

JUAN ETUIJERA

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Rodas, was examined and testified through Interpreter Rodas as follows, with Interpreter Gojunco acting as "check" Interpreter:

DIRECT EXAMINATION

Q. (By Captain Calyer) What is your name?

A. Juan Etuijera.

Q. Where do you live?

A. Obando, Katangalan.

Q. How old are you?

A. 60 years.

Q. On the 7th of February, 1945, did you see some Japanese at Panghulo?

A. Yes, in the place where we were.

Q. How many did you see?

A. Eight.

Q. Do you know what branch of service they were from?

A. According to what I know, they are army men.

Q. How do you know that?

A. Because of the uniform that they wore, khaki shirt and khaki pants.

Q. Did you see any marks on the uniform?

A. I know there is an officer, because he brings with him a sword.

Q. Did you see any stars on the uniform?

where we kept our things.

Q. Did they take the men, women and children from the town?

A. No. we were there in that hut, 40 of us altogether.

Q. Was that men, women and children?

A. Yes.

Q. Now, what did the Japanese do to the people in that hut?

A. They tied all of us, all men and the old women were tied together.

The children and the young girls were not tied, and they were separated from our group.

Q. Now, what happened to the men?

A. After men and the old women were tied, one by one were taken downstairs and were killed, and bayoneted. I saw one who was bayoneted and was thrown into the ditch.

Q. Did you see more than one killed?

A. I did not see, because as soon as they were taken down the doors were closed, but afterwards I found all my companions in that ditch, because I was the last one that was killed -- that was supposed to be killed.

Q. Now, what did they do to you?

A. I was taken downstairs, my hands were tied at my back, and I was asked -- I was pushed to the fish pond.

Q. What happened there?

A. He held the gun, and with full strength he hit me right here on my neck,

Q. What part of the gun did he hit you with?

A. The handle, the point.

Q. Will you show the Commission the mark of that blow?

A. Yes, sir.

(The witness exhibited the back of his neck to the commission.)

Q. Now, what happened to you after that?

A. They threw me into the fish pond, face down.

Q. Were you struck again?

A. I cannot tell whether they hurt me again. All that I felt was they stepped on me to see whether I was dead or alive.

Q. Weren't you struck on the shoulder also?

A. Yes, I was struck once more on my shoulder with the butt of the gun. And I will show the Commission.

Q. Will you show it?

(The witness exhibited his shoulder to the Commission.)

Q. While you were lying in the fish pond did you see anyone else?

A. Yes.

Q. Who?

A. My niece, who is single, who happened to have fallen beside me on my right side.

Q. What was her condition when you saw her there?

A. She called to me. She did not have any -- she was not tied, and then I told her to untie me and that we are going to leave.

Q Had she been wounded?

A. Yes, she has a wound in her abdomen.

Q. Describe it.

A. Yes, she was bayoneted in the abdomen and her intestines came out.

Q. Did you and your niece get out of the fish pond and go to a hut?

A. Not in our hut, but into another place. We got away far from that place.

Q. And did you have a conversation with your niece at that time?

A. Yes. She was able to talk to me, and she was asking for water because she was already dying at that time.

Q. Did she say what had happened?

A. It is a sad story to tell, but she said that she was raped and then was bayoneted in the abdomen, and then thrown into the fish pond.

Q. Did she say anything about other people who were with her?

A. She told me that all -- she and all her companions there were raped.

Q. How many were there?

A. I know of nine, and two of them were married.

Q. Do you know how many people were killed in the group that you were in?

A. There were 29 killed.

Q. Did that include women and children?

A. Yes. One of them is a baby 19 days old.

THE WITNESS: 15 days.

CAPTAIN CALYER: You may examine.

CAPTAIN REEL: No questions.

CAPTAIN CALYER: Thank you, sir. That is all.

(Witness excused).

C E R T I F I C A T E

I, T. R. C. King, Major, Inf. (TD), Executive Officer, Legal Section, General Headquarters, Supreme Commander for the Allied Powers, do hereby certify that Document 2876 is a true and correct copy of the transcript of the testimony offered by JUAN ETUIJERA in the trial of the case against Tomoyuki YAMASHITA, General, Imperial Japanese Army, before a Military Commission in Manila; and that the whole record of the case, including the transcript of all testimonies taken, as well as the affidavits admitted in evidence, are now on file with this Section.

/s/ T. R. C. King
T.R.C. King,
Major, Inf. (TD)

Witness: /s/ John R. Pritchard

Sworn to before me this 26th day
of November, 1946, Tokyo, Japan.

/s/ John R. Pritchard

Capt. Inf.
Summary Court

RESTRICTED

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION, MANILA

DSG

APD 500
18 April 1946

MEMORANDUM TO: Prosecution Section (Report No. 287)
THRU : Executive Officer, Legal Section, Manila
SUBJECT : Arson, rape and robbery at Balilihan and Sikatuna,
Bohol, P. I., after 2 September 1945.

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II. SUMMARY OF EVIDENCE:

After their defeat by American forces about 19 April 1945, the Japanese on Bohol fled to the hills. Here, they separated into small groups and lived in the forest and caves (R 2). One of these groups consisted of six men under the leadership of Sergeant IWAKU (R 1). From time to time, this band made raids upon the civilians in order to obtain food (R 2), but they also stole personal property and raped young women on several occasions (R 8, 11, 22, 26, 29, 33).

Once, when the occupants of a house where they sought food failed to admit them, Sergeant IWAKU's men surrounded the house and set fire to it, but the residents were able to escape after the Japanese had fled in fear of guerrillas (R 1, 36).

On another occasion, a group of six Japanese looted a home and forced the son and daughter of the household to accompany them as guides (R 14, 18). The son was later bayoneted and left for dead (R 18), while the body of the daughter was found about a month later near the tent where the Japanese had camped. Six front teeth were missing and her legs had been severed from the body (R 14). Her hands were still tied behind her back (R 15).

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1429

FRANCISCA BERNARDO DE LUNA

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Rodas:

DIRECT EXAMINATION

Q (By Colonel Lim) Please give your name?

A Francisca Bernardo.

Q What is your married name?

A De Luna.

Q What is your nationality?

A Filipina.

Q On 10 January 1942, do you remember having seen some Japanese soldiers in the barrio of Sampaio, Municipality of Talavera, Nueva Ecija?

A Yes, sir, on the 10th of January, 1942. Yes, it was on January 10th, 1942, and the Japanese went there and searched and arrested people, and I was threatened with a bayonet, and at that time I was pregnant. I was pregnant and about to deliver.

COLONEL LIM: Incidentally, sir, this is in connection with paragraph number 5.

Q (By Colonel Lim) What happened next?

A They boxed me on the face, both sides of my face, both arms, and also on my thigh, and when I laid prostrate on the ground I was raped.

Q Who raped you?

A I cannot remember his name, but he is a Japanese.

Q A Japanese soldier?

A A captain. He had a sword, a very long sword, and that is the sword that he was threatening me with.

COLONEL LIM: You may cross examine.

CROSS EXAMINATION

Q (By Lieutenant Pelz) Do you know the name of this captain, or did you know the name of the captain at that time?

A Due to my fright I do not remember.

Q Did you report the incident to the Japanese authorities?

A Yes, sir, we reported the incident to the Japanese authorities, and the one who reported it was threatened to be shot.

Q By whom was he threatened to be shot?

A The one who raped me.

Q You reported to the one who raped you?

A I said that after I was raped, two days after, we went to town to report the matter, and we reported the matter to the same captain who raped me.

LIEUTENANT PELZ: I have nothing further, sir.

REDIRECT EXAMINATION

Q (By Colonel Lim) Was this captain the commander of the forces in the place?

