

## SECRET

ALLIED TRANSLATOR AND INTERPRETER SECTION  
SOUTHWEST PACIFIC AREA  
RESEARCH REPORT

SUBJECT: JAPANESE VIOLATIONS OF THE  
LAWS OF WAR

I.G. No. 6950  
6951  
B.I.D. No. 3134

DATE OF ISSUE 23 June 1945

No. 72 (Suppl 2)

## SUMMARY:

SUPPLEMENT NUMBER 2 to COMPILATION PREPARED FOR,  
AND SUBMITTED UNDER OATH TO "COMMISSION REGARD-  
ING BREACHES OF THE RULES OF WARFARE BY THE  
JAPANESE FORCES" (COMMONWEALTH OF AUSTRALIA),  
12 MARCH 1944.

1. This report supplements ATIS Research Report No. 72 (previously ATIS Information Bulletin No. 10), and Suppl 1, and comprises a further record of violations of the laws of war noted in documents on file at ATIS, GHQ. It contains information which has become available from 12 October 1944 to 28 March 1945.
2. Photolithographic copies of pertinent sections of such original documents as are available with relevant identifying data are reproduced as appendices to this report.
3. It has not been possible in all cases to establish definitely the existence of a violation of the laws of war, but where data indicates the probability of such a violation the incident has been included.
4. Report adduces evidence of one hundred and ninety-four executions in South West Pacific Area; burning of guerrillas in the Philippine Islands; the destruction of property; official Japanese admission of cannibalism; ill-treatment of prisoners of war.

GC/CHR/mf

Distribution H

/s/ Signey F. Mashbir  
Sidney F. Mashbir  
Colonel, S.C.  
Co-Ordinator

SOURCES: Captured Documents.  
Statements by Prisoners of War.  
Intelligence Reports.

(INFORMATION SHOULD BE ASSESSED ACCORDINGLY)

REPRODUCTION OF PERTINENT PARTS OF CAPTURED DOCUMENTS

EXHIBIT R

DOCUMENT No. : 600646  
 AUTHOR OR OWNER : 16 Division Hq  
 UNIT : 16 Division Hq  
 CAPTURED AT : Leyte  
 DATE OF CAPTURE : 4-11 November 1944  
 RECEIVED ATIS AE : 14 November 1944  
 RECEIVED ATIS, SWPA : 30 January 1945  
 TRANSLATED BY : WOJG YAMASHIRO, Kiyoshi, AUS  
 TRANSLATION CHECKED BY : 1st Lt KADANI, Tsuneo G., AUS  
 PHOTOGRAPHED ON : 25 April 1945

VG

/s/ Sidney F. Mashbir  
 Sidney F. Mashbir  
 Colonel, S.C.  
 Co-Ordinator

- - - - -

We shall wait for instructions from our superior officers on the investigation and its disposal and I feel it proper to send this to our senior commanders.

1. Prisoners of war will be \_\_\_\_\_ed on the battle-field; those who surrender, who are of bad character, will be resolutely \_\_\_\_\_ed in secret and counted as abandoned corpses. By "Prisoners of War" we mean soldiers and bandits captured on the battle-field; by "surrender" we mean those who surrender or submit prior to the battle. Prisoners of War will be interrogated on the battle-field and should be immediately \_\_\_\_\_ed excepting those who require further detailed interrogation for intelligence purposes.

In the event of \_\_\_\_\_, it must be carried out cautiously and circumspectly, with no policemen or civilians to witness the scene, and care must be taken to do it in a remote place and leave no evidence.

Malicious surrenders will be taken into custody for the time being and after observance of public sentiments will be \_\_\_\_\_ed secretly when the inhabitants have forgotten about them, or secretly under pretext of removal to some distant locality, thus avoiding methods likely to excite public feeling.

Other surrenders will be set free under the Filipino guarantee after admonition and instruction. In the event of any men surrendering to the Filipinos, our troops are to be informed about it immediately, and we shall require them to be set free after thorough admonition and instruction by the Filipinos.

Thieves caught in the act will be dealt with in the same way as malicious surrenders.

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(INFORMATION SHOULD BE ASSESSED ACCORDINGLY)

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## EXHIBIT S

DOCUMENT No. : 16444

AUTHOR OR OWNER : 16 Division Signal Unit

UNIT : 16 Division Signal Unit

CAPTURED AT : Alangalang, Leyte

DATE OF CAPTURE : 1 November 1944

RECEIVED ATIS AE : 2 November 1944

RECEIVED ATIS, SWPA : 9 November 1944

TRANSLATED BY : Lt (jg) COFFIN, David D., USNR

TRANSLATION CHECKED BY : 1st Lt KADANI, Tsuneeo G., AUS

PHOTOGRAPHED ON : 25 April 1945

VE ?

/s/ Sidney F. Mashbir  
 Sidney F. Mashbir  
 Colonel, S.C.  
 Co-Ordinator

No. 6. The treatment of Surrenders.

25. When prisoners are taken, those who are not worth utilizing shall be disposed of immediately except those who require further detailed interrogation for intelligence purposes, according to No. 126 of Part I of the orders concerning important operational matters.
26. Proper investigation shall be made of those who are to be interned in reformatories before the internment, and only those who really need education will be interned and admonished.
27. Surrenderers found to be malicious after the interrogations performed on them according to No. 126 of Part I of the orders concerning important operational matters will be immediately killed in secret and will be disposed of so as not to excite public feeling.

The rest of the surrenderers shall be set free under the guarantee of the Philippine authorities after admonition and instruction.

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1466  
DOCUMENT 2718

MANILA - 21 Feb 45, Recd XIV Corps ATIS Adv Ech -  
23 Feb 45. Recd ATIS SWPA - 6 Mar 45.

Loose handwritten sheet containing an account of a  
visit to Muntinglupa Prison, kept by unspecified member  
of TORII (\*8) Unit. Dated 24 October, year not stated. 1 p.

Full translation:

On the 24th of October, I visited Muntinglupa Prison with the commander of TORII (\*9) Unit, as a guide. The prison is guarded by 2d Lt TAKESHIBA (\*10) and 20 men of the TORII Unit. According to the story of 2d Lt TAKESHIBA, there are 2,200 prisoners including doctors, ministers and constables. The food consists of thick rice gruel and one or two slices of papaya. Because of lack of food, deaths average 10 per day.

I entered with the unit commander into No 3 Barracks which had a foul odor. We entered by using the guard's key. The heavy iron lattice door was opened by a prisoner. The prisoners near us, upon hearing the command to salute, saluted us. 17 or 18 year old youths to 60 year old men were all ill-smelling.

Because the prisoners were emaciated, their thighs and ankles were the same size. Even walking appeared to be an ordeal for them. I have never seen such thin people. It was truly pitiful. Some lay on narrow double deck beds covered with mats. These I learned were dead bodies. On the way out, we met the corpse carriers. 10 prisoners were seen carrying the stretchers.

The prison is surrounded with three barbed wire fences; the center fence is charged with electricity. The guard towers are placed at various points. I saw prisoners who were working inside with iron chains around their legs. The construction of the entrance to the prison camp is like an old castle. The flag of the PHILIPPINES is hoisted on the look-out tower. It is surprising to notice the great contrast between outside and inside.

Visiting is permitted at certain hours. The visitors are mothers or wives. They carry a straw sack which appears heavy with presents. The anxiety with which a family awaits the release of their loved ones is apparent. I wondered how the families feel when they see the pitiful state of their loved ones. For those who have no visitors or receive no presents, there is only death waiting. Even though they are foreigners, my heart goes out to them. The prisoners are Filipinos and Chinese. There are also a few westerners.

We, who are at war, must not lose to the Allied or our fate will be worse. Certain victory!

DOCUMENT 2718

C E R T I F I C A T E

I, JEWELL A. BLANKENSHIP, 1st Lt. Inf., of the Allied Translator and Interpreter Section, Tokyo, Japan, do hereby certify that the attached document is a true and correct copy of the translation of a captured Japanese Document, the original of which has been forwarded to the Washington Document Center, Washington, D. C.

/s/ Jewell A. Blankenship

Witness: /s/ Henry Shim<sup>o</sup>ima

Sworn before me this 31 day of October 1946, Tokyo, Japan.

1468 to 2052

1467-1496

DOCUMENT 10-B

Clear

Washington

December 18, 1941

AMERICAN LEGATION

BERN

RUSH 331, eighteenth.

AMERICAN INTERESTS

DIPLOMATIC POW

Please request the Swiss Government through its representative at Tokyo to make a communication in the following sense to the Japanese Government:

See 1479-P4  
Shoot down  
That flag

QUOTE It is the intention of the Government of the United States as a party to the Geneva Prisoner of War Convention and the Geneva Red Cross Convention, both of July 27, 1929, to apply the provisions of those conventions.

It is, furthermore, the intention of the Government of the United States to apply the provisions of the Geneva Prisoner of War Convention to any civilian enemy aliens that may be interned, in so far as the provisions of that convention may be adaptable thereto.

Palawan  
air road  
Shelby  
1485

2052 -  
3 yrs to  
compile  
Report.

2751-A-2 #2024  
"Shoot Down Flag"

Although the Japanese Government is a signatory of the above conventions, it is understood not to have ratified the Geneva Prisoner of War Convention. The Government of the United

States nevertheless hopes that the Japanese Government will apply the provisions of both conventions reciprocally in the above sense.

The Government of the United States would appreciate receiving an expression of the intentions of the Japanese Government in this respect. UNQUOTE

HULL

Serial #1  
Pages 4 and 5

War Year's POW

DIPLOMATIC EXCHANGE

Including Total POWs + Percent of those killed

1467

Doc. No. 10-Y

C E R T I F I C A T E

I, ARTHUR A. SANDUSKY, hereby certify:

1. That I am Chief of the Document Division of the International Prosecution Section, G.H.Q., S.C.A.P., and as such have possession, custody and control of original or copies of all documents obtained by the said Section.

2. That the following described I.P.S. documents were among documents received by the International Prosecution Section from the Secretary of State of the United States as being true and correct photostatic reproductions of the original documents, which are maintained in the files of the Secretary of State, Washington, D.C.:

10-B	10-H	10-N	10-U
10-C	10-I	10-P	10-V
10-D	10-J	10-Q	10-W
10-E	10-K	10-R	10-X
10-F	10-L	10-S	
10-G	10-M	10-T	

/s/ ARTHUR A. SANDUSKY  
 ARTHUR A. SANDUSKY



1469

POW  
DIPLOMATIC

DOCUMENT 10-C

PLAIN

Bern

Dated February 4, 1942

Recd. 2:24 p.m.

Secretary of State

Washington

398, fourth.

AMERICAN INTERESTS, JAPAN

Reference Department's 331, December 18. Swiss Minister, Tokyo, telegraphs January 30 as follows "Japanese Government has informed me: 'first. Japan is strictly observing Geneva Red Cross Convention as a signatory state. Second. Although not bound by the Convention relative treatment prisoners of war Japan will apply mutatis mutandis provisions of that Convention to American prisoners of war in its power.'"

HUDDLE

VG

1470

*We threaten  
retaliation*

DOCUMENT 10-D

TELEGRAM SENT

MEV

PLAIN

February 14, 1942

AMERICAN LEGATION,

BERN.

RUSH

446, fourteenth.

Please request the Swiss Government to inform the Japanese Government (1) that this Government has received disquieting reports that there is being imposed upon American civilians in areas in the Philippines occupied by the Japanese forces an extremely rigid and harsh regime involving abuse and humiliation; (2) that this Government desires to receive from the Japanese Government assurances wither that a thorough investigation by the appropriate Japanese authorities has disclosed the incorrectness of these reports or that immediate and effective steps have been taken to remedy the situation and to accord to Americans in the Philippines moderate treatment similar to that being extended by this Government to Japanese nationals in its territory; (3) that this Government expects that the same general principles with regard to the treatment of enemy aliens, both detained and at liberty, which are set forth in its telegrams no. 331 December 18th and no. 219, January 26th, and which this Government is applying in its treatment of Japanese nationals on American territory, will be applied by the Japanese to American nationals on Japanese and Japanese-occupied territory; (4) that if assurances cannot be given by the Japanese Government that these principles

2-446, February 14, to Bern.

will be applied in the treatment of American nationals, not only  
in Japanese occupied territory in the Philippines but throughout  
Japanese and Japanese-occupied territories, it may be necessary  
for this Government to reconsider its policy of according to  
Japanese nationals on its territory the most liberal treatment con-  
sistent with the national safety.

*We  
Treaty*

Please ask the Swiss Government if it is in a position to  
send a representative to the Philippines or has a representative  
available in the Philippines, to request permission for a Swiss  
representative to visit Japanese-occupied territory in the  
Philippines in order to investigate the situation of American  
nationals there.

Please inform the International Committee of the Red Cross  
of the reports which this Government has received regarding the  
harsh treatment of American civilians in Japanese-occupied Philippine  
territory and request it to endeavor to investigate the situation  
in that territory. Mr. Marc Peter, representative in Washington  
of the International Committee of the Red Cross, has been informed  
of this matter and has stated his intention of communicating with  
the Committee by cable with regard to it.

HULL  
(SW)

1471

Plain

Bern

Dated February 24, 1942

Rec'd 7:29 p.m.

SECRETARY OF STATE,

WASHINGTON.

733, twenty-fourth.

AMERICAN INTERESTS, JAPAN.

*See P 2  
"Japanese are poor"*

Swiss Foreign Office note February 19 advises it called attention Swiss Minister Tokyo to contradictions existing in reports of treatment accorded Americans in Japanese occupied territory (see Legation's 514, February 11) and Minister replied by telegram February 17.

Minister states that he consulted with Swiss Charge d'Affaires Shanghai regarding other representations to be made to Japanese Government. He then says "Ministry of Foreign Affairs sent me new note declaring Japan will apply on condition of reciprocity Geneva Convention for treatment prisoners of war and civilian internees in so far as convention shall be applicable, and that they shall not be forced to perform labor against their will. American civilians detained in all Japanese territories number 134. Conditions applied to them are more favorable than contemplated by convention. Their provisioning in bread, butter, eggs, meat, heating oil, coal and fats assured by Japan. They can receive from outside gifts of food and clothing. Despite inconvenience which arrangement presents Japan they are specially detained in vicinity of residence of their families in order that latter can see them more easily. Internees are visited from time to time by doctor and sick persons can consult doctor from outside and obtain admission subsequently to hospital. They are permitted to read papers, books,

and listen to Japanese radio and to go out subject to certain restrictions if they submit valid reasons."

Minister continues that such statements must be verified on spot but that he has not yet been able obtain requested permission for regular visits by his special representative at Tokyo and at Yokohama. Promises are continually made. Upon two visits which were made to Tokyo and one to Yokohama internees did not complain but gave rather impression of mental suffering. Minister finally adds "as for reports from other cities in Japan I have again insisted that my delegates be allowed to verify internees living conditions. Until now I have had no particular information. I do not see necessarily any contradiction between this situation and that reported in China where the internees may be worse treated. Foreign Ministry assures me Japan will do all in its power to extend good treatment but is not in a position to offer standard of living equal to that of American for conditions between two countries are so different. Japanese people are poor and contented with little from which facts arise difficulties concerning treatment of foreign internees. Regarding nonintermed Americans situation good according to their own statements. Assure American Government that I am attentively following question both with Foreign Office and with my representatives."

HUDDLE

1472

PLAIN

DOCUMENT 10-F

Bern

Dated March 9, 1942

Rec'd 6:30 p.m.

Secretary of State,

Washington.

948, Ninth.

AMERICAN INTERESTS, JAPAN, TREATMENT AMERICANS.

Legation's 514, February 12 and 733, February 24,

Swiss Legation Tokyo telegraphs March 2: "Re-

ferring to information communicated my telegram February 17 (see Legation's 733) Japanese Government denies that American citizens are submitted to unfavorable treatment. I reproduce in substance following letter addressed to me by Minister Togo: 'American citizens whom you are endeavoring to protect enjoy proper treatment as you have been able to judge from your visits. The Government is not in possession of complete details for all occupied territories but an official of Japanese Consulate General Hong Kong has taken over American Consulate General after fall of that colony and has done his best obtain as many facilities as possible for American officials. Accordance their desire all American personnel (consisting 13 persons) and 7 members American Embassy were put together January 9 in two buildings chosen by American Consul himself. They have expressed their thanks for treatment accorded. They are authorized go out twice weekly escorted by Japanese official. Their food sufficiently assured by Japanese Army and all in good health. Adequate protection likewise accorded other American citizens. In addition 26 members American Consulate General Manila benefit same treatment as consuls all other countries;

Serial #10  
Pages 23-25

DOCUMENT 10-F

2-948, March 9, from Bern

they live in building belonging American citizen in Pasaynang Howrood in suburbs Manila. They have also thanked Japanese Consulate General for indulgent treatment given them and have told us that they suffer no privation. Treatment given other American citizens by Japanese military authorities no less indulgent in principle. Old people, mothers of young children, the sick and pregnant women are not detained by military authorities. Apprehensions American Government based on information from unknown source and citing no exact facts are therefore without foundation. Japanese authorities will continue accord facilities to Swiss Minister for his visits to internment camps".

*re Diplomatic*

Swiss Minister adds that concerning last point Minister Togo's letter authorities still create nevertheless difficulties for visiting internment camps, in particular causing delays for visits of Swiss special representatives. Swiss Minister hopes eventually obtain all necessary facilities.

