navy, reporter.
The accused, their counsel and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

The defense began.

The accused made a request for judicial notice as follows:

The accused moved that the commission take judicial notice of the following facts and matters:

1. Section 388 of Naval Courts and Boards, 1937, particularly the following part: "However, a challenge upon any one of the following grounds, if admitted by the challenged member or proved as provided for in Section 390, shall be sustained despite any declaration the challenged member may make.

"(e) That he sat as a member of a court or board which tried or investigated another person upon charges based on the same transaction concerning which the accused is on trial."

2. Section 390, Naval Courts and Boards, 1937, which reads in part as follows: "A challenge on any of the grounds set forth in the preceding sections, if properly supported by the facts, shall be sustained by the court."

3. Section 391, Naval Courts and Boards, 1937, which reads in part as follows: "It is customary for a member objected to to withdraw when the court is cleared to deliberate on the challenge, and he should always do so."

4. Article 74, United States Navy Regulations, 1920, which reads in part as follows: "3(g) Naval Courts and Boards: This shall include both the in-

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structions and the forms governing the procedure of naval courts and boards. The order promulgating this publication and the order for all changes that may be made therein shall be signed by the Secretary of the Navy and approved by the President of the United States. (4) Orders or instructions contained in any of the publications enumerated in the two preceding paragraphs of this article shall have full force and effect for the guidance of all persons in the Naval Establishment. No other general regulations, general orders, or general instructions to the Naval Establishment shall be signed or issued by any bureau or office under the control of the Navy Department...."

5. Court Martial Order 15-1917, particularly p. 9 which reads in part as follows: "The authority to convene the above-mentioned exceptional Military courts vests only in the military commander or military governor of an occupied territory, and all such courts may be ordered only in the name of such commander or governor...

"In so far as practicable, the employment of exceptional military courts should, as a general rule, be restricted to the trial of offenses in breach of the peace, in violation of military orders or regulations, or otherwise in interference with the exercise of military authority...."

6. Court Martial Order 151-1919, which reads in part as follows: "It appears from the record of proceedings in this case that the accused, by counsel, objected to each and every member of the court martial on the ground that 'a similar case having been tried, said member has unconsciously formed an opinion; and regardless of what the finding was, said member will be influenced thereby in this case, as the charge and specification are identical.' The court refused to sustain the respective challenges of the accused, except in the case of the member who stated that he had formed an opinion. In view of the challenges as aforesaid and the reasons advanced in support of said challenges, the department advised the accused that the question of a new trial in his case would be considered if he made formal petition therefor.."

7. Court Martial Order 2-1924, which reads in part as follows: "In a recent case it was noted that the accused objected to each and every member of the general court martial on the ground that each member 'has personally investigated the charge upon which the accused was being tried and had expressed an opinion thereon,' they having been members of a court which had tried another officer on charges growing out of the same occurrence... In view of the challenges aforesaid, and the facts above stated, the Department advised the accused that the question of a new trial in his case would be considered if he made formal petition therefor."

8. Court Martial Order 1-1934, which reads in part as follows: "In each of the last two of these cases tried, the accused objected to the senior member of the court 'on the grounds of Section 623(e) (now 388e), Naval Courts and Boards,' that is, that he sat as a member of a court which tried another person upon charges based on the same transaction concerning which the accused was on trial...

"As a matter of fact, the record of proceedings of the first trial disclosed that the main witness for the prosecution had referred to both of the two men whose trials are now under consideration as having been present at the time the alleged offense was committed. While a portion of this testimony was stricken from the record, it nevertheless remains that the court was informed that the accused in each of the later cases was involved in the transaction out of which the case being tried arose. From the foregoing, it would appear that the challenged member's mind might be prejudiced to such an extent

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as to prevent his exercise of the impartial judgment required of a court. Since the members who voted on the challenge of the senior member were both presumably cognizant of the testimony given in the first trial, referred to above, it would appear that they did not carefully weigh the challenges and replies. Moreover, the challenge in each case should have been sustained on the ground on which it was put by the accused (citing Section 623, Naval Courts and Boards, 1923, second sentence), now section 388, Naval Courts and Boards.

"It was further noted that during the course of each of the trials here under consideration, the accused challenged a second member upon substantially the same grounds as those on which the senior member was challenged. These challenges were not sustained, apparently on the ground that the challenged member in each case testified on his voir dire to the effect that he had formed no opinion as to the guilt of the accused.

"In view of the foregoing, the Secretary of the Navy set aside the proceedings, findings and sentences in the cases of each of these two men."

9. Court Martial Order 1-1934, page 10 (See page 1853-4, Compilation of Court Martial Orders, 1916-1937) which reads in part as follows: "During the course of the trial, a witness for the prosecution, who was the commanding officer of the vessel to which the accused was attached at the time of the alleged offense, during the course of the direct examination, was asked the following question: '6. Q. Has there ever been a report of articles missing from the commissary department of your ship?' This question was objected to by the accused on the ground that any report made to this witness, unless it could be shown that the accused was present at the time the report was made, was hearsay and inadmissible. The objection was not sustained and the witness answered, in effect, that up to the moment that he received the first report on September 23 he had no knowledge that any articles were missing from the commissary department of his ship.

"The witness was next asked (Q.7) what report was made to him on September 23, 1923, which question was likewise objected to by the accused on the ground that it called for hearsay evidence. The objection was not sustained, and the witness testified that on the evening of September 23, another officer telephoned him at his home and told him that he had excellent information that accused was taking food ashore with him from the ship of which witness was commanding officer. The accused moved to strike out this answer on the ground that it was hearsay, but the objection was not sustained.

"Held that the objection to the questions referred to above were proper and should have been sustained by the court on the ground advanced by the accused, namely, that any answers thereto must necessarily have called for hearsay evidence. The answer to question 7 indicated clearly that the witness was testifying to matters reported to him by a third person, not in the presence of the accused. In other words, the witness was not testifying to matters within his own knowledge; furthermore, the so-called report made to this witness was hearsay on the part of the officer reporting the incident, who was passing on information acquired by him through still other persons. The motion to strike the answer to question 7 should therefore have been granted by the court. To permit the witness under examination to testify to facts reported to him in such a manner would amount to a denial of the accused's constitutional rights to be confronted with the witness against him. It consequently follows that the witness under examination should not have been allowed to testify to matters told him by other persons during the course

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of his investigation of the irregularity out of which grew the trial, the accused not being present at such investigation; such testimony should have been excluded (citing C.M.O. 11-1924, p.4). Nor did the fact that the information given to the witness was official in character change this rule (citing C.M.O. 7-1924, p.3)."

"....mere suspicion is insufficient to warrant conviction of a crime. It is incumbent upon the prosecution to establish every material allegation in the specification. Such proof would have established, first, that a crime had been committed, and second, that the accused was the person who committed it. The so-called admissions of the accused, to which there was a conflict in the testimony, could not be relied upon as a confession of guilt, and warrant a conviction for a crime when proof in the case failed to show a crime had been committed.

"In view of the foregoing, held that a prima facie case against the accused was not established, and consequently a conviction in this case could not be permitted to stand. Accordingly, the findings and sentence were set aside."

10. Treaty of Versailles, June 28, 1919, particularly Article 119, which reads as follows: "Germany renounces in favor of the Principal Allied and Associated Powers all her rights and titles over her overseas possessions." And Article 22, that "Under the Treaty of Versailles, 1919, the inhabitants of several areas were allowed to choose by vote to what state the territory should belong and thereafter to choose their allegiance usually involving residence in the territory of their choice." (See Articles 85 and 113 of the Treaty of Versailles, p. 139, Wilson on International Law).

11. The American Banana Co. v. United Fruit Co. (1909) 213 U.S. 347, 29 S. Ct. 511, 53 L. Ed. 826 16 Am. Cas. 1047, which stated the accepted principle lex loci, lex fori, "The general and almost universal rule is that the character of an act as unlawful must be determined wholly by the law of the country where the act is done." The Supreme Court of the U.S., refusing to enforce the Sherman Anti-Trust Act against persons alleged to have violated the law in Panama and Costa Rica. (See Wilson on International Law, Hornbook Series, Third Edition, Jurisdiction over Person-Nationals, Section 48 and Fenwick, International Law, page 188).

12. The treaty relating to their Insular Possessions and Dominions in the Region of the Pacific Ocean by the United States, British Empire, France and Japan. (See Wilson on International Law, Hornbook Series, Third Edition, Treaties and Other Agreements, Sec. 82, pages 216 and 217 and 43 U.S. Stat. 1646 which provides:

"1. The High Contracting Parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

"If there should develop between any of the High Contracting Parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other High Contracting Parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

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"11. If the said rights are threatened by the aggressive action of any other Power, the High Contracting Parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately to meet the exigencies of the particular situation." 43 U.S. Stat. 1646.

13. United States Navy Military Government of the Caroline Islands Proclamation No. 1, particularly the following:

"To the people of The Caroline Islands... Whereas, in order to preserve law and order and to provide for the safety and welfare both of my forces and of yourselves, it is necessary to establish Military Government over the Caroline Islands.

"Now, therefore, I, C. W. Nimitz, Fleet Admiral, United States Navy, Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, and Military Governor of the Caroline Islands, do hereby proclaim as follows:

"I. All powers of government and jurisdiction in the Caroline Islands and adjacent waters, and over the inhabitants thereof, and final administrative responsibility are vested in me as Fleet Admiral, United States Navy, Comanding the forces of occupation and as Military Governor, and will be exercised through subordinate commanders by my direction.

"II. All powers of the Government of the Japanese Empire are hereby suspended.

"IV. Your existing customs, religious beliefs and property rights will be respected. Existing laws will remain in force and effect except insofar as it may be necessary for me in the exercise of my powers and duties to change them.

"V. So long as you remain peaceable and comply with the orders of the forces of occupation you will be subject to no greater interference than is made necessary by existing conditions, and may go about your normal occupations without fear...

"Given under my hand at Truk Atoll this 25th day of November, 1945. /s/ C. W. Nimitz, Fleet Admiral, United States Navy, Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, Military Governor of the Caroline Islands."

14. Proclamation No. 2, United States Navy Military Government of Truk and the Central Caroline Islands, particularly the following:

"Now, therefore, in order to make provision for the safety of the armed forces under my command and for the maintenance of public order and safety in the area so occupied, I, Chester W. Nimitz, Fleet Admiral, United States Navy, Commander in Chief of the Pacific Fleet and of the Pacific Ocean Areas, and Military Governor of Truk and the Central Caroline Islands, do proclaim as follows:

"Article X. Effective Date. 52. This proclamation will become operative in each island or part thereof within the occupied territory on the date of its

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first proclamation. Given under my hand at Moen Island this 25th day of November, 1945: C. W. Nimitz, Fleet Admiral, U. S. Navy, Military Governor of Truk and the Central Caroline Islands. - Robert Blake, Brig. General, U.S.M.C., Commander Occupation Forces, By direction."

15. United States Navy Military Government of Truk and the Central Caroline Islands Proclamation No. 3, particularly the following:

"Exceptional Military Courts.

"To the people of Truk and the Central Caroline Islands. Whereas, by Proclamation No. 1, I assumed all powers of government over Truk and the Central Caroline Islands and Adjacent Waters occupied by the armed forces of the United States of America under my command, and, Whereas by Proclamation No. 2, I established offenses to be tried by Exceptional Military Courts and prescribed punishments therefor; Now, therefore, in order to establish Exceptional Military Courts for the trial of offenders against the proclamations, orders, and regulations under the authority of my military government, I, Chester W. Nimitz, Fleet Admiral, United States Navy, Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, and Military Governor of Truk and the Central Caroline Islands, do hereby proclaim as follows:

"Article I. Creation of Exceptional Military Courts. Exceptional Military Courts for Truk and the Central Caroline Islands and Adjacent Waters are hereby established: There shall be Military Commissions, Superior Provost Courts and Summary Provost Courts, the constitution and competence of which shall be set forth in Article III.

"Article II. Jurisdiction. Section 1. Over Territory Jurisdiction of every Exceptional Military Court shall extend to the whole of Truk and the Central Caroline Islands area occupied by the armed forces of the United States of America, and with regard to each part of the area, from the time at which that part was first occupied.

"Article III. Constitution of Exceptional Military Courts. Section 1. Military Commissions. A Military Commission shall consist of not less than three officers of the armed forces of the United States of America or its Allies convened by or on behalf of the Military Governor, at least one of whom shall be an officer of my Military Government.

"Article X. Effective Date. This proclamation will become operative in each island or part thereof within the occupied area on the date of its first publication. Given under my hand this 25th day of November, 1945. C. W. Nimitz, Fleet Admiral, U. S. Navy, Military Governor of Truk and the Central Caroline Islands. - Robert Blake, Brig. General, U.S.M.C., Commander Occupation Forces, By direction."

16. Paragraph 347, War Department Basic Field Manual, Rules of Land Warfare, FM 27-10 (1940), particularly Change 1, FM 27-10, paragraph 345.1, "Individuals and organizations who violate the accepted laws and customs of war may be punished therefore. However, the fact that the acts complained of were done pursuant to order of a superior or government sanction may be taken into consideration in determining culpability, either by way of defense or in mitigation of punishment."

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17. Particularly Article 60 of the Geneva (Prisoners of War) Convention of July 27, 1929, which reads, "At the opening of a judicial proceeding against a prisoner of war, the detaining Power shall advise the representative of the Power thereof as soon as possible, and always before the date set for the opening of the trial. This advice shall contain the following information: (a) Civil state and rank of prisoner. (b) Place of sojourn or imprisonment. (c) Specification of the (count) or counts of the indictment, giving the legal provisions applicable. If it is not possible to mention in that advice the court which will pass upon the matter, the date of opening the trial and the place where it will take place, this information must be furnished to the representative of the Protecting Power later, as soon as possible, and at all events, at least three weeks before the opening of the trial."

18. Article 61, Geneva (Prisoner of War) Convention of July 27, 1929: "No prisoner of war may be sentenced without having had an opportunity to defend himself. No prisoner may be obliged to admit himself guilty of the act of which he is accused."

19. The Rule of Evidence that: "The voluntary confession of a co-defendant or co-conspirator made after the commission of a crime or the termination of the conspiracy cannot be admitted against the other defendants when such confession was not made in their presence and assented to by them(9) even though the several defendants are being tried jointly(10)." -- 20 Am. Jur., "Evidence."

20. The case of People v. Brickmuster, 274 Ill. 435, 113 N.E. 713, citing R.C.L.; holding: "The voluntary confession of a codefendant or co-conspirator made after the commission of a crime or the termination of the conspiracy cannot be admitted against the other defendants when each confession was not made in their presence and assented to by them, even though the several defendants are being tried jointly."

21. The case of State v. Allison, 175 Minn. 218, 220 N.W. 536, 61 A.L.R, 970: Holding: "The voluntary confession of a co-defendant or co-conspirator made later than the commission of a crime or the termination of the conspiracy cannot be admitted against the other defendants when such a confession was not made in their presence and assented to by them, even though the several defendants are being tried jointly."

22. The case of Koontz v. State, 10 Okla. Crim. Rep. 553, 139, P 842, Am. Cas. 1916 A 689, holding: "The voluntary confession of a co-defendant or co-conspirator made after the commission of a crime or the termination of the conspiracy cannot be admitted against the other defendants when such confession was not made in their presence and assented to by them, even though the several defendants are being tried jointly."

23. Section 723, Naval Courts and Boards, particularly the paragraph reading, "If homicide is indicated, the moment suspicion points toward any person, he should be accorded the rights of a defendant."

24. Section 734, Naval Courts and Boards, particularly, "A person whose conduct is the subject of investigation is a defendant."

25. The cases of Parker v. State, 46 Tex. Crim. Rep. 461, 80 S.W. 1008, 108 Am. St. Rep. 1021, 3 Am. Cas. 893; Barth v. State, 39 Tex. Crim. Rep. 381, 46 S.W. 228, 73 Am. St. Rep. 935; Lauderdale v. State, 31 Tex. Crim. Rep. 46,

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19 S.W. 679, 37 Am. St. Rep. 788; Searey v. State Rep. 851; Crowder v. State, 28 Tex. App. 51, 11 S.W. 835, 19 Am. St. Rep. 811; Baker v. State, 25 Texas, App. 1, 8 S.W. 23, 8 Am. St. Rep. 427; Carr v. State, 24 Texas App. 562, 7 S.W. 328, 5 Am. St. Rep. 905; Nolen v. State, 14 Tex. App. 474, 46 Am. Rep. 247, all holding that the accused when in custody be cautioned that his confessions may be used against him.

26. The case of Cross v. State of Tennessee, 142 Tenn. 510, 221 S.W. 489, 9 A.L.R. 1354, holding an extra-judicial confession made by a prisoner to the officer who has been in custody is admissible in evidence only if voluntarily made after the prisoner has been warned that it may be used against him.

27. Article 61, Articles for the Government of the United States Navy: "Limitation of trials: offenses in general. --No person shall be tried by court martial or otherwise punished for any offense, except as provided in the following article, which appears to have been committed more than two years before the issuing of the order for such trial or punishment, unless by reason of having absented himself, or of some other manifest impediment he shall not have been amenable to justice within that period. (R.S., Sec. 1684, Art. 61; Feb. 25, 1895 c. 128, 28 Stat. 680)."

28. The fact that Palau Islands were mandated to Japan on 17 February 1920 and occupied until 2 September 1945.

29. The Fifth Amendment to the Constitution of the United States:

"Amendment V -- Capital Crimes; Due Process.

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment of indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

30. Articles 60 and 63, Geneva Convention, 27 July 1929:

"Article 60. At the opening of a judicial proceedings directed against a prisoner of war the detaining power shall advise the representative of the protecting power thereof as soon as possible and always before the date set for the opening of the trial..."

"Article 63. Sentence may be pronounced against a prisoner of war only by the same courts and according to the same procedure as in the case of persons belonging to the armed forces of the detaining power."

31. The fact that neither Italy nor Bulgaria have ratified the Hague Convention of 1907.

32. Articles of War 25 and 38:

"Sec. 1496. Depositions: when admissible (Article 25). A duly authenticated deposition taken upon reasonable notice to the opposite party may be

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read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken where the witness resides, is found, or is about to go beyond the State, Territory, or district in which the court, commission, or board is ordered to sit or beyond the distance of one hundred miles from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing; Provided, That testimony by deposition may be adduced for the defense in capital cases. (June 4, 1920, c. 227, subchapter II, section 1, 41 Stat. 792)."

"Section 1509. President may prescribe rules (Article 38). The President may, by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals, which regulations shall, in so far as he shall deem practicable, apply the rules of evidence generally recognized in the trial of criminal cases in the district courts of the United States; Provided, That nothing contrary to or inconsistent with these articles shall be so prescribed: Provided further, That all rules made in pursuance of this article shall be laid before the Congress annually. (June 4, 1920, c. 227, subchapter II, Section 1, 41 Stat. 794)."