A Yes, sir.

COLONEL LIM: That is all.

GENERAL DONOVAN: Anything further?

LIEUTENANT PELZ: Nothing further, sir.

GENERAL DONOVAN: Any questions by the Commission?

(No response.)

The witness is excused.

(Witness excused.)

C E R T I F I C A T E

I, T. R. C. King, Major, Inf. (TD), Executive Officer, Legal Section, General Headquarters, Supreme Commander for the Allied Powers, do hereby certify that Document 2862 is a true and correct copy of the transcript of the testimony offered by FRANCISCA BERNARDO DE LUNA in the trial of the case against Masaharu HOMMA, Lieutenant General, Imperial Japanese Army, before a Military Commission in Manila; and that the whole record of the case, including the transcript of all testimonies taken, as well as the affidavits admitted in evidence, are now on file with this Section.

/s/ T. R. C. King
T. R. C. King,
Major, Inf. (TD)

Witness: /s/ John R. Pritchard

Sworn to before me this 15th day of
November 1946, Tokyo, Japan.

/s/ John R. Pritchard
Capt. Inf.
Summary Court

1438

VICENTE ARIAS

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Gojunco, was examined and testified as follows through the Interpreter:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A Vicente Arias.

Q You will have to speak louder than that. Where do you live?

A (Through the Interpreter) 211 Carriedo Street.

Q Are you the owner of the Arias Building?

A Yes, sir.

Q Will you look at Prosecution's Exhibit 193 and point out where your building is located?

(The witness indicated on Prosecution's Exhibit No. 193.)

CAPTAIN PACE: Let the record show that the witness is indicating the building -- or the block south of Rizal Avenue, and just to the east of the foot of Rizal Avenue, on Carriedo Street.

Q (By Captain Pace) On the morning of February 5, 1945, did you see anything unusual?

A Yes.

Q What was it?

A On about eleven o'clock in the morning a group of Army men set fire to the north of Carriedo Street.

Q What Army did they belong to?

A The Japanese Army.

Q Will you indicate on Exhibit 193 where you saw the Japanese setting fires?

A The fire was set on the corner of Carriedo Street and Escolta, thereafter at the corner of Escolta and Rizal Street. From there they set fire to the building occupied by the Romanach music firm. The next building they set fire to was the one occupied by the Music Association, at the corner of Estero Cegado and Carriedo. The next was the Roces Building at the corner of Rizal Avenue and Carriedo.

CAPTAIN PACE: Will the record show that the witness has indicated the buildings on the north side of Carriedo Street, beginning with the unnamed street north and south at the extreme right of the photograph, and he pointed all the way along on Carriedo Street on the north side until he reached Rizal Avenue, to the point marked "L".

Q (By Captain Pace) Will you point out on this exhibit where the Roces Building is?

A It is where the letter "A" is shown.

Q You have mentioned the Romanach Music Store; is that correctly indicated by the letter "M" on this sketch?

A No, sir; it is in front.

Q You mean it is on the north side of the street, instead of on the south side as it is shown here?

A Yes, sir, it is in the north.

Q Now, will you describe how the Japanese set the fires in these five blocks that you have described?

A They started by breaking down the doors of the buildings at the corner of Carriedo, and they poured gasoline and set fire. And they continued with the same procedure, with the other buildings.

(A photograph was marked Prosecution Exhibit No. 196 for Identification.)

Q Will you look at Prosecution's Exhibit No. 196 and tell what pages 1 and 2 show?

A The photograph I have before me shows the building on the corner of Estero Cegado and Carriedo, where the Romanach business was. The second photograph is of the same building.

Q What are those shacks that appear in the picture?

A One of the buildings is the one occupied by the night club, and the other buildings were occupied by other businesses.

Q Were the shacks that appear on pages 1 and 2 on the exhibit there after the fire, or have they been built since?

A It is after the fire that they were built.

Q And immediately after the fire were any buildings left in the area which you have described?

A The northern part of the night club building.

CAPTAIN PACE: The witness is indicating a concrete structure in the background of the second page of the exhibit.

Q (By Captain Pace) Look at pages 3, 4, 5, and 6, and tell what they are.

A They show part of the building of Rocas and the other buildings that were right by the fire.

CAPTAIN PACE: I offer this, Exhibit 196 for Identification, in Evidence.

GENERAL REYNOLDS: There being no objection, it is accepted in evidence.

(Prosecution Exhibit No. 196 for Identification was received in Evidence and so marked.)

Q (By Captain Pace) The buildings which you have described were all on the north side of the street, is that right?

A Yes, sir.

Q Your building is on the south side of the street; right?

A Yes, sir.

Q Did anything happen to your building?

A Yes, sir. It has been partially set on fire.

Q During the hours which you observed the Japanese doing this, was any artillery being fired into the area which you described?

A No, sir.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Reel) Did your building catch fire from the others?

A A part of the building --. A part of the fire that burned my building was through the flames on the other buildings.

Q Yes. Nobody set fire to the building you were in? Nobody deliberately set fire to the building that you were in?

A Yes, sir. The lower part of the building was set on fire.

Q Was that deliberately set on fire by somebody, or was that fire started by flames coming from the other buildings?

A It was deliberately set on fire.

Q How many floors did the building have that you were in?

A Four floors.

Q And was the Japanese Navy using some of that space?

A Those that set a military outpost at the corner of Rizal and Carriedo Streets were the ones who occupied the building.

Q Were these other buildings that you saw destroyed also occupied by military forces?

A The Roces Building was occupied by the Navy, and the other buildings were not.

Q Do you know what the other buildings were used for?

A The other buildings were not occupied by the Japanese military, but were occupied by their owners and some leases.

Q And were the other buildings warehouses?

A No, sir, they were not warehouses.

Q Did they have storage space in them?

A I don't believe they had warehouse space.

Q What floor of your building were you on when all this occurred?

A On the third floor.

Q And did you stay there and watch all those fires being set?

A We stayed until about three o'clock in the afternoon when we were only able to go out.

Q Did you leave your building before it started burning?

A No, sir.

Q So you were in the building when it was on fire?

A Yes, sir.

Q And was there pretty heavy fighting going on in the vicinity of these burning buildings at that time?

A There was no fire.

Q Didn't you hear any machine guns?

A No, sir, I didn't hear anything of a machine gun sound, but there was a machine gun at the lower part of my building, but I believe it was not used.

Q Did you see the American forces that day?

A Yes, sir. I saw only an American soldier at the corner of Plaza Goiti and Rizal after about ten o'clock in the morning.

Q And that was before these fires were set?

A Yes, sir.

Q Didn't you see some more American soldiers after ten o'clock in that area?

A No, sir. It was until after three o'clock in the afternoon at when we saw in the middle of Rizal Avenue some more Americans.

Q Yes. And by 3:30 in the afternoon that area was pretty well in the hands of the Americans, wasn't it?

A I don't believe the area was well controlled by American forces at that time, and there was no fire.

Q So that whatever American soldiers got there got there without a battle, is that right?

INTERPRETER GOJUNCO: Would you please repeat that?

CAPTAIN REEL: So that whatever American soldiers got there got there without a battle, is that correct?

A Yes, sir; without any resistance.

CAPTAIN REEL: That's all.

CAPTAIN PACE: Thank you, Mr. Arias.

(Witness excused.)

C E R T I F I C A T E

I, T. R. C. King, Major, Inf. (TD), Executive Officer, Legal Section, General Headquarters, Supreme Commander for the Allied Powers, do hereby certify that Document 2868 is a true and correct copy of the transcript of the testimony offered by VICENTE ARIAS in the trial of the case against Tomoyuki YAMASHITA, General, Imperial Japanese Army, before a Military Commission in Manila; and that the whole record of the case, including the transcript of all testimonies taken, as well as the affidavits admitted in evidence, are now on file with this Section.