BUDDLE

GW

Serial #10  
Pages 23-25

1473

DOCUMENT 10-G

Plain

Washington

March 19, 1942

AMERICAN LEGATION

BERN

712, nineteenth.

Your 733, February 24, and 865, March 4.

AMERICAN INTERESTS - JAPAN

Please request the Swiss Government to inform the Japanese Government (one) that the Government of the United States has taken note of the Japanese Government's declaration that it will apply, on condition of reciprocity, the Geneva Prisoners of War Convention in the treatment of prisoners of war and, in so far as the provisions of the Convention shall be applicable, in the treatment of civilian internees, and that the latter shall not be forced to perform labor against their will, (two) that this Government did not contemplate and has not made use of the provisions of Article 27 of the Convention to compel Japanese civilians detained or interned by it to labor against their wills, (three) that this Government is preparing for presentation to the Japanese Government proposals for the carrying out of the Geneva Prisoners of War and Red Cross Conventions and for the extension of applicable provisions of the Prisoners of War Convention to civilian internees and temporary detainees; (four) that the following rations are provided for each Japanese national detained by the American authorities: In temporary custody of the Department of Justice: Weight in pounds per day per individual:

Meats and fish, 0.75; lard and cooking oils, 0.15; flour, starches and cereals, 0.80; dairy products, 1.00; eggs 0.03; sugar and syrup, 0.25; beverages (coffee or tea) 0.10; potatoes and root vegetables, 1.00; leafy green or yellow vegetables, 0.60; dried vegetables and nuts, 0.10;

*Dist*

fresh fruits and berries, 0.15; dried fruits, 0.08; miscellaneous food adjuncts, 0.015; spices, relishes and sauces, 0.10; Japanese food, 0.06032; Interned in the custody of the War Department: Weight in ounces per day per individual: meat, 18.0; fresh eggs, one each; dry vegetables and cereals, 2.6; fresh vegetables, 21.0; fruit, 4.7; beverages, coffee, 2.0; cocoa, 0.3; tea, 0.05; lard and cooking fats, 1.28; butter, 2.0; milk, evaporated, 1.0; fresh, 8.0; flour (wheat) 12.0; sugar and syrup, 5.5; macaroni, 0.25; cheese, 0.25; spices, relishes and sauces, 0.984; allowance is made in the preparation of food for Japanese national and racial preferences, (five) that detainees and internees are permitted to receive visits from their friends and relatives, are regularly visited by doctors and are hospitalized should their health require it, are permitted to read newspapers and books, and are held in general under conditions no less favorable than those which the Japanese Government states are applied to American internees in its hands; (six) that this Government has informed the Spanish Embassy as the protecting Power for Japanese interests in the United States, the Swedish Legation as the protecting Power for Japanese interests in Hawaii, and the Delegate in the United States of the International Red Cross that it welcomes visits by representatives of their offices to all of the places of detention of detained or interned Japanese nationals in American hands and that representatives of the Spanish Embassy have already begun to visit such places in the United States.

WELLES  
Acting

1474

DOCUMENT 10-H

TELEGRAM SENT

PLAIN

April 3, 1942

PD

AMERICAN LEGATION

HEARN

853, Third.

Your 1031, thirteenth and 1231 twenty-sixth.

AMERICAN INTERESTS - PHILIPPINES - Treatment American citizens.

Please request the Swiss Government to inform the Japanese Government.

(one) That the American Government has taken note of the statements of the Japanese Government regarding the treatment accorded American nationals in the Philippines,

(two) That the American Government obtained the information referred to in the Department's 446 of February fourteenth from various sources,

(three) That the principal source of disquiet in connection with these reports is the apparent reluctance of the Japanese Government to permit the appointment by the International Red Cross Committee of an appropriate neutral observer to act as the Committee's delegate in the Philippines, and

(four) That the apparent reluctance of the Japanese Government to permit the appointment of a neutral Red Cross delegate in Hong Kong is also a source of considerable disquiet in connection with reports received from various sources regarding the condition of American citizens at that place.

Please inform the International Red Cross Committee that you are requesting the Swiss Government to make this communication to the Japanese Government, convey to the Committee this Government's thanks for its efforts in connection with the appointment of a delegate in the Philippines, and ask it to furnish you for transmission to the Department

information regarding the present status of the request which this Government understands it has made for Japanese permission to appoint a delegate in Hong Kong.

WELLES

ACTING

(BL)

740.00115A Pacific War/52

SD:BG:LDL PI FE Pa/H A-L

TELEGRAM SENT

PLAIN

May 21, 1942

AS

AMERICAN LEGATION,

BERN (SWITZERLAND).

RUSH

1314

AMERICAN INTERESTS - SHANGHAI.

Your 2193, May 20, 5 p.m.

Department is pleased that Legation has expressed to Foreign Office appreciation for prompt action taken and desires you add this Government's thanks and its hope that Swiss Minister at Tokyo may be able prevail upon Japanese Government promptly to give effect to its commitments under Geneva Convention and in addition to according proper treatment fulfill its obligations under Article 86 to permit visits of inspection by Swiss representatives. This Government must insist on a basis of reciprocity that Japanese Government take all necessary steps to insure that military commanders and other Japanese authorities in outlying areas under Japanese control understand Japanese Government's commitments respecting Geneva Prisoners of War Convention and apply its provisions to prisoners of war and civilian internees.

Swiss representative Shanghai should be requested to report by telegraph names of arrested civilians and obtain assurances that all of them will be included on first exchange vessel in accordance with exchange agreement with Japanese Government.

HULL

(BL)

SD:JHK:OB

A-L/B

Serial #14

Pages 33, 34

1476  
November 17, 1942  
9 p.m.

MEM

This telegram must be paraphrased before being communicated to anyone other than a Governmental agency. (BR)

AMERICAN LEGATION,

BERN.

A-2567

There follows typical accounts of atrocities perpetrated by Japanese.

1. Two nuns of Marist Catholic mission at Guadalcanal, Solomon Islands, report that in August Japanese killed two Catholic sisters and two priests, Arthur Duhamel, American, and another of Dutch nationality. The priests were killed by bayonetting through the throat after being held prisoner for three weeks.
2. Japanese refused request of Father Leo J. Peloquin, American, to be hospitalized at Heijo, Korea, for serious heart ailment and forced him to leave without medical care though hospital and doctors available. He died at Kobe. His doctor states that his heart would have yielded to treatment had it been permitted at Heijo.
3. Wife of repatriated official reports that an American woman at Cebu was raped by Japanese soldier in full view of husband and children who were held powerless by other soldiers.
4. Repatriated responsible person states that two Belgian priests described to him scenes that they had witnessed in Philippine villages occupied by Japanese Army where Filipino women and girls were being openly violated in streets by troops.
5. Repatriated Americans have described in detail inhuman conditions existing in Gendarmerie prison known as Bridge House in Shanghai and Army Prison in Peiping where they were imprisoned.

-2 November 17, 9 p.m., to Bern.

State they were forced to sit in cramped position on floor, without talking, throughout day in vermin-infested, unheated and overcrowded cells; at night they stretched out on floor and were fortunate if they had a single thin blanket for covering; open bucket or hole in floor only sanitary facility in cell; their food was regular prison ration given common criminals and was far below standard necessary to maintain health. One, Mr. J. B. Powell, will be permanent cripple in consequence of mistreatment received in Bridge House and Kiangwan Military Prison. Due to extreme cold both his feet frozen and gangrene developed as result of lack of medical care, necessitating amputation front half both feet. When imprisoned in December he weighed 160 pounds but owing to malnutrition and condition of feet he weighed only 70 pounds when released for repatriation in June.

6. Three American missionaries repatriated from Korea have furnished details of torture, inflicted upon each of them, which Japanese called "water cure". As many as thirty gallons of water were poured through opening at top of box which fitted tightly over head and neck until victim became unconscious. Afterwards victim beaten until he regained senses. Of these three Americans, all over sixty years of age, one who suffered this torture six times collapsed during a beating and while lying unconscious on floor was kicked by gendarme with such force that rib was broken. When he later requested medical care gendarme struck him violent blow with fist in same place. His worst beating included fifty to sixty lashes with leather belting resulting in gashes on body half-inch deep. Details supplied by other two substantially the same.

With regard to the authenticity of the accounts here recited, this Government has medical and physical evidence of the injuries suffered by Mr. Powell and the other accounts are based on reports received from persons whose good faith this Government has no reason to doubt.

1477

## TELEGRAM SENT

PLAIN

HEL

December 12, 1942

AMERICAN LEGATION,

BERN,

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 violation 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 civilians, to American civilain internees in Japan and Japanese-controlled territories. It is evident that the Japanese Government has failed to fulfill 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 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

-2 #2814, December 12, to BERN

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:

A Civilians

1. Conditions in prisons and internment camps.

Americans incarcerated in jails were furnished unhealthful and inadequate rations of common criminals. Those interned were supplied a meager diet for which they were sometimes compelled to pay, or they were given no food and had to provide their sustenance under difficulties. This situation apparently still exists in certain areas. It is in direct contrast to the treatment accorded Japanese subjects in United States who are provided hygienic quarters with adequate space for individual needs, sufficient wholesome food, in preparation of which allowance is made for national differences in taste, and in addition allowances of money or tobacco, sweets and toiletries.

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 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.

2. Army Prison, Peiping.

Floyd F. Spielman, R. E. McCann, C. J. Eskeline, J. B. Sherwood, E. K. Mills and P. H. Benedict were taken in handcuffs from Tientsin on March 11 to Army Prison at Peiping, where conditions were as bad as those at Bridge House. During 89 days imprisonment their first exercise was for five minutes after 37 days in cells. At one time they went without bathing for 23 days and as result of unhealthful food and harsh treatment they lost an average of forty pounds in weight.

3. Tsingtao

Frank G. Keefe, Grady Cooper, Frank R. Halling, Charles Liebgold, C. J. Meyer, N. H. Mills and H. J. Zimmerman were confined in unheated common jail Tsingtao for period three weeks. They were forced to sleep on floors or benches without covering in coldest winter months.

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.

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5. Camp Stanley, Hongkong (Fort Stanley, Hongkong)

Americans Hongkong were taken on January 4th and received no food and very little water during first forty-eight hours. On January 21 they were placed in Fort Stanley, where they were forced to provide most of their bedding and other necessities. Food given them was insufficient, amounting to nine hundred calories daily per person. They were subjected to indignities and insults by gendarmerie, and their faces were frequently slapped. Result malnutrition average loss weight among these internees was thirty pounds.

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.

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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 gendarmerie employee named Syo with such force that his rib was broken. When he requested medical attention and pointed to broken rib gendarmerie 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 Ryuzan Police Station as did E. H. Miller, aged sixty nine, Yongsan Police Station.

(b) In Ichang, Elsie W. Riebe and Walter P. 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.

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(c) Joseph L. McSparren 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 confinement for periods ranging from a few days to many weeks in cells, unheated rooms or other equally unhealthful 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 1897, 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 Tsu, 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. B. N. Talmadge, aged 57, solitary confinement in common jail Koshu December 8, 1941, to April 9, 1942.

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

III Deaths due to Mistreatment and Neglect:

1. Arthur Duhamel missionary priest on Guadalcanal is reliably reported to have been bayoneted through throat by Japanese soldiers after being held prisoner for three weeks.

2. Leo Peloquin, aged fifty, requested hospitalization Christian Hospital, Reijo, because of serious heart ailment, but

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Japanese authorities refused permission and forced his return to Kangai without treatment. He died at Kobe as result of this neglect.

3. Charles Liebgold, aged sixty-seven, imprisoned in unheated jail at Tsingtao contracted cold which developed into fatal attack of pneumonia.

4. George B. McFarland, aged seventy, Bangkok, Thailand, succumbed after an operation at Chulalongkorn Hospital in May 1942. Orders issued by Japanese military authorities Bangkok to police guards at this residence fatally delayed emergency operation necessary to save his life.

The American Government expects that the Japanese Government will take immediate steps to punish the persons guilty of these crimes against American nationals.

#### IV. Violation of Exchange Agreement:

##### 1. Transportation.

American nationals Tsingtao and Chefoo were required to pay for passage to Shanghai. Internees who were forced to pay their fare to Yokohama from Nagasaki were reimbursed only part of sum expended. Accommodations provided on local vessels were in some cases worse than those furnished deck passengers.

##### 2. Baggage limitation and search

Japanese authorities some areas ruled that Americans being repatriated might take only as much as they could carry themselves, forcing many in Korea, Manchuria, Hongkong, and Thailand to leave behind necessary clothing and effects. Americans were forced in some cases to carry own baggage even where there were available porters whom they were prevented from employing. This treatment is in contrast to that accorded Japanese subjects repatriated from the United States who were permitted to take almost unlimited amounts baggage with them.

Baggage was often searched three or four times and different officials made inconsistent decisions as to what Americans could take. The effects of American officials from Korea were searched in violation of the agreement.

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 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

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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:

This Government again most emphatically protests the illegal sentences imposed by a military court at Shanghai on Commander W. S. Cunningham, U.S.N., Lieutenant Commander D. D. Smith, USNR., and Mr. N. J. Teeters for an attempted escape from Woosung camp.

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 substation 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.

In presenting the foregoing textually to the Japanese Government, it is requested that the Swiss Minister in Tokyo be asked to point out that the American Government has endeavored to fulfill in every respect its undertakings under its reciprocal agreement with Japan to apply the principles of the Geneva Convention to prisoners of war and civilian internees and that in evidence of its desire to do so, it has welcomed and continues to welcome the cooperation of the Protecting Power for Japanese

-10 #2814, December 12, to Bern.

interests, as well as of the International Red Cross Committee, whose representatives are admitted to all places in American territory where Japanese subjects are held. The Minister should further point out that this Government has always been and continues to be willing to investigate all complaints received by it from Japanese subjects held by it or from the Japanese Government and that it has welcomed and continues to welcome the cooperation of the Protecting Power for Japanese interests in such investigations.

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.

HULL

1478  
TELEGRAM SENT

PLAIN

April 5, 1943

AMERICAN LEGATION.

BERN.

889

Please request the Swiss Government to have its Minister at Tokyo deliver verbatim the following statement to the Japanese Government from the Government of the United States.

The Government of the United States has received the reply of the Japanese Government conveyed under date of February 17, 1943, to the Swiss Minister at Tokyo to the inquiry made by the Minister on behalf of the Government of the United States concerning the correctness of reports broadcast by Japanese radio stations that the Japanese authorities intended to try before military tribunals American prisoners of war, for military operations, and to impose upon them severe penalties including even the death penalty.

The Japanese Government states that it has tried the members of the crews of American planes who fell into Japanese hands after the raid on Japan on April 18 last, that they were sentenced to death and that, following commutation of the sentence for the larger number of them, the sentence of death was applied to certain of the accused.

The Government of the United States has subsequently been informed of the refusal of the Japanese Government to treat the remaining American aviators as prisoners of war, to divulge their names, to state the sentences imposed upon them or to permit visits to them by the Swiss Minister as representative of the protecting Power for American interests.

-2 #889, April 5, to Bern.

The Japanese Government alleges that it has subjected the American aviators to this treatment because they intentionally bombed non-military installations and deliberately fired on civilians, and that the aviators admitted these acts.

The Government of the United States informs the Japanese Government that instructions to American armed forces have always ordered those forces to direct their attacks upon military objectives. The American forces participating in the attack on Japan had such instructions and it is known that they did not deviate therefrom. The Government of the United States brands as false the charge that American aviators intentionally have attacked non-combatants anywhere.

With regard to the allegation of the Japanese Government that the American aviators admitted the acts of which the Japanese Government accuses them, there are numerous known instances in which Japanese official agencies have employed brutal and bestial methods in extorting alleged confessions from persons in their power. It is customary for those agencies to use statements obtained under torture, or alleged statements, in proceedings against the victims.

If the admissions alleged by the Japanese Government to have been made by the American aviators were in fact made, they could only have been extorted fabrications.

Moreover, the Japanese Government entered into a solemn obligation by agreement with the Government of the United States to observe the terms of the Geneva Prisoners of War Convention. Article 1 of that Convention provides for treatment as prisoners of war of members of armies and of persons captured in the course of military operations at sea or in the air. Article 60 provides that upon the

-3 #889, April 5, to Bern.

1943

opening of a judicial proceeding directed against a prisoner of war, the representative of the protecting Power shall be given notice thereof at least three weeks prior to the trial and of the names and charges against the prisoners who are to be tried.

Article 61 provides that no prisoners may be obliged to admit himself guilty of the act of which he is accused. Article 62 provides that the accused shall have the assistance of qualified counsel of his choice and that a representative of the protecting Power shall be permitted to attend the trial. Article 65 provides that sentence pronounced against the prisoners shall be communicated to the protecting Power immediately. Article 66 provides, in the event that the death penalty is pronounced, that the details as to the nature and circumstances of the offense shall be communicated to the protecting Power, for transmission to the Power in whose forces the prisoner served, and that the sentence shall not be executed before the expiration of a period of at least three months after such communication. The Japanese Government has not complied with any of these provisions of the Convention in its treatment of the captured American aviators.

The Government of the United States calls again upon the Japanese Government to carry out its agreement to observe the provisions of the Convention by communicating to the Swiss Minister at Tokyo the charges and sentences imposed upon the American aviators by permitting the Swiss representative to visit those now held in prison, by restoring to those aviators the full rights to which they are entitled under the Prisoners of War Convention, and by informing the Minister of the names and disposition or place of burial of the bodies of any of the aviators against whom sentence of death has been carried out.

-4 #889, April 5, to Bern.