33. Section 454, Naval Courts and Boards:

"454. Limitation when a deposition is used. -- In any case where a deposition is used in evidence by the prosecution by reason of the fact that oral testimony can not be obtained, as authorized by Article 68, Articles for the Government of the Navy, the maximum punishment which may be imposed shall not extend to death or to imprisonment or confinement for more than one year.

"Also, as a matter of policy, where a deposition has been used by the prosecution in the trial of a commissioned or warrant officer, the maximum punishment adjudged should not extend to dismissal.

"These limitations apply to all cases, whether or not the trial is for an offense for which a limitation is otherwise prescribed. Where a deposition does not enter into proof of all the specifications, the limitation applies only to those specifications into which it enters."

34. Regulations Governing Military Life (November 8, 1943, Army Ordinance No. 16). (A certified copy of which we have available for the commission's reference.)

"General principle.

"5. Military discipline is the life-blood of the military forces. Therefore, military discipline must always be promoted in the military forces. The proof of military discipline being promoted is exemplified in that superiors and subordinates lay the true principle of the military force in their hearts regardless of time or place, that military duty is executed with zeal and that orders are carried out without fail. Obedience is an essential fact in order to maintain military discipline; therefore, it is vital that superiors are obeyed with heart and soul, and that their orders are implicitly

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carried out so as to have it become a habit. And then, obedience should flow out of the spirit of loyalty and fostered to the extent that even under the densest showers of bullets one sacrifices his life for his country and obeys the command of his superior most faithfully. And in order to realize the foregoing, the superiors themselves must obey orders and set an example of obedience.

"Chapter II. Obedience.

"No. 9. The obedience of a subordinate to one's immediate superior must in all occasions be most strict.

"No. 10. The way of obedience must be adhered to between the senior superiors in direct line or those who are not in the relation of command and the newly appointed subordinates as far as their duties allow.

"No. 11. Orders must be obeyed respectfully and carried out immediately. On any occasion, to argue upon its propriety or to question its cause, reason and the like is not allowed. When the newly received orders and the previous ones vary, patiently state this and request instruction.

"No. 12. To express to the superiors, with a sincere feeling of assisting one's superior, points which one is fully convinced will benefit the armed forces is the duty of all military personnel, particularly the officer. In expressing this, however, it is imperative that it is done in an orderly manner. Moreover, even if one differs in opinion with the matters already decided by the superior, one must efface one's self and endeavor to promote the intention of the superior with heart and soul."

35. Japanese Army Criminal Code, Chapter 4, Crimes of resisting orders. A certified copy of which we have available for the commission's reference.

"Article 57. One who resists the superior officer's orders or who is not subordinate to them, shall be condemned to such penalties as follows:

"(1) In the face of the enemy, he shall be condemned to death or a life term or above ten years confinement;

"(2) In war times or in an area under martial law, from above one year to ten years confinement;

"(3) In other cases, under five years confinement."

36. The fact that Babelthuap Island, Palau Islands, was not under the occupation of the United States' forces on September 18, 1944.

37. The fact that Spain maintained neutrality during World War II.

38. Article 35 of the Japanese Criminal Code, which reads, "Acts done in accordance with laws and ordinances or in pursuance of a legitimate business (or occupation) are not punishable." (p. 18, Criminal Code of Japan translated and annotated by William J. Sebold, published by The Japan Chronicle Press, 1936).

39. Article 38 of the Japanese Criminal Code, which reads, "Except as otherwise provided by special provisions of law, acts done without criminal intent are not punishable." (P. 21)

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40. Article 39 of the Japanese Criminal Code, which reads as follows: "Acts of persons of unsound mind are not punishable. Punishment shall be mitigated for acts of weak-minded persons." (p. 22)

41. The Japanese case 11 S.C.N.S. 1644, which held that, "A person who has an impediment or mental condition but who is not entirely lacking in the normal mental functions of the brain, emotions, and will, although the extent thereof is considerably decreased is a 'weak-minded person' within the meaning of the Criminal Code." (p. 23)

42. The Japanese case 72 S.C. 9428 (p. 149 and 48) which holds: "The crime of wounding and the crime of murder are not only not provided for in the same article, but differ in criminal nature, one being a crime against life and the other a crime against the person. Therefore, the two crimes cannot be dealt with as two consecutive acts falling under the same criminal category." This annotation found on page 48 and page 149 has been taken bodily from the Daishinin Keiji Hanrei Yoshi Ruisan (Classified Digests of Criminal Judgments of the Supreme Court), published in 1934 by the Hosokai, a society of distinguished Japanese jurists.

43. Article 85 of the Japanese Criminal Code which reads as follows: "Every person who has acted as a spy for an enemy power, or has aided a spy of any enemy power shall be condemned to death or punished with penal servitude for life or not less than five years."

"The same (punishment) applies to every person who has disclosed a military (or naval) secret to an enemy power." (p. 67)

44. The act of March 2, 1907 (34 Stat. at large 1228) by which the United States provided not only for the expatriation of a citizen by the fact of naturalization in a foreign state but also for the presumptive loss of American citizenship by a naturalized citizen who resides for two years in the state from which he came or for five years in any other state, unless steps are taken by such person to show that he wishes to retain his citizenship of naturalization. On the point of this, presumptive loss of citizenship, see Harvard Draft, Nationality, Article 16 and Commentary, Page 183, Fenwick, "International Law."

45. Court Martial Order 2-1946, pp 55-56, Jurisdiction: Murder by person not belonging to public vessel outside the United States.

46. Court Martial Order 6-1946, pp 218-221, inclusive, Criticism of court martial.

47. Court Martial Order 7-1946, pp 249-250, Contempt of court: elements.

48. The Japanese Naval Criminal Law Act 48, April 10, 1908, put in force October 1, 1908. Revised in 1942. Law #36 enforced on March 15, 1942, particularly Article 17 which reads: "The action which has been done in order to quell the people who used violence or to keep the naval discipline in face of the enemy or when the ship is in danger, shall not be punished."

49. Article 22, Japanese Naval Criminal Law, which reads in part as follows: "Those who have done the following action shall be condemned to death: 2. To spy for the benefit of the enemy or help the enemy's spy."

50. Article 55, Japanese Naval Criminal Law, which reads in part as follows: "1. In the face of the enemy, he shall be condemned to death or life term from or above ten years confinement."

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51. Article 217, Naval Courts and Boards, which reads in part as follows: "An affidavit, therefore, is not admissible in evidence for the purpose of proving the subject matter with which the affidavit deals."

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

The judge advocate objected to the commission taking judicial notice of items 19, 20, 21, 22, 25, 26, 42, 44, 48, 49 and 50.

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

The accused made no reply.

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

The commission announced that it would take judicial notice of items 4 through 18, items 27 through 32, items 34 through 41 and items 43 through 47 of the request for judicial notice. The commission will also take judicial notice of Naval Courts and Boards as provided for in the precept.

Sano, Giichi, a witness for the prosecution, was recalled as a witness for the defense and was warned that the oath previously taken was still binding.

Examined by the accused:

1. Q. Do you know the accused Ezure?
A. I do.

2. Q. What was the relationship between you and Ezure around September, 1944?
A. I was using Ezure as my orderly.

3. Q. What was the duty of an orderly?
A. As my orderly he attended to my private affairs, such as cleaning my boots and looking after my personal things and other sundry matters.

4. Q. Did you go to the scene of the execution?
A. I did.

5. Q. Did you take anyone with you?
A. I took along Leading Private Ezure as my orderly.

6. Q. Did you have any duty at the scene of the execution?
A. No, I did not have any duty.

7. Q. Did you give any orders to your orderly at the scene of the execution?
A. I do not remember giving any orders to him.

8. Q. Did Ezure do anything at the scene of the execution?

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

The accused reframed the question.

9. Q. Did you see Ezure do anything at the scene of the execution?
A. I do not remember him doing anything.

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10. Q. Where was Ezure in relation to you at the scene of the execution?
A. Leading Private Ezure, as my orderly, I recall him being beside me at the scene of the execution.

Cross-examined by the judge advocate:

11. Q. At the scene were you subject to the orders of Captain Nakamura?
A. No, I was not.

12. Q. Was Captain Nakamura your senior in rank?
A. Yes.

13. Q. Since Captain Nakamura was your senior in rank, weren't you subject to his orders at this execution?

This question was objected to by the accused on the ground that it was irrelevant, immaterial and beyond the scope of the direct examination.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I would not be ordered by Captain Nakamura, since Nakamura was a member of the detachment while I was attached to the headquarters.

14. Q. To what unit did Ezure belong?
A. He belonged to the detachment.

15. Q. What detachment?
A. The First Detachment.

16. Q. Who was the commanding officer of the First Detachment?
A. Captain Nakamura.

17. Q. Now isn't it a fact that at this execution Ezure was under the orders of Captain Nakamura?
A. No.

18. Q. I am not asking you whether or not he was given any orders; I am asking you if it isn't a fact that he was under the command of his commanding officer?
A. On that day Ezure was assigned as my orderly and he did not have any part in the various teams at the scene. If Nakamura wanted to use Ezure he would have talked to me before doing so. He would not skip me and use Ezure.

The judge advocate moved to strike out the words "He did not have any part in the various teams" on the ground that they were not responsive.

The commission announced that the motion to strike was not sustained.

19. Q. Are you telling this commission that at the scene of that execution if Nakamura had given Ezure an order he wouldn't have had to obey it because he was your orderly?

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

The judge advocate withdrew the question.

20. Q. Do you remember having been asked this question when you were previously on the stand: "You have testified that Tamanoi and Ezure belonged to your section -- is that correct?" and having given this answer: "As for duty they were under me but as a matter of ordering them, as Tamanoi was a

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noncommissioned officer attached to the headquarters, the commanding officer had the authority to order him; as for Ezure, as he was assigned to the detachment, the commanding officer of the detachment would have power to order him"?
A. I recall.

21. Q. Who was the senior officer present at this execution?
A. The commanding officer.

22. Q. When you say "the commanding officer," whom do you mean?
A. Lieutenant Colonel Miyazaki.

23. Q. Was everyone at the scene of the execution under the orders of Miyazaki?
A. Yes.

Reexamined by the accused:

24. Q. What did you mean when you said Ezure belonged to the detachment?
A. I mean that he was attached to the detachment.

25. Q. With regard to ordinary duty under whose command would Ezure come?
A. As my orderly for the point of duty he would come under my command.

26. Q. Was Ezure under your command at the scene of the execution?
A. Of course, as he went as my orderly he would be under my command.

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.

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

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Army Superior Private Gomi, Risaku.

2. Q. If you recognize these accused state their names and former ranks?
A. I do not distinctly remember their ranks. The person in the first row second from the left is Ichikawa. The next person I have forgotten his name.

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The next one is Sugimoto. The next I have forgotten. In the second row up to the third person I have forgotten their names. The fourth one is Ezure. The next one is Fujitani. Third row, on the extreme left I have forgotten his name. The next one is Ando. The next is Hayashi. The next is Hidaka. The next is Ito. Last row, Iwamoto, then Nakamura. The next I have forgotten. The next is Sagara and the next Uchida.

Examined by the accused:

3. Q. Have you ever served with the Japanese army?
A. I have.

4. Q. Between what dates did you serve in the Japanese army?
A. I entered the Japanese army as a conscriptee on March 1, 1941 and served until I was demobilized on February 25, 1946 at the end of the war.

5. Q. During that time did you ever serve in the Palau Islands?
A. I arrived on Palau in the latter part of April, 1944, and was there until I left the Palau Islands on February 12, 1946 for Japan when the war ended.

6. Q. To what unit were you attached while on Palau?
A. At first I was attached to the 15th Infantry Regiment but I was later detached to the South Seas Kempeitai and served there.

7. Q. When were you detached to the South Seas Kempeitai?
A. As I recall it was around the latter part of June 1944.

8. Q. While you were serving at the South Seas Kempeitai, did you know of an assembly in relation to missionaries?
A. I do.

9. Q. When was this?
A. As I recall it was around the middle of September, 1944.

10. Q. Did you attend this assembly?
A. No, I did not.

11. Q. What was your reason for not attending this assembly?
A. From the first part of September, 1944, and for two months after that time, I was afflicted with malnutrition and I also had a very bad case of scabies, therefore I was lying in bed and was not able to attend this assembly.

12. Q. Then how did you know about this assembly?
A. While I was in bed all day I heard someone, whom I do not remember, call out, "General assembly!"

13. Q. How did you know that this assembly had any relation with the missionaries?
A. While I was in bed my fellow assistant Kempeis came back late that night and I asked one of them (I do not recall his name) what had taken place. To this he replied that they had gone to the execution of the missionaries, therefore I knew from this that the assembly had been about the missionaries.

14. Q. While the assistant Kempeis were absent, where were you?
A. I was lying in my quarters all the time.

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15. Q. At that time was there anyone else lying in the quarters with you?
A. There was.

16. Q. Who was it?
A. It was Superior Private Hayashi.

17. Q.By Hayashi, do you mean the Hayashi whom you recognized among the accused just a while ago?
A. Yes, he is sitting in the third row, the third person from the left.

18. Q. Do you know why Hayashi was lying in bed that day?
A. Hayashi had gone to Koror to gather some building material but he had come back with a wound caused by stepping on a nail. This wound had suppurated and had swollen up and he could not walk and therefore he was in his bed.

19. Q. How long before this incident did Hayashi step on this nail?
A. As I recall it was about one week before this incident.

20. Q. Do you know what happened to Hayashi's wound after that?

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

The accused replied.

The commission announced that the objection was not sustained.

A. I do not exactly recall when this wound healed, but after that he was afflicted with yellow jaundice and was for some time more in bed.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

Hayashi, Umeji, an accused, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. Are you an accused in this case?
A. Yes, I am.

Examined by the accused:

2. Q. Have you ever served with the Japanese army?
A. I entered the Japanese army as an inductee on January 10, 1942 and served until I was demobilized on January 10, 1946.

3. Q. Have you ever served on Palau?
A. I have.

4. Q. Between what dates did you serve on Palau?
A. I came to Palau in the first part of May, 1944, and served on that island until I returned to Japan around the end of October, 1945, when the war ended.

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5. Q. To what unit were you attached while you were on Palau?
A. At first I was attached to the 15th Infantry Regiment but in the first part of July, 1944, I was sent from the said unit to the South Seas Kempeitai unit where I served as an assistant Kempei after that.

6. Q. What was your duty at the South Seas Kempeitai?
A. I was the orderly of the commander of the First Detachment, but on September 10, 1944, I hurt my foot and had to be relieved, so I was relieved by Private First Class Uchida.

7. Q. Is the Uchida that you just mentioned among the accused?
A. Yes.

8. Q. Which person is he?
A. Do you want me to point him out?

9. Q. Tell us what row?
A. He is in the fourth row, fifth from the left.

10. Q. While you were serving at the South Seas Kempeitai do you know of an assembly which related to matters of missionaries?
A. I do.

11. Q. When was this?
A. This was around the middle of September, 1944.

12. Q. Did you attend this assembly?
A. No, I did not.

13. Q. Why didn't you attend this assembly?
A. About one week prior to this incident, when under the command of the adjutant, Ichikawa, I went to Koror to gather some building material, I stepped on a nail and hurt my foot. This wound became suppurated and I could not walk and therefore I did not attend this assembly.

14. Q. Then how do you know about this assembly?
A. At that time I was suffering from a very high fever and it seemed I had dozed off and I did not know about this assembly. Late that night when the assistant Kempeis came back -- I do not recall exactly but I think it was Leading Private Ezure who said there was a general assembly and that the missionaries were executed. Therefore I know about this.

15. Q. Where were you all day that day?
A. I was lying in bed in my quarters all day.

16. Q. Was there anyone besides you at the quarters on that day?

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

The accused reframed the question.

17. Q. Was there anyone in the quarters throughout that day?
A. There was.

18. Q. Who was it?
A. It was Superior Private Gomi.

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19. Q. What was Superior Private Gomi doing?
A. He was in bed because of ringworms on his leg.

20. Q. What happened to your wound after that?
A. Sergeant Takahashi treated my wound and it healed up, but while I was in bed I contracted yellow jaundice and it was not until the first part of October, 1944, that I was able to get up and be on duty again.

21. Q. What was your duty after that?

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

The accused withdrew the question.

Cross-examined by the judge advocate:

22. Q. When you developed this leg injury did you secure anybody's permission to remain in the barracks?
A. I had been in bed for a long time before that so I did not get any particular permission that day.

23. Q. I am not talking about any particular day. I am talking about whether you received permission to turn in and remain in the barracks?
A. When I was wounded and when I went to bed I got permission.

24. Q. From whom did you secure permission?
A. I did not personally go to get permission but one of the assistant Kempeis went and got permission for me to lie in the quarters.

25. Q. Who was the assistant Kempei?
A. I do not remember who it was.

26. Q. From whom did he secure this permission?
A. I believe it was Sergeant Major Ichiyama.

27. Q. At this particular time were you not the orderly of Captain Nakamura?
A. Yes, I was.

28. Q. Did you secure Captain Nakamura's permission to remain in the barracks?
A. This was after I had been confined to bed, but I think Sergeant Major Ishiyama went over to Captain Nakamura to get permission when Captain Nakamura asked about me, but I am not clear on this point.

29. Q. But you are definitely sure you didn't attend that general assembly that day -- is that correct?
A. Yes, I am definitely sure.

30. Q. And you are equally sure you didn't attend the execution of the missionaries and the Hondonero family -- is that correct?
A. Yes, I am definitely sure.

31. Q. Who else besides you was living in this barracks?
A. All the assistant Kempeis of the detachment were living together with me in these quarters.

0454

32. Q. Give us the names of all the men who were living with you in this barracks.

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

The judge advocate replied.

The commission announced that the objeqtion was not sustained.

A. They were: Corporal Ezure, Ando, Ito, Iwamoto, Nakamura, Okamura, Sagara and Uchida.

33. Q. Did you see these people go out that night to the execution of the missionaries?

This question was objected to by the accused on the ground that it was irrelevant, immaterial and putting words in the mouth of the witness.

The judge advocate withdrew the question.

34. Q. Did you see all of these men leave the barracks that night?
A. I do not recall.

35. Q. Isn't it a fact that you actually went out with Ezure, Ando, Ito, Iwamoto, Nakamura, Okamura, Sagara and Uchida and helped execute these missionaries that night?
A. No, I did not go.

36. Q. Were you ever questioned about this case by an investigator in Tokyo?
A. I was.

37. Q. How many times?
A. I came to Tokyo twice.

38. Q. Did you ever make any written statements for any of these investigators?
A. At the first time I did.

39. Q. At that time do you remember what reason you gave as to why you didn't participate in this execution?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I stated in my statement that at that time I was confined to bed, having contracted yellow jaundice and that I had been going to the Yura Unit for treatment on a motorcycle with a sidecar attached to it.

40. Q. Isn't it true that neither in that statement nor at any other place except on this witness stand have you ever told anybody you didn't attend the execution because you had injured your leg?

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

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The judge advocate replied.