/s/ T. R. C. King
T. R. C. KING,
Major, Inf. (TD)

Witness: /s/ John R. Pritchard

Sworn to before me this 15th day
of November 1946, Tokyo, Japan.

/s/ John R. Pritchard
Capt. Inf.
Summary Court

1431

GENERAL HEADQUARTERS
UNITED STATES ARMY FORCES, PACIFIC
OFFICE OF THE THEATER JUDGE ADVOCATE
WAR CRIMES BRANCH

APC 500
11 October 1945

MEMORANDUM TO: Prosecution Section (Report # 71)

THRU: Executive Officer, War Crimes Branch

SUBJECT: Bombing of Manila

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II. SUMMARY OF EVIDENCE:

On 26 December 1941, Manila was declared an open and undefended city. The announcement was published in the local press, broadcast over the radio in English and Tagalog, and announced throughout the streets of Manila by trucks with loudspeakers. On the night of the 26th, all the lights of the city were turned on. The text of the announcement was cabled to the United States on the same day (R 10, 11). On 27 December 1941, between 1200 and 1330 hours approximately twenty-one (21) Japanese bombers, copies of the American Douglas DC-2 bomber, plainly marked with the rising sun on their fuselages and wings, flew low over Intramuros. Erik W. FRIMAN, a pilot in the First World War, and later a test pilot for Douglas Aircraft and Lockheed Aircraft Companies, estimated the altitude of the first three planes at approximately twenty eight hundred (2800) feet (R 11, 12, 13). The following succeeding waves of three planes each flew over at less than one thousand (1000) feet (# 13). These planes probably flew from a base on Formosa. After the raid, Radio Tokyo broadcast "Our land-based planes from Formosa made another successful raid at Manila" (R 14). The estimated fuel capacity of the planes, coupled with the distance of available and adequate Japanese landing strips, also indicate that Formosa was the probable base for this raid (R 14). The bombs dropped on Intramuros were 100 and 300 pound bombs (R 15). The Santo Domingo Church, Letran College, Santa Rosa College, Santa Catalina College, the Intendencia Building, and Santo Tomas University were struck by Japanese bombs on 27 and 28 December 1941 (R 13, 18). Many other buildings, including the DMHM Building (Herald Building), Intramuros Elementary School Building, and a large block of houses between Santa Catalina, Beaterio and Solano Streets, were destroyed by fire as a result of the bombings (R 13, 18, 19, 47). Estimates of the number of planes engaged in the raids on 27 and 28 December vary, but it is believed that approximately twenty-one (21) planes were used on each occasion. Estimates by expert witnesses of the extent of property damage in Intramuros resulting from the bombing raids are included in the record (R 4-6, 32, 84-87, 97, 98; Ex. P). The total estimated damage was P1,077,538.00. This estimate does not include private residences destroyed by fire.

DOMINADOR SANTOS

called as a witness on behalf of the Prosecution, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A Dominador Santos.

Q You will have to speak louder.

A Dominador Santos.

Q Where do you live?

A No. 5 Cuesta, Manila.

Q What is your occupation?

A I am the deputy chief of the Detective Bureau, Manila Police Department.

Q In the early part of February, 1945, what was your occupation?

A I was the executive officer of the North Sector, Manila Police Department.

Q Did you see anything unusual happen on the morning of February 4, 1945?

A Yes, sir.

Q Will you describe it?

A Between 9 and 10 A.M. on February 4th while I was going to the office and the police station I saw a truck on Reina Regente Street, near Soler, stop in front of a building. Six Japanese soldiers left the truck and entered the building. Being suspicious that something may happen, I stopped and make observation for about 20 minutes. There was a sudden explosion and a fire. I did not proceed to my office anymore and I returned home.

Q I show you Prosecution's Exhibit No. 193 for identification and ask you if you can tell what that is?

A This is the place (indicating).

Q What is the whole paper?

A This is a map, sir.

Q Are you familiar with the area which that represents?

A I am familiar with the area, sir.

Q Does that accurately represent that area?

A Yes, sir.

CAPTAIN PACE: I offer it in evidence.

GENERAL REYNOLDS: There being no objection, it is accepted in evidence.

(Prosecution Exhibit No. 193 for
identification was received in evidence)

Q (By Captain Pace) Will you point out on there the Singer Building about which you are talking?

A Right there, sir (indicating).

CAPTAIN PACE: Let the record show that the witness is indicating the letter "A".

Q (By Captain Pace) How long after the Japanese went into the Singer Building did you see and hear the explosion?

A About 20 minutes, sir, I heard the explosion.

Q Had the Japs left?

A Before the explosion the Japanese left.

Q What happened after the explosion?

A There was a fire, sir.

Q Did you return to that building after that?

A I was already -- The following day, Monday, February 5th.

Q What was the condition of that building and the other buildings in that block?

A They were all burned.

Q I show you Prosecution's Exhibit No. 194 for identification and ask you to tell me what each of these four pages is.

A This is a picture of the building behind the Singer Building.

Q It is a rear view of the Singer Building?

A Yes, sir.

Q Is that the way it looked after the fire?

A After the fire this is the way it looked.

Q Look at the next picture. What is that?

A This shows the picture of the Co Poe Building.

Q Is that the way it looked after the fire?

A Yes, sir.

Q Look at page 3.

A This is the picture of the Singer Building as it appears after some remodeling.

Q What remodeling has been done that shows in that picture that was not present after the fire?

A The roof and these windows, sir. They were not in that position when the fire ruined the place.

Q Look at page 4.

A This is the remodeled picture, also.

CAPTAIN PACE: I offer Exhibit 194 in evidence, sir.

GENERAL REYNOLDS: There being no objection, this is accepted in evidence.

(Four photographs of Singer Building and block were received in evidence and marked Prosecution Exhibit No. 194).

Q (By Captain Pace) Was there any military fire that landed in that area at the time you saw the Japanese carrying something into the Singer Building?

A There was no artillery fire, sir.

CAPTAIN PACE: You may inquire.

CAPTAIN REEL: Could I have that last question read back, please?

(Question read)

CAPTAIN REEL: And the answer.

(Answer read)

CAPTAIN REEL: I will ask that that be stricken, sir. There was no testimony by this witness that he saw the Japanese carry anything into the building. It is a deliberately-framed question. We object to it and we ask that the question and answer be stricken.

CAPTAIN PACE: If Counsel were right I will agree with him. To make certain I will be sure to get something in the record at this time which I thought was already there.

GENERAL REYNOLDS: There seems to be agreement that the question and answer be stricken.

Q (By Captain Pace) What did the Japs do when they drove up in front of the Singer Building in a truck?

A They were bringing dynamites.

Q Where did they bring the dynamite?

A They took the dynamites inside the building.

Q And did they come out then?

A They came out.

Q Did they bring the dynamite out with them?

A They did not bring anything when they went out.

Q Were any artillery projectiles landing in that vicinity at the time you saw the Japanese do this?

A There was not.

CAPTAIN PACE: You may cross-examine.

CROSS-EXAMINATION

Q (By Captain Reel) Had there been artillery fire during that day?

A I beg your pardon?

(Question read)

A There was no artillery fire, sir.

Q (By Captain Reel) No artillery fire in the area in the vicinity of the Singer Building shown as "A" on this plan, Exhibit 193, on the 4th day of February, 1945? Is that your answer?

A Yes, sir. That is no lie. There was no artillery fire.

Q Were there some airplanes flying above the area?

A I did not observe airplanes flying during that time.