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If, as would appear from its communication under reference, the Japanese Government has descended to such acts of barbarity and manifestations of depravity as to murder in cold blood uniformed members of the American armed forces made prisoners as an incident of warfare, the American Government will hold personally and officially responsible for these deliberate crimes all of those officers of the Japanese Government who have participated in their commitment and will in due course bring those officers to justice.

April 5 1943

The American Government also solemnly warns the Japanese Government that for any other violations of its undertakings as regards American prisoners of war or for any other acts of criminal barbarity inflicted upon American prisoners in violation of the rules of warfare accepted and practiced by civilized nations as military operations now in progress draw to their inexorable and inevitable conclusion, the American Government will visit upon the officers of the Japanese Government responsible for such uncivilized and inhumane acts the punishment they deserve.

HULL

1479

DOCUMENT 10-M

Department

PLAIN

US URGENT

AMERICAN LEGATION,

BERN.

275, Twenty-seventh.

AMERICAN INTERESTS - JAPAN

*See p 4  
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There are recited in the following numbered sections, the numbers of which correspond to the numbered charges in the Department's urgent telegram of even date, examples of some of the specific incidents upon which this Government bases the charges made by it against the Japanese Government in the telegram under reference. The specific incidents have been selected from the numerous ones that have been reported from many reliable sources to this Government. Ask the Swiss Government to forward this statement textually to its Minister in Tokyo with the request that he present it to the Japanese Government simultaneously with the telegram under reference and that he call upon the Japanese Government promptly to rectify all existing derelictions and take such further steps as will preclude their recurrence.

The Minister should further seek for himself or his representatives permission, in accordance with Article 86 of the Convention, to visit such place without exception where American nationals are detained and request of the Japanese Government the amelioration of any improper conditions that he may find to exist.

The Swiss Minister in Tokyo should be particularly asked to report promptly and fully all steps taken by the Japanese Government in conformity with the foregoing.

Charges I and II. Prisoner of war and civilian internment camps in the Philippines, French Indochina, Thailand, Manchuria, Burma,

Malaya, and the Dutch East Indies, and prisoner of war camp no. 1 in Formosa have never been visited by Swiss representatives although they have repeatedly requested permission to make such visits. None of these camps except the one at Mukden are known to have been visited by International Red Cross representatives. In recent months visits have not been allowed to the prisoner of war camps near Tokyo and Yokohama, and the prisoner of war camps in and near Hong Kong, although the Swiss representatives have requested permission to make such visits.

The value of such few visits as have been permitted to some camps has been minimized by restrictions. Swiss representatives at Shanghai have been closely escorted by several representatives of the Japanese Consulate General at Shanghai during their visits to camps and have not been allowed to see all parts of camps or to have free discussion with the internees. Similar situations prevail with respect to the civilian internment camps and prisoner of war camps in metropolitan Japan and Formosa.

By contrast, all of the camps, stations and centers where Japanese nationals are held by the United States have been repeatedly visited and fully inspected by representatives of Spain and Sweden who have spoken at length without witnesses with the inmates, and International Red Cross representatives have been and are being allowed freely to visit the camps in the United States and Hawaii where Japanese nationals are held.

Charge III. Communications addressed by the persons held to the protecting Power concerning conditions of captivity in several of the civilian camps near Shanghai, among them Ash Camp and Chapel, remain undelivered. The same situation exists with respect to the civilian internment camp in Baguio, and in most if not all of the

camps where American prisoners of war are held. Persons held at Baguio, Chefoo, Saigon, and at times in the Philippine prisoner of war camps were denied permission to address the camp commander.

Charge IV. On one occasion during the summer of 1943 all of the persons held at the Columbia Country Club, Shanghai, were punished by cancellation of dental appointments because complaints were made to representatives of the Swiss Consulate General. During the same period, at Camp B, Yangchow, the entire camp was deprived of a meal by the Camp Commandant because complaints had been made concerning the delivery of spoiled food.

There are cited under Section XVIII below, cases of prisoners of war being struck because they asked for food or water.

Charge V. Civilian internees at Hong Kong have gone without footwear and civilian internees at Kobe have suffered from lack of warm clothing. In 1942 and 1943, American and Filipino prisoners of war in the Philippines and civilian internees at Baguio were forced to labor without shoes and clad only in loin cloths.

Charge VI. This is reported to have been the case at the following camps: prisoner of war camps in the Philippine Islands, prisoner of war enclosures at Mariveles Bay, Philippine Islands, civilian internment camps at Baguio, Canton, Chefoo, Peking, Manila, Tsingtao, Weihsien, and Yangchow, and at the Ash Camp, Chapei Camp, Lungwa Camp, and Pootung Camp, in or near Shanghai. The articles most needed by the prisoners and internees have been taken. For example, Japanese soldiers took the shoes from an American officer prisoner of war who was forced to walk unshod from Bataan to San Fernando during the march which began about April 10, 1942. Although the prisoners constantly suffered from lack of drinking water canteens were taken from prisoners during this march; one of these victims was Lieutenant Colonel William B. Dyess.

At Corragidor a Japanese soldier was seen by Lieutenant Commander Melvyn H. McCoy with one arm covered from elbow to wrist and the other arm half covered with wrist watches taken from American and Filipino prisoners of war.

Charge VII. American prisoners of war in Manila were forced by Japanese soldiers to allow themselves to be photographed operating captured American military equipment in connection with the production of the Japanese propaganda film "Rip down the Stars and Stripes."

Prisoners of war from Corregidor being taken to Manila were not landed at the port of Manila but were unloaded outside the city and were forced to march through the entire city to Bilibid Prison about May 23, 1942.

Japanese school children, soldiers, and civilians have been admitted to internment camps and encouraged to satisfy curiosity regarding the persons held. Such tours were conducted at Baguio, Hong Kong and Tsingtao.

Charge VIII. Deficiency diseases such as beriberi, pellagra, scurvy, sprue, et cetera, are common throughout Japanese internment camps. These diseases are least common in the civilian internment camps (called assembly centers) at Shanghai and in some other camps where the persons held have but recently been taken into custody or where trade by the internees themselves with outside private suppliers is allowed. It appears therefore that the great prevalence of deficiency diseases in prisoner of war camps where internees have been solely dependent upon the Japanese authorities for their food supply over an extended period is directly due to the callous failure of these authorities to utilize the possibilities for a health sustaining diet afforded by available local products. The responsibility for much of the suffering and many of the deaths

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from these diseases of American and Filipino prisoners of war rests directly upon the Japanese authorities. As a specific example, prisoners of war at Davao Penal Colony suffering from grave vitamin deficiencies could see from their camp trees bearing citrus fruit that they were not allowed to pluck. They were not even allowed to retrieve lemons seen floating by on a stream that runs through the camp.

Charge IX. For example, in the prisoner of war camps at Hong Kong, the profits of the canteens have not been used by the holding authorities for the benefit of the prisoners.

Charge X. At Baguio civilian internees have been forced to repair sawmill machinery without remuneration.

Officer prisoners of war have been compelled by Major Mida, the Camp Commandant at Davao Penal Colony, to perform all kinds of labor including menial tasks such as scrubbing floors, cleaning latrines used by Japanese troops and working in the kitchens of Japanese officers.

Charge XI. ~~Ten~~ American engineers were required to go to Corregidor in July 1942 to assist in rebuilding the military installations on that island, the prisoners of war have been worked in a machine tool shop in the arsenal at Mukden.

Charge XII. The condition of health of prisoners of war in the Philippine Islands is deplorable. At San Fernando in April 1942, American and Filipino prisoners were held in a barbed-wire enclosure so overcrowded that sleep and rest were impossible. So many of them were sick and so little care was given to the sick that human excrement covered the whole area. The enclosure of San Fernando was more than 100 kilometers from Bataan and the abominable treatment given to the prisoners there cannot be

explained by battle conditions. The prisoners were forced to walk this distance in seven days under merciless driving. Many who were unable to keep up with the march were shot or bayoneted by the guards. During this journey as well as at other times when prisoners of war were moved in the Philippine Islands, they were assembled in the open sun even when the detaining authorities could have allowed them to assemble in the shade. American and Filipino prisoners are known to have been buried alive along the roadside and persistent reports have been received of men who tried to rise from their graves but were beaten down with shovels and buried alive.

At Camp O'Donnell conditions were so bad that 2,200 American and more than 20,000 Filipinos are reliably reported to have died in the first few months of their detention. There is no doubt that a large number of these deaths could have been prevented had the Japanese authorities provided minimum medical care for the prisoners. The so-called hospital there was absolutely inadequate to meet the situation. Prisoners of war lay sick and naked on the floor, receiving no attention and too sick to move from their own excrement. The hospital was so overcrowded that Americans were laid on the ground outside in the heat of the blazing sun. The American doctors in the camp were given no medicine, and even had no water to wash the human waste from the bodies of the patients. Eventually, when quinine was issued, there was only enough properly to take care of ten cases of malaria, while thousands of prisoners were suffering from the disease. Over two hundred out of three hundred prisoners from Camp O'Donnell died while they were on work detail in Batangas.

At Cabanatuan there was no medicine for the treatment of malaria until after the prisoners has been in the camp for five months.

The first shipment of medicines from the Philippine Red Cross was held up by the camp authorities on the pretext that they must make an inventory of the shipment. This they were so dilatory in doing that many deaths occurred before the medicine was released. Because of lack of medicines and food, scurvy broke out in the camp in the Fall of 1942. Since the prisoners had been at the camp for some months before this disease became prevalent the responsibility for it rests upon the detaining authorities.

It is reported that in the autumn of 1943 fifty per cent of the American prisoners of war at Davao had a poor chance to live and that the detaining authorities had again cut the prisoner's food ration and had withdrawn all medical attention.

Though the medical care provided for civilian internees by the Japanese camp authorities appears to have been better than that provided for prisoners of war, it still does not meet the obligations placed on the holding authorities by their Government's own free undertaking and by the laws of humanity. At the civilian internment camp Camp John Hay, childbirth took place on the floor of a small storeroom. At the same camp a female internee who was insane and whose presence was a danger to the other internees was not removed from the camp. A dentist who was interned at the camp was not permitted to bring his own equipment. The Los Banos Camp was established at a recognized endemic center of malaria, yet quinine was not provided, and the internees were not allowed to go outside of the fence to take anti-malarial measures.

The Japanese authorities have not provided sufficient medical care for the American civilians held in camps in and near Shanghai and the internees have themselves had to pay for hospitalization and medical treatment. Deaths directly traceable to inadequate care have occurred.

Even in metropolitan Japan, the Japanese authorities have failed to provide medical treatment for civilian internees, and it has been necessary for Americans held at Myoshi, Yamakita, and Sumire to pay for their own medical and dental care.

Charge XIV. For example the internees at Camp John Hay were not allowed to hold religious services during the first several months of the camp's operation, and priests have not been allowed to minister to prisoners held by the Japanese in French Indochina.

Charge XV. No copy of an English translation of the text of the Geneva Prisoners of War Convention has been available to civilian internees or prisoners of war nor have the Japanese authorities taken other steps to inform the persons held of their rights under the terms of the Convention. Reports have been received of the Japanese authorities informing prisoners of war that they were captives having no rights under international law or treaty.

Charge XVI. At Camp O'Donnell many of the men had to live without shelter during 1942. In one case twenty three officers were assigned to a shack, fourteen by twenty feet in size. Drinking water was extremely scarce, it being necessary to stand in line six to ten hours to get a drink. Officers had no bath for the first thirty five days in the camp and had but one gallon of water each in which to have their first baths after that delay. The kitchen equipment consisted of cauldrons and a fifty five gallon drum. Camotes were cooked in the cauldrons, mashed with a piece of timber, and each man was served one spoonful as his ration.

In late October 1942, approximately 970 prisoners of war were transferred from the Manila area to the Davao Penal Colony on a transport vessel providing only twenty inches per man of

sleeping space. Conditions on the vessel were so bad that two deaths occurred, and subsequently because of weakness some fifty percent of the prisoners fell by the roadside on the march from the water front at Lasang, Davao to the Penal Colony.

The places used by the Japanese authorities for the internment of American civilians in the Philippine Islands were inadequate for the number of persons interned. At the Brent School at Baguio, twenty to thirty civilians were assigned sleeping accommodations in a room which had been intended for the use of one person. C/C

At the Columbia Country Club at Shanghai the internees were obliged to spend CRB \$10,000 of their own funds to have a building deloused so that they might use it for a needed dormitory. At Weihsien no (repeat no) refrigeration equipment was furnished by the Japanese authorities and some of the few household refrigerators of the internees were taken from them and were used by the Japanese guards, with the result that food spoiled during the summer of 1943. The lack of sanitary facilities is reported from all of these camps.

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Charge XVII. American personnel have suffered death and imprisonment for participation in military operations. Death and long-term imprisonment have been imposed for attempts to escape for which the maximum penalty under the Geneva Convention is thirty days arrest. Neither the American Government nor its protecting Power has been informed in the manner provided by the Convention of these cases or of many other instances when Americans were subjected to illegal punishment. Specific instances are cited under the next charge.

Charge XVIII. Prisoners of war who were marched from Bataan to San Fernando in April 1942 were brutally treated by Japanese guards. The guards clubbed prisoners who tried to get water, and one prisoner was hit on the head with a club for helping a fellow

prisoner who had been knocked down by a Japanese army truck. A colonel who pointed to a can of salmon by the side of the road and asked for food for the prisoners was struck on the side of his head with the can by a Japanese officer. The colonel's face was cut open. Another colonel who had found a sympathetic Filipino with a cart was horsewhipped in the face for trying to give transportation to persons unable to walk. At Lubao a Filipino who had been run through and gutted by the Japanese was hung over a barbed-wire fence. An American Lieutenant Colonel was killed by a Japanese as he broke ranks to get a drink at a stream.

Japanese sentries used rifle butts and bayonets indiscriminately in forcing exhausted prisoners of war to keep moving on the march from the Cabanatuan railroad station to Camp No. 2 in late May 1942.

At Cabanatuan Lieutenant Colonels Lloyd Biggs and Howard Breitung and Lieutenant R. D. Gilbert, attempting to escape during September 1942 were severely beaten about the legs and feet and then taken out of the camp and tied to posts, were stripped and were kept tied up for two days. Their hands were tied behind their backs to the posts so that they could not sit down. Passing Filipinos were forced to beat them in the face with clubs. No food or water was given them. After two days of torture they were taken away and, according to the statements of Japanese guards, they were killed, one of them by decapitation. Other Americans were similarly tortured and shot without trial at Cabanatuan in June or July 1942 because they endeavored to bring food into the camp. After being tied to a fence post inside the camp for two days they were shot.

At Cabanatuan during the summer of 1942 the following incidents occurred: A Japanese sentry beat a private so brutally with a shovel across the back and the thigh that it was necessary to send him to the hospital. Another American was crippled for months after his

- 11 -

ankle was struck by a stone thrown by a Japanese. One Japanese sentry used the shaft of a golf club to beat American prisoners, and two Americans, caught while obtaining food from Filipinos, were beaten unmercifully on the face and body. An officer was struck behind the ear with a riding crop by a Japanese interpreter. The same officer was again beaten at Davao Penal Colony and is now suffering from partial paralysis of the left side as the result of these beatings. Enlisted men who attempted to escape were beaten and put to hard labor in chains.

At the Davao Penal Colony, about April 1, 1943, Sergeant McFee was shot and killed by a Japanese guard after catching a canteen full of water which had been thrown to him by another prisoner on the opposite side of a fence. The Japanese authorities attempted to explain this shooting as an effort to prevent escape. However, the guard shot the sergeant several times and, in addition, shot into the barrack on the opposite side of the fence toward the prisoner who had thrown the canteen. At about the same time and place an officer returning from a work detail tried to bring some sugarcane for the men in the hospital. For this he was tied to a stake for twenty-four hours and severely beaten.

In the internment camp at Baguio a boy of sixteen was knocked down by a Japanese guard for talking to an internee girl, and an elderly internee was struck with a whip when he failed to rise rapidly from his chair at the approach of a Japanese officer. Mr. R. Gray died at Baguio on March 14, 1942 after being beaten and given the water cure by police authorities.

At Santo Tomas, Mr. Krogstadt died in a military prison after being corporally punished for his attempted escape.

HULL

C E R T I F I C A T E

I, HAYASHI KAORU, hereby certify that I am officially connected with the Japanese Government as Chief of the Archives Section, Japanese Foreign Office, and that as such official I have custody of the letter dated 5 February 1944 sent by the Swiss Minister to Foreign Minister Shigemitsu; that the said letter quoted and reproduced Charges I to XVIII of the American Government Note identified as IPS Document No. 10-M, which quotation starts from page 13 of the letter and ends on page 32.

Signed at TOKYO on this  
2nd day of December, 1946

/s/ K. Hayashi  
Signature of Official

(SEAL)

Witness: /s/ T. Sato

Official Capacity

Statement of Official Procurement

I, JOHN A. CURTIS, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this  
2d day of December, 1946.

/s/ J. A. Curtis  
NAME

Witness: /s/ Naomi Kaler

Investigator, IPS  
Official Capacity

~~1489~~ 1480  
PLAIN

June 21, 1944

AMLEGATION,

BERN.

2115, twenty-first

AMERICAN INTERESTS - JAPAN

Request the Swiss Government to express to Gorge the thanks of the United States Government for having pointed out to the Japanese Government that Japan's adversaries naturally conclude from its persistent refusal to permit Swiss representatives to visit camps in Japanese-occupied territory that conditions prevailing in the unvisited camps are not as they should be.