The commission announced that the objection was not sustained.

A. I have said this in Tokyo, also.

41. Q. Whom did you tell in Tokyo?
A. The person who investigated me.

42. Q. And who was that person, if you remember?
A. He was a Nisei working at the Meiji Building.

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:

From the very beginning I have stated that I did not go and I do not know the reason why I am being charged in this case.

The witness resumed his status as an accused.

The commission then, at 3:15 p.m., took a recess until 3:30 p.m., at which time it reconvened.

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Sagara, Masashiro, and accused, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

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

Examined by the accused:

2. Q. Have you served in the Japanese army?
A. From March 1, 1941 when I was inducted as a conscript in the Japanese army until my demobilization on 28 December 1945 I served in the same.

3. Q. During that period did you ever serve on Palau Island?
A. Yes.

4. Q. Between what dates did you serve on Palau Island?
A. I served on Palau from around the 25th of April, 1944, when I arrived there until I was demobilized, on December 15, 1945, and I sailed for home.

0456

5. Q. With which unit did you serve on Palau Island?
A. At first I was with the Second Infantry Regiment but around the 10th of July, 1944, I was detached to the South Seas Kempeitai where I served as an auxiliary Kempei.

6. Q. What were your duties at the South Seas Kempeitai?
A. I was attached to the First Detachment and was assigned to police duties.

7. Q. During your service with the South Seas Kempeitai did you know of an assembly concerning missionaries?
A. Yes, I do.

8. Q. About when did this assembly take place?
A. I remember it was some time around the middle of September, 1944.

9. Q. Did you attend this assembly?
A. I did.

10. Q. Were you told anything at this assembly?
A. Yes.

11. Q. What were you told?
A. Commanding Officer Miyazaki told us that by order of Division Headquarters the missionaries were to be executed.

12. Q. Did the execution of the missionaries take place?
A. Yes, it did.

13. Q. Did you participate in this execution?
A. I did not participate in the execution because I was assigned to road lookout duty on that day.

14. Q. Then how do you know that the execution was carried out?
A. I know that the execution was carried out because on that day when I was standing on duty as road lookout on the Gasupan Highway in front of the Kempeitai quarters I saw Commanding Officer Miyazaki with many members of the Kempeitai leave the barracks. Further, because after they all returned I heard from someone whose name I have forgotten (I heard from no one in particular) that the missionaries had been executed.

Cross-examined by the judge advocate:

15. Q. What was this road lookout duty that you had?
A. The duty of the road lookout was stationed on the Gasupan Highway and the duty was to keep a check on the vehicles and pedestrians passing on that highway and to ask the living conditions of certain of the pedestrians and to report this to the day duty noncommissioned officer.

16. Q. Where did you stand this duty?
A. On a road leading from the Kempeitai to Gasupan Highway a little distance removed from the Gasupan Highway. This was surrounded by trees.

17. Q. How far was this spot from the place where the missionaries were executed?
A. From one thousand to one thousand five hundred meters as the crow flies.

0457

18. Q. How long did you have the duty -- for how long a period of time?
A. I was on duty for four hours.

19. Q. When did you take up the duty?
A. I took up my duty around six o'clock and I finished up at ten.

20. Q. Did you relieve anyone?
A. No, I did not relieve anyone.

21. Q. Were you relieved by anyone?
A. No, I was not relieved by anyone.

22. Q. Do you mean to say that for four hours you stood in one particular spot. Is that what you are telling us?
A. Yes.

23. Q. Was there anyone else on duty with you?
A. No, there was nobody else on duty with me that night. I was the only one on the road lookout.

24. Q. Did anyone tell you that you didn't have to attend this execution?
A. At the first assembly I was told that all the personnel on duty fall out and I fell out.

25. Q. Who told you this?
A. As I remember it was First Detachment Commander Nakamura.

26. Q. Were you present at any of the other assemblies throughout that day?
A. I did not attend further assemblies.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness resumed his status as an accused.

Uchida, Fumio, an accused, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

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

Examined by the accused:

2. Q. Have you ever served in the Japanese army?
A. I was inducted into the Japanese army as a conscript on January 10, 1942. Until my demobilization on December 28, 1945 I served in the Japanese army.

3. Q. Have you ever served with the Japanese army on Palau Islands?
A. Yes, I have.

4. Q. Between what dates did you serve on Palau Island?
A. I arrived on Palau in the latter part of April, 1944, and until I sailed for home on December 15, 1945, after the surrender, I served on the same island.

0458

5. Q. To what unit were you attached while serving on Palau Island?
A. Initially I was attached to the Second Infantry Regiment, but around the tenth of July, 1944, I was detached to the South Seas Kempeitai. After that I served as an auxiliary Kempei with the South Seas Kempeitai.

6. Q. What were your duties at the South Seas Kempeitai?
A. I was attached to the First Detachment and at first I was assigned to ordinary duties, such as police work and day duties. But around the tenth of September, 1944, because Superior Private Hayashi was ill, I replaced him as orderly for Lieutenant Nakamura, commanding officer of the First Detachment.

7. Q. While you were serving with the Kempeitai did you know of an assembly concerning missionaries?
A. I do know.

8. Q. When did this assembly take place?
A. As I remember it took place around the middle of September, 1944.

9. Q. Did you attend this assembly?
A. I did attend.

10. Q. What circumstances led you to attend this assembly?
A. About this time I was orderly for Lieutenant Nakamura and on this day I was engaged in transplanting dense jungle foliage from the jungle to the vicinity of Lieutenant Nakamura's quarters for the purpose of camouflage. Consequently I returned to quarters later than usual to find that many of my fellow auxiliary Kempeis were gathered in front of my quarters. Someone of them (I do not remember his name) said that there was an assembly at Misuzu Bridge so I hurriedly ate my evening meal and went to the detachment commander's quarters. Arriving there I discovered he had already left so I hurried to Misuzu Bridge and fell in at this assembly.

11. Q. What did you do then?
A. When I went to the place of assembly almost everyone had already assembled and I joined on at the tail of the assembly.

12. Q. What did you do then?
A. Soon thereafter two trucks arrived. I boarded the latter truck and we proceeded to Aikoku Bridge. There by orders of Commanding Officer Miyazaki we advanced to the house of the missionaries. Then we carried the belongings of the missionaries to the trucks and after that we helped the missionaries to get on the trucks. The missionaries had been led there by Commanding Officer Miyazaki. After an hour's ride we arrived at Gasupan Heights.

13. Q. What did you do after arriving at Gasupan Heights?
A. After alighting from the trucks, a team of one Kempei and one auxiliary Kempei attached themselves to each missionary and formed into single file and we advanced into the jungle.

14. Q. Were you included in any of the teams?
A. No, I was not included because I was orderly for Detachment Commander Nakamura.

15. Q. Why were you not included in any of the teams?
A. I do not know when these teams were formed but when I got off the truck they were already organized. Further, I was not ordered to any of the teams.

0459

16. Q. You just now testified that you advanced into the jungle, but what happened after you got into the jungle?
A. After proceeding for some time in the jungle we arrived at a place where a hole had been dug. And there the missionaries were made to sit by the side of this hole in the order of arrival at the scene. At the order of Commanding Officer Miyazaki they were executed.

17. Q. You stated that they were executed by orders of Commanding Officer Miyazaki, but were you one of the execution party?

This question was objected to by the judge advocate on the ground that it called for a conclusion on the part of the witness.

The accused reframed the question.

18. Q. Did you execute the missionaries?
A. No.

19. Q. Did you do anything at the scene of the execution?
A. During the execution I did nothing.

20. Q. You have said that you were the orderly for Detachment Commander Nakamura -- but who ordered you to become his orderly?
A. I was ordered to become so by Commanding Officer Miyazaki.

21. Q. You have stated that you were orderly for Detachment Commander Nakamura -- but what were your duties as his orderly?
A. My duties were, outside, to relay any orders which Detachment Commander Nakamura ordered to have relayed. Within the barracks my duties were to clean his rooms, wash his linen, carry his food and take care of his personal requirements.

22. Q. Did you relay any orders of Detachment Commander Nakamura at the scene of the execution?
A. At the scene of the execution Detachment Commander Nakamura was in direct command and he did not have any orders relayed, therefore, I did not relay any orders as his orderly.

23. Q. Between the time of getting off the truck at Gasupan Heights and arrival at the scene of the execution, did Commanding Officer Miyazaki give you any orders?
A. No, he did not.

Cross-examined by the judge advocate:

24. Q. Didn't you attend the general assembly on that day at the Kempeitai at which Miyazaki and Nakamura addressed all those present?
A. I did not.

25. Q. Where were you?
A. I was engaged in camouflaging the vicinity of the detachment commander's quarters and I returned to the barracks late that day.

26. Q. Didn't you get the word that a general assembly had been called?
A. No, I did not.

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27. Q. Wasn't it one of your duties to be with Captain Nakamura?
A. I was ordered on that day by Captain Nakamura to camouflage his quarters and so I did not hear of this. If I had been near the captain's quarters when this general assembly was called I would have heard it, but I was off and deep in the jungle digging up this dense jungle foliage and as it was called while I was away in the jungle I did not hear of this general assembly.

28. Q. Do you mean to say that there was a general assembly that morning, but you did not even know about it?
A. Yes, that is so.

29. Q. Didn't Captain Nakamura tell you there was going to be a general assembly?
A. No, he did not tell me.

30. Q. Now you say you got the word that there was going to be a gathering at Misuzu Bridge and you went there. Who was at that gathering?
A. When I arrived at this assembly everybody had already fallen in so I do not know who were in the file but I saw outside of the formation many officers including Lieutenant Colonel Miyazaki, Captain Nakamura, Second Lieutenant Ichikawa, and Second Lieutenant Tamanoi.

31. Q. Captain Nakamura hadn't told you to come there, had he?
A. No, he did not order.

32. Q. Who were the Kempeis that were there?
A. When I arrived there they were all lined up and as I passed beyond their backs I did not see who they were.

33. Q. You mean to say that you weren't able to recognize any of them?
A. Namely all of them were there.

34. Q. Who were there -- tell us who they were. Give us the names of the Kempeis that were there when you got there.
A. Warrant Officer Nakamura, Sergeant Major Sugimoto, Sergeant Ichimiya, Sergeant Ozaki, Sergeant Tamamoto, Sergeant Yokoyama. The rest I do not remember of the Kempeis.

35. Q. How about assistant Kempeis?
A. Leading Private Ezure, Leading Private Imaizumi, Superior Private Nakamura, Superior Private Okamura, Private First Class Kawashima. I do not remember the rest.

36. Q. Now you said when you got there that they were lined up. Did somebody address them -- speak to them?
A. I remember Commanding Officer Miyazaki said that we will not start to evacuate the missionaries or something to that effect.

37. Q. As a matter of fact, he didn't say "evacuate;" he said, "We are going to execute," didn't he?
A. I heard him say "evacuate."

38. Q. What were all these people that were lined up carrying when you got there?
A. The Kempeis had pistols and swords. The auxiliary Kempeis had rifles and bayonets.

0461

39. Q. Didn't they also, some of them, have shovels?
A. I did not notice.

40. Q. Did you notice anybody with ropes?
A. I did not notice at all. The line carried by the Kempeis was a very thin cord that was usually carried inside of their pocket and I noticed only the things on the outside.

41. Q. Do you mean to say that you didn't see anybody with shovels?
A. Yes, that is so. I did not notice.

42. Q. Who were the other orderlies there?
A. I remember Leading Private Ezure, Leading Private Imaizumi. I do not remember the rest.

43. Q. How about Ichikawa -- didn't he have an orderly with him?
A. No, there was no orderly close to Ichikawa and, therefore, I do not remember.

44. Q. Didn't you see Fujitani there?
A. I did not see Fujitani.

The commission then, at 4:30 p.m., adjourned until 9 a.m., tomorrow, Wednesday, March 10, 1948.

0462

SEVENTEENTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Wednesday, March 10, 1948.

The commission met at 9:15 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Robert Oldham, yeoman third class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Uchida, Fumio, the witness under examination when the adjournment 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.)

45. Q. About what time was it when you got back to your quarters from working on Captain Nakamura's quarters that day?
A. Half past five and close to six, I believe.

46. Q. Where did you go then?
A. After hurriedly eating my evening meal I went to the detachment commander's house.

47. Q. Did you eat your evening meal with the rest of the men?
A. The rest of them had already eaten and my ration was left for me.

48. Q. Wasn't it one of your duties to be present when Captain Nakamura had his meal?
A. That is so, but on that day I was specifically assigned to this duty so I believe one of the men in the galley carried the food to Captain Nakamura that day.

49. Q. Had Captain Nakamura told you that you didn't have to bother to be present at his meal time - to work on that job?
A. No, he did not tell me.

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50. Q. You mean you took it upon yourself to neglect your regular duty?
A. No, that is not so. When the orderly is assigned some specific duty and is not present at dinner time one of the men in the galley carried the food to the officers. That is customary.

51. Q. How did the man in the galley know that you weren't going to be in Captain Nakamura's quarters that night?
A. Throughout that day I was passing in front of the galley carrying jungle growth, etc., and he must have been aware of that.

52. Q. You mean to say then that from seeing you carry jungle growth during the day he must have assumed that you wouldn't be back for the captain's meal time, is that it?
A. Yes, that is so.

53. Q. As a matter of fact you were present when the captain had his meal, weren't you?
A. I was not present.

54. Q. Well, when you got back to your quarters you say this group assembled there, didn't you - along side the quarters?
A. I saw some men close to the quarters.

55. Q. Weren't they assembled between barracks number two and barracks number three?
A. No, they were not lined up - assembled there.

56. Q. Well, where were they?
A. They were close to the auxiliary Kempei quarters.

57. Q. What were they doing?
A. They were armed but just standing about doing nothing.

58. Q. Was Captain Nakamura there?
A. No, he was not there.

59. Q. Didn't you inquire to learn what they were doing there?
A. When I ran up to my quarters before I could say anything, somebody, I do not remember who, told me that there was an assembly to be held at Misuzu Bridge. In short, I didn't ask. It was told to me before I had a chance to ask.

60. Q. Was this someone a member of this gathering?
A. Yes, that is so.

61. Q. About how many people were there?
A. I believe five or six.

62. Q. Who were they?
A. As I remember Superior Private Nakamura, Private First Class Kawashima and Superior Private Ito were present; there may have been others but I do not remember.

63. Q. As a matter of fact there were many more than five or six persons present at that gathering, weren't there?
A. I remember seeing five or six.

0464

64. Q. Weren't there some officers there?
A. No.

65. Q. Did this party who spoke to you only tell you that they were going to gather at Misuzu Bridge?
A. Yes, that is all.

66. Q. Why did you assume from that that you had to rush to Misuzu Bridge?
A. All personnel assembled at Misuzu Bridge.

67. Q. Where was everybody else if there were only five or six in this gathering - where was the rest of the Kempeitai?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do not know where the rest of them were.

68. Q. Now you went to your quarters right away, is that true?
A. Yes.

69. Q. And there was nobody there, was there?
A. In the quarters there were some sick men in bed.

70. Q. Whom did you see there?
A. I saw Hayashi.

71. Q. And he is the only one that you did see there, is that right?
A. I believe I may have seen another person also but I do not remember the name.

72. Q. About what time did you get to Misuzu Bridge?
A. Fifteen or twenty minutes after that, I believe.

73. Q. Now you have testified that when you got there you fell in at this assembly. Where did you fall in?
A. When I went to Misuzu Bridge assembly I fell in at the extreme left front row of the assembly.

74. Q. How many rows of men were there?
A. I believe two rows.

75. Q. About how many men in each row?
A. Ten or eleven to each row, I believe.

76. Q. And you just went and took a position at the end of this first row, is that right?
A. Yes, that is so.

77. Q. And in amongst these men were the other orderlies, is that right?
A. I think Imaizumi was behind the commanding officer but the rest of them I think were in the line.

0465

78. Q. So that Imaizumi was the only orderly who attached himself to one of the officers, is that right?
A. After boarding the truck Ezure~~k~~ Imaizumi and myself followed our respective officers as his orderly.

79. Q. I am asking you about at that gathering - at that gathering the only orderly who attached himself to an officer was Imaizumi, isn't that right?
A. Yes, at the assembly which I attended.

80. Q. And the reason for that was that you and the other orderlies, excluding Imaizumi, already knew what your job was to be in connection with that execution, isn't that true?

This question was objected to by the accused on the ground that the judge advocate was putting words into the witness' mouth.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I was only aware of my duty as an orderly. I was not acquainted with any other duty.

81. Q. And one of your duties as an orderly was to be next to your commanding officer, Nakamura, isn't that true?
A. After the order to get underway is given all the orderlies take up their positions by their officers. Imaizumi alone was the exception - he was beside his officer from the time this order to get underway was given. Unless the orderly is given specific orders to do otherwise when this assembly is broken up and the order to get underway is given the orderly will attach himself to the officer and will act as his orderly for that matter.

82. Q. Was Nakamura out in front of that gathering of men?
A. Yes, he was outside of the group and close to the commanding officer.

83. Q. Was Captain Yamamoto out there too?
A. I remember seeing other officers but I do not know whether Yamamoto was included in that.

84. Q. What other officers did you see?
A. Commanding Officer Miyazaki, Captain Nakamura, Second Lieutenant Sano, Adjutant Ichikawa, Second Lieutenant Tamanoi. I remember seeing some others but I do not remember their names.

85. Q. What did Captain Nakamura have to say at this gathering?
A. No, he did not say anything.

86. Q. He didn't say anything at all and Miyazaki said that they were going to evacuate some missionaries, is that all that happened?
A. Yes, that is all. Nakamura did not say anything.

87. Q. Now how many trucks ~~w~~ere there?
A. Soon thereafter two trucks came to the place where we were waiting.

0466

88. Q. What happened then?
A. I got on the second truck and we went to Aikoku Bridge.

89. Q. Who got on that truck with you?
A. Commanding Officer Miyazaki, Captain Nakamura, Second Lieutenant Sano. I am not certain about Adjutant Ichikawa but he may have been there. Ezure, Imaizumi and there may have been some Kempeis but I do not remember the others.

90. Q. When you arrived at the missionaries' house, did you go into the quarters with Captain Nakamura?
A. I did not enter their house.

91. Q. Where did you go?
A. As Commanding Officer Miyazaki told the orderlies to also go into the house we went and it seemed that Detachment Commander Nakamura was telling the missionaries that as it was dangerous here you had better evacuate with us. With us meant the Kempeis - to some other place. Everything was in a turmoil in this house when Commanding Officer Miyazaki spoke something to the missionaries in a foreign tongue, whereupon they seemed to be very pleased and started packing and as I and the other orderlies were told by Commanding Officer Miyazaki to help in carrying their luggage we did so.

92. Q. You and the other orderlies were taking orders from Miyazaki that night, weren't you?
A. I obeyed orders of Commanding Officer Miyazaki and Detachment Commander Nakamura but I did not obey any other orders from any other persons.

