GENERAL HEADQUARTERS

SUPREME COMMANDER FOR THE ALLIED POWERS

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BEFORE A MILITARY ) UNITED STATES OF AMERICA

COMMISSION CONVENED )

BY THE COMMANDING ) VS

GENERAL, UNITED STATES )

EIGHTH ARMY ) YOICHI SAITO

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CHARGE

That the following member of the Imperial Japanese Army, with his then known title:

Yoichi SAITO, Captain,

At times and places set forth in the specifications hereto attached, and during a time of war between the United States of America, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War.

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SPECIFICATIONS

1. That between 1 January 1945 and 15 August 1945, at Fukuoka Prisoner of War Camp, Fourth Branch, Moji, Kyushu, Japan, the accused, Yoichi Saito, did willfully and unlawfully mistreat and torture Seaman Second Class Walter W. Cole and First Sergeant James W. Kinder, American Prisoner Prisoners of War, by ordering and permitting subordinates to beat them, by confining them to a cell unfit for human habitation for a period of about ten days on insufficient food rations and with insufficient clothing and bedding, by forcing them to stand at attention for long periods of time, by refusing to furnish them with necessary and available medicines and medical attention and by otherwise abusing them.

2. That between 13 August 1943 and 15 August 1945, at Fukuoka Prisoner of War Camp, Fourth Branch, Moji, Kyushu, Japan, the accused, Yoichi Saito, did willfully and unlawfully mistreat and torture sergeant Jan Karel Jolly, A Dutch Prisoner of War, by permitting and ordering subordinates to beat him, by confining him to a cell unfit for human habitation for a period of about ten days on insufficient food rations, clothing and bedding, by forcing him to stand at attention for long periods of time and by otherwise abusing him while he was sick, diseased and in a weakened physical condition, thereby contributing to his death.

3. That between 4 August 1944 and 15 August 1945, at Fukuoka Prisoner of War Camp, Fourth Branch, Moji, Kyushu, Japan, the accused, Yoichi Saito, did willfully and unlawfully disregard and fail to discharge his duty as Camp Commander by failing to provide Technical Sergeant Claude Carpenter, an American Prisoner of War, with proper, necessary and available medicines and medical attention and by forcing him to work when ill and in an unfit physical condition for work, thereby contributing to his death.

4. That between 13 August 1943 and 15 August 1945, at Fukuoka Prisoner of War Camp, Fourth Branch, Moji, Kyushu, Japan, the accused Yoichi Saito, did willfully and unlawfully disregard and fail to discharge his duty as Camp Commander by compelling and permitting American and Allied Prisoners of War to work for excessive periods of time without sufficient rest.

5. That between 13 August 1943 and 15 August 1945, at Fukuoka Prisoner of War Camp, Fourth Branch, Moji, Kyushu, Japan, the accused Yoichi Saito, did willfully and unlawfully disregard and fail to discharge his duty as Camp Commander by failing to provide Allied Prisoners of War with proper and available clothing and needed and available medicines and medical attention, thereby contributing to the serious illness and deaths of American and Allied Prisoners of War.

6. That between 13 August 1943 and 15 August 1945, at Fukuoka Prisoner of War Camp, Fourth Branch, Moji, Kyushu, Japan, the accused Yoichi Saito, did willfully and unlawfully mistreat and abuse Allied Prisoners of War by stealing, misappropriating and withholding Red Cross food and medicines and other supplies intended for their use and benefit and by compelling them to consume large quantities of Red Cross food within a short period of time, resulting in their becoming ill from same and in the waste and spoilage of such food, thereby contributing to the serious illness and deaths of American and Allied Prisoners of War.

7. That between 13 August 1943 and 15 August 1945, at Fukuoka Prisoner of War Camp, Fourth Branch, Moji, Kyushu, Japan, the accused Yoichi Saito, did willfully and unlawfully mistreat and torture numerous American and Allied Prisoners of War by beating them, by ordering and permitting subordinates to beat them, by forcing sick, ill and diseased Prisoners of War to work while in a physically unfit condition and by otherwise abusing them.

8. That between 13 August 1943 and 15 August 1945, at Fukuoka Prisoner of War Camp, Fourth Branch, Moji, Kyushu, Japan, the accused Yoichi Saito, did unlawfully disregard and fail to discharge his duty as Camp Commander, to control and restrain members of his command and persons under his supervision and control, by permitting them to commit the following atrocities and other offenses against Allied Prisoners of War:

a. Between 13 August 1943 and 15 August 1945, the unlawful mistreatment and abuse of Morio Inouye of Captain Allan Berkeley, a British Prisoner of War, by beating him and causing him to fall and strike the back of his head upon stone steps, resulting in his sustaining a brain concussion resulting in a loss of consciousness for three days.

b. Between 1 January 1945 and 15 August 1945, the unlawful mistreatment and abuse by Morio Inouye of Staff Sergeant Arthur Sullivan, an American Prisoner of War, by beating him into insensibility and otherwise abusing him.

c. Between 1 May 1945 and 15 August 1945, the unlawful mistreatment by Morio Inouye of Private George Spencer, and American Prisoner of War, by beating, kicking and otherwise abusing him, thereby breaking a rib.

d. In or about March or April 1945, the unlawful mistreatment by Morio Inouye and one Terada of Staff Sergeant George R. Powell, and American Prisoner of War, by beating, kicking and otherwise abusing him.

e. In or about January or February 1945, the unlawful mistreatment, abuse and torture by Morio Inouye, with others, of Sergeant William E. Braye, an American Prisoner of War, by beating and inflicting severe cuts and lacerations on and about his body, by kicking him, by forcing him to stand at attention for a long period of time in cold weather while insufficiently clothed and by otherwise abusing him until he was rendered insensible, all while said Prisoner was sick, diseased and in a weakened physical condition.

f. Between 13 August 1943 and 15 August 1945, the unlawful mistreatment and abuse by Morio Inouye of Gunner Fred Chick, a British Prisoner of War, by beating him into insensibility.

g. At diverse times between 13 August 1943 and 15 August 1945, the unlawful mistreatment and abuse by Morio Inouye of Lieutenant Thomas C. Borrie, a British Prisoner of War, by beating and otherwise abusing him.

h. In or about July 1945, the unlawful mistreatment and abuse by Morio Inouye of Lieutenant J. W. Starkey, A British Prisoner of War, by beating him into insensibility.