The Government of the United States has noted with interest Shigemitsu's statement that he is endeavoring to bring about an improvement in the conditions under which American nationals are held in Japan and Japanese-occupied territories, and that the question of permitting visits to camps in occupied territories is being given consideration. Note has also been taken of Shigemitsu's characterization of the release of reports of the neglect and cruel treatment of Americans in Japanese custody as an atrocity campaign intended to discredit Japan.

Shige

The Government of the United States emphasizes, and desires Gorge so to inform the Japanese Government, that the published reports to which Shigemitsu objects are accounts of the sufferings of American nationals in camps in Japanese-occupied territories that came into the hands of American Government agencies from reliable sources. To end the publication of such accounts Japan has only to remove the conditions giving rise to such accounts and permit Swiss representatives so to inform the United States Government.

2- 2115, twenty-first, to Bern.

The Government of the United States is obliged to inform its citizens of the condition of its nationals in enemy custody. The continued refusals of the Japanese Government to permit visits by representatives of the Protecting Power to camps in Japanese-occupied territories leads naturally to the conclusion that conditions in these areas continue to remain unsatisfactory and such as to make Japan ashamed to have them observed by neutrals.

*Shige  
Promised*

In giving reality to its numerous professions of its intent to apply humanitarian considerations in its treatment of prisoners of war and civilian internees and in making the improvements promised by Shigemitsu, the Japanese Government has at its command the most effective method of removing the causes of unfavorable reports and thereby preventing the future publication of such reports. When the Japanese Government accords to American nationals the humanitarian treatment it has promised and when it permits representatives of the Swiss Government to visit all places where American nationals are held and to verify and confirm that their treatment is in accordance with the promises of the Japanese Government, the United States Government will be in a position to reassure the relatives and friends of American nationals held by Japan with regard to their condition and treatment.

The United States Government continues to hope that the Japanese Government will be persuaded without further delay to enable the Swiss representatives to visit all detained nationals of the United States wherever detained. There would seem to be no reason why the Japanese Government should not permit such visits without prejudice to the juridical position taken by Japan on the question of representation of enemy interests. See Department's 2050, June 14.

HULL

PLAIN

SEPT. 11, 1944

AMLEGATION,

BERN.

US URGENT

3133

AMERICAN INTERESTS - PHILIPPINES.

Request Swiss Government to communicate following message to Gorge to be delivered textually to the Japanese Government:

The Government of the United States has received from reliable sources that certain American civilian internees in the Philippine Islands have been removed from the Los Banos Camp to Fort McKinley where a major ammunition dump for central Luzon is maintained.

As Article 9 of the Geneva Prisoners of War Convention provides that no prisoner may, at any time, be sent into a region where he might be exposed to the fire of the combat zone, nor used to give protection from bombardment to certain points or certain regions by his presence, the action taken by the Japanese authorities constitutes a flagrant violation of the obligation undertaken by it to apply to civilian internees in so far as they are adaptable, the provisions of the Geneva Convention and of its commitment at all times to accord protection and humane treatment to the American nationals in its custody. The United States Government expects that the Japanese Government will at once remove the American nationals at Fort McKinley to a region far enough from military installations for them to be out of danger, and that the Japanese Government will exercise every care to forestall a repetition of the violation of the laws of war in exposing civilian internees or prisoners of war to bombardment by housing them in areas in the vicinity of military objectives.

HULL

✓✓✓✓ ✓  
"Bunch of Fool Heads"  
1481  
1944

Department

PLAIN

AMLEGATION,

BERN.

1022, TENTH

AMERICAN INTERESTS - JAPAN

Request Swiss Government to communicate the following textually to the Japanese Government:

QUOTE American prisoners of war who survived the sinking on September 7, 1944, of a Japanese freighter on which they were being transported off the coast of Mindanao, Philippine Islands, have made comprehensive reports to the United States Government of the conditions under which American prisoners were held in the Philippines. These reports further corroborate the reports made earlier that the treatment accorded to prisoners of war in the Philippines has been consistently cruel and inhumane.

In the present instance, the United States Government protests vigorously with regard to the conditions of captivity under which 650 prisoners were held at the Lasang Air Field and the abuses to which they were systematically subjected. The United States Government charges that the Japanese authorities have violated the Japanese Government's commitment to apply to prisoners of war the provisions of the Geneva Prisoners of War Convention, and to observe the basic principles of the Hague Convention:

- (1) 650 American prisoners of war were compelled to work on the Lasang Air Field, a known military installation.
- (2) Officer prisoners were forced to perform labor and non-commissioned officers were compelled to perform labor other than of a supervisory nature.
- (3) Officer prisoners were forced to perform menial and degrading tasks. In an effort to humiliate them they were forced to wash the clothes of the enlisted men.
- (4) Corporal punishment of utmost severity was inflicted upon the slightest provocation. Upon one occasion Lieutenant Hosica forced prisoners to kneel for a long period with their

shinbones on the sharp edge of railroad tracks in such a position that most of the weight of their bodies was carried by their shinbones. Afterwards, the men were compelled to run bare-footed on sharp coral gravel for several kilometers. On other occasions, individual prisoners returned to camp covered with blood as a result of having been beaten and kicked by Lieutenant Hosimoto.

(5) The prisoners were forced to subsist on starvation rations. Food furnished to the prisoners was neither equal in quantity or quality to that given Japanese soldiers. Half the vegetable issue was usually delivered spoiled and unfit for human consumption. Meat and fish were rarely furnished. At times a carabao was butchered, but only the head and ribs were supplied to the 650 prisoners, the meat being retained by the 200 Japanese guards.

(6) The latrines provided for the prisoners of war defied all established rules of sanitation. As the original placement of the latrines behind the prisoners' barracks proved offensive to the Japanese officers, the latrines were moved to a position close to and between the prisoners' barracks where they polluted the wells from which the prisoners' drinking water was drawn.

(7) Prisoners were deprived of their shoes. On March 2, 1944, new shoes were issued to the prisoners from Red Cross supplies furnished by this Government. On or about April 8, 1944, the Japanese authorities compelled the prisoners to surrender their shoes and did not return them until August 20, 1944. Although the men repeatedly requested that their shoes be returned or that at least sandals be issued, their requests were ignored with the result that their feet became severely lacerated from the sharp coral on which they were forced to work.

The abusive, cruel, and inhumane treatment which has characterized the administration of prisoner of war camps in the Philippines is affirmed unanimously by prisoners who have escaped from those camps.

The United States Government demands that, in fulfillment of the obligations assumed by the Japanese Government with regard to Americans taken prisoner of war by Japan, that Government take steps effectively to prevent the continuation in all Japanese prisoner of war camps of the inhumane practices that have disgraced Japan in its administration of prisoner of war camps in the Philippines. UNQUOTE

GREW  
Acting

1483  
April 6, 1945

AMLEGATION,

BERN.

1371, Sixth

AMERICAN INTERESTS - PHILIPPINES.

Request Swiss Government to communicate the following message to Gorge to be delivered textually to the Japanese Government:

QUOTE The United States Government has received evidence of the murder by the Japanese authorities of four American citizens, Carroll Calkins Grinnell, Alfred Francis Duggleby, Ernest Emil Johnson, and Clifford Lawrence Larsen, civilian internees in Santo Tomas Internment Camp, Manila. Mr. Grinnell was the spokesman of the Santo Tomas Internment Camp.

These four American nationals were arrested and imprisoned within the Santo Tomas internment Camp by the Japanese Military Police on December 23, 1944. No information was ever given to the camp authorities with respect to the charges for which these men were held. Mr. Johnson was removed from the camp on or about December 24, 1944. Messrs. Grinnell, Duggleby and Larsen were removed from the camp on January 5, 1945. On December 31, 1944, Mr. Johnson was seen at the Military Police Station at the corner of Corbabitarte and A. Mabini Streets. The other three men were never again seen alive. Their bodies together with ten unidentified corpses were found buried in a field near the headquarters of the Japanese Military Police. The fourteen bodies were wired together in groups of a few each. A medical examination of the bodies determined that death had occurred on or about January 15, 1945.

In view of the fact that the Japanese Government undertook to apply the provisions of the Geneva Prisoners of War Convention to civilian internees in so far as those provisions are adaptable, the murder of these American citizens constitutes a flagrant violation of

#1371

the obligations undertaken by the Japanese Government.

The United States Government demands that the unwarranted and despotic action of the Japanese authorities concerned be immediately investigated, that those who ordered and committed the acts herein reported shall be brought to full account for their crimes, and that the findings of the investigation and the date of the punishments shall be sent to this Government. The United States Government further demands that the Japanese Government shall take all steps necessary to prevent in any territory under Japanese control a repetition of such barbarous and arbitrary deeds which are in utter disregard of the Japanese Government's commitment to apply the humanitarian standards of the Geneva Prisoners of War Convention to interned American nationals in its custody.

ACHESON, ACTING

1484

PLAIN

May 19, 1945

AMLEGATION,

BERN

1857, Nineteenth

AMERICAN INTERESTS - JAPAN

Please request Swiss Legation to transmit following textually to Japanese Government:

QUOTE The United States Government charges the Japanese Government with the wanton murder of George J. Louis at the Los Banos Internment Camp, Philippine Islands, on January 28, 1945.

Mr. Louis, having left the camp to purchase food was shot, but not (repeat not) fatally, at 6:55 a.m. on January 28 as he was returning to camp. An appeal by internees to remove Mr. Louis to the Camp Hospital was denied by the Japanese authorities. At 7:10 a.m., three internees were summoned to the office of Major Iwanska, the Camp Commandant, and informed by him that Mr. Louis' execution must be completed, since he had ordered that the guards shoot SUBQUOTE until they kill END SUBQUOTE any person violating the camp boundaries.

A Committee of internees interceded with the Camp Commandant to stay the execution of Mr. Louis but the Commandant was adamant. Mr. Louis, still alive, was carried by guards on an improvised stretcher to a clump of bamboo outside the camp grounds and shot through the head.

The United States Government most vigorously protests the arbitrary action of Major Iwanska in carrying out the execution of Mr. Louis as being in direct violation of Articles 47, 50, 51, 52 and 60 through 67 of the Geneva Prisoners of War Convention and a repudiation of the humanitarian standards which the Japanese Government has professed it is maintaining in its treatment of American nationals in its custody.

-2 #1857, May 19, 1945, Bern.

In the early dawn it might be conceivable that the guard could not discern that Mr. Louis was returning to the camp and that the guard fired the first shot believing he was preventing a possible escape. There is no justification, however, for the summary and cold-blooded execution of Mr. Louis an hour and a half later.

The United States Government demands that Major Iwanska be brought to full account for this crime and expects that the Japanese Government will notify it of the punishment inflicted upon him. UNQUOTE

GREW  
(Acting)

1485

PLAIN

May 19, 1945

AMLEGATION,

BERN.

1856

AMERICAN INTERESTS - JAPAN

Please request Swiss to transmit verbatim to Japanese Government following message:

QUOTE: The brutal massacre on December 14, 1944 of one hundred and fifty American prisoners of war at Puerto Princesa, Palawan, Philippine Islands, by the personnel of the Ogawa Tai Construction Corps has profoundly shocked the Government and the people of the United States.

At noon of that day the prisoners who had been detailed to work on a nearby airfield were recalled to camp. Following upon a series of air raid alarms the Japanese guards forced the prisoners into air raid shelters within the camp compound. The shelters were tunnels some seventy-five feet long with openings at each end. About two o'clock in the afternoon fifty to sixty Japanese guards armed with rifles and machine guns and carrying buckets of gasoline and lighted torches, approached the shelters. They emptied the gasoline into the openings of the tunnels and hurled the blazing torches after it. Violent explosions followed. The victims, enveloped in flames and screaming in agony, swarmed from the shelters only to be mowed down by machine guns or attacked with bayonets. Four officers who had sought shelter elsewhere suffered a similar fate. One of them, emerging in flames from his retreat, approached a Japanese officer and pled that the carnage be stopped. He was ruthlessly shot down. In order to insure that

no living prisoners remained in the shelters, the guards fired the tunnels with dynamite charges.

About forty prisoners succeeded in escaping from the compound by throwing themselves over a fifty-foot cliff onto the beach below. Landing barges patrolling the bay and sentries on the shore fired upon them. Many moaning in agony, were buried alive by their captors. One, who had reached the water and struck out to sea, was recaptured and brought back to land where Japanese soldiers, prodding him with bayonets, forced him to walk along the beach. A Japanese guard poured gasoline upon the prisoners foot and set fire to it. Ignoring his entreaties that he be shot the Japanese soldiers deliberately set fire to his other foot and to both his hands. They mocked and derided him in his suffering and then bayoneted him until he collapsed. Thereupon they poured gasoline over his body and watched the flames devour it.

Such barbaric behaviour on the part of the Japanese armed forces is an offense to all civilized people. The Japanese Government cannot escape responsibility for this crime. The United States Government demands that appropriate punishment be inflicted on all those who directed or participated in it. It expects to receive from the Japanese Government notification that such punishment has been inflicted. The United States Government further demands that the Japanese Government take such action as may be necessary to forestall the repetition of offenses of so heinous a nature and assure the United States Government that such outrages will not again be inflicted upon American prisoners of war in Japanese custody.

GREW  
(Acting)

1486

PLAIN

June 8, 1945

ALLEGATION,

BERN.

1992, Eighth

Request Gorge to deliver the following message textually to the Japanese Government and to inform the Department of the date of its delivery:

QUOTE The United States Government has been reliably informed that the civilian internees in the Shanghai civilian Assembly Centers are in grave danger of starvation. It is reported that the Japanese Government has from the beginning of the year steadily decreased the food deliveries to the centers. It is reported the internees receive one meal daily consisting of approximately one ounce of meat, occasionally substituted by fish or powdered eggs, three to four ounces of vegetable, one medium-size potato, one small beet and twelve ounces of black bread. The internees receive neither tea or other beverages nor any other food products than those above mentioned.

The failure of the Japanese Government to furnish the internees with sufficient food cannot be attributed to food shortages since the supplies of foodstuffs controlled by the Japanese authorities in Shanghai remain plentiful. The Japanese Government, were it is so inclined, could arrange to deliver foodstuffs in the amounts required and without delay. Urgent representations have resulted in no improvements by the local Japanese authorities who openly admit the inadequacy of the credits made available by the Japanese Government for provisioning the camps.

The Japanese Government entered into a solemn obligation by agreement with the Government of the United States to observe the humane standards of the Geneva Convention in the treatment of

-2 1992, June 8 to Bern

civilian internees and prisoners of war in its custody. By its refusal to permit the repatriation of American nationals it has further obligated itself to safeguard them from starvation and death.

The Government of the United States calls again upon the Japanese Government to carry out its agreement to observe the humane standards of the Geneva Convention and to give effect to its many public and solemn declarations to the nations and peoples of the world that it is according humane treatment to the civilian internees and Prisoners of war in its custody.

The United States Government demands that the Japanese Government without delay put forth exceptional efforts to remedy the grave food situation in the civilian assembly centers at Shanghai and in any other civilian or prisoner of war camps where these conditions may prevail, at present unknown to this Government. The United States Government demands the Japanese Government's solemn assurance that this has been done.

VC

Should the Japanese Government continue to deprive civilian internees and prisoners of war in its custody of the food necessary to safeguard them from starvation and maintain them in health, the United States Government hereby solemnly declares that it will hold personally and officially responsible for this crime all of the officials of the Japanese Government, regardless of position or status, who have participated therein either through neglect or from wilful intent and will in due course bring them to judgment. It solemnly declares that it will visit upon all such individuals the punishment which is their due. UNQUOTE

June 8-45  
GREW  
(Acting)

1487

PLAIN

July 31, 1945

DELEGATION,

BERN.

2432, Thirty-first.

Request Swiss to inform Jap Govt as follows: QUOTE As of July 4, 1945, Japanese civilian internees held in the United States received daily 4.831 pounds of food representing 4100 calories. The foods are as follows, giving first the weight in pounds and second the caloric content.

Meats & Fish	.4425	442.00
Eggs	.10725	64.00
Milk & Cheese	.56744	302.00
Margarine	.036	1211.00
Fats, other	.05625	230.00
Sugars	.2255	351.00
Cereals	1.234	1888.00
Legumes	.044	73.00
Vegetables	.548	55.00
Tomatoes	.05104	5.00
Citrus fruits	.18	36.00
Potatoes	.70	350.00
Vegetables, other	.33526	67.00
Fruits, other	.147	44.00
Fruits, dried	.045	72.00
Beverages	.069	-
Miscellaneous	.04317	-

The Japanese Government will observe that the foregoing diet is well balanced.

Japanese pows held in the US as of May 3, 1945, were receiving similarly balanced diets. Typical daily menus for pows are as follows:

Breakfast: Stewed fruit, wheat cereal, milk, one egg, bread, margarine, coffee. Dinner: Fish, rice, vegetable, vegetable salad, bread. Supper: Soup, meat, macaroni, potatoes, bread, tea.

Breakfast: Fresh fruit, hominy grits, milk, bread, margarine, coffee. Dinner: Meat, rice, vegetable, vegetable salad, bread.

Supper: Soup, soy beans, potatoes, vegetable, bread, tea.

The US Govt is becoming increasingly concerned about the food which the Japanese Govt provides for American pows and civilian internees in Japanese occupied territory as well as in Japan proper. Reports read in the US indicate that at many camps the food situation is deteriorating. The condition of American nationals liberated from Japanese imprisonment in the Philippine Islands was such that the US Govt knows that its concern for the health of American nationals held by the Japanese is not (repeat not) unfounded.