93. Q. Did Nakamura speak to these missionaries?
A. Yes, he spoke to them - he spoke to the interpreter in Japanese.

94. Q. How many people came out of that house?
A. Six persons who looked like missionaries. A man and wife, whom I judged to be natives and two children. One of them was carried piggy-back.

95. Q. Who put them on the truck?
A. As Commanding Officer Miyazaki ordered that they be helped up on the trucks I believe somebody on top of the truck lent a helping hand.

96. Q. Who else besides you helped to carry their luggage?
A. Imaizumi and Ezure.

97. Q. When you got to Gasupan Heights and the trucks stopped, what happened then?
A. There a team of one noncommissioned Kempei and one auxiliary Kempei attached himself to the missionaries.

98. Q. Didn't any of the officers give any directions before this started?
A. No instructions were given but cautions were given.

99. Q. And one of those cautions was given by Miyazaki to the effect that everybody should watch and guard the prisoners, isn't that true?
A. Yes, that is one of them and this was addressed to everybody present and I do not think it was given to any specific member of this group.

0467

100. Q. Were these teams formed there or had they been formed prior to that?
A. I do not know when these teams were formed but as each missionary alighted from the truck these teams were ordered by Miyazaki to attach themselves to him so I judged that they were formed prior to this time, but I do not know.

101. Q. And you were standing there watching each one of these teams attach itself to a particular missionary, were you not?
A. I did not see the whole process but I watched a part.

102. Q. How many teams did you see attach themselves to particular missionaries?
A. There were teams to each adult, I believe, and in single file I think there were eight.

103. Q. Tell us the names of the members of those teams?
A. Warrant Officer Nakamura, Sergeant Major Sugimoto, Sergeant Ichimiya, and Sergeant Ozaki. I do not remember the rest of the others.

104. Q. You can only remember four men out of these eight teams, is that right?
A. There were eight teams formed but I have forgotten the names.

The accused moved that this answer be stricken on the ground that one defendant was testifying against a co-defendant.

The judge advocate replied.

The commission announced that the motion was not sustained.

105. Q. Although you only mention three of these accused as being members of those teams, isn't it a fact that many more of these men sitting out here were on those teams?
A. What I am trying to say is all the names of the people that I saw in the two files and there may have been some others included in those teams but I do not remember seeing them.

106. Q. Was there an assistant Kempei in each team?
A. Yes, there was an assistant Kempei.

107. Q. And how many assistant Kempeis were there at the Kempeitai?
A. Fourteen.

108. Q. How many Kempeis were there?
A. I do not know unless I count them off on my fingers.

109. Q. Well, isn't it true that fourteen included the Kempeis as well as the assistant Kempeis?
A. I said fourteen because there were fourteen auxiliary Kempeis attached to the Kempeitai and one had died.

110. Q. Now who bound these prisoners, after you got off the trucks?
A. The Kempeis.

111. Q. Which ones?
A. The noncommissioned officers.

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112. Q. Name the noncommissioned ones that bound them?
A. Those that I saw tying up the missionaries were Warrant Officer Nakamura, Sergeant Major Sugimoto, Sergeant Ichimiya, and Sergeant Ozaki.

113. Q. You knew at this time what was going to happen to these missionaries, didn't you?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I realized that when they bound the missionaries.

114. Q. And you saw the shovels too, didn't you?
A. I don't remember seeing them then.

115. Q. Now when they started through the woods to the place of the execution where were you with reference to the line?
A. At first I was at the rear of the file but when I got to the middle I went to the front. That was because about half way in the jungle Commanding Officer Miyazaki told Detachment Commander Nakamura to lead the way and as he pushed to the front I followed on, arriving at the front of the file.

The commission then, at 10:15 a.m., took a recess until 10:30 a.m., at which time it reconvened.

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Uchida, Fumio, 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.)

116. Q. On the way through the woods did the people who were not on the teams scatter themselves about the line?
A. No, they did not scatter. The orderlies were following the officers. I was immediately behind Detachment Commander Nakamura and unless I was given specific orders by my officer where to go I would have followed the detachment commander.

117. Q. Other than the teams that were attached to each missionary and the orderlies who were with the officers, were there any other people?
A. There were some soldiers but I do not know which unit they were from.

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118. Q. Where were they in reference to this line as it marched through the woods?
A. I think they were to the rear of this file.

119. Q. About how many of these men were there from another unit?
A. I think there were four or five at least.

120. Q. When you got to the hole, what happened?
A. In the order of arrival at the hole the missionaries were made to sit down by this hole.

121. Q. Where did you station yourself?
A. I was to the rear left of Detachment Commander Nakamura who was close to Commanding Officer Miyazaki.

122. Q. And Nakamura was facing the missionaries who were lined up on the side of the hole - is that right?
A. The hole was oblong in shape and the missionaries were lined up on the long side of the hole and the commanding officer and detachment commander were standing on the short side.

123. Q. Were the missionaries lined up by themselves?
A. A team, composed of one noncommissioned officer Kempei and an auxiliary Kempei, was attached to each missionary.

124. Q. And the Kempeis and the auxiliary Kempeis stood right behind each missionary - is that right?
A. Yes, that is so.

125. Q. Were the missionaries executed by themselves, that is, before the native family?
A. No, they were executed all together. They were lined up together.

126. Q. When the orders were given to fire you were standing right behind some of these teams, were you not?
A. Not immediately behind. There were two persons between myself and the missionaries.

127. Q. These two persons were the Kempei and the auxiliary Kempei of the particular team, is that right?
A. Yes, I was behind the team.

128. Q. And you were relaying the orders of Colonel Miyazaki and Captain Nakamura, were you not?
A. In my confession I wrote that I acted as an orderly to relay orders etc., but I was merely giving my general duties at the scene of the execution. I was not there for the purpose of relaying orders specifically nor when I was walking between Commanding Officer Miyazaki and Detachment Commander Nakamura was I relaying orders.

129. Q. One of your duties at this execution was to relay the orders of Miyazaki and Nakamura, was it not?
A. That was one of my duties, as an orderly, but at the scene of the execution was such that the man receiving the orders could receive it directly from the man giving it and there was no need for an orderly to relay orders and actually I did not relay any orders.

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130. Q. Why were you standing right behind these execution teams?
A. My initial position, that is to the rear left of the detachment commander, made it possible for me to watch the execution. Not desiring to do so, I moved of my own free will to this position behind the team. Assuming this new position did not in any way obstruct my fulfilling my duties as an orderly because if the detachment commander called me by name, "Uchida!," I would have been within earshot and could have carried out any orders.

131. Q. Do you want us to believe that because you didn't want to see the execution you moved up closer to it?
A. You have placed the wrong interpretation. If you were looking at the victims from the front you witness the execution whereas if you moved to the rear you do not because the place where Miyazaki and Detachment Commander Nakamura were standing was on a slight elevation and you could see very clearly.

132. Q. I show you "Exhibit 8" and ask you if you recognize it?
A. Yes, I recognize it.

133. Q. What is it?
A. That is my confession which I wrote in the Meiji Building.

134. Q. And in that confession didn't you state as follows: "I walked down about where the unit commander was up to the second or third man from the right (as the person used to transmit the orders of the unit commander)"?
A. Yes, I did write so and the reason for my having written so was explained by me just before. I wrote, "I walked to a place in the rear near where the officers were," as a reason for having been free to walk about. I put this in parenthesis that "as a person used to transmit the orders of the unit commander and detachment commander" as an explanatory note for my being free to walk about at the scene.

135. Q. When you wrote this statement you were talking about this execution, were you not?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes. I wrote this because I was asked to write about the execution.

136. Q. And everything in here concerned what your duties were and what you did in connection with that execution - isn't that true?

This question was objected to by the accused on the ground that the document was the best evidence.

The judge advocate replied.

The commission announced that the objection was sustained.

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137. Q. These three teams that you were walking behind - were they members of the Kempeitai?
A. They were in front of the teams, some men from the unit of which I do not know. I think that they relieved the Kempeitai men.

138. Q. And who were the Kempeitai men who were relieved?
A. I believe that Sergeant Major Sugimoto and perhaps Sergeant Ozaki's teams. I am certain that Sergeant Major Sugimoto's team was relieved but I am not so certain about the latter (Ozaki's) team.

139. Q. How many men from this other unit took their place?
A. As I remember it, three persons.

140. Q. What orders did the unit commander, Miyazaki, give?
A. Unit Commander Miyazaki gave the order to Detachment Commander Nakamura to give the order, "Fire!," and Detachment Commander gave the command to fire.

141. Q. And you relayed the order of Nakamura - isn't that true?
A. No, I did not relay that order. The order was given direct to the recipients of that order, and I was not one of them so I did not relay it.

142. Q. Did all teams fire at once?
A. They started firing from the right, that is from where the commanding officer was. A second interval between each shot. These shots may have been closer but I am not sure.

143. Q. What happened after all the teams had fired?
A. All the missionaries were placed in the hole and after that covered with mud.

144. Q. Who did this work?
A. Some fell in the hole and those that did not were placed in the hole by the auxiliary Kempeis. The auxiliary Kempeis covered the hole with mud and as I was told at the time by Detachment Commander Nakamura to help out in this burial, I helped.

145. Q. All the auxiliary Kempeis who were there helped in this work - is that right?
A. As I remember it nearly all the Kempeis present took turns relieving each other in filling up the grave.

146. Q. Name all the auxiliary Kempeis that you saw there at the scene?
A. Superior Private Ito, Superior Private Nakamura, Superior Private Okamura, Superior Private Ando, and I know that there were others besides who helped in this burial but I do not remember their names.

147. Q. Can't you look out at these accused and remember some more of them that were there?
A. I saw Ezure help in the burial, although as an orderly he did not do anything else at the scene of the execution.

The judge advocate moved to strike the words, "although as an orderly he did not do anything else at the scene of the execution," on the ground that they were not responsive to the question and the mere opinion of the witness.

The accused replied.

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The commission announced that the motion was not sustained.

148. Q. Who else besides Ezure of the assistant Kempeis that you haven't named, were also at the scene of the execution? I am speaking about the people out there (indicating the accused).
A. I have no recollection of any further persons.

149. Q. Who were the Kempeis who were there at the scene?
A. Warrant Officer Nakamura, Sergeant Major Sugimoto, Sergeant Major Ozaki, Sergeant Yamada. I do not remember the rest.

150. Q. How about Ichikawa?
A. He was there.

151. Q. How about Ishiyama?
A. I do not remember.

152. Q. How about Ichimiya?
A. I believe I saw him present but I do not remember where he was.

153. Q. How about Tamamoto?
A. I believe he was there but I do not remember where I saw him.

154. Q. How about Yokoyama?
A. Again I believe he was there but I do not remember where I saw him.

The accused moved to strike this answer on the ground that it was the opinion of the witness and guesswork.

The judge advocate replied.

The commission announced that the motion was not sustained.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness resumed his status as an accused.

The commission then, at 11:15 a.m., adjourned until 9 a.m., tomorrow, Thursday, March 11, 1948.

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EIGHTEENTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Thursday, March 11, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Stewart R. Smith, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Ezure, Shigeru, an accused, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

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

Examined by the accused:

2. Q. Have you ever served in the Japanese army?
A. I entered the Japanese army as a conscript on 1 March 1941 and served until I was demobilized on January 6, 1946.

3. Q. Have you ever served on Palau during that time?
A. Yes.

4. Q. Between what dates did you serve on Palau?
A. I came to Palau in the latter part of April, 1941, and served on Palau until I left for Japan on December 28, 1945.

5. Q. To what unit were you attached while on Palau?
A. I was first attached to the 59th Infantry Regiment but around July 10, 1941 I was detached from the said regiment to the South Seas Kempeitai where I served until the end as an auxiliary Kempei.

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6. Q. What were your duties at the South Seas Kempeitai?
A. I belonged to the Special Higher Section of the headquarters of the South Seas Kempeitai and served as orderly to the chief of that section, Second Lieutenant Sano.

7. Q. While serving at the South Seas Kempeitai did you know of an assembly concerning missionaries?
A. I do.

8. Q. When was this?
A. I believe it was around the middle of September, 1944.

9. Q. Did you attend this assembly?
A. I did.

10. Q. Was anything said at this assembly?
A. The commanding officer of the Kempeitai, Lieutenant Colonel Miyazaki, transmitted the order that in accordance with the order of Division Headquarters the missionaries were to be executed.

11. Q. Was there anything else besides this order for execution?
A. There was an order that one Kempei and one auxiliary Kempei would form one team and take charge of one of the missionaries.

12. Q. Who gave this order to form the teams?
A. First Lieutenant Nakamura.

13. Q. Were you assigned to one of the teams?
A. No, I was not.

14. Q. Why weren't you assigned to a team?
A. I was not assigned to a team because I was ordered as the orderly of Second Lieutenant Sano.

15. Q. What happened after this assembly?
A. This assembly was dismissed and then after supper there was another gathering on the road by the Misuzu Bridge.

16. Q. Then what happened?
A. Presently two trucks came and we got on the trucks and departed.

17. Q. You just said that two trucks came. Which truck did you get on?
A. I got on the rear truck.

18. Q. After leaving the Kempeitai, where did you head for?
A. The trucks stopped by the quarters of the South Sea Development Company and the missionaries were brought out and put on the truck and then we started again.

19. Q. You stated that you started off again. Where did you start for?
A. We started off and arrived at the jungle on Gasupan Heights, where Commanding Officer Miyazaki gave the order for everybody to get off the trucks.

0475

20. Q. What happened after you got off the trucks?
A. The teams that were previously organized attached themselves to the missionaries and I went along with Second Lieutenant Sano and proceeded into the jungle.

21. Q. After proceeding into the jungle, where did you go?
A. After what seemed to me walking about ten or twenty minutes we arrived at a hole. Here Captain Nakamura had the missionaries line up according to their arrival and after that Commanding Officer Miyazaki gave the order, after which Detachment Commander Nakamura gave the word of command to fire.

22. Q. When you got off the truck and until you arrived at the scene, did Commanding Officer Miyazaki give any orders?
A. I do not recall his giving any orders.

23. Q. Did you do anything at the scene of the execution?
A. While the execution was being carried out I did not do anything.

24. Q. You said that you were Second Lieutenant Sano's orderly. Who ordered you to be his orderly?
A. I had been ordered as Second Lieutenant Sano's orderly by Commanding Officer Miyazaki but at that time Second Lieutenant Sano ordered me.

25. Q. You said that you were Sano's orderly. What does an orderly do?

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

The accused withdrew the question.

26. Q. At the scene of the execution whose orders were you subject to ?
A. As I was Second Lieutenant Sano's orderly I would receive orders from no one except Second Lieutenant Sano.

27. Q. Who was the officer in charge at the scene of the execution?
A. Commanding Officer Miyazaki had the over all command at the scene but First Lieutenant Nakamura was in charge of the carrying out of the execution.

28. Q. Did you ever receive Detachment Commander Nakamura's order at the scene of the execution?
A. I did not receive any orders from him, and because I was ordered to be the orderly of Sano by Commanding Officer Miyazaki and also I went as Sano's orderly, I was not in a position to receive orders from First Lieutenant Nakamura.

29. Q. Did you write a confession in relation to this incident?
A. I did.

30. Q. In this confession did you refer to anybody else besides yourself?
A. I did.

31. Q. Were the persons to whom you referred in this statement present when you wrote it?
A. They were not.

0476

32. Q. Did these persons assent to your submitting this statement?
A. No, they did not. Nobody was around me so I could not show it to anybody.

Cross-examined by the judge advocate:

33. Q. At this general assembly which you have referred to when Colonel Miyazaki told you what was going to be done, you lined up with the other assistant Kempeis, did you not?
A. I did.

34. Q. And Captain Nakamura handed out the assignments to everybody in connection with the execution, didn't he?
A. Yes, at this general assembly Imaizumi was told to retire and Ezure was told to step out of line and then the Kempeis made one file and behind them the auxiliary Kempeis made one file and the Kempeis and the auxiliary Kempeis who were opposite one another formed one team which was to be in charge of one missionary.

35. Q. And you were told that your job was to be to act as orderly for Lieutenant Sano, isn't that right?
A. I was not told by Nakamura. Nakamura told me to step out of the line and while I was outside the line Sano came over and said that I was going to act as his orderly.

36. Q. And that was the job you were given in connection with this execution, was it not?

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

The judge advocate replied.

The commission announced that the objection was sustained.

37. Q. In this statement that you made, your confession, didn't you state, "We were told at this time that I was to be the orderly for Second Lieutenant Sano and Leading Private Imaizumi orderly for Unit Commander Miyazaki"?
A. Yes.

38. Q. And that is the truth, isn't it?
A. At that time we assembled and Imaizumi was told to retire. I was told to step out of the line and then I was standing there and during that time the teams were formed and also about what things to carry and then Sano came over and told me that I was to act as his orderly.

39. Q. And before that time you hadn't been the orderly to Lieutenant Sano, had you?
A. Ever since I was attached to the Kempeitai I was Sano's orderly.

40. Q. If you had been Second Lieutenant Sano's orderly before this, why was it necessary for them to designate you as his orderly at this time?

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

0477

The judge advocate replied.

The commission announced that the objection was sustained.

41. Q. The work in connection with the execution was divided among all those present at that assembly, is that true?

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

The judge advocate replied.

The commission announced that the objection was sustained.

42. Q. At this assembly those who did not go to the scene, except the sick personnel, gathered and after the duty personnel were excluded then Nakamura gave orders to the rest of the men. And everybody that was left, after the duty personnel were excluded, was given a job in connection with this execution, isn't that true?
A. Yes.

43. Q. Name the Kempeis who were in that first row at that assembly?
A. I do not recall all of the Kempeis that had lined up in that first row. I recall the following: Warrant Officer Nakamura, Sergeant Major Sugimoto, Sergeant Major Ishiyama, Ichimiya and Sergeant Yamada.

44. Q. There were eight in that first row, is that correct?
A. I do not recall exactly how many were in that row at that time but I believe it was around eight.

45. Q. Weren't there eight teams formed?
A. As I recall seven or eight teams were formed.

46. Q. You have named five of the Kempeis. Weren't the other three Kempeis in that first row the accused Ozaki, Tamamoto and Yokoyama?
A. At that time I did not recall.

The witness was directed to answer the question.

A. I remember the five but I do not recall the other three.

47. Q. These three that I have just mentioned, Ozaki, Tamamoto and Yokoyama, they were Kempeis weren't they?
A. Yes.

48. Q. And all the Kempeis were in the first row, weren't they?
A. Yes.

49. Q. And these three were there at the assembly, weren't they?
A. I do not recall exactly. I believe they were assembled at that time but, for instance, Sergeant Major Tamamoto may have had the duty at that time and I do not exactly know.

50. Q. Captain Nakamura told each person to bring five rounds of ammunition and a rope. Is that right?

0478

A. What I meant to say in the statement was that in regard to the five rounds of ammunition, this was told to the auxiliary Kempeis to bring with them. The auxiliary Kempeis had one hundred and twenty rounds of ammunition. The Kempeis were told to bring along their issued ammunition and since the auxiliary Kempeis did not have any ropes with them I believe then Nakamura said to the Kempeis to bring the ropes with them.