Q I show you the second picture of Prosecution's set of pictures on Exhibit 194, and ask you if this is not the damaged fuselage of an airplane in the lower lefthand corner.

A That is not.

Q Answer loud so he can hear.

A It seems to me that that is not an airplane fuselage.

Q And what do you think it is?

A That might be some -- some military -- military objects that are being left by the Japanese.

GENERAL REYNOLDS: Will you point out to the Commission that which you refer to?

CAPTAIN REEL: This instrument here, sir, on the second picture in the lower lefthand corner.

Q (By Captain Reel) How far away from the Japanese were you standing when you saw them go in the building?

A I was approximately at a distance of about 50 meters.

Q 50 meters. And at a distance of 50 meters, you saw how many Japanese go in?

A Six Japanese.

Q And what did they carry? What was the shape of the article they carried?
A They were carrying somewhat round objects.

Q And from 50 meters away you identified that round object being carried by six Japanese as dynamite, is that correct?
A Yes, sir.

Q Do you know what the Japanese were using the Singer Building for?
A I don't know what they are using that for, but that is the time that -- Before that time there was a Japanese sentinel in front of the building.

Q There was a Japanese sentinel in front of the building. Do you know whether they had naval stores in that building?

THE WITNESS: I beg your pardon?

(Question read.)

A I don't know.

Q (By Captain Reel) What branch of the service were these Japanese in that went in there, if you know?
A They are infantry men.

Q And how did you know 50 meters away?
A Because they were wearing leggings and puttees.

Q And because they were wearing leggings, you assumed that they were infantry men; is that right?
A Yes, sir.

Q And that was the only way you identify them, because of the leggings?
A Because of the leggings and the uniform that they are wearing.

Q Leggings and the uniform. Did you see the "anchors" on the uniform?

THE WITNESS: What is that?

(Question read.)

A I see the uniform.

CAPTAIN REEL: Repeat the question.

(Question again read.)

A (Continuing) Anchors? I saw the uniform of the Japanese soldiers.

Q (By Captain Reel) Could you see any insignia of an "anchor" on that uniform?
A (No response.)

Q Do you know what an "anchor" is?
A Oh! I did not see any "anchor."

CAPTAIN REEL: No further questions.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

C E R T I F I C A T E

I, T. R. C. King, Major, Inf. (TD), Executive Officer, Legal Section, General Headquarters, Supreme Commander for the Allied Powers, do hereby certify that Document 2866 is a true and correct copy of the transcript of the testimony offered by DOMINADOR SANTOS in the trial of the case against Tomoyuki YAMASHITA, General, Imperial Japanese Army, before a Military Commission in Manila; and that the whole record of the case, including the transcript of all testimonies taken, as well as the affidavits admitted in evidence, are now on file with this Section.

/s/ T. R. C. King
T. R. C. King,
Major, Inf. (TD)

Witness: /s/ John R. Pritchard

Sworn to before me this 15th day of
November 1946, Tokyo, Japan.

/s/ John R. Pritchard
Capt. Inf.
Summary Court

ARMANDO ALVAREZ

called as a witness on behalf of the Prosecution, being first duly sworn, through Interpreter Villa-Real, was examined and testified as follows through the Interpreter:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A Armando Alvarez.

Q Where do you live?

A (Through the Interpreter) 2296 Juan Luna, Tondo.

Q Where did you work in February, 1945?

A At the Bank of the Philippine Islands.

Q What did you do on February 5, 1945?

A Between four and five o'clock on the afternoon of that day we were all ordered out by the guards, I, my companions, my wife and two children.

Q Ordered out of the Bank of the Philippines Building?

A Yes.

Q Where did you go then?

A Opposite the Bank of the Philippine Islands.

Q Did you see anything unusual happen?

A During the whole midnight nothing unusual happened except we heard shots being fired. The following morning, four o'clock, we were ordered out of the Bank of the Philippine Islands.

Q What did you see then?

A When we were ordered out, I first evacuated my two children, and with me ^{was} is a guard, and we went to the opposite side. I took my children to Dasmarinas Street and stopped at the corner of Rosario and Dasmarinas, and left my children there under the care of my companions; also the guard.

Q Did you see anything happen?

A When I returned to take my wife, I saw that all our property was scattered, and I saw on the other side a group of Japanese soldiers. Because I want to find out what this Japanese soldiers will do, I tried to recover my property and the articles they had scattered, slowly.

Q What did the Japs do?

A The Japanese were trying to break down door, but when they could not, they break down the glass windows.

Q The door of what building?

A The door of the Bank of the Philippine Islands.

Q Will you point out the location of the Bank of the Philippines Building on Exhibit 193?

(The witness indicated on Prosecution's Exhibit No. 193.)

CAPTAIN PACE: Let the record show the witness indicated the letter "G".

Q (By Captain Pace) What did they do after they broke the window?

A They were trying to break down the door again, but they could not because there is iron bar. I heard a voice order, give command, and I saw a soldier scurry away in the direction of Dasmarinas. He came back carrying rags. The soldier laid the rags in front of two cans of gasoline. One soldier pour gasoline on the rags, and with the help of the other soldiers they began throwing the rags inside the edifice. When they finished throwing the rags inside the edifice, one soldier ran away carrying a long pole. At the tip of the

pole seemed to be rags tied, and it smelled with gasoline. He went directly to an edifice adjacent to the bank, which is burning; he dipped the tip of the pole where is the fire that was lit, and he came back to the edifice of the Bank of the Philippine Islands and threw that pole with the burning tip inside, and suddenly fire spurted out as far as the door where the Japanese stood, so the Japanese ran away. I ran away to help quickly my wife, gather those things we had left, went back to the place where my two children were, took them, and we went away.

Q Was there anything on the end of the pole that he took across the street to set fire to?

A Yes, a white -- looks white. It is considered rags.

Q Was the Bank of the Philippine Islands burning when you left?

A Yes, the whole down part was burning.

Q Did you return in about a week?

A The following morning I tried to return, but I was prevented by the guards. I went back after one week and I found out the whole place was scorched, burnt down.

(A photograph was marked
Prosecution Exhibit No. 195 for
Identification.)

Q I show you Prosecution's Exhibit 195 for Identification and ask if you can describe what the first page of that exhibit shows.

A Yes. This part is burned (indicating).

Q What is that a picture of?

A Picture of the Bank of the Philippine Islands.

Q Is that the way it looked when you returned and saw it?

A Exactly the appearance, after one week.

Q Will you look at page 2 and state what that is?

A This is the remains of the Bank of the Philippine Islands.

CAPTAIN PACE: I offer Exhibit 195 for Identification in Evidence, if it please the Commission.

GENERAL REYNOLDS: There being no objection, it is accepted in evidence.

(Prosecution's Exhibit No. 195 for
Identification was received in Evidence
and so marked.)

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Reel) How many floors did the Bank of the Philippine Islands have?

A Two stories: one down- and one upstairs.

Q And was the entire building occupied by the bank?

A Yes.

Q And do you know whether the Japanese kept their funds, or any of their funds, in that bank?

A No.

GENERAL REYNOLDS: I don't understand --

Q (By Captain Reel) Were there some vaults in the basement of that bank?

GENERAL REYNOLDS: I don't understand --

A Yes, there are iron vaults.

GENERAL REYNOLDS: You asked if the Japanese kept funds in that bank. I did not understand whether the witness meant to answer he did not know, or that they had no funds in the bank. Will you clear that up?

CAPTAIN REEL: I will straighten that out, sir.

Q (By Captain Reel) When you answered the question relative to funds in the bank, did you mean by your answer that you don't know whether they have funds in there?

A Yes. But what I know is the Japanese Mickey Mouse money.

GENERAL REYNOLDS: Well, is it correct, then, when he said the Japanese did have --

CAPTAIN REEL: Did have funds in that bank.