The US Govt has from the earliest days of the war been concerned because of the deleterious effect of Japanese diet upon American nationals unaccustomed to oriental foods. It has felt not only that oriental foods might be difficult for American nationals to become accustomed to but also that the nutritive value of the food would be less than that to which the Americans were accustomed. The food supplied American pows and internees has been a subject of continuous representations by the US Govt (See Dept's 2934, Aug 25, 1944 and Dept's 1992, Jan. 8, 1945). The Japanese Govt has not (repeat not) taken adequate steps to furnish adequate food for Americans in its hands.

Since the beginning of the war the American authorities in contrast to the Japanese authorities, have supplied food to Japanese civilian internees and prisoners of war which was not only sufficient in quantity but was in accordance with the national tastes of the prisoners and internees. To the knowledge of the United States Government no complaints have been made about the food given to Japanese nationals held by the American authorities.

The recent action of the Jap Govt in stopping all financial assistance for American nationals in prisoner of war and civilian

internee camps operated by the Japanese (your 3393, July 2), indicates that the Japanese Government will not (repeat not) permit the US Govt to use the only method which has thus far been open to it to provide sustenance on a regular basis for Americans held by the Japanese. Unless the Japanese Government permits neutral representatives to purchase relief supplies for the use of American nationals or unless the Japanese Government supports prisoners of war and civilian internees in accordance with its obligations, the United States Government can only assume that the Jap Govt sanctions the starvation of American pows and civilian internees in its custody.

The US Govt expects the Jap Govt promptly to give assurances that Americans in its hands will be protected from starvation. The US Govt also expects the Japanese Government to indicate the steps which it proposes to take to assure that Americans in its hands will not starve.

The US Govt emphasizes to the Jap Govt the seriousness with which it views reports that Americans in Japanese hands are on starvation rations. The US Govt declared that the Jap Govt and its officers will not be able to avoid responsibility for the starvation of Americans in Japanese custody. UNQUOTE.

CREW  
(ACTING)

740.00115 P.W./7-645

1488

Doc. No. 2882

Page 1

BBC

Jan. 24, 1944

17:00

U. S. GOVERNMENT: ISSUES REPORT ON JAPANESE ATROCITY

The United States Army and Navy authorities have issued an official report on Japanese atrocity on American and Filipino prisoners at Bataan and Corregidor in the Philippines. The report is based on sworn statements by American officers who escaped from Japanese prison camps. He says that many Americans have died from starvation, forced labor and general brutality. At one camp about 2,300 Americans died in April and May of 1942. In another 4,000 Americans died by October 1942. After the surrender of Bataan in 1942. And in what is described as the March of Death American prisoners were strapped and beaten up as they marched in the sun without food or water.

WASHINGTON: DISCLOSES JAPANESE ATROCITY BECAUSE  
RELIEF NOT PERMITTED

✓ 8 → KWID Jan. 29, 1944 18:00

White House Secretary Stephen Early made the disclosure today that the Japanese Government will not permit the United States Government to send food, material aid, or supplies to United States and Filipino soldiers now Japan's prisoners of war.

This, said Early, is the reason the United States Government last night authorized the publications of accounts of Japanese atrocities against prisoners of war. He said this information has been known for some time by this government, but it had been withheld while there was any hope of transmitting relief to the prisoners in Japan's hands.

Early said, "The time has come for releasing the factual reports which have been carefully investigated and authenticated because we cannot expect to get further relief to our prisoners of war now in the hands of the Japanese."

SAN FRANCISCO KWID Jan. 29, 1944 7:00

PRISONERS OF WAR: JAPANESE ILL-TREAT PRISONERS OF WAR

The Secretary of State, Mr. Cordell Hull, released a statement of the treatment of prisoners of war in Japanese hands. A great many of them died of starvation on two Japanese prison camps in October of 1942. We wrote the statement by Secretary of State.

"According to the reports of cruelty and inhumanity it would be necessary to summon the representatives of all the demons available anywhere and combine the fiendishness with all that is (bloody) in order to describe the conduct of those who inflicted these unthinkable (atrocities) on the Americans and Filipinos."

The escaped American officers in their statement indicated several instances of Japanese atrocities. They said that the Japanese forces sometimes wantonly murdered thousands of American and Filipino soldiers captured in Bataan and Corregidor in the Philippines.

They stated that at least 5,200 American soldiers died mostly of starvation at two prison camps in October 1942. 36,000 American and Filipino soldiers have been captured in those campaigns said Colonel White, former Domestic Director of the Office of War Information and that most of the prisoners have been murdered.

PRISONERS OF WAR: EDEN REPORTS TO HOUSE OF COMMONS ON PRISONERS OF WAR

In London, British Foreign Secretary, Anthony Eden, told the House of Commons, that some thousands of British, Chinese, Burmese and Indian war prisoners and internees also have died in Japanese prison camps. He said that specific atrocities have been told by escapees.

Eden said that British protests have drawn unsatisfactory results from Japan. He said that the Japanese were violating not only International Law but all human, decent civilized conduct. He warned the Japanese government that in time to come the record of their military atrocities in this war will not be forgotten.

KWID

Jan. 29, 1944

8:00

## JAPANESE ATROCITIES: DESCRIPTION GIVEN

Here are some of them, factually based upon the personal experiences and observations of the three escaped officers.

Prisoners reduced in weight from 200 pounds to 90 pounds in some cases. Some of them found with Japanese money or souvenirs on their persons were beheaded or bayoneted. A few American and Filipino men were buried alive. Numerous prisoners were beaten, whipped, and shot when they begged for food and water.

Many were forced to strip naked for hours in the hot sun. Many of them were forced on long marches without food or water and made to do labor when they were not physically able to do so. Some bodies of the soldiers were run over by Japanese trucks.

## HULL: MAKES STATEMENT ON JAPANESE ATROCITY TO PRISONERS

Secretary of State Cordell Hull made the following formal statement:

"According to the reports of cruelty and inhumanity, it will be necessary to summon to assemble together all the -- available from any here and combine the fiendishness which all of them embody in order to describe the conduct of those who inflicted those unthinkable tortures on Americans and Filipinos."

Mr. Hull said that repeated protests have been lodged with Tokyo but to no apparent avail.

He said that it is not known what happened to the food and supplies previously sent to the prisoners aboard the liner, "Gripsholm."

He said that efforts, nonetheless, will be continued to obtain release of war prisoners.

He said this government is assembling all possible facts concerning Japanese treatment of war prisoners, and it intends to seek full punishment of the responsible Japanese authorities.

Oct. 23, 1944

MACARTHUR'S WARNING

Army News Service

MACARTHUR'S GHQ, October 22,---General MacArthur issued a warning to the Japanese military leaders that as commander-in-chief of the American invasion forces, he will hold the enemy leaders immediately responsible for any failure to accord prisoners and internees proper treatment. MacArthur addressed his warning to the Japanese Field Marshal, Count Terauchi, who is commander-in-chief of the Japanese military forces in the Philippines.

The General said, the surrender of the United States and Philippines forces in previous campaigns was made with the belief that they would receive the dignity and honor and protection of military prisoners as provided by the rules and customs of war. Since then unimpeachable evidence has been received of the degradation and even brutality to which these prisoners have been subjected in violation of the most sacred code of martial honor.

C E R T I F I C A T E

I, Seishiro OGAWA, hereby certify that I was officially connected with the Japanese Government in the following capacity: Acting Chief of Fourth Section of Research Bureau from November 1, 1942 to June 30, 1943; that during the war enemy radio station broadcasts were regularly recorded in the Japanese Foreign Office; that transcripts were regularly made of those recordings and the transcripts distributed regularly to all sections of the Foreign Office and also to the Board of Information, the Navy Ministry and the War Ministry; that transcripts of those recordings have been on file with our office.

/s/ Seishiro Ogawa  
Signature of Official

SEAL

Acting Chief of Fourth Section  
of Research Bureau from  
November 1 1942 to June 30, 1943  
Official Capacity

C E R T I F I C A T E

I, Yasuhiko NARA, hereby certify that I am officially connected with the Japanese Government in my capacity as Secretary in the Public Relations Office of the Foreign Office; that the five documents hereto attached are transcripts of recordings of enemy radio broadcasts regarding treatment of allied prisoners of war recorded during the period from January 24, 1944 to December 19, 1944, which are described as follows:

- p.1) BBC Jan. 24, 1944, 17:00 - U.S. Government: Issues Report on Japanese Atrocity
- p.2) San Francisco KWID Jan. 29, 1944, 7:00 Prisoners of War; Japanese ill-treat prisoners of war
- p.3) KWID, Jan. 29, 8:00 Japanese Atrocities: Description Given
- p.4) KWID, Jan. 29, 1944 18:00, Washington: Discloses Japanese Atrocity because relief not permitted.
- p.5) Oct. 23, 1944. MacArthur's Warning.

/s/ Yasuhiko Nara  
Signature of Official

SEAL

Secretary in the Public Relations Office of the Foreign Office  
Official Capacity

Witness:

/s/ Hideki Maki

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al )  
- AGAINST - )  
ARAKI, SADA0, et al. )

A F F I D A V I T

I, SUZUKI, Tadakatsu, make oath and say as follows:

Q State your name, age, and residence.

A SUZUKI, Tadakatsu, 51 years of age, residing at Yokohama.

Q When war broke out what position did you hold with the government of Japan?

A I was Minister Plenipotentiary in Egypt since 1940. I came home to Japan on an exchange ship in August of 1942 and in December of 1942 I was made chief of the Foreign National Section of the Foreign Office.

Q Until what time did you hold that office?

A Until July of 1945.

Q During your incumbency were you familiar with American notes protesting against mistreatments of American prisoners of war and civilians in the Philippines which were coursed through the Swiss Legation?

A Yes.

Q Throughout your incumbency what was the practice of your office once those protests were received?

A The notes were received either in French or English and were translated into Japanese. A copy of the note with its Japanese translation was sometimes addressed to the Minister of War, the Vice Minister of War, the Military Affairs Bureau, or the Prisoner of War Information Bureau, depending on the importance and also the contents of the note. Nevertheless we furnished copies, together with their translations, to the other sections concerned of the War Ministry (the Vice Minister of War, the Chief of the Military Affairs Bureau, and the Chief of the Prisoner of War Information Bureau). In sending those notes, together with their translation, we accompanied them with a covering note which was either a simple note in itself, or accompanied by our own comments or recommendations.

Q Please examine these U. S. State Department notes marked as IPS Documents 10-B through 10-X, inclusive (excepting 10-0), and tell us if they have been received by the Foreign Office in Japan through the intervention of the Swiss Legation.

A Yes, they were received by the Foreign Office in the routine procedure of forwarding them to the different departments of our government.

/s/ T. Suzuki  
SUZUKI, Tadakatsu

Sworn and subscribed to before the undersigned officer by the above-named SUZUKI, Tadakatsu, at the War Ministry Building, Tokyo, Japan, this 12th day of November, 1946.

/s/ Eric W. Fleisher  
ERIC W. FLEISHER  
2nd Lt. A.U.S., M.I.

Witness:

/s/ Richard H. Larsh  
RICHARD H. LARSH

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Re POW  
Treatment

1498

Docuementn No. 1469D

Page 1

Diplomatic

The Gaimusho  
Tokyo

29 January 1942

Translation

No. 22/T3

To the Minister:

Following my letter of 20th inst., No. 11/T3, I have the honour to inform Your Excellency of the views of the Imperial Government on the treatment of prisoners of war:

(1) Japan strictly observes the Geneva Convention of July 27, 1929 relative to the Red Cross, as a signatory of that Convention.

(2) The Imperial Government has not yet ratified the Convention relating to treatment of prisoners of war of 27 July 1929. It is therefore not bound by the said Convention. Nevertheless it will apply mutatis mutandis the provisions of that Convention to American prisoners of war in its power.

I would be obliged to Your Excellency if you would forward the above to the Government of the United States of America.

(L. S.) Minister of Foreign Affairs

1491

Document No. 1469B

Page 1

The Gaimusho  
Tokyo

13 February 1942

Translation  
No. 467t3

M. le Ministre:

Following my letter No. 32/T3 of 29th January last, I have the honour to send to Your Excellency the following communication on the subject of the treatment of civilian internees:

The Imperial Government will apply for the duration of the war under condition of reciprocity the provisions of the Convention relative to treatment of prisoners of war of 27 July 1929 to enemy civilian internees, insofar as they are applicable and provided that they are not made to work without their consent.

American civilians now held in Japan (including territories overseas) number 134. They are enjoying more favourable conditions than those prescribed by the above-mentioned Convention. Not only are they supplied by the Imperial Government with provisions such as bread, butter, eggs, meat, heavy oil for heating, coal, etc., but also they are allowed to receive from outside donations of food and clothing. They are specially held in a place near the residences of their families under some inconvenience to the Imperial Government as far as surveillance is concerned, so that their families may easily see them.

As far as the health of the internees is concerned, they are examined from time to time by specially engaged doctors. Those who are sick can summon an outside doctor to examine them and in serious cases may enter a civil hospital. They are allowed to read papers and books and to listen to the radio by sets placed at their disposal and to go out under certain restrictions if they have any good reason therefor.

Asking you kindly to inform the Government of the United States of America,

(L.S.) Minister of Foreign Affairs

EXHIBIT A

<u>Document No.</u>	<u>Description</u>
1469-F	Copy of letter dated 27 December 1941 from the Swiss Minister to Shigenori TOGO, Foreign Minister.
1469-E	Letter dated 20 January 1942 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 11/T3).
1469-D	Letter dated 29 January 1942 from the Japanese Minister of Foreign Affairs to the Swiss Minister (No. 22/T3).
1469-C	Copy of letter dated 20 February 1942 from the Swiss Minister to Shigenori TOGO, Japanese Foreign Minister (EE.7.1.-ce).
1469-B	Letter dated 13 February 1942 from Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 46/T3).
1469-A	Letter dated 2 March 1942 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 71/T3).

C E R T I F I C A T E

I.P.S. No. 1469-A-F

Statement of Source and Authenticity

I, Walter Bossi, hereby certify that I am officially connected with the Government of Switzerland in the following capacity: Swiss Diplomatic Representative, and as such official I have custody of the documents, consisting of six letters and notes, as listed on Exhibit A attached hereto and described as follows: True copy of letters and notes in French from the Minister of Switzerland addressed to the Japanese Ministry of Foreign Affairs and the original replies thereto of the Japanese Ministry of Foreign Affairs addressed to the Minister of Switzerland.

I further certify that the attached letters and notes are official records of the Swiss Legation in Japan and that they are a part of the official archives and files thereof.

Signed at Tokyo on this /s/ W. Bossi  
Signature of Official

5th day of December, 1946. Swiss Diplomatic Representative  
Official Capacity

Witness: /s/ Max R. Ton

Statement of Official Procurement

I, 2nd Lt. Eric W. Fleisher, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Swiss Government in the conduct of my official business.

Signed at Tokyo on this /s/ Eric W. Fleisher, 2nd Lt. AUSMI  
NAME

5th day of December, 1946.

Witness: /s/ J. A. Curtis Investigator IPS  
Official Capacity

1492

Tokio, 20 February 1942

E.E. 7. 1. - ce

M. le Ministre,

Referring to your letter of 29 January, No. 22/T3, in which Your Excellency informed me that the Imperial Government would apply mutatis mutandis to American prisoners of war the Geneva Convention of 27 July 1929, on the treatment of prisoners of war, I have the honour to bring the following matter to Your Excellency's notice:

The Government of the United States of America has been informed that the Japanese Government had agreed as far the treatment to be accorded to British prisoners of war to take into consideration as to food, and clothing, the national and racial customs of the prisoners.

The Government of the United States of America has requested my Government to bring to the notice of the Japanese Government that it will be bound by the same principle for prisoners of war as for Japanese civil internees in conformity with Articles 11 and 12 of the Geneva Convention.

It expects in consequence that the Imperial Government will equally conform to the above-mentioned provisions of the treatment of American prisoners of war and civilian internees.

I shall be grateful to Your Excellency for keeping me informed of the views of your Government in this respect.

SWISS MINISTER

To H.E.M. Shigenori TOGO  
Minister for Foreign Affairs  
Tokyo

EXHIBIT A

<u>Document No.</u>	<u>Description</u>
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1469-D	Letter dated 29 January 1942 from the Japanese Minister of Foreign Affairs to the Swiss Minister (No. 22/T3).
1469-C	Copy of letter dated 20 February 1942 from the Swiss Minister to Shigenori TOGO, Japanese Foreign Minister (EE.7.1.-ce).
1469-B	Letter dated 13 February 1942 from Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 46/T3).
1469-A	Letter dated 2 March 1942 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 71/T3).

C E R T I F I C A T E

I.P.S. No. 1469-A-3

Statement of Source and Authenticity

I, Walter Bossi, hereby certify that I am officially connected with the Government of Switzerland in the following capacity: Swiss Diplomatic Representative, and as such official I have custody of the documents, consisting of six letters and notes, as listed on Exhibit A attached hereto and described as follows: True copy of letters and notes in French from the Minister of Switzerland addressed to the Japanese Ministry of Foreign Affairs and the original replies thereto of the Japanese Ministry of Foreign Affairs addressed to the Minister of Switzerland.

I further certify that the attached letters and notes are official records of the Swiss Legation in Japan and that they are a part of the official archives and files thereof.