51. Q. So the assistant Kempeis were carrying the ammunition for the Kempeis on each team, isn't that right?
A. No, the Kempeis were told to bring the ammunition which had been issued to them and the auxiliary Kempeis had one hundred and twenty rounds of ammunition but they were told to being five of these. The difference between the ammunition is that the Kempeis had pistols and the auxiliary Kempeis had .38 type rifles.

52. Q. And was each team assigned a particular victim?
A. Each team upon getting off the truck was told to attach itself to one missionary and then lead them to the scene of the execution.

53. Q. They were told this at the first assembly that you attended, when the teams were formed, is that right?
A. Yes, precisely.

54. Q. Name for us the assistant Kempeis who were in that second row?
A. Superior Private Nakamura, Superior Private Ando, Private First Class Kawashima, Superior Private Ito. That is all the names I remember.

55. Q. Don't you remember the other four?
A. I do not remember.

56. Q. Hidaka was there, wasn't he?
A. I believe he was there but I am not clear on this point.

57. Q. Iwamoto was there, wasn't he?
A. The same is with Iwamoto.

58. Q. Okamura was there, wasn't he?
A. I am not clear about Okamura.

59. Q. How about Hayashi? Didn't you see him at that assembly?
A. Hayashi was not there.

60. Q. How about Sagara?
A. Sagara was outside of this assembly. I recall Sagara being at the assembly when the order was transmitted but he was not in the rows of Kempeis and auxiliary Kempeis.

61. Q. Can you recall where he was and what he was doing?
A. Sagara was excluded from these rows but as the word to disperse had not been given yet I believe he was standing around, but I do not know exactly where he was.

62. Q. Fujitani was there, wasn't he?
A. I do not have a definite recollection.

0479

63. Q. How about Uchida?
A. I recall he was not there.

64. Q. How about Ezure?
A. I was standing outside these rows.

65. Q. When you assembled you were all inspected by Captain Nakamura, were you not?
A. Those that were inspected by Captain Nakamura were those that were under his command, that is, the people who had been formed into teams.

66. Q. Everybody was under the command of Colonel Miyazaki and Captain Nakamura for this execution, weren't they?
A. No.

67. Q. Didn't you say on direct examination that Colonel Miyazaki was the main one in charge but Captain Nakamura was given the specific duty of seeing that this execution was carried out?
A. I did.

68. Q. So that it is true that everybody, including Lieutenant Sano and you, were under the command of Captain Nakamura and Colonel Miyazaki?
A. Commanding Officer Miyazaki gave orders and each person had a different duty. For instance, Nakamura had orders to actually carry out the execution, that is, he had command of the persons who were teamed up. Sano - I do not know what his duty was exactly but what he told me was that he was ordered to go along with Miyazaki as a spectator and I acted as Sano's orderly, therefore, Sano was not included in this formation and Sano belonged to the headquarters and Captain Nakamura belonged to the detachment, so I do not think that Nakamura could have ordered Sano.

69. Q. Sano was under the command of Colonel Miyazaki, wasn't he? He was a member of his unit?
A. Yes.

70. Q. On the way to the missionaries' house at Aikoku Bridge weren't you people in the truck warned not to let the missionaries know what you were going to do to them?
A. When the commanding officer and the adjutant were talking I think I recall they said something to this effect.

71. Q. Who is the adjutant?
A. Second Lieutenant Ichikawa.

72. Q. You mean the accused in this case?
A. Yes.

The commission then, at 10:15 a.m., took a recess until 10:35 a.m., at which time it reconvened.

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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Ezure, Shigeru, 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.)

73. Q. You helped load the gear of the missionaries onto the truck, didn't you?
A. I did.

74. Q. Now when you got to your final destination on the trucks, didn't Captain Nakamura give final instructions before you entered into the forest?
A. I do not remember.

75. Q. Do you remember Colonel Miyazaki saying anything at that time?
A. This is what I recall Miyazaki saying at that time. Miyazaki drew everybody's attention saying to be on the caution so the missionaries would not escape.

76. Q. And also at this time didn't he tell the missionaries that they were going to be executed?
A. After getting off the truck and after proceeding for about ten meters he had the missionaries bound and then he spoke in a foreign tongue. I learned later that he had said that the missionaries were going to be executed.

77. Q. Now you helped unload the gear from the truck, didn't you?
A. No, I did not help unload the gear.

78. Q. Didn't you unload some of the missionaries belongings?
A. Four or five Kempeis came on the same truck as I and they helped unload the gear.

79. Q. Other than the belongings of the missionaries, what did that gear consist of?
A. I do not recall anything besides the missionaries' gear.

80. Q. Who unloaded the shovels?
A. I do not remember.

81. Q. Who were the Kempeis that unloaded the gear of the missionaries?
A. I do not remember their names.

82. Q. They were ones that weren't assigned to a team, isn't that correct?
A. They were Kempeis that were assigned to the teams.

83. Q. Now, which one of the children did you carry to the scene of his execution?
A. I did not carry them right up to the scene - just on the way about fourteen or fifteen meters away the grass was very high and the child had difficulty in walking. Lieutenant Sano saw this and said, "Isn't it a pity that he can't walk so take him on your back" and I took him on my back. This child was a boy about four or five years old.

84. Q. Now, when you got to the scene of the execution, what did you do?

0481

A. During the execution I did not do anything.

85. Q. Where were you standing with reference to the hole - looking at the hole?
A. This hole was an oblong hole and I was at the extreme right facing the hole about five meters removed from the hole on a little elevation together with Sano and the others.

86. Q. Now, the missionaries and the other victims were all lined up at the hole, is that correct?
A. Yes.

87. Q. A team of two was behind each victim, isn't that true?
A. Yes.

88. Q. And at the end of the line of victims - at each end - there was a person standing with a light, isn't that correct?
A. As I recall lanterns were tied to a tree at both ends.

89. Q. And in addition to these lanterns weren't there other people there who were holding lights?
A. There were two or three persons but I do not recall definitely who they were.

90. Q. The six missionaries were on the right facing this hole, isn't that true?
A. Yes.

91. Q. And the natives were at the left end of the hole?
A. Yes.

92. Q. Now, where was the accused Fujitani standing with reference to this line of victims?
A. I do not recall exactly but I wrote in the diagram that I wrote at the Meiji Building that his position being at the back of this victim - a little removed from the center to the left but I have no distinct recollection as to his being there.

93. Q. When you wrote this statement of yours - it was your best recollection that Fujitani was standing where you indicated on the diagram in that statement, isn't that true?
A. When I was investigated at the Meiji Building by Investigator Yokoi everything about the incident was all mixed up in my mind and the investigator, Yokoi, seemed to know more about the incident than I did. And he said, "Wasn't Fujitani standing here?" indicating the diagram, and I guessed he was there and I said, "I guess he was there," and he told me to write what I had said in a statement so I did so.

94. Q. And at the end of this statement, didn't you write, "What I have written above is the truch according to what I remember"?
A. Yes, I wrote it. When I wrote on my statement, Yokoi, the investigator, told me to add that this was the truth according to my recollection so I did write it. Then he said to me that he would call me out again - probably next month or so.

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95. Q. I show you the diagram in your statement and ask you if that diagram including the Japanese characters isn't in your own handwriting?
A. It is mine.

96. Q. And when you wrote that everything in there was the truth, did you mean it?
A. I meant it but I had no time to collect my thoughts so when I was told by the investigator a certain person was standing there, then my guess as to these points became sort of a recollection and as the investigator had said I would be called out again during that month I thought I would go back and collect my thoughts. And then September passed, October passed, November passed and I wasn't called up again, so I thought that I was not wanted in relation to this incident anymore.

97. Q. Didn't I ask you at the Guam stockade here if everything in this statement was true to the best of your knowledge?
A. I was asked on Guam whether the statement was written by myself and whether the things made in it were true. Since it was my own statement I didn't think it was necessary for me to read it over - I didn't realize that I had written such a mistake in it.

The question was repeated.

A. Yes.

98. Q. And didn't you reply to me that what was in this statement was the truth?
A. I did.

99. Q. And prior to that time hadn't the interpreter read to you from the English translation into Japanese what was in your statement?
A. It was not reread back to me.

100. Q. Didn't you read the Japanese?
A. I was told by the interpreter to read the statement that I had written but since this was my own statement I didn't think that there was any mistake in it and that I didn't think that there was any uncertain points in it.

101. Q. You knew that what you had put in there was the truth, didn't you?
A. I had forgotten about it. If I had read it over I would have noticed it.

102. Q. Do you claim now that you deliberately sat down and made a diagram showing where Fujitani was standing and a statement explaining it and now claim that you lied when you did that?
A. I do not mean that it was wrong. I mean that I can not say for sure that he was in a certain position.

103. Q. But there is no question in your mind that Fujitani was there at the scene of the execution?
A. I can not say for sure but I remember.

104. Q. When you made out this statement on September 13, in which you stated that you had reread the statement were you lying about that?

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This question was objected to by the accused on the ground that it was unfair to question the witness along this particular line.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. No, I was not lying.

105. Q. So you did reread the statement?
A. No, I was not lying because at that time when I read it on September 13 I thought that my recollections were correct.

106. Q. Now, where was Ishiyama standing at the scene of the execution?
A. I recall that he was standing in back of the fifth or sixth missionary from the right.

107. Q. Where was Ichimiya standing at the scene of the execution?

This question was objected to by the accused on the ground that one defendant was testifying against a co-defendant, and further moved that the previous answer be stricken on the same grounds.

The judge advocate replied.

The commission announced that the objection and motion were not sustained.

A. As I recall he was around the third person.

108. Q. Where was Tamamoto standing?
A. As I recall Tamamoto was next to Ichimiya on the right. To Tamamoto's right.

109. Q. And Fujitani, Ichimiya and Tamamoto were all members of these execution teams, weren't they?
A. As I recall they were on the teams.

110. Q. Who were the other members of the teams?
A. I think they were Warrant Officer Nakamura, Sergeant Major Sugimoto and Sergeant Yamada.

111. Q. Where was Ando standing?
A. He was standing in back of the second or third person from the left.

112. Q. Was that one of the children that he was standing behind?
A. I do not recall clearly but I believe he was standing more to the right of the children.

113. Q. He was a member of an execution team, wasn't he?
A. That is how I recall it.

114. Q. Who was the Kempei that was on his team with him?
A. I do not recall clearly.

115. Q. And Yokoyama was standing to the right of Ando - near him, wasn't he?

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A. I do not recall whether it was right or left but he was standing near him.

116. Q. And he was a member of an execution team?
A. Yes.

117. Q. Who was the assistant Kempei of his team?
A. I do not recall clearly.

118. Q. Now, at the rear of these teams looking at the hole, were standing Captain Nakamura and Colonel Miyazaki, isn't that true?
A. As I recall the detachment commander, Nakamura, was two or three meters in front of Miyazaki.

119. Q. But both of them were to the rear of the entire gathering, isn't that correct?
A. They were not at the same spot all the time. They were moving around from time to time and some time they would be on the left and some time they would be on the right hand but as I recall when I saw them Nakamura was standing two or three meters in back of this line and another two or three meters back was standing Commanding Officer Miyazaki.

120. Q. And the adjutant was back there with him, wasn't he - the accused Ichikawa?
A. As I recall he was near the commanding officer.

121. Q. Now, on which team was Iwamoto? Was he on the team about the third from the right looking at the hole?
A. I do not recall which team he was in but I recall he was near the third team looking at the hole from the right.

122. Q. How many Sumida men were at the scene of the execution?
A. I recall four or five.

123. Q. How many Sumida Unit officers were there?
A. There was one officer.

124. Q. Who was that officer?
A. At that time I did not know who it was but at the Meiji Building I was told that he was First Lieutenant Yamamoto.

125. Q. Don't you recognize the accused Yamamoto now as being that officer?
A. I do.

126. Q. And don't you recall at that scene hearing Yamamoto talking to the unit commander and asking that the shooting be done by his men to test the courage of his young soldiers?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

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A. I have a recollection that something to this effect was said at this conversation but I recall that it was the other way around and the commanding officer, Miyazaki, said to the officer of the Sumida Unit, "Since his unit was the transportation corps he wouldn't have a chance to do any shooting."

127. Q. Don't you remember writing in this confession of yours, "I remember an officer of the Sumida Unit was talking with the unit commander asking that the shooting be done to test the courage of the young soldiers?"

This entire line of questioning was objected to by the accused on the ground that the defense counsel were not given the opportunity to object to the contents of the confessions admitted into evidence by the prosecution and therefore, the judge advocate should not be permitted to ask questions on their contents.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. That was a mistake in my recollection.

128. Q. Do you mean to say that you were lying when you wrote that?

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

The judge advocate replied.

The commission announced that the objection was sustained.

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

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Ezure, Shigeru, 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.)

129. Q. Do you mean to say now that Lieutenant Colonel Miyazaki asked First Lieutenant Yamamoto if it wouldn't be good for his men to take part in this execution?
A. The commanding officer, Miyazaki, said to the officer from the Sumida Unit, "Since your unit is a transportation outfit you don't have much chance to do shooting, so have your men shoot."

130. Q. Wasn't there anything said by anybody about helping the courage of these soldiers?

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A. As I recall Miyazaki said something to that effect.

131. Q. And after that Yamamoto told his men to step forward, isn't that true?
A. Having been told this, the officer from the Sumida Unit said, "No, I would like to have the Kempeitai do it," and he was refusing.

132. Q. You didn't put anything like that in your confession, did you?
A. No.

133. Q. After this Yamamoto agreed with Miyazaki and told the men to step forward, didn't he?
A. After that Miyazaki directly told the men who were nearby, "You shoot," and these men replied, "Yes," and two of them stepped forward.

134. Q. Yamamoto didn't tell Colonel Miyazaki that his men wouldn't do it, did he?
A. He did not say anything to that effect, but he said, "I would like to have the Kempeitai do it."

135. Q. He didn't stop his men from doing it, did he?
A. As regards that point, I do not recall clearly. It was as I have testified before.

136. Q. How many Sumida men stepped forward?
A. One or two men stepped forward.

137. Q. These Sumida men executed one of the missionaries, didn't they?

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

The judge advocate reframed the question.

138. Q. These Sumida men that stepped forward shot the missionary on the right end, didn't they?
A. I recall that they shot one or two on the right.

139. Q. After the first volley of shots were there any signs of life that you noticed on the part of the victims?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I believe it was the third person from the right - the person did not fall into the hole and was still in a sitting position.

140. Q. And then that one was shot by the accused Tamamoto, was he not?
A. Yes, I wrote that Tamamoto shot, but as Tamamoto and Ichimiya were right near the place I do not recall definitely which one shot, but as it was dark and as I had a recollection that Tamamoto shot I wrote it that way.

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141. Q. So that your recollection at the time you wrote this statement is that Tamamoto was the one that shot, is that true?
A. Yes.

142. Q. After the first volley, wasn't the baby that was on the left end crying?
A. Yes.

143. Q. Who shot the baby?
A. An auxiliary Kempei shot it but I do not recall his name.

144. Q. After the execution of these ten victims did you bury them?
A. Everyone took part in this work of burying.

145. Q. You stated that Ishiyama was standing behind the missionaries. He was a member of one of the teams, was he not?
A. I think he was one of the members.

146. Q. How about Ozaki, wasn't he at the scene of the execution?
A. Other to the person that I have already mentioned I have no recollection.

147. Q. How about Kawaguchi, wasn't he there?
A. I do not remember.

148. Q. How about Hidaka, didn't you see him at the scene?
A. I do not remember.

149. Q. How about Ito?
A. I have a feeling that he was but I can not say for sure.

150. Q. How about the accused Nakamura?
A. I do not remember his whereabouts.

151. Q. But he was on one of the execution teams, wasn't he?
A. I think he was.

152. Q. How about Okamura?
A. I do not remember.

153. Q. Did you see Sagara there?
A. No.

154. Q. How about Uchida?
A. I saw him.

155. Q. Was he on one of the teams?
A. No.

156. Q. What did you see him doing at the scene?
A. I did not see him doing anything. I recall him being beside the detachment commander.

157. Q. He helped in the burial, didn't he?
A. I do not recall which persons helped in the burial because there were about fifteen persons and there were only two shovels.

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158. Q. Where was Hayashi standing at the scene of the execution?
A. Hayashi did not participate in the execution.

159. Q. Did you see him at the scene?
A. No.

Reexamined by the accused:

160. Q. When the judge advocate asked you if the personnel who assembled, excluding the duty personnel, were given assignments in connection with the execution, you replied, "Yes," - were you given any assignment in connection with the execution?
A. I was not.

161. Q. Then you merely went to the scene as Sano's orderly, is that right?

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

The accused reframed the question.

162. Q. Then what was the reason for your going to the scene of the execution?

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

The accused replied.

The commission announced that the objection was not sustained.

A. I was told by Second Lieutenant Sano to come with him as his orderly. I went as his orderly.

163. Q. When you were asked by the judge advocate, "Were all of the Kempeis lined up in this front row," you answered, "Yes." Did you make sure that all of the Kempeis had lined up in this front row?
A. By all of the Kempeis I mean those excluding the duty personnel and the sick persons.

164. Q. When you were asked by the judge advocate, "At the assembly inside the Kempeitai was each team ordered to take charge of a particular missionary?," you answered, "Yes." Do you mean by that that a certain team had charge of a certain missionary?
A. I misunderstood the word "particular." What I meant to say was when the teams got off the truck they would be assigned to a missionary.

165. Q. Did the missionaries proceed by themselves after getting off the truck to the scene of the execution?
A. Some team would be on the right and some team would be on the left of the missionary. I couldn't say that they were all the same but a Kempei went along with the missionaries.

166. Q. When were you first questioned about this incident by these investigators?
A. September 13th of last year.

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167. Q. When were you first arrested?
A. I was arrested on December 29th of last year.

168. Q. Did the officer who arrested you have a warrant for your arrest?

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

The accused replied.

The commission announced that the objection was sustained.

169. Q. Were you put in a Japanese jail at this time?

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

The accused replied.

The commission announced that the objection was sustained.

170. Q. Did you hear Lieutenant Nakamura give Lieutenant Sano any orders when he was giving orders to the Kempeitai at that assembly you were talking about?
A. I didn't hear anything.

171. Q. Were you an assistant Kempei at this time?
A. Yes.

172. Q. Were you carrying any ammunition for any of the Kempeis that night?
A. No.

173. Q. This child that you carried - didn't you carry this child only as an act of kindness on your part?

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

The accused replied.

The commission announced that the objection was sustained.

174. Q. Why did you carry this child?
A. The grass was very high and the child could not walk. Second Lieutenant Sano, seeing this, said, "Help him. It is a pity that he can not walk," so I carried him on my back about fifty meters.

