

Exhibit - original in K-38

TELEGRAM SENT

REL to provide for these **PLAIN** messages

December 12, 1942
AMERICAN LEGATION

MEMO
The provisions of the Convention, to be followed by the
holding authority. The Government of the United States
2814, Twelfth

Request the Swiss Government to have its Minister
in Tokyo communicate the following to the Japanese
Government:

From American citizens repatriated from Japan
and Japanese-controlled territories, the Government of
the United States has learned of instances of gross
mistreatment suffered by American civilians and prisoners
of war in the power of the Japanese Government in viola-
tion of the undertaking of that Government to apply the
provisions of the Geneva Prisoners of War Convention of
1929 to American prisoners of war taken by Japanese
forces and, in so far as they may be adaptable to civi-
lians, to American civilian internees in Japan and
Japanese-controlled territories. It is evident that the
Japanese Government has failed to fulfil its undertaking
in this regard and that some officers and agencies of
that Government have violated the principles of the
Geneva Convention in their treatment of certain American
nationals not only by positive mistreatment but by
failure

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-2-, #2514, December 12, to RERN

failure to provide for these American nationals necessities of life that should, in accordance with the provisions of the Convention, be furnished by the holding authorities. The Government of the United States therefore, lodges with the Japanese Government a most emphatic protest and expects that the inhumane and uncivilized treatment accorded American nationals, both civilians and prisoners of war, will be made a matter of immediate investigation and that the Japanese Government will give assurances that treatment inconsistent with the provisions and spirit of the Geneva Convention is not now and will not in the future be inflicted upon American nationals detained, interned, or held as prisoners of war in Japan or Japanese controlled territory. The American Government also expects the Japanese Government to take necessary disciplinary action with regard to agents or officers of that Government who have inflicted mistreatment upon American nationals or who have neglected their obligations to supply to American nationals in their care the necessities of life, which the Geneva Convention provides shall be supplied.

There follows a statement citing cases of mistreatment of American nationals in Japanese hands:

[This situation apparently still exists in certain areas.]

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[Illegible text]

1. Bridge House, Shanghai.

More than fifty-three Americans have been imprisoned for varying periods up to over six months in Gendarmerie prison, Bridge House, where they were crowded into vermin-infested cells with common criminals, some of whom suffered from loathsome contagious diseases. Sanitary facilities were primitive and inadequate, food was far below standard necessary to maintain health, no heat was supplied from December to June and medical care was virtually nonexistent. Americans were compelled to sit by

-4-, #2814, December 12, to Bern.

To sit by day and to sleep by night, provided only with filthy and inadequate blankets, on cold floor. They were not allowed to converse with each other or smoke at any time. An outstanding example of effects incarceration this prison is condition J. B. Powell, who through lack medical attention developed gangrene and lost front half of both feet.

4. Fort Santiago, Manila

Roy Bennett, Robert Abbott, and other Americans are reported to be imprisoned under barbarous conditions in Fort Santiago. They were reported practically unrecognizable in June as result hardships and mistreatment suffered. This Government insists that they be released immediately and receive medical care.

6. Santo Tomas, Manila.

Americans at Santo Tomas because of lack of preparation were forced to sleep on floors without mosquito nets or covering for at least three nights before they were permitted to obtain necessities from their houses. They were offered choice of being fed by holding authorities at cost of twenty-five centavos per day or of feeding themselves with funds American Red Cross had in Philippine National Bank. They were refused permission to use Red Cross funds for supplementing food which holding authorities should have supplied and not being able to exist on twenty-five centavos were obliged to depend entirely on Red Cross funds to feed themselves. These funds may be exhausted and this Government is gravely concerned regarding the welfare of these internees.

7. Davao and other internment camps in the Philippines.

In Davao interned Americans were forced to perform hard labor during first six weeks of internment. They were at first provided with an inadequate ration of cornmeal and fish. In April they were informed that they would have to provide for their own sustenance and would have to reimburse Japanese authorities for the food previously furnished.

From information received conditions other internment camps in Philippines appear equally bad.

The American Government expects that the Japanese Government will take immediate steps to fulfill its undertaking to furnish American nationals held by it with suitable and adequate housing and sustenance under humane and hygienic conditions.

II. Mistreatment and Torture.

1. Torture and physical violence.

Japanese authorities have resorted to physical torture of American nationals and numerous of them were subjected to great mental torture by being constantly threatened with treatment far worse than that they were already suffering.