Signed at Tokyo on this

/s/ W. Bossi  
Signature of Official

5th day of December, 1946.

Swiss Diplomatic Representative  
Official Capacity

Witness: /s/ Max R. Ton

Statement of Official Procurement

I, 2nd Lt. Eric W. Fleisher, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Swiss Government in the conduct of my official business.

Signed at Tokyo on this

/s/ Eric W. Fleisher, 2nd Lt. AUSMI  
NAME

5th day of December, 1946.

Witness: /s/ J. A. Curtis

Investigator IPS  
Official Capacity

1493

Document No. 1469A

Page 1

The Gaimusho  
Tokyo  
Translation

2 March 1942

No. 71/T3

To the Minister:

I have the honour to acknowledge receipt of your Excellency's letter of 20 February last, No. EE. 7.1. - ce, in which you informed me of the views of the Government of the United States on the treatment of prisoners of war and civil internees.

I desire to inform your Excellency that the Imperial Government intends to take into consideration, with regard to provisions and clothing to be distributed, the national and racial customs of American war prisoners and civilian internees placed under Japanese power.

Asking you to kindly inform the American Government of the United States of America of the above,

I am, yours truly,

Minister of Foreign Affairs

EXHIBIT A

<u>Document No.</u>	<u>Description</u>
1469-F	Copy of letter dated 27 December 1941 from the Swiss Minister to Shigenori TOGO, Foreign Minister.
1469-E	Letter dated 20 January 1942 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 11/T3).
1469-D	Letter dated 29 January 1942 from the Japanese Minister of Foreign Affairs to the Swiss Minister (No. 22/T3).
1469-C	Copy of letter dated 20 February 1942 from the Swiss Minister to Shigenori TOGO, Japanese Foreign Minister (EE.7.1.-ce).
1469-B	Letter dated 13 February 1942 from Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 46/T3).
1469-A	Letter dated 2 March 1942 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 71/T3).

C E R T I F I C A T E

I.P.S. No. 1469-A-F

Statement of Source and Authenticity

I, Walter Bossi, hereby certify that I am officially connected with the Government of Switzerland in the following capacity: Swiss Diplomatic Representative, and as such official I have custody of the documents, consisting of six letters and notes, as listed on Exhibit A attached hereto and described as follows: True copy of letters and notes in French from the Minister of Switzerland addressed to the Japanese Ministry of Foreign Affairs and the original replies thereto of the Japanese Ministry of Foreign Affairs addressed to the Minister of Switzerland.

I further certify that the attached letters and notes are official records of the Swiss Legation in Japan and that they are a part of the official archives and files thereof.

Signed at Tokyo on this

/s/ W. Bossi  
Signature of Official

5th day of December, 1946.

Swiss Diplomatic Representative  
Official Capacity

Witness: /s/ Max R. Ton

Statement of Official Procurement

I, 2nd Lt. Eric W. Fleisher, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Swiss Government in the conduct of my official business.

Signed at Tokyo on this

/s/ Eric W. Fleisher, 2nd Lt. AUSMI  
NAME

5th day of December, 1946.

Witness: /s/ J. A. Curtis

Investigator IPS  
Official Capacity

Embassy of the Argentine Republic  
Tokyo

1494

3 January 1942

M. le Ministre,

Carrying out the instructions received from my Government, I have the honor to inform Your Excellency that the Governments of Great Britain and the Dominions of Canada, Australia and New Zealand state that they will observe towards Japan the terms of the International Convention on the treatment of prisoners of war signed at Geneva on 27th July, 1929.

At the same time, my Government has instructed me to ask, through Your Excellency, if the Imperial Government of Japan is prepared to make a similar declaration.

In thanking Your Excellency in advance for your kind attention to this letter, I beg you to accept, M. le Ministre, the renewed assurances of my highest esteem.

/s/ Erasto M. Villa.

His Excellency, M. Shigenori TOGO  
Minister for Foreign Affairs

C E R T I F I C A T E

W.D.C. No. \_\_\_\_\_  
I.P.S. No. 847-D

Statement of Source and Authenticity

I, HAYASHI Kaoru, hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of the Archives Section, Japanese Foreign Office, and that as such official I have custody of the document hereto attached consisting of 1 page, dated 3 January, 1942, and described as follows: Copy of letter in Japanese from Argentine Charge d'Affairs in Tokyo to Foreign Minister TOGO in regard to treatment of Prisoner of War.

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Foreign Ministry

Signed at Tokyo on this  
7th day of November, 1946.

/s/ K. HAYASHI  
Signature of Official

SEAL

Witness: /s/ Nagaharu Odo

Chief of Archives Section  
Official Capacity

Statement of Official Procurement

I, Richard H. Larsh, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this  
12th day of November, 1946.

/s/ Richard H. Larsh  
NAME

Witness: /s/ Edward P. Monaghan

Investigator, IPS  
Official Capacity

Embassy of the Argentine Republic  
Tokyo

1495

5 January 1942

M. le Ministre,

As an addition to my note of the 3rd instant, in which I had the honor to inform Your Excellency of the proposal of the Governments of Great Britain, Canada, Australia and New Zealand to observe towards Japan the terms of the International Convention on the treatment of prisoners of war signed at Geneva on 27th July, 1929, I have the honor to bring to the knowledge of Your Excellency that the British Government proposes that, in the application of Articles 11 and 12 of the said Convention, relative to the provision of food and clothing to prisoners of both parties, it will consider the national and racial customs of the prisoners.

In thanking Your Excellency in advance for your kind attention to this letter, I beg you to accept, M. le Ministre, the renewed assurances of my highest esteem.

His Excellency M. Shigenori TOGO  
Minister for Foreign Affairs,  
Tokyo.

C E R T I F I C A T E

W.D.C. No. \_\_\_\_\_  
I.P.S. No. 847-E

Statement of Source and Authenticity

I, Odo Nagaharu, hereby certify that I am officially connected with the Japanese Government in the following capacity: Assistant Chief of the Archives Section, Japanese Foreign Office and that as such official I have custody of the document hereto attached consisting of 1 page, dated 5 January, 1942, and described as follows: Letter in French from Argentine Charge d'Affairs in Tokyo to Foreign Minister TOGO dated 5 January 1942.

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files:) Foreign Ministry

Signed at Tokyo on this

/s/ Nagaharu Odo  
Signature of Official

8th day of November, 1946.

Witness: /s/ S. Koyama

SEAL  
Ass't. Chief, Archives Section  
Official Capacity

Statement of Official Procurement

I, Richard H. Larsh, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this

/s/ Richard H. Larsh  
NAME

8th day of Nov., 1946.

Witness: /s/ Edward P. Monaghan

Investigator, IPS  
Official Capacity

1496

29 January 1942

Honorable Chargé d'Affaires:

In following up my letter of the 19th of this month, I have the honor to inform you of the views of the Imperial Government on the treatment of prisoners of war:

1. The Imperial Government has not ratified the agreement ~~in question~~ and therefore it would not be bound to any extent by the said agreement, but would apply mutatis mutandis the provisions of the said agreement toward the British, Canadian, Australian and New Zealand prisoners of war under Japanese control.
2. The Imperial Government would consider the national and racial manners and customs under reciprocal conditions when supplying clothing and provisions to prisoners of war.

*concerning the treatment of POW dated 27 July 1942*

I should be grateful if you would bring the foregoing to the knowledge of the Governments of Great Britain, Canada, Australia and New Zealand.

Please accept, Mr. Chargé d'Affaires, the repeated assurance of my highest regards.

/ Signature of Minister /

C E R T I F I C A T E

W. D. C. No. \_\_\_\_\_  
I. P. S. No. 1465 - C

Statement of Source and Authenticity

I, K. Hayashi hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of the Archive Section Foreign Office and that as such official I have custody of the document hereto attached consisting of 1 pages, dated 29 January 1942 and described as follows: Copy of letter in French from Japanese Foreign Minister to Argentine Charge d'Affaires dated January 29, 1942, in regard to treatment of prisoners of war.

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): The Ministry of Foreign Affairs

Signed at Tokyo on this \_\_\_\_\_ day of Sept., 1946

K. Hayashi  
Signature of Official

SEAL  
Chief of Archives Section  
Official Capacity

Witness: /s/ Nagaharu Odo

Statement of Official Procurement

I, John Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this 5 day of Sept., 1946

/s/ J. A. Curtis 2d Lt.  
NAME

Witness: s/William C Prout

Investigator  
Official Capacity.

1497  
SYNOPSIS OF EVIDENCE.SINGAPORE.A. At the Time of Capitulation.

*VB Summary*

1. (a) Prosecution document numbered 5129, the declaration of WONG SIN JOON, is now offered for identification and the marked excerpt offered in evidence. This declaration states that on 19 February 1942 the witness and other members of the Chinese Volunteer Force, surrendered themselves voluntarily in view of Japanese assurances as to their safety. They were marched to the Drill Hall and next day all seventy men were taken in trucks to Changi where they were stripped of their possessions and led to the beach.

They were lined up in two rows of 35 men each, facing bren guns, machine guns and Tommy guns. The Japanese opened fire and the witness fell down into the sea. Minutes later when he raised his head, the sea water had turned red and the bodies of his companions were lying around him, riddled with bullets. The witness and three other wounded men managed to drag themselves away.

(b) Prosecution document numbered 5374, being the sworn affidavit of A.F. Ball, is offered for identification and the marked excerpt is offered in evidence. Prosecution document numbered 5051, being the sworn affidavit of C.W. Perry, is offered for identification and the marked excerpt is offered in evidence. Prosecution document numbered 5047-B, being the sworn affidavit of Rev. G. Polain, is offered for identification and the marked excerpt is offered in evidence. These affidavits state that:-

- (i) Major Ball, on or about 22 February 1942, when ordered by the Japanese to bury a number of bodies, found about 140 dead Chinese by the water's edge. Some were boys and some old men and they had been dead, on estimation, between one to four days.
- (ii) Pte. Perry, hearing machine gun fire at Changi, went to see what was happening and was ordered back by a Japanese guard. Later the witness saw the dead bodies of some 40 Chinese and Malays on the beach, and on examination, found they had been shot.
- (iii) The Rev. Polain in April 1942 saw 43 Chinese bodies lying dead. They had been shot.

(c) Prosecution document 5047-B also states that the witness Rev. Polain saw six Australians lying dead near Bukit Timah. The men formed a section of the witness's own Battalion and had been shot some time earlier. They were lying alongside an open grave, their hands tied with rope and cloth, with bandaged eyes.

(d) Prosecution document numbered 5242, being sworn affidavit of L.F. McCANN is offered for identification and the marked excerpt offered in evidence. Prosecution document numbered 5045 being the sworn affidavit of G.A. CROFT is offered for identification and the marked excerpt offered in evidence. These documents refer to the execution of prisoners of war by the Japanese, after their capture.

- (i) McCann states that after his capture, on 18 February 1942, he and a number of Australians were marched, with tied hands, down Reformatory Road until they arrived at a creek. There they were formed into a single file and seven Japanese soldiers lined up about 30 feet away armed with British rifles. The Australians were ordered to face the creek and McCann heard the sound of the rifle bolts being worked and was then struck by a bullet. He fell into the creek with the other men. The Japanese then fired a number of bullets into the bodies lying below. McCann, having waited until the Japanese were gone was able to crawl away.
- (ii) Corporal Croft states that on 23 January, 1942, he was a passenger in a Red Cross truck, marked in the proper way, when the vehicle was machine gunned. The passengers were marched about three miles and put into native huts.

Later, a "Japanese guard came in and took out three men with their hands tied together. We thought they were being taken out for questioning; it was not long before three shots rang out and left no doubt as to what had happened. They kept coming in and going out, taking three each time and then there would be more shots.

"I was in the last three to go. We were taken to the front room and made to sit down and then blindfolded. We were then led outside, still tied together, and made to sit down not far from the house. It was not long before something crashed into me and I was knocked back. I was caught by the heel and thrown into a drain. Later I slipped the blindfold and had a look. I couldn't see any one about .... and so I .... crawled out of the drain .... I was wounded, a bullet having entered the left side of my head about the cheekbone and out on the right side at the back of my neck. I was spitting blood and there was blood everywhere .... natives I met would not have anything to do with me. Then I discovered I could not speak."

(e) Prosecution document 5081, being the affidavit of Lt. Col. C.P. HATH, D.S.O., formerly Commanding 9 Coast Regt., R.A., is now offered for identification and the marked excerpt offered in evidence. This affidavit states that three men of the witness's Regiment having escaped, when apprehended were shot on 19 March 1942, in the presence of the witness. Strong protest made by General Percival to the Japanese in Changi was unavailing.

2. Prosecution Document numbered 5044 being the affidavit of L.W. WRIGHT is now offered for identification and the marked excerpt offered in evidence. This affidavit states that the witness about 25 January 1942 saw a British ambulance convoy bombed from a low height in Johore, by Japanese bombers. Visibility was excellent and the attack was deliberate. Four or five of the vehicles which contained wounded men were hit, and three of them were left burning. The vehicles were plainly marked with the Red Cross on the sides and roof and there was no military target nearby. In the Muar River fighting a party of prisoners was roped together with about 10 or 12 prisoners and was marched for some days. One of the party had been ill and could not walk. It was officially reported to him by the survivors that he was taken off the string of prisoners into the jungle and shortly after that a couple of shots were heard. The Japanese guard returned grinning and the march was resumed. The guard later told the survivors that the sick man had been shot because he could not keep up with them.

3. (a) Prosecution Document numbered 5052-B is offered for identification and the marked excerpt tendered in evidence. It is the affidavit of F.C. STUART who in January 1942 was Senior Representative of the Australian Red Cross Society attached to the Alexandra Hospital, Singapore. This affidavit states that on Saturday, February 14, 1942, the hospital was stormed by Japanese troops, who raced through the building bayonetting and shooting all who came in their path, leaving behind them a path of death and destruction. The medical staff was wearing the Red Cross brassard, beds had Red Cross counterpanes and the conventional markings were on the outside and inside of the building. A huge Red Cross approximately 40 feet square was on the ground immediately in front of the building. The witness saw two British soldiers of the Manchester Regiment bayoneted. After the raid he saw 46 dead bodies which had been bayoneted or shot; several had been wounded. At this time an operation was in progress on a British soldier and he was under an anaesthetic. Two doctors and two medical orderlies were in attendance. A Japanese thrust his bayonet through the body of the patient. Other Japanese turned upon the medical staff and killed one doctor and one orderly and wounded the other two. Dozens of dead bodies were picked up in the hospital grounds at nightfall. Towards evening the Japanese mustered 133 patients and staff. Some of the patients were without footwear, some were on crutches, others with limbs in plaster. They were marched away and only two of the men were ever seen again. These men reported the terrible screams of their companions who were evidently bayoneted on Sunday, February 15th. One Japanese was seen wiping the blood off his bayonet. Later on, enquiries were made as to the welfare of themen, but the Japanese replied that they did not have any prisoners of war. A few days later a Japanese officer told the C.O. that our men had been buried in shell holes with Japanese dead, about half a mile to the rear of the hospital. The total killed was 323, of whom 230 were patients. The R.A.M.C. lost 47 percent of the medical personnel and 55 percent of the officers on the staff.

Later a crowd of Japanese entered the hospital and forcibly looted everything of value, such as watches, fountain pens, rings, cigarette cases, trinkets, money, etc. The witness was never recognised as a representative of the Red Cross Society although application was repeatedly made.

(b) Prosecution Document numbered 5373 being the solemn declaration of J.W. CRAVEN is offered for identification and the marked excerpt offered in evidence. In January 1942, the deponent commanded the Alexandra Hospital, Singapore, and he confirms the events related by F.C. Stuart. The declaration further states:-

"Tuesday, 17 February 1942.

"The Japanese G.O.C. called at the hospital at 3 p.m.... He expressed regret for the hard time the hospital had had and assured me that the Japanese were hard fighters but kindly captors and that we had nothing to fear ..... Before leaving he visited part of the hospital and finally I was told that I was to regard his visit as being that of a direct representative of the Japanese Emperor, and that no higher honour could be paid us."

Evidentiary Document No. 5430.

SYNOPSIS OF EVIDENCE.SINGAPORE.B. Prisoners of War in Internment.

1. (a) Prosecution Document numbered 5063 being affidavit of D.R. MAIN is now offered for identification and the marked excerpt offered in evidence, and Prosecution Document numbered 5061 being the affidavit of Lieut. F. RAMSEOTHAI is offered for identification and the marked excerpt offered in evidence.

These affidavits state that in the Great World Camp and on working parties, prisoners were beaten and assaulted viciously and regularly. They were kicked, beaten with any convenient instrument, whipped, locked into unventilated and confined spaces, thrown into boiling baths, and generally at the will of their captors.

(b) Prosecution Document numbered 5080, the affidavit of Lt.-Col. C.P. HEATH, D.S.O., is offered for identification and the marked excerpt offered in evidence. This affidavit states that in July 1942, at Havelock Road Camp, prisoners from that camp and from the adjoining River Valley Camp were paraded. The 400 men, mostly sick and bare-footed, were then forced to run round in a large circle, for thirty-five minutes. The Japanese Commandant in addressing the men, said: "I have proved to you that you can dance in bare feet; therefore you can work in bare feet."

This was the only action taken on repeated requests for adequate footwear to be provided for the prisoners.

Food and medical stores were always in short supply.

(c) Prosecution Document numbered 5130, being the affidavit of Sgt. G.V.P. PICOZZI, is now offered for identification and the marked excerpt offered in evidence. This affidavit relates to the inhuman conditions existing in the Military Gaol, Pearls Hill Prison.