GENERAL REYNOLDS: They did have. Very well.

Q (By Captain Reel) One more question: Did you see whether these Japanese were Army or Navy soldiers?

A I cannot tell exactly, but what I know, they are Japanese soldiers with caps.

Q Did you see any insignia of anchors on them?

A At that time it was very dark. I cannot tell.

CAPTAIN REEL: That is all.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

C E R T I F I C A T E

I, T. R. C. King, Major, Inf. (TD), Executive Officer, Legal Section, General Headquarters, Supreme Commander for the Allied Powers, do hereby certify that Document 2867 is a true and correct copy of the transcript of the testimony offered by ARMANDO ALVAREZ in the trial of the case against Tomoyuki YAMASHITA, General, Imperial Japanese Army, before a Military Commission in Manila; and that the whole record of the case, including the transcript of all testimonies taken, as well as the affidavits admitted in evidence, are now on file with this Section.

/s/ T. R. C. King
T. R. C. King,
Major, Inf. (TD)

Witness: /s/ John R. Pritchard

Sworn to before me this 15th day
of November 1946, Tokyo, Japan.

/s/ John R. Pritchard
Capt. Inf.
Summary Court

Q And for what purpose did they come into the building?

A I don't know, sir, but they went inside the cathedral and they were going around, and then afterwards they have been pulling girls outside of the cathedral, and I saw two Japanese raping those women right there in the cathedral, and one by my side she is pregnant five months.

Q What part of the cathedral were you and your family located in that evening?

A We are in the middle of the cathedral. Suppose this is the church; we are there at that place (indicating), and this is the door.

Q Were you in the rear, to the rear of the cathedral?

A Yes, sir.

Q And how many Japanese did you see take women out of the cathedral during the night?

A There are many, but I have seen two, they are very, very near me, in front of me, in front of our place those Japanese are raping her, and I have seen plenty of girls that they are taking outside of the cathedral, those Matista girls, they are very young. They are telling, "No, don't; mama, don't let them take me." Those girls are shouting like that.

Q Did the Japanese take these girls by force?

A Yes, by force.

Q Did you see any girls killed by the Japanese in attempting to escape?

A No, I did not see them.

Q The next day did you see any girls killed by the Japanese when they attempted to escape?

A I have seen, yes, in front of that well. There were girls there that were shot by the Japanese.

Q When they attempted to escape?

A Yes.

Q How many did you see shot by the Japanese?

A I don't know; there are many there.

Q Several?

A Yes, several.

Q How long did you remain in the Manila Cathedral?

A We stayed there for two days.

Q Did all the members of your family stay there during that time?

A My mother and my niece were there in the St. Augustine Church. We were separated because the very afternoon they told us to leave the house, you see I told my mother I would be going to St. Augustine, and he told me, he said, "You can't go into St. Augustine, because there are already plenty there." He told me that I go to the Cathedral. So I and my two children and my husband were separated, and my mother and niece were separated.

They told me I couldn't go there. There was plenty there, that I better go to the Cathedral Church.

Q Were you and your husband separated after you got to the Cathedral?

A The next morning they took all our men; they took my husband.

Q You mean the Japanese took all the men?

A Yes, the next morning.

Q Do you know what they did with them?

A No, but I seen them.

Destruction Manila
Cathedral
and Rope 1434
ROSA CALALONG

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Hill) Will you state your name, please?

A My name is Rosa Calalong.

Q Can you speak a little louder?

A Rosa Calalong.

Q Where do you reside?

A 2642 Tinaldo, Manila.

Q Where were you residing the first part of February of this year?

A In Intramuros.

Q Where in Intramuros?

A Anda Street.

Q Were you residing there with the other members of your family?

A Yes, sir.

Q What were their names?

A Jesus Carugtos, my husband; Victorina Alban, my mother; my children, who are Aurora Carugtos, Angelita Carugtos and Basilio Carugtos.

Q On the 5th of February of this year did you, together with the other members of your family, have occasion to leave your home and seek refuge?

A Yes, sir.

Q And where did you go at that time?

A In the Cathedral Church.

Q To the Manila Cathedral Church?

A Yes.

Q Where was the Manila Cathedral located?

A Located at Calbildo and Postiogo.

Q Was that at Intramuros?

A Yes, that is inside of Intramuros.

Q At what time of the day or night did you and the other members of your family go to the Manila Cathedral?

A At about 5:30 in the afternoon of February 5th.

Q When you arrived there did you find any other people in the cathedral?

A There were plenty there.

Q Can you state to the Commission the approximate number of persons that you saw there in the cathedral?

A There was lots of people; it is a very big church, and it was very, very crowded.

Q Would you say that there were 500 or 1000 or 1500 people there?

A Maybe around 4000 or 5000; it is plenty. There are very many.

Q Did you and the members of your family remain there in the cathedral that night?

A Yes, sir.

Q All night?

A Yes.

Q Now, during the night did you see any Japanese come into the cathedral building?

A Yes, sir.

Q Have you seen your husband or heard from him since he was taken from you at the Manila Cathedral?

A That is the last time I have seen my husband.

Q How many men did you see the Japanese take from the Manila Cathedral on that day?

A There are many; there are two very long lines.

Q Well, when you say "many" can you give the Commission a little more definite answer on that? Would it be 50 or 100 or more than that?

A It would be more than two or one thousand, something like that.

Q Do you know if any of those men ever returned or not?

A Yes.

Q Did they return?

A Mr. Sanchez Andriguez, he returned.

Q Did any of the others that you saw taken away from the Cathedral ever return?

A No, I have not seen them.

Q And you have never heard of them since that time?

A I have not heard of them, no.

Q Now, after you left the Cathedral, what did you see, if anything, relative to the destruction of the Manila Cathedral?

A I see the Cathedral; I see it burning.

Q You saw it burning?

A Yes.

Q Do you know what caused the fire that burned the Manila Cathedral?

A There is some explosion, plenty of explosion inside the Cathedral.

Q Are you sure those explosions were coming from the inside of the Cathedral?

A They are inside the Cathedral, yes. We are here and the Cathedral is only on the next street.

Q Were there any American bombings or shells hitting in that area at that time?

A There was no shelling yet.

Q And no bombing yet?

A No bombing yet.

Q When you were in the cathedral did you see any signs of explosives being placed around inside the building?

A I just see those drums there, and supposing this is the church here, the convent, there are plenty of gasoline drums there.

Q Around the church?

A Yes.

CAPTAIN HILL: You may have the witness.

CROSS EXAMINATION

Q (By Captain Reel) These Japanese soldiers you saw, were they army or navy or marines?

A They are wearing green suits.

Q Did you see any insignia on their green suit?

A No, I don't. I don't look at the Japanese.

Q You could not tell whether they had little anchors on their green suits or not?

A No, I don't pay any attention to that.

Q You did not pay any attention to that?

DOCUMENT 2861

Q You did not pay any attention to that?

A No, I don't pay attention to that.

CAPTAIN REEL: That is all.

CAPTAIN HILL: I will ask to have these two photographs marked for identification.

(Two photographs were marked Prosecution Exhibits No. 308 and 309 for Identification respectively.)

REDIRECT EXAMINATION

Q (By Captain Hill) I will hand you Prosecution's Exhibit No. 308, and ask you to state what it is, if you know.

A Yes, this place here, this is the Cathedral Church.

Q Is that the ruins of the church as it looks today?

A It is not like this today.

Q I will hand you Prosecution's Exhibit No. 309, and ask you to state what it is, if you know.

A Yes, this is the Cathedral Church.

Q And is that as the church looks today after it was destroyed?

A Yes.