(a) Three American missionaries in Korea were subjected to "water cure" and brutal beatings. In Keijo, R.O. Reiner, aged fifty-nine, suffered this torture six times during period May 1 to May 16. In one instance he collapsed from effect of blows and while lying unconscious on floor was kicked by gendarmarie (Erie)? employee named Syc with such force that his rib was broken. When he requested medical attention and pointed to broken rib gendarme rie employee named Kim struck him vicious blow directly over broken rib. On one occasion Reiner was given fifty or sixty lashes with rubber hose and pulley belting making half inch deep cuts on his arms and legs.

Edwin W. Koons, aged sixty-two, suffered same torture
Kyusan Police Station as did E.H. Miller, aged sixty
nine, Yongsan Police Station.

(b). In Ichang, Elsie W. Riebe and Walter F. Morse
were taken without explanation to Japanese Headquarters
where she was struck many times with bamboo pole and
he was beaten for two hours with iron rod one-half inch
thick. These acts of cruelty were committed in presence
of commanding officer of Japanese police in Ichang.

(c). Joseph L. McSparran was arrested on December 8th
at Yokohama, bound with a rope and taken to Yokohama
prison. During his imprisonment in dark unfurnished
cell he had three hemorrhages from duodenal ulcers,
but was denied medical attention despite numerous
requests. While undergoing questioning he collapsed
from internal hemorrhage and was unable to stand or walk
without assistance, yet he was handcuffed as usual
when returned to his cell.

2. Solitary Confinement.

Many American citizens were kept in solitary con-
finement for periods ranging from a few days to many
weeks in cells, unheated rooms or other equally unhealth-
ful places, in some cases deprived of all reading matter,
and subjected to indignities from their guards. The
following are typical cases:

1. H.W. Meyers, aged 70, missionary in Japan since

1. after harsh treatment during nearly five months in prison at Kobe, was deprived of all books, and on May 1 put in solitary confinement at Osaka until his release for repatriation on June 7.

2. William Mackesy, solitary confinement in one room of his house at Tsuru, Mie-ken, Japan, from December 10, to March 30, 1942.

3. Mrs. Alice C. Grube, solitary confinement from December 25, 1941, to April 8, 1942 in unheated room of Osaka prison.

4. J.E.H. Talmadge, aged 57, solitary confinement in common jail Koshu December 8, 1941, to April 9, 1942.

5. Edward Adams, in a common jail at Taiyu from December 8 to 28.

B. Prisoners of war.

Reports have been received of inhuman treatment accorded prisoners of war by the Japanese authorities which is completely inconsistent with the provisions and spirit of the Geneva Convention.

I. Philippines:

American and Filipino troops taken at Bataan were forced to march ninety miles despite fatigue, sickness and wounds, to Camp O'Donnell near Tarlac. During march sick and wounded dropped by the roadside and were left without medical care and when those who survived reached Camp O'Donnell they were without food for thirty-six hours and without shelter for

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three days, sick and well equally exposed to the elements. Japanese authorities made no effort to give medical care to sick and wounded and American and Filipino nurses and doctors who volunteered their services were refused permission to enter camp. Death rate estimated at twenty-five percent was the result of this neglect.

Seven American commissioned officers were brought from Zamboanga to Davao, where Japanese authorities forced them to work stripped to the waist in a river bed, as a result of which they were severely sunburned. They were given no medical attention and only after lapse of several days was Filipino doctor permitted to visit them. Their food was entirely insufficient, and Japanese would not allow Filipinos to supplement meager diet with gifts of food. These officers and Filipino officers who were later confined with them were subjected to harsh treatment and indignities from their Japanese guards.

This Government must insist that the treatment of these prisoners be in accordance with the provisions of the Geneva Convention, that their names be reported and, that representatives of the Protecting Power be permitted access to them.

II. Shanghai:

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This Government also protests the mistreatment of four United States Marines, Corporals Stewart, Gerald Story, Brimmer and Battles, who after an unsuccessful attempt to escape from the Woosung war prisoner camp were imprisoned in the Bridge House at Shanghai and later transferred to gendarmerie Western District sub-station prison, 94 Jessefield Road, where they were subjected to the so-called "electric treatment" in violation of the provisions of the Geneva Convention regarding admissable punishments.

This Government insists that the sentences imposed on these prisoners be canceled, that their punishment be in accordance with the Prisoners of War Convention and that their treatment be in accordance with their rank.

Ask that in this connection the Minister be authorized to request on behalf of the Swiss Government, as the Protecting Power for American interests in Japan and Japanese controlled territory, like cooperation from the Japanese Government.

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