175. Q. What was your feeling toward this child while carrying him?

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

The accused replied.

The commission announced that the objection was not sustained.

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A. He could not walk and I felt pity for him so I carried him on my back.

176. Q. At the scene of the execution what kind of feeling did you have toward him then?
A. I could not bear to think about it or to face the actual scene of the execution.

177. Q. That goes for all the people that were there?

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

The accused made no reply.

The commission announced that the objection was sustained.

178. Q. Who is this investigator, Yokoi, that you mentioned?
A. I learned that he was a Sergeant Yokoi when I was first put in Sugamo Prison on December 29th.

179. Q. Was he Japanese?
A. I think he was a Nisei.

180. Q. Did this Yokoi tell you that you had to write this sentence, "This is the truth," and what followed that?
A. Yes, when I finished writing my statement I brought it to him and asked him if this was all right and he said, "Add to that that the above statement is true according to your recollection," and so I did write it.

181. Q. Why did you write this statement in the first instance?
A. I was suddenly called so my memory was kind of mixed up and I did not know where to begin and the investigator seemed to know all about it; then he asked me if certain things weren't so. I replied to what he asked me then he told me to write what I had said and I wrote it.

182. Q. Did he tell you it would go easier with you if you wrote it?

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

The accused made no reply.

The commission announced that the objection was sustained since the accused had been given an opportunity to testify at the time the confession was offered in evidence.

183. Q. When Lieutenant Kenny and the interpreter questioned you at the Guam Stockade, did the interpreter read from the English translation to you?
A. I was not read back my statement which was in English translated into Japanese. He asked me whether the statement was written by me and I said it was and then he said that this English copy was an English translation of that Japanese.

184. Q. A short time ago you said you couldn't bear to look at this scene. You didn't mean then by that that you actually saw these persons that you named shoot these persons that night, did you?

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

The accused replied.

The commission announced that the objection was sustained.

185. Q. What did you mean by your answer that certain persons were members of the execution teams?

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

The accused replied.

The commission directed the accused to reframe the question.

186. Q. When you testified that certain of the accused were members of the execution teams, what did you mean by that?

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

The accused reframed the question.

187. Q. What do you mean by "execution teams"?
A. By that I mean the one auxiliary Kempei and one Kempei who got together and formed a team and tied the missionary and led them into the jungle to the scene of the execution.

188. Q. Who were these four or five Sumida Unit men that you say you saw at the scene?
A. This was the first time I saw them so I do not know their names. I was told they were men from the Sumida Unit by Investigator Yokoi at the Meiji Building.

189. Q. So then you don't really know of your own knowledge that these men were from the Sumida Unit?
A. At that time I was just aware of the fact that they were men from some other unit.

190. Q. Did it help your courage to see these missionaries executed by orders of Colonel Miyazaki?

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

The accused replied.

The commission announced that the objection was sustained.

191. Q. Did you state in your statement that Colonel Miyazaki said it would help the courage of the Sumida Unit men to execute these missionaries?

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This question was objected to by the judge advocate on the ground that counsel was misquoting the evidence.

The accused withdrew the question.

192. Q. Did you try to stop anyone from shooting after Colonel Miyazaki had given orders to shoot?
A. No, I did not.

193. Q. Did Lieutenant Nakamura?
A. I do not remember.

194. Q. Did Lieutenant Sano?
A. I do not remember.

195. Q. Do you remember if anyone tried to stop these people from shooting after Colonel Miyazaki had given them orders to shoot?
A. I do not remember.

196. Q. Why didn't you try to stop these persons from carrying out Lieutenant Colonel Miyazaki's orders?

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

The accused made no reply.

The commission announced that the objection was sustained.

Recross-examined by the judge advocate:

197. Q. When you went to this assembly you knew that the assembly was for the purpose of making arrangements for the execution of the missionaries, didn't you?

This question was objected to by the accused on the ground that it went beyond the scope of the redirect examination.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. No, I did not know.

198. Q. In your confession didn't you state that, "We auxiliary Kempeis waited tensely in our quarters as we surmised the inception of the assembly"?
A. I did. This is entirely apart from the missionary incident. I have "Kempeis," but by that I mean the officers of the Kempeitai. At that time Second Lieutenant Sano and I were camouflaging his quarters and he could not do it alone so we were doing it together. At that time Imaizumi came over and said that all the officers were to assemble, so Sano, seeing no purpose in my continuing along, ordered me to go back to my quarters, ∅ so I returned to my quarters and there I found four or five other auxiliary Kempeis and so we waited very tensely because this was an officers' assembly and since at that time the air raids were very severe and the landing of the enemy was

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imminent, we thought that the landing might take place today or tomorrow and under the circumstances we thought that something might take place in connection with this.

199. Q. When you lined up at that assembly the first thing done was that Nakamura gave the general instructions with reference to the execution of the missionaries. Is that correct?
A. When we assembled the first time, excluding the sick personnel, Miyazaki transmitted the order that in accordance with the order of Division Headquarters the missionaries would be executed, and Miyazaki then said with regard to detailed instructions that Lieutenant Nakamura would give them.

200. Q. And after that Nakamura gave the detailed instructions, is that right?
A. Yes.

201. Q. And then you and Imaizumi were selected to be orderlies for the two officers in connection with this execution, isn't that true?

This question was objected to by the accused on the ground that the judge advocate was misquoting evidence.

The judge advocate replied.

The commission announced that the objection was sustained.

202. Q. After these general instructions were given you were designated the orderly for Lieutenant Sano, were you not?
A. No, I was not ordered. When the Kempeis and the auxiliary Kempeis lined up Nakamura told me to step out of the line and I stepped out of the line. And then Lieutenant Sano came and said, "Emure, you will act as my orderly."

203. Q. You will act as his orderly at the execution, is that correct?
A. He just said, "You are going as my orderly."

204. Q. Going where?
A. He said, "Tonight you are going with me as my orderly."

205. Q. Where did you understand you were going?
A. I thought that we were going to the place of the execution of the missionaries.

206. Q. In fact, you knew you were going to where the missionaries were going to be executed, didn't you?
A. I did.

The commission then, at 3:15 p.m., took a recess until 3:40 p.m., at which time it reconvened.

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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Ezure, Shigeru, 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.

(Recross-examination continued.)

207. Q. After talking to the Nisei sergeant about this case you sat down by yourself and wrote this statement, didn't you?
A. Yes.

208. Q. Nobody else was with you?
A. Sergeant Yokoi was the only one that was beside me.

209. Q. He didn't force you to write anything that was in here, did he?
A. No, he said for me to just write down what I had told him.

210. Q. And on January 28th of this year at the stockade here when I spoke to you you said this statement was reread by you and everything in there was the truth, isn't that right?
A. I signed it.

211. Q. And you had reread it in Japanese, hadn't you?
A. You mean my own statement?

212. Q. Yes.
A. As the statement was one which I had written I did not think it was necessary for me to reread it over and I had completely forgotten that I had written such a grave mistake in the statement.

213. Q. Didn't you reread this statement in Japanese - your own statement?
A. I did not reread it. I had completely forgotten that I had written a mistake in it.

214. Q. Weren't you telling the truth when you sat down and wrote that you had reread it?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes, that is so. I was not telling the truth. Ando also was beside me then and I did not reread it because I thought it was not necessary since I had written it.

215. Q. And when I specifically asked you if what was in your statement was the truth and you answered, "Yes," were you then telling an untruth?
A. I didn't mean to tell a lie then; I believed at that time what I had written in there was the truth.

216. Q. When did you first come to realize that everything in there wasn't the truth?
A. When my confession was first read in this court.

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217. Q. Now when you carried this child through the woods did you feel that you were helping the child in carrying it to the scene of its execution?
A. No, he wasn't able to walk so I felt a pity for him and carried him.

218. Q. And you wanted to help him to be in good shape when he got to the scene of the execution, is that it?
A. As he could not walk I carried him up to the place where the road became good again.

Reexamined by the accused:

219. Q. What was your intent when you said in answer to the question of the judge advocate that you thought you were going to the execution was Lieutenant Sano's orderly?
A. When I thought about it I was very glad that I was not a member of the execution team.

220. Q. Now when you carried this child did you know that the child was going to be executed?
A. I was uncertain on that point. I did not know for sure. When I was told by Sano I carried the child on my back for about fifteen meters and when the road got good again I was told by Sano to let him down and he ran over to his mother and I was not sure.

221. Q. But you didn't carry the child in order to further its execution?

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

The accused made no reply.

The commission announced that the objection was sustained.

Examined by the commission:

222. Q. In your testimony in answer to a question by the judge advocate you stated you made a grave mistake in your statement. When you say "grave mistake" to what part of your statement do you refer?
A. The point is that I had the officer of the Sumida Unit and Miyazaki reversed in my statement. That is the point.

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

The witness said that he had nothing further to state.

The witness resumed his status as an accused.

The accused read a written motion to strike out the confession of the accused Ezure, Shigeru, appended marked "BB."

The judge advocate replied.

The commission announced that the motion to strike was denied.

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Yamamoto, Kazuharu, an accused, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. Are you an accused in this case?
A. I am.

Examined by the accused:

2. Q. When did you first enter the Japanese army?
A. I first entered the Japanese army as a one year conscript on the first of December 1920 and I served for one year and four months.

3. Q. Then what?
A. I was then discharged and assumed civilian status and helped my father in his toy shop and restaurant.

4. Q. When did you again enter the army?
A. I was recalled into the colors again on the first of August 1941 and entered the Setagaya Forty-Second Independent Motor Transportation Unit.

5. Q. When did you go to the Palau Islands?
A. I believe it was in June of 1943 after returning from New Guinea I went to the transportation unit on Koror of the Palau Islands.

6. Q. What was your duty on September 18, 1944?
A. My duty about that time was adjutant of the Forty-Second Independent Transportation Unit stationed on the main island of Koror.

7. Q. Who was the commanding officer of this Forty-Second Independent Transportation Battalion?
A. Major Sumida, Tokuo of the Imperial Japanese Army.

8. Q. Was that why it was called the Sumida Unit?
A. Yes, that is so.

9. Q. What kind of a unit was this Forty-Second Independent Transportation Battalion of the Sumida Unit?
A. At the time, that is as of September 18, 1944, the Sumida Unit was a unit of twenty-five officers, eight hundred noncommissioned officers and enlisted men and approximately one hundred and fifty automobiles including sedans and trucks and engaged in transportation of the various units.

10. Q. Briefly, what were your duties as adjutant of this battalion?

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

The accused replied.

The commission announced that the objection was not sustained.

A. My duties as adjutant were to assist the commanding officer. Secondly,

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to dispatch trucks and other vehicles on request from the various other units. The assignment of truck drivers and repair and upkeep of trucks was in the hands of the company commanding officers and therefore, I did not have great opportunity of contact with the company officers.

The commission then, at 4:10 p.m., adjourned until 9 a.m., tomorrow, Friday, March 12, 1948.

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NINETEENTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Friday, March 12, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Robert Oldham, yeoman third class, U. S. Navy, reporter.
The accused, their counsel and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Yamamoto, Kazuharu, the witness under examination when the adjournment 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.

(Examination continued.)

11. Q. Calling your attention to September 18, 1944, tell about the incidents of that day, if you remember them?
A. Shortly before noon on September 18, 1944, I received a telephone call from the Kempeitai by which the loan of a truck or trucks was requested and I asked him for what purpose they required the loan of these trucks.

12. Q. What was the reply to your question?
A. I asked him what they required the trucks for and the answer they gave over the wire was that the trucks were requested to be at the Kempeitai at six o'clock and details could be discussed with me if I were at my barracks and if I were available for discussion.

13. Q. What did you say?
A. I told him, the caller, that I would be waiting.

14. Q. Did you do anything at this time concerning the request of a truck?
A. I did not take any special measures at the time. I was waiting in my private room when about ten minutes later somebody arrived from the Kempeitai.

15. Q. Who came over and what did he say?
A. Adjutant Ichikawa came from the Kempeitai and requested the loan of two trucks.

16. Q. What did you say to him?
A. I remember asking him what he intended to use these two trucks for.

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17. Q. What was his reply?
A. He answered that he desired two trucks be loaned out to the Kempeitai by six o'clock in the evening.

18. Q. For what purpose?
A. In reply to my question he said that he desired the loan of the trucks at all costs because they were to escort spies by orders of Division Headquarters.

19. Q. Was it necessary to get orders from Division Headquarters for the use of these trucks?
A. Yes.

20. Q. Did Ichikawa say that this had been done?
A. Previous to that I had asked Ichikawa whether he desired two fresh trucks besides the one truck that they had already borrowed from the Sumida Unit, to which Ichikawa answered that he required just one fresh truck and that he wanted two trucks including the one at the Kempeitai loaned from the Sumida Unit.

21. Q. Wasn't the Kempeitai truck at the Sumida Unit at this time?
A. Yes, the truck loaned to the Kempeitai was at the Sumida Unit at this time.

22. Q. What did you do about making another truck available for them then?
A. I told Ichikawa that I could loan him a truck but it was desirable that Miyazaki send in a request to Division Headquarters for the Division Headquarters to issue an authorization for the use of the trucks to the Sumida Unit.

23. Q. Did you do anything about preparations -- making ready a truck for their use that night -- in addition to the one truck that was available?
A. I sent a messenger to one of the companies to issue a truck to the Kempeitai. To this messenger I stated that the truck was to be at the Kempeitai at six o'clock.

24. Q. Then what?
A. Ichikawa had previously told me that the orders were to arrive from Division Headquarters and that I need not worry about it.

25. Q. What happened then?
A. On parting with Ichikawa he told me that requests had been filed for authorization by Division Headquarters, therefore not to worry in the least about the authorization arriving.

26. Q. Then what did you do?
A. Slightly a few minutes before six the authorization not having arrived from Division Headquarters, I was troubled and went to the highway about thirty meters removed from my quarters where the trucks were to arrive.

27. Q. Were the trucks there?
A. When I arrived at the highway I met Colonel Miyazaki walking in my direction. Upon seeing me he immediately demanded of me, "Where is the other truck?"

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28. Q. What did Colonel Miyazaki say to you?
A. The commanding officer snarled at me, "Where is the other truck and what has happened to the other truck?"

29. Q. What did you say to him?
A. I replied, "The other truck is not here." But at the same time, "I have not received orders from Division Headquarters."

30. Q. Did Colonel Miyazaki say anything to that?
A. Yes.

31. Q. What did he say?
A. Colonel Miyazaki answered, "You need not worry about that. This transportation is to be conducted by orders of Division Headquarters. Even if the orders fail to reach your hands I will assume the whole responsibility therefore; you need not worry about that and stop quibbling."

32. Q. Did you say anything to that?
A. Yes, I did.

33. Q. What?
A. I answered, "You say so but Major Sumida, my commanding officer, is not present today and I can not assume such responsibilities."

34. Q. Then what?
A. Lieutenant Colonel Miyazaki was staring at me for some time and then he said, "If you can not take the responsibility for the trucks, you come along with the trucks. I order you to do so."

35. Q. Were both trucks there at that time?
A. One truck was there.

36. Q. When did the other truck get there?
A. One truck arrived immediately after the conversation I had with Colonel Miyazaki when he said, "I order you to come if you can not assume the responsibility." And when this truck arrived he turned to me and barked, "Why is this truck late? We are already behind schedule."

37. Q. What then?
A. Colonel Miyazaki seemed highly irritated and ready to bite off anybody's head and I was intimidated and when the Kempeis came and had all boarded the trucks I reported that I would accompany him and I got on the assistant driver's seat of one of the trucks.

38. Q. How many Sumida Unit men came with these trucks?
A. The Sumida Unit men who were there that night were two drivers, two assistant drivers, one orderly and myself.

39. Q. Who gave the orders for the trucks to start out?
A. After everybody had boarded the trucks either Captain Nakamura or Colonel Miyazaki gave the order to start. I am not clear on this point.

40. Q. You say after everybody had boarded the trucks -- approximately how many people boarded the trucks?
A. I rode on the assistant driver's seat and what I saw of the men getting on the trucks was when I was reporting to the commanding officer that I would accompany him and it was only momentarily that I saw it, so I do not remember exactly.

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41. Q. Well, do you remember approximately how many Kempeis boarded those trucks?
A. On the truck that I was riding in, I believe there were the Kempei Commanding Officer, Captain Nakamura, several (four or five) officers and the orderlies. I do not remember their number.

42. Q. You say the trucks started out on the orders of either Colonel Miyazaki or Captain Nakamura. Where did the trucks go?
A. Instructions as to destination seemed to have been given by Miyazaki from the back of the truck and after a short ride the trucks stopped and the commanding officer and the officers got off the trucks. I remained in the truck.

43. Q. Then what?
A. After a while a commotion was heard to approach the place where the trucks were and soon after we started. I learned for the first time in this courtroom that the place where the trucks stopped at this point of time was the place where the house of the missionaries was.

44. Q. Did anyone get on the trucks at this place?
A. Some people seemed to have gotten on the back of the truck but as I was sitting in the assistant driver's seat I could not see.

45. Q. Then what happened?
A. The trucks started to move and passed the place called Gasupan Heights and after proceeding for some little distance stopped there. By orders of the commanding officer everybody got off.

46. Q. What happened to the Sumida Unit men when the trucks stopped?
A. Immediately on alighting from the trucks Miyazaki ordered three Sumida Unit men to remain as air raid lookouts. He ordered the rest of the Sumida men to follow and Namekawa, my orderly, and myself followed Miyazaki.

47. Q. Were the Sumida Unit men armed?
A. When Colonel Miyazaki gave the order for three of the Sumida Unit men to take up positions as air raid lookouts and the rest to follow him and when I followed Miyazaki into the jungle, Namekawa was walking immediately in front of me and I believe he carried a rifle but I am not certain about the orderly who was behind me whether he carried anything.

48. Q. Were you armed?
A. It was the custom of the Sumida Unit that officers and the men when leaving the barracks left with arms and this custom which dates back from the time when our unit was in the Malay Peninsula was followed closely by me and I carried my sword with me but whether I carried my pistol that night -- this happened more than four years ago -- I do not remember clearly.

49. Q. The Sumida Unit men that were left at the trucks -- were they armed?
A. Yes, they had rifles and they were properly armed. Especially as to the time enemy landings were expected. Strict instructions had been issued to look carefully to the arms in the driver's cab and it was often the case when the arms would be incomplete. Sometimes a bayonet would be there without a rifle and sometimes it would be the reverse.

The judge advocate moved that all but the first sentence be stricken from the answer on the ground that it was not responsive.

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The accused made no reply.

The commission directed that the words following the first sentence be stricken out.

The commission then, at 10:15 a.m., took a recess until 10:30 a.m., at which time it reconvened.

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Yamamoto, Kazuharu, 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.

(Examination continued.)

50. Q. You were walking through the jungle with the Kempeis. What happened then?
A. After entering the jungle we came to a clearing. Miyazaki there started giving orders. Touching Namekawa, one of the Sumida men, on the shoulder, he said, "We will ask the Sumida Unit men to help in the execution."