CAPTAIN HILL: We will offer into evidence Prosecution's Exhibits 308 and 309, sir.

GENERAL REYNOLDS: There being no objection, they are accepted into evidence.

(Prosecution Exhibits No. 308 and 309 for identification were received in evidence.)

CAPTAIN HILL: That is all we have.

CAPTAIN REEL: No further questions.

(Witness excused.)

DOCUMENT 2861

C E R T I F I C A T E

I, T. R. C. King, Major, Inf. (TD), Executive Officer, Legal Section, General Headquarters, Supreme Commander for the Allied Powers, do hereby certify that Document 2861 is a true and correct copy of the transcript of the testimony offered by ROSA CALALONG in the trial of the case against Tomoyuki YAMASHITA, General, Imperial Japanese Army, before a Military Commission in Manila; and that the whole record of the case, including the transcript of all testimonies taken, as well as the affidavits admitted in evidence, are now on file with this Section.

/s/ T. R. C. King
T. R. C. King,
Major, Inf. (TD)

Witness: /s/ John R. Pritchard

Sworn to before me this 15th day
of November 1946, Tokyo, Japan.

/s/ John R. Pritchard
Capt. Inf.
Summary Court

*Murders and
Destruction of
Red Cross Bldg.*

1435

JUAN P. JUAN

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Hill) Please state your name.

A My name is Juan P. Juan.

Q Where do you reside, Mr. Juan?

A I reside at 1312 General Luna Street.

Q Where is that with reference to the former Philippine Red Cross Headquarters Building?

A It is just next door, back of the former Philippine Red Cross Building.

Q The building that was used for that purpose on 10 February 1945?

A (No response.)

Q You are next door to the building that was used as the Philippine Red Cross Headquarters in early February of this year?

A Yes, sir.

Q How old are you?

A I am 47 years old.

Q What is your business or profession?

A I am not in any profession, but I have been engaged in business, in the Educational Alliance, since 1935.

Q On 10 February, 1945, did you have occasion to go to the Red Cross building adjacent to your home?

A Yes. I was practically there the whole day on February 10th.

Q Tell the Commission the occasion for your going to that building that day.

A As my house was just beside the Red Cross building, and the other house of mine was just 50 meters away from the place, on February 9th, in the evening, we had no other place to go than the house that belongs to me at the back of the Philippine Red Cross. So we slept there on the night of February 9th. On February 10th intense shelling was going on. Shells were dropping around my yard and my building was already hit. So we were in commotion, and my wife and I decided to go to the Philippine Red Cross Building, especially when we accepted an invitation from Mr. Farolan, then in charge of the Philippine Red Cross. So after breakfast on February 10th I brought my whole family inside the Philippine Red Cross, because it was being used as an emergency hospital. My daughter then needed the doctor's assistance, so I took the opportunity to bring the family inside the Red Cross Building, especially when my daughter had just delivered and needed doctor's assistance because she was weak due to hemorrhage and exhaustion while running away from the other building that I have which was burned the night before.

*Feb 10
1945*

Q Now, just a minute. Let me interrupt you. Tell the Commission how many members of your family went to the Red Cross Building that day.

A Fifteen altogether.

Q Fifteen?

A Yes.

Q And did all of the 15 remain in the building throughout the day and evening?

A A few of us happened to step outside late in the evening of that day, when it was almost dinner time, before dark, because our food was prepared outside of the Red Cross, inside my yard.

Q And how many members of your family remained in the building when the few of you went back to your yard?

A Ten of them remained inside the Red Cross Building.

Q Give the Commission the names of those ten members of your family that remained there in the building.

A There were my wife, Lucia Santos de Juan; my daughter, Paulina Juan Zabala, who had the baby; my older daughter, Juanita Juan Marcelo, with four children; and my daughter-in-law, Nenita Recio de Santos, with two children.

Q After you returned to your yard to prepare the food did you hear any noise or anything unusual from the direction of the Red Cross Building?

A Yes. About almost less than an hour after I left the Red Cross Building I was standing at the back yard supervising the cooking. Suddenly I heard shots from inside the Red Cross and simultaneously with the screaming of women. Then more shots followed and more screaming was heard.

My reaction was that the Japanese were killing the German refugees -- German-Jew refugees -- whom I saw inside the building when I left. My reaction was that the German-Jews were being killed, because I remember a statement of one of the Japanese officers that the Orient should be for the Orientals, and that there should be no mixed blood.

Q Now, just a minute. Did you know the name of that Japanese who made that statement to you?

A The second name is Captain Watasaki.

Q And when did he make that statement to you?

A That was more or less two or three months before the massacre.

Q Did you know this Japanese captain personally?

A I happened to know him several months before that when he was introduced to me by a certain friend of mine in Paranaque.

Q Just what were the circumstances under which you had the conversation with this Japanese captain?

A As he used to visit me in the house time and again, we happened to mention about the last war, the war that was going on then, and in the course of our conversation he said that eventually the war will soon end; that the Japanese --

COLONEL HENDRIX: If it please the Commission, at this time we would like to interpose an objection to this particular answer, and any line of questioning, on the ground of hearsay, as to what this particular witness heard another witness state; and further, that it is violative, and not in accordance with Article of War 38 in the Manual for Courts Martial and the rules of evidence in criminal cases in the District Courts of the United States. This witness is attempting to state what a captain in the Japanese Army has told him. That is hearsay. The captain should be here before this commission to testify as to whatever he did say.

MAJOR KERR: If the Commission please, this is a very important question. During the course of this trial the Commission will receive, or at least we will offer to the Commission, a considerable quantity of hearsay evidence. I advert once again to the regulations which provide that this Commission shall receive such evidence as it believes to have probative value.

The Commission is not a jury to be insulated mentally against every possible suggestion. You gentlemen are certainly in a position to evaluate hearsay, or any other type of evidence that may be of value to you. The closest analogy on this question to an executive body such as this, a military commission, is afforded by an administrative tribunal. I believe counsel will grant that under American practice the administrative tribunals have been held by our courts to have a very broad leeway as to the receipt of evidence of this sort, and that they may receive hearsay evidence if they believe it will help them in the determination of the issues before them.

If that is true as to an American administrative tribunal under the statutes applicable to those tribunals, certainly it is true as to this Commission. And I most earnestly submit, sir, that the Commission will deny itself some extremely illuminating, trustworthy, and helpful evidence, which certainly would have probative value, I am sure, in the mind of any reasonable man.

I certainly object to any effort by counsel to prevent the introduction of so-called hearsay evidence in this proceeding. Furthermore, there are about 57 different varieties of exceptions to the so-called hearsay rule, and if the Commission has to get into that maze of legal technicalities as to what is and what is not admissible as hearsay, we will be here for months.

COLONEL HENDRIX: If it please the Commission, it is not the purpose of the Defense to delay the case or to drag it out, but we do want the case to be tried along the rules of evidence as have been approved by the District Courts of the United States. We base that on this:

Article of War 38 states: "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 regulation 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."

I do not concur with the Prosecution as to his contentions of administrative practice and procedure in the United States. In one breath the Prosecutor states, "We do not have any rules and regulations". Then in another breath he attempts to write in the Massachusetts law, and certain rules and regulations of administrative procedure.

We take this position: Congress, by virtue of the Constitution of the United States, passed certain laws called the Articles of War. Article 38 is one of the statutes that is a part of the Articles of War. That particular Article of War gave the President of the United States the power to do two things: One was to prescribe rules of procedure and make rules of evidence for courts-martial; and the other for military commissions.

This Manual pertains largely to courts martial. The President of the United States has so acted, so far as courts martial are concerned, but from the record in this case, from what has been brought before this Military Commission, there is nothing on this subject as to the actions of the President of the United States for prescribing rules and regulations as to evidence.