Men were beaten and tortured to death with little provocation. Chinese and Eurasians, too sick to walk or crawl, were carried out on stretchers to be executed.

"When Hatfield was condemned to die, he was kept in an empty cell for six days prior to his execution .... He had a horror of beheading and the guards never lost an opportunity of tormenting him with reminders of what was to come. His mental anguish must have been almost unbearable. From a 16 stone man he had become a 7 stone wreck and was executed on 6 December 1943."

Men were driven mad by constant ill-treatment and a Chinese killed himself by beating his head against the wall of his cell.

videntiary Document No. 5430.

2.

The prisoners were hopelessly undernourished and covered in scabrous sores. When they were thought to be about to die, they were sent to Changi D.O.V. Hospital, so that the prison death rate did not appear too great.

2. (a) Prosecution document numbered 5428, the affidavit of Lieut. R.G. MILLS, is offered for identification and the marked excerpt offered in evidence. This document refers to the many instances of maltreatment of prisoners of war in Outram Road Gaol.

(b) Prosecution Document numbered 5395, the affidavit of Lieut. A.V. DAN is offered for identification and the marked excerpt offered in evidence:

"1. I was a Lieutenant in the 2/4 Machine Gun Battalion, A.I.F., and was taken prisoner on 15 February 1942 at Singapore.

2. I was taken to Belarang Prisoner of War Camp, from which I escaped on 17 March, with an Australian Corporal. We crossed the Straits of Johore in a small prau and as we approached a small fishing village, our immediate destination, were captured by Tamils and Malays, who handed us over to the Kempei Tai on 6 April 1942. I spent 4 days with the Kempei Tai, who tortured me by burning cigarettes on my chest and hands and by beating me on the head with bamboos, to force a confession that I was a spy.

3. I was transferred to Curran camp, which was the Sikh Guard camp for Changi, and held there until 17 April, when I was sent back to the Kempei Tai. I was held there until 24 April, during which time I was asked to sign a statement, which I refused. After four days of beating, burning with cigarettes and electrical shocks, which on one occasion knocked me unconscious, I was handed a statement in Japanese with no English translation, which I was ordered to sign under threats of further torture. I asked for a translation of the document which was refused and eventually I signed the Japanese document. I was then sent to Outram Road Gaol on 24 April.

4. On 18 May 1942 I was brought for trial before a Japanese Court Martial in Singapore. All the proceedings were in Japanese and there was no translation. I eventually learned that I had received two years solitary confinement. I was then removed to Outram Road Gaol in which gaol I remained until 18 May 1944.

5. The cells in Outram Road were 6 feet by 10 feet, normally one man per cell. Later two or three men were put into each cell. In the cell were three boards to serve as a bed, together with a hard wooden pillow. There was a latrine bucket, which was normally cleared twice a week. There was one blanket. During the two years I was in the gaol, approximately 2,400 military and non-Japanese personnel passed through the gaol. Of those 110 were military, 150 British and

Evidentiary Document No. 5430.

3.

Murasian. The remainder were Chinese, Malays and Tamils. Of those, approximately 1,000 people died in all. During the same period, 3,000 Japanese passed through the gaol, of whom only one died. The most the gaol held at any one period of time, of non-Japanese personnel, was 230.

6. The conditions in Outram Road were appalling. The ration consisted of three meals per day, in all 6 oz. of rice and  $1\frac{1}{2}$  pints of watery soup. There was no Japanese doctor in the prison camp and the one English doctor, a prisoner for a short time in the camp, was given no facilities with which to deal with the sick. He was not even allowed to visit them. The gaol was 250 yards away from Singapore General Hospital, the main hospital of Singapore, but no prisoner was ever sent there, except for one Chinese who tried to commit suicide before trial. He was taken to the Hospital where his head was sewn up, and brought back to the gaol for trial.

There were no showers, no towels, no toilet articles of any nature. In order to wash ourselves we were sometimes given a bucket of water to throw over ourselves. For the first six weeks I never left my cell and never had a wash.

7. The I first arrived in the gaol it was like bedlam. People were screaming all day from pain from their wounds and their beatings. The gaol Commandant used to come and watch us, make no comment and leave. The guards, both Korean and Japanese, had complete control over the prisoners. I saw many prisoners beaten and I saw many people die. Examples are as follows:-

On 10 May 1943, 4 Chinese arrived in the prison. They were handcuffed and chained down in their cell. They were in good physical condition. They were dead in six weeks of malnutrition and beatings. I saw them often beaten by sticks and sword scabbards.

Davies, an Englishman, very bigly built, arrived at approximately the same time as I did in April, 1942, he contracted beri beri and by August his testicles were two feet in diameter. His only method of walking was to carry them in front of him. The Japanese used to bring their friends in to watch him and never did anything to help him, nor permit others to help him. Davies died in October in great agony. He had been beaten many times and he died covered in his own excreta and urine. For five days before his death he had been unable to leave his cell and we were not allowed to help.

C. . . Barter died on 13 February 1943, as a result of beating. Shortly before he died, he was very weak, suffering from beri beri and dysentery and on 12 February, the guard came into his cell and forced him to his feet to carry his latrine bucket out to empty it. At this time Barter was merely skin and bone. He was unable to lift the bucket and tried to drag it along the ground. He was unable to do this, however, and fell down. The guard beat him and kicked him for nearly five minutes. The next morning he was dead.

Confidential Document No. 5490.

4.

Allen, an Australian, died on 10 July 1943. After his death, without the knowledge of the Japanese authorities, his body was weighed by our own medical people in Changi. The weight was 56 lbs., approximately what the bones of themselves would weigh. For the fortnight before his death, he was not able to leave his cell, or even to move about. Nevertheless, the guards put rice in a corner of the cell, which Allen was not able to reach. I asked many times to be allowed to feed him but the various guards refused. I was ordered to dress him after his death and when I saw him he was literally bone covered in scales as a result of dry beri beri. He was covered in filth.

Hatfield, an Australian Sergeant, was caught in Singapore in May, 1943. He spent three months with the Kempei Tai and was then brought into the gaol in August. He was tried in November 1943, and sentenced to be executed as a spy. I had some small knowledge of Japanese and I was taken to Hatfield on 4 December 1943, who asked me to arrange for him to make a will and for a priest. Both these requests were refused by the gaol Commandant. Hatfield was taken away from the gaol on 6 December, and the guard who executed him told me later that he had had the pleasure of executing Hatfield in a field at Bukit Timah.

Mrs. Nixon, the only European woman I saw at Outram Road, came in January 1944. She had been an internee at Changi. She was brought in by the Kempei Tai and confined in the same circumstances as ourselves, without any privacy. She was still there when I left in May 1944, in solitary confinement.

Father Massine and another Portuguese Priest were brought into the gaol in 1943 and had both been tortured previously by the Kempei Tai. They died of disease in the gaol. Massine was regularly beaten by the guards when they saw him on his knees praying.

Rush Fraser, the Colonial Secretary, Malaya, arrived with a party at the end of 1943. He had been with the Kempei Tai some four months prior to his arrival. He was beaten by the guards regularly and died after I left.

There was an Englishman who, in May 1943, developed a form of scabies as the result of which, the whole of the area at the back of his body from the waist to knees, became an open sore, which dripped pus. He was quite unable to sit down or lie down for three months, and was given no treatment, no bandages or rags to wipe the matter coming from the wound. Fortunately, eventually it dried by itself.

Two Chinese women were brought into the gaol on 26 July 1943, and were held in the same circumstances and conditions as the men. One woman was in an advanced stage of pregnancy. She was moved only a few days prior to the birth of her child.

videntiary Document No. 5430.

5.

A Chinese boy, aged 12, came into the gaol with his mother. She was put into one cell and he in another. He died of beri beri in about nine weeks. I carried his body when he was dead. It was all puffed out and his head was so swollen that the features were not obviously recognisable as human.

A number of people went mad under these conditions. The Japanese method of treatment was to put three or four more people into the cell to look after the lunatic. In most cases the mad man died because he refused to eat. On several occasions he injured his companions.

Major Smith who arrived at the end of November 1943, had had his jaw broken by the Kempei Tai during interrogation. It was exceedingly difficult for him to eat. He was refused treatment in the prison, the Japanese answer being, if he had told the truth he would not have had his jaw broken.

8. At the end of 1942, the prison authorities sent some of the worst sick away from Outran Road to Changi Hospital. In almost every case the men sent were about to die, and the Doctors in the Hospital told me that these sick men were impossible to save and it appeared that the Japanese were sending them so that the official death rate in Outran Road would appear to be less than it was in fact.

9. I had a big cyst on my right hip in September 1943, from which I suffered for nearly a month. Moreover, my wife was enormously swollen and I asked the guard to slice the top of it off, which he did with his sword and then drained the pus. This I took as a kindly act. There was a dispensary in the gaol and a Japanese orderly with a large number of drugs and instruments, who refused to treat me. In August 1942, two Japanese escaped from their portion of the gaol and as a punishment for three weeks all the prisoners had to sit to attention, that is on their heels and cross-legged, from 7 in the morning till 9.30 at night. The daily ration was 3 ounces of rice, a small bowl of water and a piece of rock salt.

10. I had one pair of shorts during the whole period, April 1942 to September 1943. This was the case with many of us. In September 1943, we were issued with one Japanese shirt and a pair of shorts, which had come from diseased Japanese sick. These garments were washed once a month and owing to their refusal to allow us to number or mark the garments, no prisoner normally ever received his own garments back. In view of the diseased nature of most of the prisoners, under this system it was impossible for anyone to remain healthy. In a short time everyone had scabies.

11. It is difficult to describe the cells in which we lived. There were blood and pus stains on the wall, where people had wiped

6.

the hands they had used to dry their wounds. Piles of scaly skin lay in the corners. There were bed bugs in the boards of the bed. We were never shaved and had to cut our nails by scraping them on the concrete floors. All the guards wore masks when they were on duty in our block of cells. They never touched anything in our cells with their hands, only with their swords or with gloves. Our cells were cleaned to my knowledge, only twice in the two years. On the other hand the block in which the Japanese prisoners were housed was beautifully clean.

12. Every guard was a law unto himself and one evening a guard would beat us for not being asleep; the next on duty would beat us for being asleep.

13. There were working parties in the gaol which began in October 1942, when some of us went out cleaning drains. By May 1943 other parties had been formed.

14. It was impossible to keep notes or a diary since cells were searched daily. Outram Road gaol was the Central Gaol for the Japanese Southern Army, so that when a cell was empty we knew either the man had died or had been executed, or was about to be executed.

15. When I first arrived in the gaol I saw in the open buildings which were around, six fully stocked with cases of tinned milk. I estimate there were between 20 and 30 thousand cases. We got a little for the first month; after that we had milk twice on the Emperor's birthday in 1942 and 1943. The milk was used by the Japanese for themselves in the gaol and as presents to visitors. It was not distributed to other units. There was enough milk in the gaol to supply every prisoner with milk until the end of the war with a good deal to spare, and Vitamin B was, of course, our greatest need.

16. On one occasion a member of the Royal family walked through the gaol at the end of 1942. He never looked into the cells, he merely walked into the passage. On several occasions high ranking officers paid visits to the gaol. They must have seen some of the prisoners at their work or carrying their latrine buckets to be emptied. Prior to such visits, the cell steps would be scrubbed with soap. Soap was never issued to the prisoners for the purpose of washing their bodies.

17. On the 13 May 1944, I left Outram Road gaol and went back to Changi gaol and was put in the tower. I was asked to sign a non-escape form, which I did eventually under compulsion. I was then released and became an interpreter, going to Bukit Panjang with 379 officers and men, to dig Japanese fortifications. The Australian Camp Commandant protested to the Japanese Sergeant in charge of the camp, and to high inspecting officers who visited, as to the nature of the work, but to no avail. In June 1945, an Australian, Private Wilson, was killed in a fall of earth owing to insufficient precautions being taken, during the tunnelling of the hole.

Evidentiary Document No. 5430.

7.

The work parties began at 3 a.m. and marched four or five miles each morning. For the most part, men had no boots. Some used home-made rubber shoes or clogs, others had bare feet. Officers were not permitted to leave the camp, nor allowed to go with the working parties, which normally returned at 6.30 p.m. Towards June 1945, the men began to return from work parties at 10 p.m. in the evening, after working 20 to 30 feet into the side of a hill by candlelight, and not having eaten since midday. They often came back wet through. No lights were allowed in the camp and the hours were so irregular that it was often very difficult to provide a hot meal at night.

Clothing was very short in the camp and in about July 1945, 50 pairs of Chinese women's bloomers were issued to the great amusement of the villagers as some of the men walked through the streets in them. We had very little medical stores in the camp and although 200 yards away was a medical store distribution centre, we were unable to obtain any nevertheless. A good deal of beating up by the Guards took place. One order that all men had to salute sentries, provided ample excuse for many beatings.

The ration for working men was 10 oz. of rice daily, 3 oz. of vegetables and occasionally tinned food, which appeared to be Red Cross supplies, since I saw Red Cross parcels in the stores. The ration for a sick man was about 30 percent less. This affected the camp basic ration, as about 50 percent of the camp were sick."

Prosecution Document numbered 5397, the affidavit of Lieut. A.G. Meynton, is now offered for identification and the marked excerpt offered in evidence. This affidavit confirms the conditions of living in Outran Road gaol and makes reference to the beatings and murder of prisoners, and to the execution without trial of Allied airmen and civilians.

(c) Prosecution Document numbered 5077, being the affidavit of Major J. D. BULL is now offered for identification and the marked excerpt offered in evidence. Prosecution Document numbered 5064-B, being the affidavit of Major B.L.W. CLARKE is offered for identification and the marked excerpt tendered in evidence. These documents refer to the gross inadequacy of food supplied to the prisoners in Roberts Barracks and BRANJI Camp, resulting in deficiency and other diseases; no attempt was made by the Japanese to control the incidence of malaria. When men came to hospital from work on the Burma-Siam railway, in appalling physical condition, the P.O.W. Doctors were given no help or facilities to deal with them. There was a shortage of essential drugs and stores. Accommodation for the sick was greatly inadequate.

Evidentiary Document No. 5430.

3.

After the surrender, the Japanese sent in enormous quantities of food to the hospitals. Drugs, instruments and other greatly needed articles were sent in. These had been in Singapore since 1942, yet requests for food and drugs to save life had always during interment been refused.

3. Prosecution document numbered 5058, being the affidavit of Brig. F.G. GALLAGHAN, is now offered for identification and the marked excerpt offered in evidence. This affidavit states that:-

- (i) In September 1942, four prisoners of war were executed without trial by the Japanese for an attempted escape three months earlier. They were shot in the presence of the witness. After the execution the Japanese Commander gave the P.O.W. spectators a homily reminding them that disobedience of orders meant death.
- (ii) Owing to the refusal to sign non-escape forms voluntarily, the 16,000 prisoners of war under the command of the witness were ordered to move into the squarest Selarang Barracks by 1800 hours, 2 September 1942. The normal accommodation of the barracks was for roughly 450 men. The prisoners of war remained thus until 4 September, when an agreement was arranged. During this period no rations were supplied to the prisoners of war, and there was a large increase in the number of dysentery and diphtheria cases. Evacuation of the sick from the square into the hospital was not permitted.
- (iii) In Changi Camp, food was always inadequate. One man of 16 stone weight dropped to 4½ stone and generally people were at least one third underweight. Deficiency and skin diseases were rife. Medical supplies were grossly inadequate.
- (iv) Prisoners were engaged on building airfields, hours were long, clothing was insufficient and representations to the Commanding Japanese General of no avail. Japanese aeroplanes used the airfield after its construction.
- (v) Demands made by the Japanese for working parties were impossible to fulfil using only healthy men. Sick men were forced to work and repeated complaints were useless.
- (vi) There were no visits by any Red Cross Representative, despite frequent requests.
- (vii) There were inspections of Changi Camp by high ranking officers. Count Terauchi twice inspected the Camp. General ITAGAKI inspected the camp and walked through it. General TOJO when in Singapore did not visit the Camp.

4. Prosecution Document numbered 5057-B, the affidavit of W.T.C. GUNST is now offered for identification and the marked excerpt offered in

Confidential Document No. 5439.

9.

evidence. This affidavit states that the witness, the Red Cross Representative in Malaya, interned as a prisoner of war in River Valley Camp, was hampered and frustrated in every effort he made to use the facilities of his Society for the benefit of the prisoners of war. Permission was refused to enable the witness to make necessary purchases and help prisoners of war in the hands of the Kempei Tai.

The witness brought the Red Cross Conventions and Rules to the notice of various Japanese officers in a fruitless endeavour to obtain proper facilities.

Red Cross parcels were misused and no supervision in their distribution was permitted.

Evidentiary Document No. 5430.

SYNOPSIS OF EVIDENCE

SINGAPORE

C. INTERNEES

A) Prosecution Document numbered 5078 being the Affidavit of J. L. WILSON, the Right Reverend Lord Bishop of Singapore together with the report of the Sime Road Commission in relation to "The Double Tenth" raid, is now offered for identification and the marked excerpts offered in evidence. This document states that:-

"On 10/10/43, all internees in Changi Prison were paraded soon after dawn in the Main Yard as if for a routine roll-call.....A number of the internees were called out by name, labelled and segregated.....The investigation finished after dusk and internees were allowed to return inside the Prison. Many of them had had no food since 6 p.m. (T.T.) on the previous day, and some suffering distress and even collapse owing to the day-long exposure to the sun without food.