51. Q. What did you say to this?
A. I was shocked when Miyazaki made the request for assistance, and I replied, "I must refuse that men from my unit, which is a transportation unit, participate in accordance with your request. Even though I am the adjutant of the Sumida Unit I have no authority to order Sumida men to assist you."

52. Q. What happened then?
A. When I said that it was not fair to these men, Miyazaki said it was by orders of Division Headquarters that this execution was to be carried out.

53. Q. Did Colonel Miyazaki order Namekawa to shoot?

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

The accused replied.

The commission announced that the objection was sustained.

54. Q. Did Colonel Miyazaki give any orders at this time?
A. Miyazaki said, "I will have your men assist in the execution," to which I repeatedly answered, "Transport men such as men from the Sumida Unit should not take part in this execution. Isn't it proper that the Kempeitai do it?"

55. Q. Did Colonel Miyazaki give any orders at this time, then?
A. Colonel Miyazaki, touching Namekawa's shoulder, said, "This is by order of Division Headquarters. Do you mean to say that you are not going to obey these Division Headquarters orders? We are in the face of the enemy, you fool!"

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56. Q. Who ordered Namekawa to shoot, if anybody?
A. Miyazaki pushed Namekawa forward telling him to shoot.

57. Q. Did Namekawa shoot?
A. When I saw Miyazaki push Namekawa by the shoulder I could not bear to look on and I turned my face away and therefore I do not know whether Namekawa fired or not.

58. Q. At the command of Colonel Miyazaki to shoot, what did happen?
A. Immediately after ordering Namekawa to step forward he seemed to have given the order to fire to Namekawa.

59. Q. At the command of Miyazaki to fire, did anybody fire?
A. I believe that Namekawa may have fired but I did not witness this.

60. Q. How about the others that were there?
A. The only other person there was my orderly and as he did not leave my side he did not fire.

61. Q. How about the Kempeis?
A. The Kempeis also seemed to fire at the command from Miyazaki.

62. Q. Do you know any of these Kempeis that fired that night?
A. My only acquaintances at the Kempeitai were Adjutant Ichikawa and Warrant Officer Ajioka and I do not know what the men of the Kempeitai did at the scene that night.

63. Q. How about Colonel Miyazaki, did he fire?
A. I do not remember.

64. Q. Did you shoot anyone at this execution as you are charged with having done in Specification 1 of Charge I?

This question was objected to by the judge advocate on the ground that it was improper in form.

The accused replied.

The commission announced that the objection was not sustained.

A. No, I did not. Neither did I shoot.

65. Q. Are you sure you didn't kill ten persons that night?
A. Neither did I receive orders to shoot nor did I actually shoot. I did not kill a single person let alone ten.

66. Q. Were you the officer in charge of the Sumida men at the scene of the execution?
A. That is not so. The men from the Sumida Unit who were there that night were Namekawa and Kumagai and they were under the command of Colonel Miyazaki. On that night I was placed in such a position as to be subordinate to the exacting orders of Colonel Miyazaki.

67. Q. On that night did you know Kawaguchi?
A. I was asked the same question in May when I was interrogated at the Meiji Building, but as adjutant I did not have great contact with the men of the companies. Even if Kawaguchi that night had claimed himself as a man from the Sumida Unit I would not have recognized him.

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68. Q. Then you don't remember seeing Kawaguchi there that night, do you?

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

The accused made no reply.

The commission directed the accused to reframe the question.

69. Q. Did you see Kawaguchi there that night?
A. I do not know where Kawaguchi was at the scene. I did not see him. I do not remember.

70. Q. After the shooting, what happened then?
A. After the shooting, by orders of the commanding officer of the Kempeitai, dirt was being thrown into the hole where the missionaries were placed.

71. Q. Then what happened?
A. After the hole had been covered everyone was ordered back to where the trucks were waiting by the commanding officer of the Kempeitai. I was the last to leave the hole and after praying for the peace of the departed souls I left the scene.

72. Q. When you arrived at the trucks, what happened then?
A. Arriving at the place where the trucks were waiting, the commanding officer of the Kempeitai ordered everybody aboard the trucks. I got on the assistant driver's seat as previously and we left.

73. Q. When you got to the Kempeitai what happened?
A. Arriving at the Kempeitai we were ordered to alight and we did so. Miyazaki said to me, "Thanks. You may take the trucks now. Please return." Accordingly we left.

74. Q. Did you ever receive written authorization or orders for the use of these trucks?

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

The accused replied.

The commission announced that the objection was not sustained.

A. Yes, I received it.

75. Q. Whom was this authorization from and what did it authorize?
A. After being dismissed and arriving at my barracks, I found an order awaiting me. The order read as follows: "On September 18, 1944 at 1800, the commanding officer of the Sumida Unit will dispatch one truck with driver and assistant driver to the Kempeitai and place them under the orders of the commanding officer of the Kempeitai." That was the gist of the order.

76. Q. Did you ever report this incident to Major Sumida?

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

The accused replied.

The commission announced that the objection was sustained.

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

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Yamamoto, Kazuharu, 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:

77. Q. About how many trucks belonged to the Sumida Unit?
A. About one hundred and fifty.

78. Q. On this day in September -- September 18 -- that you received that phone call from the Kempeitai, who was on the other end of the phone?
A. I could not tell who was phoning on the other end.

79. Q. Was it Ichikawa?
A. I thought it was somebody other than Adjutant Ichikawa.

80. Q. In this telephone conversation did they ask for anything other than trucks?
A. No, there was no further request made over the phone.

81. Q. I show you "Exhibit 19" and ask you -- is this in your own handwriting?
A. Yes, it is mine.

82. Q. Do you recall writing in that as follows: "I recall that it was the morning of the day of the affair that there was a telephone call from the adjutant of the Kempeitai. When I came to the phone it was requested that one truck and three of four rifles be lent to them." Do you remember writing that?
A. In May of last year I was interrogated by the investigator at the Meiji Building. The investigator said, "Was not a request made for rifles over the telephone -- the same day with the request for the trucks?" And my memory being very vague I thought that as drivers had to be attached to the trucks they would be armed. I thought that the request for the rifles was made over the telephone.

83. Q. In other words, you don't actually remember this, you only wrote it down because it was suggested by the investigator there, is that what you are telling us?
A. Yes, that is so.

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84. Q. Do you remember the date on which you wrote that statement in your own handwriting?
A. I believe it was in the early part of May of last year.

85. Q. Do you recall in the early part of January of this year writing the exact same thing in a statement which you made on Guam?
A. Yes, I remember that I did write it, but I would like to go into the reason for that.

86. Q. You remember writing that. Who suggested it to you on Guam so that you wrote it down in your own handwriting?
A. The facts were not suggested to me. I was requested to write out in a statement any facts which came to my memory other than those I had written in my statement at the Meiji Building. And if my statement made at the Meiji Building had been shown to me then it would have been different but that was not done.

87. Q. Did anyone on Guam suggest to you to write that Ichikawa also asked for rifles?
A. I received no such suggestion on Guam.

88. Q. But in your statement which you wrote on Guam you put that down, isn't that correct?
A. I was requested by the investigator here on Guam to write out what I remembered and to add any further information which I may have recalled in the meantime. That statement may be found in my statement made on Guam.

89. Q. When the person who asked you to write that statement spoke to you, did he ask you to write down what had happened or did he ask you to write down what you had written at the Meiji Building?
A. I remember his telling me that I was to write any new facts which I had recalled since writing the statement at the Meiji Building.

90. Q. And in this statement you recalled that Ichikawa had asked you for rifles, is that correct?
A. I think I wrote it in my statement because I remembered this fact from my previous statement made at the Meiji Building.

91. Q. Is it true when you wrote it down in your statement on Guam?
A. The basis of my mistake was as there were drivers and assistant drivers involved and at that time the enemy landing was imminent, they carried rifles whenever they left the barracks.

The commission directed the answer to be stricken out.

The question was repeated.

A. Naturally, as I had written it previously I thought it to be true.

92. Q. What is the truth now -- that Ichikawa did ask you for rifles or that Ichikawa did not ask you for rifles?

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

The judge advocate reframed the question.

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93. Q. Is it true that Ichikawa made the first telephone call to you and asked you not only for trucks but also for rifles? I am asking for the truth--what you remember about it right now?
A. No, that is not so. He asked only for the trucks.

94. Q. Then when you wrote down in both of your statements that Ichikawa had asked you for rifles you were not telling the truth, isn't that correct?
A. I am sorry that I wrote such a thing on the strength of a very weak recollection.

95. Q. Now, when you left the Sumida Unit that afternoon you took your orderly with you, is that correct?
A. Yes, I had my orderly.

96. Q. When you left the Sumida Unit to go to where the trucks were going to be stopped did you know that you were going to go with them to the scene of the execution?
A. No, I did not.

97. Q. Then why did you take your orderly with you?
A. At first when I went to the road the orderly noticed that I had left and followed me, as was customary.

98. Q. How far from the Sumida Unit was the place where you met Miyazaki?
A. At a place on the road about thirty meters away from my office.

99. Q. And to go thirty meters from your office you had to get your orderly to go with you, is that correct?
A. I did not command my orderly to follow me, but the orderly noticed that I had left and anticipated that he would be required and followed me to the road.

100. Q. How many other trucks had been assigned to different units by you on that day -- September 18?
A. I do not remember.

101. Q. Have you any idea at all, approximately?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do not think there were any trucks despatched to other units on that day.

102. Q. Now, you have testified that Miyazaki ordered you to come if you could not assume the responsibility. Is that correct?
A. Yes, that is correct.

103. Q. Now, did you ask Miyazaki's permission to accompany him or did he order you to go along?

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A. I said to Miyazaki that no orders had arrived from Division Headquarters and as the unit commander, Major Sumida, was absent, I would accompahy him because of the responsibility involved, to which Miyazaki said, "Then because of the responsibility you had better come. I order you to come."

104. Q. Did you, yourself, volunteer to go along or were you ordered to go along?
A. To explain my feeling at the time it was half voluntary. That is because the commanding officer of the Sumida Unit was not present I said, "I had to assume this responsibility."

105. Q. As a matter of fact, it was your suggestion that you go along on this trip, wasn't it?
A. That I go with him was first suggested by the other party.

106. Q. I show you "Exhibit 19" and ask you if you recall writing down the following: "I recall that I told Adjutant Ichikawa that, since the official papers had not come through yet, I was going along to be responsible for the trucks and then I got permission from the unit commander, Lieutenant Colonel Miyazaki"?
A. Yes, I wrote that.

107. Q. So in reality it was your own idea. You asked permission. Miyazaki didn't order you, isn't that correct?
A. When I told Miyazaki that the orders had not come in from Division Headquarters, he said he would assume full responsibility for the orders but even then I could not acquiesce to this and I said I would accompany him.

108. Q. You not only said you would accompany him, you asked his permission to go along, isn't that correct?
A. I did not ask for permission to accompany him, but then he ordered me to go with him if I could not assume the responsibility.

109. Q. If you were obeying an order then why did you write down, "And then I got the permission from the unit commander"?
A. I wrote so because Miyazaki was my superior and this was language used to superiors and if it was inconsistent I would like to correct this.

110. Q. In other words, once again what you have written down in your statement is not the truth -- is that correct?
A. When I wrote my affidavit in May my recollection was actually very vague.

111. Q. Now, when you wrote this affidavit in January of this year, was your recollection still vague?
A. I had great difficulty in recollecting the facts pertaining to the early portion of my statement -- about the part of borrowing of trucks -- when I wrote it at the Meiji Building.

112. Q. I show you a statement that wasn't written in the Meiji Building and ask you if you remember writing this: "I then said to him, 'If that is the case, as for myself, I cannot justify myself with the commanding officer of the unit for the responsibility of using the truck and men, so I'll go along, too.'" Isn't that correct?
A. Yes, I wrote that, too.

0509

113. Q. Was it true?
A. The fact of having written it is true.

114. Q. Is what you wrote down true?
A. I think this resulted from my omitting a phrase from the early part of the sentence.

115. Q. Who gave the orders to the driver of the trucks and told them where to go?
A. I do not know which of the two, but one of either Captain Nakamura or Colonel Miyazaki.

116. Q. Were those orders relayed through you?
A. No, that is not so.

117. Q. Were the drivers Sumida men?
A. Yes.

118. Q. And even though the drivers were Sumida men the orders weren't relayed through you, is that correct?
A. As adjutant I had no authority to give orders. As it was desired that I go, I reported to Colonel Miyazaki of our intent. From then onwards the command of myself and of the men of the Sumida Unit automatically shifted to Colonel Miyazaki.

119. Q. Did you hear the orders that Colonel Miyazaki gave the drivers?
A. As I was sitting in the assistant driver's seat I could not hear the instructions very clearly but I could hear, "Get moving," or "Stop the car," and such short orders.

120. Q. After the missionaries had been picked up, what happened then?
A. After picking up the missionaries and passing the Research Institute of Tropical Diseases Heights, we stopped at the place close to the scene of the execution and we dismounted.

121. Q. When you got out of the trucks, were the missionaries tied?
A. I could not see whether they were tied because I was a little distance away from them and they were in a shadow.

122. Q. Did anybody light any candles or battle lanterns when you got off the trucks?
A. I do not remember seeing any lights.

123. Q. When did you first learn that these people were going to be executed?
A. Miyazaki, after ordering the air raid lookouts to take up their positions, we advanced into the jungle and I think it was then that I questioned him, "What are you going to do?" At first he did not answer and when I repeated the question he said, "You will see when you get there," and when I pressed him again he seemed to get angry and said, "We are going to knock them off."

124. Q. After you got off the trucks did you hear Miyazaki say that the prisoners were to be guarded and not to be let escape?
A. I remember Miyazaki saying to take care or giving cautions that the missionaries would not escape. It was not an order; it was a caution.

125. Q. To whom was this caution given?
A. It was given to all walking in front of Colonel Miyazaki and to no one in particular.

126. Q. When Miyazaki gave the order for the three Sumida men to be lookouts, did he pass this order through you?
A. No, Commanding Officer Miyazaki gave the order directly.

127. Q. Now, when did you first learn that the men of the Sumida Unit were going to be used in this execution?
A. When at the scene of the execution the commanding officer waived to me and told me that the Sumida men were to participate in the execution it gave me a severe shock.

128. Q. Did he speak to you or did he just say, "Men of the Sumida Unit, come forward!"?
A. Because he said this facing me, I was given a severe shock.

129. Q. Did he say this to you before or after he tapped Namekawa's shoulder?
A. He said that with his hand on Namekawa's shoulder while his face was turned towards me.

130. Q. Did Miyazaki tap Namekawa on the shoulder or did you tap Namekawa on the shoulder?
A. It was Miyazaki.

131. Q. Are you sure that it wasn't you?
A. It was not I.

132. Q. Do you recall writing this down: "I was the last one to arrive at the scene. The place I was standing was in the back of the people, so I recall barely seeing between the shoulders of the people in front, two persons (so-called spies) in front of the hole which was in the front of me. When I was standing there without noticing anything, I was taken aback when I heard, 'Men of the Sumida Unit, step forward!' I was startled because I suspected that my men of the Sumida Unit were going to be made to start off. So I was upset. When I tapped Namekawa's shoulder and said, 'You' and rushed him forward, just at the same time, commanding officer Miyazaki gave the order, 'Fire!'"? Do you remember writing that down?
A. I wrote that.

133. Q. Then it was you and not Miyazaki that tapped Namekawa on the shoulder and pushed him forward, is that correct?
A. No, that is not so. Miyazaki tapped Namekawa on the shoulder and pushed him forward.

134. Q. When did you first remember this great conversation that you had with Miyazaki at the scene of the execution when you told him that he couldn't use Sumida men? When did you remember this conversation?
A. I do not know exactly what I was writing about when I wrote my statement in the Meiji Building, but as I thought things over -- as my mind went over various topics -- I came to form a complete picture.

135. Q. In your statement that you wrote on January 23, 1948, there is nothing about any conversation with Miyazaki. Does that mean you recall the conversation since that date?

0511

A. Some portion of this I remembered from before January 23, but Miyazaki is now dead and I had a feeling that any testimony without a witness would be just about useless so I did not dwell on this.

136. Q. Do you remember your orderly Kumagai testifying from this stand?
A. Yes, I remember.

The commission then, at 3:15 p.m., took a recess until 3:30 p.m., at which time it reconvened.

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The judge advocate announced that the official court interpreters at recess again checked that particular portion of Yamamoto's statement in controversy and they are now of the opinion that the statement definitely should read that Miyazaki tapped Namekawa's shoulder and pushed him forward, so there is no inconsistency in Yamamoto's testimony.

The commission directed the judge advocate to have the English translation of Yamamoto's statement (Exhibit 19(a)) corrected accordingly.

Yamamoto, Kazuharu, 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.)

137. Q. In your statement you said, "I was taken aback when I heard, 'Men of the Sumida Unit, step forward.'" Is that correct?
A. I was taken aback.

138. Q. And you also said, "I was startled because I suspected that my men of the Sumida Unit were going to be made to start off." Is that correct?
A. That is correct. That was my feeling at that time.

139. Q. When did you have this conversation with Miyazaki as to when the Sumida men were going to be used?
A. Just after arriving at the scene, Miyazaki told me about it.

140. Q. What was so startling then when he said, "Men of the Sumida Unit, step forward!"?
A. I didn't have the slightest idea that Miyazaki was going to use my men and I hadn't even known about the execution, therefore I was very much startled then.

141. Q. On the way to the scene through the forest Miyazaki had told you that the missionaries were going to be executed -- isn't that correct?
A. He didn't exactly use the word "execution." I have a recollection that he said they were going to do it. Then, further, "We are going to kill them."

142. Q. You knew before you got to the scene that the missionaries were going to be killed -- is that correct?
A. Yes, I did.

143. Q. When you got to the scene Miyazaki told you he was going to use some Sumida men -- isn't that correct?
A. After arriving at the scene he told me about using my men.

144. Q. And you did absolutely nothing to stop him from using your men, did you?
A. I tried to stop him.

145. Q. How did you try to stop him?
A. I said, "The Sumida Unit is a transporation unit and I cannot have the Sumida Unit men participate in an execution." But I did not state this in my statement.

146. Q. Did you tell Namekawa not to participate in this execution?
A. I didn't want to let Namekawa go forward, but the commanding officer said, "We are facing the enemy. Do you mean to say you are not going to obey my orders?"

The judge advocate moved to strike out this answer on the ground that it was not responsive.

The commission directed that the answer be stricken out.

147. Q. Did you tell him (Namekawa) not to participate in this execution?
A. I didn't have a chance to stop him.

148. Q. Was Namekawa a Sumida man?
A. Yes.

149. Q. Were you the only officer from the Sumida Unit present at that execution?
A. Yes.

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 wish to say three things. First, the judge advocate questioned me concerning the rifles -- whether Ichikawa had requested them or not. My recollection concerning this point is very faint and I have stated in my statement that portion regarding the rifles is vague. Second, with regard to the correction which the judge advocate has just announced in court. I wish to thank him for that and to say that this all happened because of my poor writing in Japanese and I wish to humbly ask the pardon of the judge advocate for troubling him so. Third, I have been praying every day for the repose of the missionaries who were victims of this incident. That is all.