In the absence of action from the President of the United States it surely was the intent of Congress that if the President did not do anything about prescribing such rules, the rules of evidence generally recognized in the trial of criminal cases in the District Courts of the United States must apply. Let us assume that the President did act on this subject. If he had, he would have to go by the rules in the Federal Court, so far as possible.

There has been presented to this Commission a letter that the Prosecution has mentioned on numerous instances and no doubt will, throughout this trial, which letter is dated the 24th of September, 1945, concerning the regulations governing the trial of war criminals, and so forth. We contend that this particular letter setting out the procedure such as evidence, bringing in hearsay, bringing in affidavits, bringing in what witnesses heard from other people, is absolutely null and void; that this entire letter is null and void; that General MacArthur, in preparing this letter, did not have authority from Congress to make any rules or procedures of a military commission. The only man in the world that has such power from Congress is the President, and he has not done anything about prescribing any rules, as far as the record in this case shows.

We insist that any hearsay as to this witness, or any other witnesses, must be ruled out and should not be allowed in evidence. Furthermore, we contend that as far as the rules are concerned, they should not go by this letter issued by General MacArthur, but by the rules of procedure of the Congress of the United States.

It comes down to this: Congress has made Article 38. Apparently the Commission will have to decide whether we are going to decide the evidence on what Congress has passed, or whether we will go by a letter that has been prepared by General MacArthur and which has directed General Styer to carry on this trial. We contend that the hearsay should be stricken and not allowed.

GENERAL REYNOLDS: Subject to objection by any member of the Commission, the objection of counsel for the Defense is not sustained.

COLONEL HENDRIX: We except to that, sir.

GENERAL REYNOLDS: As to the stating of exceptions, the proceedings of this Commission, unlike that of civil courts, are automatically subject to review. All rulings and decisions and findings are subject to review of the appointing authority. Accordingly, the statement of exceptions from counsel is not in order and will not be recognized by this Commission.

COLONEL CLARKE: If the Court please, that is new to me. If that is the contention of the Prosecution, if he can show us the authority, we are willing to abide thereby.

GENERAL REYNOLDS: The Prosecution will continue.

Q (By Captain Hill) Mr. Juan, I believe my last question was that I asked you to tell the Commission the circumstances under which you had the conversation with the Japanese captain which you related to the Commission.

A On several occasions the Japanese captain which I mentioned used to visit my family. I don't remember exactly what particular visit was that when he mentioned to me that the Orient should be for the Orientals, and that there should be no mixed blood. But we happened to talk about what would be the outcome of the war, and he said that it is not far when the war will end and people in the Orient will live in peace without being disturbed.

Q And what position, if you know, did this Japanese captain hold in your particular neighborhood with the Japanese Imperial Army?

A The last time that I know of his outpost was in Santa Mesa, and I think he was connected with the construction of railroads.

Q Did he say anything to you about where he had gotten his authority for the making of such a statement?

A He didn't say anything about it.

Q Continue with your story of what happened there at the Red Cross Building and in your yard after you heard the shots and screams about which you have testified.

A As I heard more shots and more screaming of people I told the rest of my children who were outside the building with me to get inside the building and not to come out. A few of us men outside posted ourselves around the building so we could see whether the Japanese were coming or not. One by the name of Romano Abad, who is a brother to Patrocinio Abad, one of the victims in the Red Cross, he stayed near the Red Cross Building, and when he saw a certain Japanese with fixed bayonet climb up the fence he ran to us and told us what he saw.

Q Did this Japanese come on over into your yard over the wall?

A He did not continue to get into my yard because he didn't see anything there. We were all hiding.

Q When did you first learn what had actually happened over in the Red Cross Building?

A At about dark time that evening one of our maids, Leticia by name, came into the air raid shelter, and she was pale and looked very much afraid and could hardly talk. And so we ask her, "What happen?"

Q Just let me interrupt you. Where had she come to the shelter from?

A From inside the Red Cross Building.

Q Go ahead.

A And then she burst, cried, and could hardly get her words, and told us that the Japanese killed everybody inside the Red Cross Building, including my wife and all my grandchildren. That was the first time I learned about the tragedy that happened to my family.

Q Did you go to the Red Cross Building later?

A I attempted to go that evening, February 10th, about midnight, but the rest of my children who were with me inside the air raid shelter prevented me from getting out of the air raid shelter, especially when one of the survivors told us that there were still Japanese soldiers in front of the Red Cross Building. So I did not go any more and waited the following day.

Q Did you go there the following day?

A On the following day the shelling was very intense. We could hardly get out of the air raid shelter, and besides, the buildings all around us were on fire.

Q Did you go to the building later?

A On the following day, on the evening of the 12th, I, with my son-in-law, Jose Zabala, whose wife was killed, went inside the Red Cross Building then, after two days, after the massacre.

Q Was it light or dark when you went to the building?

A It was not exactly dark yet. There was still plenty of light. But it was getting dark.

Q When you went into the building did you see any dead bodies there?

A I saw plenty of dead bodies on the corridor as I proceeded to the room where I thought my wife and children were.

Q Can you give the Commission an estimate of how many dead bodies you think you saw in the corridor and in the room where you thought your wife's body would be?

A My approximate estimate is about 20 bodies.

Q In those two places?

A Yes.

Q Were you able to identify and recover the body of your wife or any other members of your family?

A On that evening of February 10th I only saw the bodies of my daughter, Paulina. I tried to look in the same room where my daughter was for the rest of my family, but I could not find them.

Q Were you able to recover any bodies there and take them out of the building?

A We were able to recover the 10-day baby of my daughter.

Q Any other bodies?

A I could not recover any more excepting the bones of the rest of the family.

Q Do you know whether any other bodies were identified and recovered from the building?

A The daughter, the 10-month daughter of Corazon Noble was also recovered and brought into my yard.

Q Mr. Juan, how long did you remain at your home adjacent to the Red Cross Building after the 10th?

A Four days, as we left the premises on the 14th -- February 14th.

Q Were you present in your home when the Red Cross Building was destroyed?

A Yes, I was.

Q Will you tell the Commission how that building was destroyed?

A On the early morning of February 14th, or when I was at the back yard of my building, I saw flickering lights inside the room where the manager, or Mr. Faralon, was, as I was actually in that room there. I had been observing what was going on, whether there was somebody inside the building, but I didn't notice anybody. And for several minutes, approximately less than half an hour, I noticed that very suddenly the flickering light burst into flames, and that part of the building where my daughter was then enveloping in flames.

Q Were any members of the Japanese forces in your neighborhood at the time the building burned?

A I did not notice any, but I noticed several soldiers on that street in front of the Red Cross Building.

Q On that day?

A On that day.

Q Do you know whether or not the Red Cross Building was hit by any shells prior to the time that you saw it burn?

A I didn't notice any.

CAPTAIN HILL: I will ask that this be marked Prosecution's Exhibit No. 15 for Identification.

(The photograph of the Philippine Red Cross Building was marked Prosecution's Exhibit No. 15 for Identification).

Q (By Captain Hill) I will hand you Prosecution's Exhibit 15 and ask you to state to the Commission what it is, if you know?

A This is the former Philippine Red Cross Building as it stands now, after it had been burned.

CAPTAIN HILL: We offer Exhibit 15 in Evidence.

GENERAL REYNOLDS: Is there any objection by the Defense?

COLONEL CLARKE: None, sir.

GENERAL REYNOLDS: There being no objection, it is accepted as evidence.

(Prosecution's Exhibit No. 15 for Identification was received in evidence and so marked).

Q (By Captain Hill) On the 14th, the day that you saw the building burned, were those persons that you saw in front of the headquarters building Japanese soldiers?

A They were Japanese soldiers, because they had the uniform of the Japanese, and no other civilians could roam around that building there.

Q They wore the uniform of a Japanese soldier?

A Soldier.

CAPTAIN HILL: I ask that this be marked Prosecution's Exhibit No. 16.

(The photograph of ruins inside Philippine Red Cross Building was marked Prosecution's Exhibit No. 16 for identification).

Q (By Captain Hill) I will hand you Prosecution's Exhibit No. 16 and ask you to state what it is, if you know?

A This is part of the ruins of the Philippine Red Cross inside the building. I think this must be a portion of the toilet.

CAPTAIN HILL: We offer in evidence Prosecution's Exhibit No. 16, sir.

GENERAL REYNOLDS: Is there objection by the Defense?

COLONEL CLARKE: None, sir.

GENERAL REYNOLDS: There being no objection, it is accepted in evidence.

(Prosecution's Exhibit No. 16 for Identification was received in evidence and so marked.)

CAPTAIN HILL: I ask that this be marked Prosecution Exhibit No. 17 for Identification.

(The photograph of grave of 10-day baby was marked Prosecution's Exhibit No. 17 for Identification.)

Q (By Captain Hill) I hand you Prosecution's Exhibit No. 17 for Identification and ask you to state what it is, if you know, Mr. Juan?

A This is the photograph of the grave of the 10-day baby of my daughter, including the 10-month baby of Corazon Noble, inside my yard at the back of my house.

CAPTAIN HILL: We offer in evidence Prosecution's Exhibit No. 17, sir.

GENERAL REYNOLDS: Is there objection by the Defense?

COLONEL CLARKE: If the Court please, on these various exhibits, unless we state an objection, if the Court is satisfied, it will be admitted without any objection.

GENERAL REYNOLDS: I didn't clearly understand.

COLONEL CLARKE: On these exhibits that are now read, unless we state an objection, will the Court understand that we have no objection, without having to go through it each time?

GENERAL REYNOLDS: Very well.

(Prosecution's Exhibit No. 17 for Identification was received in evidence and so marked.)

Q (By Captain Hill) Mr. Juan, you were in your home adjacent to the Philippine Red Cross Headquarters Building from the time the fighting in Manila between the Americans and the Japanese began, until February 14th, is that correct?

A Yes, sir.

Q And during that time, and up until the 10th of February, the night of 10 February 1945, was the Red Cross Headquarters Building used for any military purpose by the Filipinos or by the Americans?

A It was not used for military purpose because it was then used as an emergency hospital.

Q Did you observe, on the 10th of February, whether or not the Red Cross insignia or conventional sign appeared upon the outside of the Red Cross Building there?

A Yes. I noticed that even at the back of the building there was the Red Cross sign.

Q Did that sign appear on other sides of the building?

A Yes, that appeared.

Q When you went into the Red Cross Building on the 10th were any of the people in the building that you saw armed in any way?

A No. There was no arm whatsoever.

Q Were all of the people in the building non-combatant civilians?

A Yes. They were all non-combatant; mostly children, refugees, and patients, who were then being treated by nurses and doctors.

Q From your knowledge and observation, after the murders had taken place, can you give the Commission an estimate of how many persons lost their lives there in the Red Cross Building at the hands of the Japanese on the 10th of February, 1945?

A I cannot exactly tell the number, because I didn't get inside the other rooms.

Q Can you make an estimate?

A I figure it to be approximately around 30 to 40.

CAPTAIN HILL: Cross Examine.

CROSS EXAMINATION

Q (By Captain Reel) When did the fighting in Manila begin?

A Only in our place I can state when, because we couldn't go outside of our yard.

Q Well, you told us a moment ago that you were at home from the beginning of the fighting until the 14th of February. All I want to know is what you mean by "beginning of fighting." When did it begin?

A I only learned that the American forces were already on the north side of the River on the 3rd.

Q Yes. Did you see any American soldiers between February 3rd and February 10th?

A The first time I saw the American soldier was on February 13th, when they came around my yard.

Q Were there any Filipino soldiers in your neighborhood at that time?

A I didn't see any Filipino soldiers.

Q Was there aerial bombardment going on after the 3rd of February?

A I didn't notice. Mostly artillery shells.

Q Artillery shells. And when you say you went to the air raid shelter, that was for protection against artillery shells?

A Yes.

Q And when did this artillery shelling begin, approximately?

A In our neighborhood the shelling began on February 9th, in the morning.

Q In other words, the day before this incident at the Red Cross Building the shelling began?

A Yes.

Q And your home building, I believe you said, was hit by a shell that day?

A No. The first building where I used to live before was burned by the Japanese on that same night.

Q That was the 9th of February?

A That was the 9th of February.

Q Didn't you say that the building was hit by shells?

A The other building at the back of the Red Cross was hit by shells on February 10th.

Q February 10th. I see. At the time you saw the flames in the Red Cross Building -- I think you said a "flicker" -- did you see any persons in that room where the light was flickering?

A I didn't see any.

Q Did you see anyone in the Red Cross Building at all after the flames started coming out of it?

A I didn't see any.

Q You told us that you saw some Japanese soldiers in front of the building. Just when, with relation to the fire, did you see them in front of the building?

A I saw the Japanese soldiers before the fire took place.

Q How long before the fire took place?

A On February 12th, when I went inside the building, I looked at some soldiers in front of the building.

Q And what day did the fire occur?

A The fire occurred in the early morning of February 14th.

Q So that it was two days before the fire that you saw the Japanese soldiers in front of the building?

A Yes. But we notice continuous movement of Japanese soldiers on the street just in front of the building continuously after the fire.

Q Did you see Japanese soldiers in front of the building after the 12th of February?

A Not exactly in front of the building.

Q You mean they were active in the City?

A Yes.

Q They were active in the area?

A Yes.

Q All right. Will you describe for us the Japanese soldier's uniform?

A I only noticed that the soldiers were dressed in olive green.

Q Any insignia that you remember?

A I didn't notice any more.

Q Will you describe for us the uniform of the Japanese sailor?

A Japanese?

Q Sailor. One who is on a boat; a sailor.

A I didn't see any Japanese sailor.

Q Let me ask you this: Do you know what the uniform of a Japanese sailor looks like?

A I am not familiar with the uniform of the Japanese sailor.

Q If I told you that the Japanese sailors wore the same colored green as the Japanese soldiers, would you then express some doubt as to whether or not those persons you saw were soldiers or sailors?

A I could only identify they are sailors when they show their cap with the anchor sign on it.

Q Ah, fine! So that you do know that a Japanese sailor has an anchor on his cap?

A That is my identification.

Q And what does a Japanese soldier have on his cap?

A Star.

Q And did you see the caps of these men who were in front of the Red Cross Building on the 12th of February?

A I didn't notice any more the caps.

CAPTAIN REEL: That's all.

CAPTAIN HILL: That's all.

(Witness excused.)

C E R T I F I C A T E

I, Alva C. Carpenter, Chief, Legal Section, General Headquarters, Supreme Commander for the Allied Powers, do hereby certify that Document 2869 is a true and correct copy of the transcript of the testimony offered by JUAN P. JUAN in the trial of the case against Tomoyuki YAMASHITA, General, Imperial Japanese Army, before a Military Commission in Manila; and that the whole record of the case, including the transcript of all testimonies taken, as well as the affidavits admitted in evidence, are now on file with this Section.

/s/ Alva C. Carpenter
Alva C. Carpenter
Chief, Legal Section

Witness: /s/ John R. Pritchard

Sworn to before me this 21st day
of November 1946, Tokyo, Japan.

/s/ John R. Pritchard

Capt. Inf.

Summary Court.