The witness resumed his status as an accused.

Commander Martin E. Carlson, a counsel for the accused, moved to strike from evidence the two alleged confessions of Yamamoto, Kazuharu on the ground that they were ambiguous and as explained by the affiant they do not contain the true facts, and that they are hearsay.

0513

The judge advocate replied.

The commission announced that the motion was not sustained.

The defense rested.

The accused requested an adjournment until 9 a.m., Wednesday, March 17, 1948, in order to allow for the preparation of final statements of the twenty accused and final arguments of counsel. The request was granted and the commission then, at 4 p.m., adjourned until 9 a.m., Wednesday, March 17, 1948.

TWENTIETH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Wednesday, March 17, 1948.

The commission met at 9:15 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Stewart R. Smith, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

The accused, Yamamoto, Kazuharu, read a written statement, in Japanese, in his defense, appended marked "CC."

An interpreter read an English translation of the statement of the accused Yamamoto, Kazuharu, appended marked "DD."

The accused, Ichikawa, Yokichi, read a written statement, in Japanese, in his defense, appended marked "EE."

An interpreter read an English translation of the statement of the accused Ichikawa, Yokichi, appended marked "FF."

The commission then, at 10:20 a.m., took a recess until 10:35 a.m., at which time it reconvened.

Present: All the members, Lieutenant James P. Kenny, U. S. Navy, judge advocate, the accused, their counsel and the interpreters.

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The accused, Ishiyama, Zenzo, read a written statement, in Japanese, in his defense, appended marked "GG."

An interpreter read an English translation of the statement of the accused Ishiyama, Zenzo, appended marked "HH."

The accused, Sugimoto, Takeji, read a written statement, in Japanese, in his defense, appended marked "II."

An interpreter read an English translation of the statement of the accused Sugimoto, Takeji, appended marked "JJ."

The accused, Ichimiya, Masao, read a written statement, in Japanese, in his defense, appended marked "KK."

An interpreter read an English translation of the statement of the accused Ichimiya, Masao, appended marked "LL."

The accused, Ozaki, Katsutoshi, read a written statement, in Japanese, in his defense, appended marked "MM."

An interpreter read an English translation of the statement of the accused Ozaki, Katsutoshi, appended marked "NN."

The commission then, at 11:25 a.m., adjourned until 9 a.m., tomorrow, Thursday, March 18, 1948.

TWENTY-FIRST DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Thursday, March 18, 1948.

The commission met at 9:15 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Robert Oldham, yeoman third class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

The accused, Tamamoto, Tadashi, read a written statement, in Japanese, in his defense, appended marked "OO."

An interpreter read an English translation of the statement of the accused Tamamoto, Tadashi, appended marked "PP."

The accused, Yokoyama, Kyohisa, read a written statement, in Japanese, in his defense, appended marked "QQ."

An interpreter read an English translation of the statement of the accused Yokoyama, Kyohisa, appended marked "RR."

The accused, Ezure, Shigeru, read a written statement, in Japanese, in his defense, appended marked "SS."

An interpreter read an English translation of the statement of the accused Ezure, Shigeru, appended marked "TT."

The accused, Fujitani, Yoshio, read a written statement, in Japanese, in his defense, appended marked "UU."

An interpreter read an English translation of the statement of the accused Fujitani, Yoshio, appended marked "VV."

0517

The accused, Kawaguchi, Wahei, read a written statement, in Japanese, in his defense, appended marked "WW."

An interpreter read an English translation of the statement of the accused Kawaguchi, Wahei, appended marked "XX."

The commission then, at 10:20 a.m., took a recess until 10:35 a.m., at which time it reconvened.

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The accused, Ando, Fukuichi, read a written statement, in Japanese, in his defense, appended marked "YY."

An interpreter read an English translation of the statement of the accused Ando, Fukuichi, appended marked "ZZ."

The accused, Hayashi, Umeji, read a written statement, in Japanese, in his defense, appended marked "AAA."

An interpreter read an English translation of the statement of the accused Hayashi, Umeji, appended marked "BBB."

The accused, Hidaka, Kinnosuke, read a written statement, in Japanese, in his defense, appended marked "CCC."

An interpreter read an English translation of the statement of the accused Hidaka, Kinnosuke, appended marked "DDD."

The accused, Ito, Mitsuyuki, read a written statement, in Japanese, in his defense, appended marked "EEE."

An interpreter read an English translation of the statement of the accused Ito, Mitsuyuki, appended marked "FFF."

The accused, Iwamoto, Harukichi, read a written statement, in Japanese, in his defense, appended marked "GGG."

An interpreter read an English translation of the statement of the accused Iwamoto, Harukichi, appended marked "HHH."

The accused, Nakamura, Jiro, read a written statement, in Japanese, in his defense, appended marked "III."

An interpreter read an English translation of the statement of the accused Nakamura, Jiro, appended marked "JJJ."

The accused, Okamura, Gintaro, read a written statement, in Japanese, in his defense, appended marked "KKK."

An interpreter read an English translation of the statement of the accused Okamura, Gintaro, appended marked "LLL."

The accused, Sagara, Masashiro, read a written statement, in Japanese, in his defense, appended marked "MMM."

An interpreter read an English translation of the statement of the accused Sagara, Masashiro, appended marked "NNN."

The accused, Uchida, Fumio, waived the reading of his written statement, in his defense, in Japanese, appended marked "OOO."

An interpreter read an English translation of the statement of the accused Uchida, Fumio, appended marked "PPP."

The judge advocate, Lieutenant James P. Kenny, U. S. Navy, announced that his fellow judge advocate, Lieutenant Commander Joseph A. Regan, U. S. Navy, was ill and requested a delay until 9 a.m., Monday, March 22, 1948, to allow time for the preparation of final arguments. The request was granted and the commission then, at 12:05 p.m., adjourned until 9 a.m., Monday, March 22, 1948.

05 19

TWENTY-SECOND DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Monday, March 22, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Stewart R. Smith, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

The judge advocate read his written opening argument, appended marked "QQQ."

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

Mr. Kuwata, Hideo, a counsel for the accused, began reading his written argument, in Japanese, appended marked "RRR."

The commission then, at 10:15 a.m., took a recess until 10:30 a.m., at which time it reconvened.

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

An interpreter read an English translation of this portion of Mr. Kuwata's argument, appended marked "SSS."

Mr. Kuwata, Hideo, a counsel for the accused, continued reading his written argument, in Japanese, appended marked "RRR."

0520

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

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

An interpreter read an English translation of this portion of Mr. Kuwata's argument, appended marked "SSS."

Mr. Kuwata, Hideo, a counsel for the accused, completed reading his written argument, appended marked "RRR."

An interpreter read an English translation of the final portion of Mr. Kuwata's argument, appended marked "SSS."

The commission then, at 3:25 p.m., took a recess until 3:45 p.m., at which time it reconvened.

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

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Mr. Sanagi, Sadamu, a counsel for the accused, read his written argument, in Japanese, appended marked "TTT."

The commission then, at 4:20 p.m., adjourned until 9 a.m., tomorrow, Tuesday, March 23, 1948.

0521

TWENTY-THIRD DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Tuesday, March 23, 1948.

The commission met at 9:15 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate.
Robert Oldham, yeoman third class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

An interpreter read an English translation of the argument of Mr. Sanagi, appended marked "UUU."

Mr. Karasawa, Takami, a counsel for the accused, began reading his written argument, in Japanese, appended marked "VVV."

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

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

An interpreter read an English translation of this portion of Mr. Karasawa's argument, appended marked "WWW."

Mr. Karasawa, Takami, a counsel for the accused, completed reading his written argument, appended marked "VVV."

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

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

0522

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

An interpreter read an English translation of the final portion of Mr. Karasawa's argument, appended marked "WWW."

Commander Martin E. Carlson, a counsel for the accused, began reading his written argument, appended marked "XXX."

The commission then, at 3 p.m., took a recess until 3:15 p.m., at which time it reconvened.

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Commander Martin E. Carlson, a counsel for the accused, completed reading his written argument, appended marked "XXX."

The accused waived the reading of Commander Carlson's argument in Japanese.

The commission then, at 4 p.m., adjourned until 9 a.m., tomorrow, Wednesday, March 24, 1948.

0523

TWENTY-FOURTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Wednesday, March 24, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Stewart R. Smith, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

The judge advocate read his written closing argument, appended marked "YYY."

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

The trial was finished.

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

The commission then, at 11:40 a.m., adjourned until 9 a.m., tomorrow, Thursday, March 25, 1948.

0524

TWENTY-FIFTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam Marianas Islands.
Thursday, March 25, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Major Donald B. Cooley, junior, U. S. Marine Corps,
Lieutenant Commander Edwin M. Koos, U. S. Navy, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Robert Oldham, yeoman third class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

The commission was cleared.

0525

The judge advocates were recalled and directed to record the findings of the commission as follows:

As to the accused, Yamamoto, Kazuharu:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The third specification of the first charge proved.

The fourth specification of the first charge not proved.

And that the accused, Yamamoto, Kazuharu, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Yamamoto, Kazuharu, is of the second charge guilty.

As to the accused, Ichikawa, Yokichi:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Ichikawa, Yokichi, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Ichikawa, Yokichi, is of the second charge guilty.

As to the accused, Ishiyama, Zenzo:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Ishiyama, Zenzo, is of the first charge guilty.

0526

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Ishiyama, Zenzo, is of the second charge guilty.

As to the accused, Sugimoto, Takeji:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Sugimoto, Takeji, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Sugimoto, Takeji, is of the second charge guilty.

As to the accused, Ichimiya, Masao:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Ichimiya, Masao, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Ichimiya, Masao, is of the second charge guilty.

As to the accused, Ozaki, Katsutoshi:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Ozaki, Katsutoshi, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

0527

And that the accused, Ozaki, Katsutoshi, is of the second charge guilty.

As to the accused, Tamamoto, Tadashi:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Tamamoto, Tadashi, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Tamamoto, Tadashi, is of the second charge guilty.

As to the accused, Yokoyama, Kyohisa:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Yokoyama, Kyohisa, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Yokoyama, Kyohisa, is of the second charge guilty.

As to the accused, Ezure, Shigeru:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Ezure, Shigeru, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Ezure, Shigeru, is of the second charge guilty.

0528

As to the accused, Fujitani, Yoshio:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Fujitani, Yoshio, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Fujitani, Yoshio, is of the second charge guilty.

As to the accused, Kawaguchi, Wahei:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Kawaguchi, Wahei, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Kawaguchi, Wahei, is of the second charge guilty.

As to the accused, Ando, Fukuichi:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Ando, Fukuichi, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Ando, Fukuichi, is of the second charge guilty.

As to the accused, Hayashi, Umeji:

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The first specification of the first charge not proved.

The second specification of the first charge not proved.

And that the accused, Hayashi, Umeji, is of the first charge not guilty; and the commission does therefore acquit the said Hayashi, Umeji, of the first charge.

The specification of the second charge not proved.

And that the accused, Hayashi, Umeji, is of the second charge not guilty; and the commission does therefore acquit the said Hayashi, Umeji, of the second charge.

As to the accused, Hidaka, Kinnosuke:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Hidaka, Kinnosuke, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Hidaka, Kinnosuke, is of the second charge guilty.

As to the accused, Ito, Mitsuyuki:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Ito, Mitsuyuki, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Ito, Mitsuyuki, is of the second charge guilty.

As to the accused, Iwamoto, Harukichi:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

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The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Iwamoto, Harukichi, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Iwamoto, Harukichi, is of the second charge guilty.

As to the accused, Nakamura, Jiro:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Nakamura, Jiro, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Nakamura, Jiro, is of the second charge guilty.

As to the accused, Okamura, Gintaro:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Okamura, Gintaro, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Okamura, Gintaro, is of the second charge guilty.

As to the accused, Sagara, Masashiro:

The first specification of the first charge not proved.

The second specification of the first charge not proved.

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And that the accused, Sagara, Masashiro, is of the first charge not guilty; and the commission does therefore acquit the said Sagara, Masashiro, of the first charge.

The specification of the second charge not proved.

And that the accused, Sagara, Masashiro, is of the second charge not guilty; and the commission does therefore acquit the said Sagara, Masashiro, of the second charge.

As to the accused, Uchida, Fumio:

The first specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

The second specification of the first charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Uchida, Fumio, is of the first charge guilty.

The specification of the second charge proved in part, proved except the words "HAYASHI, Umeji, then a superior private, IJA," and the words "SAGARA, Masashiro, then a superior private, IJA," which words are not proved.

And that the accused, Uchida, Fumio, is of the second charge guilty.

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

The commission announced its findings.

The commission announced that Hayashi, Umeji and Sagara, Masashiro were excused from further attendance at this trial and they were escorted from the courtroom.

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

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

Stewart R. Smith, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Mr. Karasawa, Takami, a counsel for the accused, was called as a witness for the defense as to matters in mitigation, and was duly sworn.

Examined by the judge advocate:

1. Q. Will you please state your name?
A. Karasawa, Takami.

Examined by the accused:

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2. Q. Are you a defense counsel in this present case?
A. Yes.

3. Q, Have you any documents which you wish to introduce at this time as evidence?
A. I have.

4. Q. To what matters do these documents pertain?
A. I wish to present these documents into evidence at this time as character evidence in mitigation.

5. Q. How many have you in all?
A. I have nineteen documents.

6. Q. In what language are they written?
A. They were originally written in Japanese, but they all have an English translation.

7. Q. Did you read these documents?
A. I did.

8. Q. What did you find out in reading these documents?
A. These documents were written by the accused's superior officers or associates or subordinates, or in some cases their relatives, who were in very close contact with the accused; and from what I read I believe these documents show what kind of character these accused have.

9. Q. Has the judge advocate had access to these documents?
A. Yes.

The witness produced nineteen documents in Japanese in mitigation, one each in behalf of the accused Yamamoto, Kazuharu; Ichikawa, Yokichi; Ishiyama, Zenzo; Sugimoto, Takeji; Ichimiya, Masao; Ozaki, Katsutoshi; Tamamoto, Tadashi; Yokoyama, Kyohisa; Ezure, Shigeru; Fujitani, Yoshio; Kawaguchi, Wahei; Ando, Fukuichi; Ito, Mitsuyuki; Iwamoto, Harukichi; Nakamura, Jiro; Okamura, Gintaro; and Uchida, Fumio; and two in behalf of the accused Hidaka, Kinnosuke, and they were submitted to the judge advocate and to the commission, and by the accused offered in evidence for the purpose of being read into the record in mitigation. There being no objection, the documents were so received and are appended marked "Exhibit 24" through "Exhibit 42."

The witness produced nineteen documents, the English translations of "Exhibit 24" through "Exhibit 42" in behalf of the accused Yamamoto, Kazuharu; Ichikawa, Yokichi; Ishiyama, Zenzo; Sugimoto, Takeji; Ichimiya, Masao; Ozaki, Katsutoshi; Tamamoto, Tadashi; Yokoyama, Kyohisa; Ezure, Shigeru; Fujitani, Yoshio; Kawaguchi, Wahei, Ando, Fukuichi; Hidaka, Kinnosuke; Ito, Mitsuyuki; Iwamoto, Harukichi; Nakamura, Jiro; Okamura, Gintaro; Uchida, Fumio, in mitigation, and they were submitted to the judge advocate and to the commission, and by the accused offered in evidence for the purpose of being read into the record in mitigation. There being no objection, the documents were so received and are appended marked "Exhibit 24(a)" through "Exhibit 42(a)."

10. Q. Please read these documents.

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The witness read "Exhibit 24" through "Exhibit 42," inclusive.

An interpreter read "Exhibit 24(a)" through "Exhibit 42(a)," inclusive.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness resumed his status as a counsel for the accused.

The commission was cleared to consider the sentences.

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The judge advocates were recalled and directed to record the sentences of the commission as follows:

The commission, therefore, sentences him, Yamamoto, Kazuharu, to be confined for a period of twenty-five (25) years.

The commission, therefore, sentences him, Ochikawa, Yokichi, to be confined for a period of twenty-five (25) years.

The commission, therefore, sentences him, Ishizawa, Jengo, to be confined for a period of twenty (20) years.

The commission, therefore, sentences him, Sugimoto, Takeji, to be confined for a period of twenty (20) years.

The commission, therefore, sentences him, Ochimiya, Masao, to be confined for a period of twenty (20) years.

The commission, therefore, sentences him, Ozaki, Katsutoshi, to be confined for a period of twenty (20) years.

The commission, therefore, sentences him, Yamamoto, Tadashi, to be confined for a period of twenty (20) years.

The commission, therefore, sentences him, Yokoyama, Kyohisa, to be confined for a period of twenty (20) years.

Arthur G. Robinson
ARTHUR G. ROBINSON,
Rear Admiral, U. S. Navy,
President.

Donald B. Cooley, Jr.
DONALD B. COOLEY, JR.,
Major, U. S. Marine Corps,
Member.

Henry K. Roscoe
HENRY K. ROSCOE,
Lieutenant Colonel, Coast Artillery Corps,
United States Army, Member.

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Bradner W. Lee, Jr.
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Member.

James P. Kenny
JAMES P. KENNY,
Lieutenant, U. S. Navy,
Judge Advocate.

(First page of two pages recording the sentences.)

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The commission, therefore, sentences him, Ezure, Shigeru, to be confined for a period of fifteen (15) years.

The commission, therefore, sentences him, Fujitani, Yoshio, to be confined for a period of fifteen (15) years.

The commission, therefore, sentences him, Kawaguchi, Wakei, to be confined for a period of fifteen (15) years.

The commission, therefore, sentences him, Ando, Fukuichi, to be confined for a period of fifteen (15) years.

The commission, therefore, sentences him, Hidaka, Kinnosuke, to be confined for a period of fifteen (15) years.

The commission, therefore, sentences him, Ito, Mitsuzuki, to be confined for a period of fifteen (15) years.

The commission, therefore, sentences him, Iwamoto, Hatsukichi, to be confined for a period of fifteen (15) years.

The commission, therefore, sentences him, Nakamura, Jiro, to be confined for a period of fifteen (15) years.

The commission, therefore, sentences him, Akamura, Sintaro, to be confined for a period of fifteen (15) years.

The commission, therefore, sentences him, Uchida, Fumio, to be confined for a period of fifteen (15) years.

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(Second page of two pages recording the sentences.)

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The commission was cleared. All parties to the trial entered.

The commission [illegible] and pronounced the sentences to the accused.

action of the convening authority.

ARTHUR G. ROBINSON,
Rear Admiral, U. S. Navy,
President.

JOSEPH A. REGAN,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

JAMES P. KENNY,
Lieutenant, U. S. Navy,
Judge Advocate.

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