In consequence of this investigation, 57 internees were removed from Changi Prison by the Military Police on or after 10/10/43.....the Japanese were trying to establish that there was a spy organisation in Changi Prison which received and transmitted by radio telephony, which had established contacts in the town for the purpose of sabotage and stirring up of anti-Japanese feeling, and which collected money from outside for this purpose. In fact, there was no spy organisation, no radio transmission and no attempt to promote anti-Japanese activities outside the Camp....

The conditions under which Internees were detained by the Military Police were rigorous in the extreme. They were crowded, irrespective of race, sex, or state of health, in small cells or cages. They were so cramped that they could not lie down in comfort. No bedding or coverings of any kind were provided and bright lights were kept burning overhead all night. From 8 a.m. to 10 p.m. inmates had to sit up straight on the bare floor with their knees up and were not allowed to relax or put their hands on the floor, or talk, or move, except to go to the lavatory. Any infraction of the rigid discipline involved a beating by the sentries. There was one pedestal water-closet in each cell or cage, and the water flushing into the pan provided the only water supply for all purposes, including drinking. It should be recorded here that nearly all of the inmates suffered from enteritis or dysentery. No soap, towel, toilet articles or handkerchiefs were permitted and inmates had no clothing other than those they were wearing.

The food supplied....was insufficient to support life over a long period and led to serious deficiency diseases

in all cases of long detention.

Medical facilities...were for all practical purposes non-existent...a Japanese doctor, who was called to see an Internee suffering from a fractured pelvis and possibly ruptured kidney, remarked that the man was not sick enough.....

The buildings occupied by the Japanese Military Police resounded all day and all night with blows, the bellowing of the inquisitors, and the shrieks of the tortured. From time to time, victims from the torture chamber would stagger back or, if unconscious, would be dragged back to their cells with marks of their ill-treatment on their bodies. In one such case, an unconscious victim so returned died during the night, without receiving any medical attention, and his body was not removed until the afternoon. In these conditions, and this atmosphere of terror, these men and women waited, sometimes for months, their summons to interrogation which might come at any hour of the day or night.

Usually interrogations started quietly and would so continue as long as the inquisitors got the expected answers. If, for any reason, such answers were not forthcoming, physical violence was immediately employed. The methods used were:-

(1) Water Torture. There were two forms of water torture. In the first, the victim was tied or held down on his back and a cloth placed over his nose and mouth. Water was then poured on the cloth. Interrogation proceeded and the victim was beaten if he did not reply. As he opened his mouth to breathe or to answer questions, water went down his throat until he could hold no more. Sometimes, he was then beaten over his distended stomach, sometimes a Japanese jumped on his stomach, or sometimes pressed on it with his foot.

In the second, the victim was tied lengthways on a ladder, face upwards, with a rung of the ladder across his throat and his head below the ladder. In this position, he was slid first into a tub of water and kept there until almost drowned. After being revived, interrogation proceeded and he would be re-immersed.

(2) Beating with iron bars, brass rods, sticks, bamboos, wet knotted ropes, belts with buckles, or revolver butts, all over the body. Whilst these beatings were being inflicted, the victims were sometimes suspended by the wrists from a rope passed over a beam. Sometimes their hands were tied behind their backs and they were forced to kneel on sharp pieces of wood or iron, while sharp-edged pieces of wood or metal were placed behind their knees so as to cut into the flesh as they knelt. While they were so kneeling the Japanese would

jump on their thighs or on the projecting ends of the bar or wood behind their knees; sometimes to increase the pressure on the wood or bar behind the knees, a Japanese would perch himself on the shoulders of the victim, or the victim, with hands untied, would be compelled to hold heavy weights above his head. They were often forced to remain in this position without intermission for 9 to 10 hours, during which period interrogation would go on remorselessly, punctuated by blows. At times, the victim would be tied to a table and flogged until he lost consciousness. In one case, the man so flogged counted over 200 blows before losing consciousness. This treatment, was in some cases, carried on daily for 4 to 5 days consecutively. In one case, a European who died later, was interrogated with the usual beating, for 53 hours at a stretch and another European since dead, underwent 144 hours of beatings in all, according to the estimate of his cell mates

(3) During interrogation the inquisitor, in many cases, burnt the victim with cigarette and cheroot ends, even on the most sensitive parts of the body, e.g. arm-pits, between the toes, on the scrotum and penis. Several Asiatics had petrol poured on their bellies and ignited, and another Asiatic had his hands tied together and immersed in a bowl of methylated spirit which was ignited.

(4) Electric Torture. There were two forms of this. In the first, an induction coil was used, one electrode being attached to the hand or foot and the other bare wire was applied to various parts of the body. One victim reports that he was thrown across the room by the violence of the shock. The effect has been described as one of physical and mental disintegration. The second form apparently more severe, was called the electric table or electric cap. There is evidence that this was used but not on any of our witnesses.

(5) In addition to these forms of torture, the inquisitor, often employed other methods, such as ju-jitsu, twisting of limbs, bending back of fingers, twisting of sharp-edged wood between fingers, punching, repeated blows on the same spot, and so on. These methods, in many cases resulted in dislocations and permanent damage to limbs and joints. In one case, the inquisitor punctuated his questions by flicking off, with the frayed end of a bamboo, flesh bruised in a previous beating. This left a permanent scar, six inches by three inches on the victim's thigh.

(6) In several cases, victims were led to believe that their execution either by beheading or shooting, was imminent. They were advised to write a letter of farewell. Preparations for execution were carried out, up to the penultimate stage, with such realism that, in two cases, the victims fainted.

Evidentiary Document No. 5430.

Page 4.

(7) Threats to families. Threats were also made to take action against the family of the victim (the wives of some Internees were believed to be in Japanese custody in other parts of Asia). Torture was carried out to the limit of human endurance. One Internee attempted to commit suicide by jumping over the verandah. In his fall he fractured his pelvis, but, despite his condition, his interrogation under torture was continued until just before he died. In another case, the Internee asked his Inquisitors for the means to commit suicide. A pistol was produced and was snatched away only when the man was about to carry out his declared intention.

B) Prosecution Document numbered 5131, being the Affidavit of C. E. HILTERMANN is now produced for identification and the marked excerpt offered in evidence. Prosecution document numbered 5205 being the affidavit of Dr. B. M. JOHNS is offered for identification and the marked excerpt offered in evidence.

These Affidavits confirm the evidence of the Lord Bishop of Singapore and describe the tortures they observed inflicted by the Kempei Tai on civilians.

The witness Hiltermann states that "on one occasion I saw the Bishop of Singapore who had been maltreated terribly. His legs from his hips to his ankles had been beaten to pulp. They were literally like raw meat....He was just about able to crawl."

Every refinement of torture, every conceivable humiliation, every possible degradation, was inflicted upon the internees as these documents testify.

# Hold for Release

Evidentiary Document No. <sup>6914</sup> 5429.

2-760

1497-70-1676

## OPENING STATEMENT

COUNTS 53, 54, 55.

## BREACHES OF THE LAWS AND CUSTOMS OF WAR

## OFFENCES AGAINST PRISONERS OF WAR, CIVILIAN INTERNALS AND INHABITANTS OF OCCUPIED TERRITORIES.

Mr. Justice A. J. Mansfield (Australia)  
Brig. H. G. Nolan (Canada)  
Mr. H. Oneto (France)  
Col. G. S. Woolworth (U.S.)  
Capt. J. J. Robinson (U.S.N.A.)  
Lt. Col. T. F. Lornane (Australia)  
Lt. Col. J. S. S. Damste (Netherlands)  
Lt. Cdr. C. T. Cole (U.S.)  
Major H. Depo (France)  
Major F. E. Postyn (United Kingdom).

Tojo  
Kimura  
Muto  
Sato  
Togo  
Shige

Shimoda  
Oka  
Nogano  
Suzuki  
Umezumi  
Higashi

ad  
ad  
ad

COPY → See P. 9. notes

This phase of the prosecution case covers offences under Article 5(b) of the Charter, that is violations of the laws and customs of war, and comprises evidence of atrocities against prisoners of war, civilian internees and inhabitants of occupied territories, and evidence showing the responsibility for such atrocities of the defendants named in Counts 53, 54 and 55 of the Indictment.

Evidence of atrocities in China and the Philippine Islands has already been presented. That which will now be presented will relate to other areas.

The phase has been divided into five parts, namely:-

- I. Evidence of Japanese assurances in relation to International Conventions.
- II. Evidence of the commission of atrocities by Japanese forces.
- III. Evidence of protests made to the Japanese Government and of the replies thereto.
- IV. Official reports concerning the treatment of prisoners of war made by the Japanese Government since 3 September 1945.
- V. Evidence of the acts of the said defendants and of their subordinates which demonstrate their responsibility for the breaches of the laws of war.

I. Evidence of Japanese assurances in relation to International Conventions.

Geneva Red Cross Convention of 27 July 1929.

Japan was a party to this Convention and duly ratified it. Furthermore, in a letter of 29 January 1942 signed by Togo, Shigenori, as Foreign Minister on behalf of Japan and addressed to the Swiss Minister in Tokyo, (Prosecution Document No. 1469-D), Japan agreed strictly to observe the Geneva Convention of 27 July 1929 relative to the Red Cross as a signatory of that Convention.

Geneva Prisoner of War Convention of 27 July 1929.

Japan signed but did not ratify this Convention. However, in the above-mentioned communication of 29 January 1942 it was also stated that, although not bound by the Convention relative to the treatment of prisoners of war, Japan would apply mutatis mutandis the provisions of that Convention to American prisoners of war.

*Copy  
William  
Boyd*

In a letter of 13 February, 1942, signed by Togo as Foreign Minister and addressed to the Swiss Minister in Tokyo (Prosecution Document No. 1469-F), it was stated that the Japanese Government would apply for the duration of the war, under conditions of reciprocity, the provisions of the Convention relative to the treatment of prisoners of war of 27 July, 1929, to enemy civilian internees, in so far as they were applicable, and provided that they were not made to work without their consent. In a letter of 20 February, 1942, signed by the Swiss Minister on behalf of the Government of the United States of America and addressed to Togo, Shigenori, (Prosecution Document No. 1469-C) it was stated that the Government of the United States of America had been informed that the Japanese Government had agreed, as far as the treatment to be accorded to British prisoners of war, to take into consideration as to food and clothing the national and racial customs of the prisoners. The Government of the United States of America had requested the Swiss Government to bring to the notice of the Japanese Government that it would be bound by the same principle for prisoners of war as for Japanese civil internees in conformity with Articles 11 and 12 of the Geneva Convention.

This letter was replied to by Togo, Shigenori, on behalf of the Japanese Government on 2nd. March, 1942, (Prosecution Document No. 1469-A). In this letter it was stated that the Imperial Government intended to take into consideration, with regard to provisions and clothing to be desired, the national and racial customs of American war prisoners and civil internees placed under Japan's power.

In relation to British prisoners of war, on 3rd. January, 1942, the Argentine Minister in Tokyo acting on behalf of the British Commonwealth of Nations (Prosecution Document No. 847-D) informed Togo, Shigenori, that the Governments of Great Britain and the Dominions of Canada, Australia and New Zealand would observe towards Japan the terms of the International Convention on the treatment of prisoners of war signed at Geneva on 27th July, 1929 and by letter of 5th January, 1942 (Prosecution Document No. 847-E), the Argentine Minister further informed Togo, Shigenori, that the British proposed under the application of Articles 11, and 12 of the said Convention relating to the provision of food and clothing to prisoners of both parties, to consider the national and racial customs of the prisoners.

In a letter of 29 January, 1942, from Togo, Shigenori on behalf of the Japanese Government to the Argentine

Minister (Prosecution Document 1465C) it was stated that the Imperial Government had not ratified the Convention relative to the treatment of prisoners of war of 27 July, 1929. It was therefore not bound by the said Convention. However, it would apply mutatis mutandis the provisions of the said Convention to English, Canadian, Australian and New Zealand prisoners of war in its hands. As to the provisions of food and clothing for prisoners of war, it would consider on conditions of reciprocity the national and racial customs of the prisoners.

Similar assurances were given by Japan as to the treatment which would be accorded to Netherlands prisoners of war and civilian internees.

The manner in which these assurances were observed by the Japanese Government will be seen by the evidence which will be produced.

#### 11. Evidence of the Commission of Atrocities by Japanese Forces.

It will be impossible in any reasonable length of time to put before the Tribunal detailed evidence of all the offences committed by the Japanese against the recognised laws and customs of war, and therefore a method has been devised which will be relatively short and which will not omit any important matter. In order to present the evidence in a manner which may be easily followed, it has been classified by areas, and in each area it will be shown that the mistreatment of prisoners of war, civilian internees and native inhabitants was similar. This similarity of treatment throughout the territories occupied by the Japanese forces will, it is submitted, lead to the conclusion that such mistreatment was the result not of the independent acts of the individual Japanese Commanders and soldiers, but of the general policy of the Japanese forces and of the Japanese Government.

The areas into which the subject has been divided are as follows:-

1. Singapore and Malaya.
2. Burma and Thailand.
3. Hong Kong.
4. Formosa.
5. Hainan
6. Andamans and Nicobars.
7. Java.
8. Borneo
9. Sumatra and Banka Island
10. Celebes

11. Ambo
12. Timor
13. New Guinea
14. New Britain
15. Solomons, Gilberts, Nauru and Ocean Islands.
16. Other Pacific Islands.
17. Indo China
18. China other than Hong Kong
19. Sea Transportation.
20. Japan.
21. Atrocities at Sea.

The evidence will show that in every area the laws of war, in so far as they relate to prisoners of war, civilian internees and native inhabitants of occupied countries, were entirely disregarded by the Japanese forces. This was in accordance with the policy which was declared on many occasions by the Japanese that the Japanese Government would treat prisoners of war according to their own code of "Eushido" and only apply such portions of the Geneva Convention as suited it to apply, and that prisoners of war had no rights whatever.

It will be shown that not only did the Japanese fail to carry out their assurance that in the matter of food and clothing they would take into consideration the national and racial customs of the prisoners, but also that they disregarded the elementary considerations of humanity.

It will be shown that prior to and at the time of the British capitulation at Singapore, in 1942, many massacres and murders in breach of the laws of war took place. Medical personnel and patients in hospitals were killed in cold blood; wounded men who had surrendered were executed; and unarmored prisoners of war were mercilessly shot, bayoneted or decapitated. It cannot be contended that the Japanese forces responsible for these outrages were out of the control of their superior officers. Many of the atrocities were committed either at the direction or with the knowledge of commanding officers.

The chronicle of murder and mistreatment in every area will indicate the pattern of warfare used by the Japanese Government and Army and will describe inter alia the massacre of 5,000 Chinese and the brutal ill-treatment of Europeans in Singapore; the indiscriminate killing of the native inhabitants of the occupied areas; the loss of the lives of 16,000 Allied prisoners of war, the deaths of over 100,000 coolies and the brutal ill-treatment of almost every man during the construction of the Burma-Siam Railway; the infamous death marches at Bataan and in Borneo;

the massacre of Australian nurses and other civilians at Banka Island; the Palawan massacre; the massacre at Tol Plantation in New Guinea; the massacre of 200 prisoners of war at Laha; the massacre of Europeans and natives at Long Nawan, Bandjermassin, Pontianak and Tarakan; the murders at Wake Island; the killing of survivors from ships which had been sunk; and the widespread extermination of prisoners of war and civilians.

Food rations for prisoners of war everywhere were quite inadequate to sustain the strength of any man, especially those who were engaged on manual labour. Diseases of all kinds resulting from malnutrition and neglect were the cause of much unnecessary suffering and many deaths. When prisoners became sick, the already inadequate rations were reduced unless, in spite of illness, they went to work.

Hospital accommodation was in most cases non-existent and everywhere there was a lack of medical supplies and drugs for the treatment of the various diseases. That these latter were available will be shown by the amount of medical stores discovered in the possession of the Japanese after the Japanese capitulation. Sick men were forced to work and when they were unable to carry on and collapsed they were beaten. Hours of work were excessive and conditions of work were in almost every case extremely arduous.

Clothing and footwear were not supplied and men were forced to work bare-footed and clothed in lap-laps. This again contributed to the toll of illness and death.

Torture, mass punishments and beatings were widespread. Severe punishments were inflicted for trifling offences and even for no offence, and to attempt to escape was to incur execution. Men on working parties were beaten if they showed the slightest slackness, and, in fact, they were beaten lest they should show slackness.

In most of the areas there will be evidence of the plans to kill all prisoners of war in the event of there being a landing by allied troops in Japan or any attempt made to recapture them. In some of the areas these plans were in fact put into execution. Even in the absence of any direct order, from the fact that similar plans had been prepared in many areas, it may be deduced that such plans were part of the policy of those in control of prisoners of war.

These are some of the matters which will be proved by the evidence to be produced and for which the prosecution submits the accused named in Counts 53, 54, and 55 of the

Indictment are responsible.

III. Evidence of Protests made to the Japanese Government and of the Replies thereto.

The Swiss Minister in Tokyo on behalf of Great Britain and the United States and the Swedish Minister on behalf of the Netherlands made frequent protests in writing to the Japanese Foreign Minister throughout the period of hostilities, and these protests brought to the knowledge of the Japanese Government most of the cases of mistreatment of prisoners of war and civilian internees and other breaches of the laws of war which have been referred to above. There were, however, other cases which were unknown to the Allied Governments until after the Japanese capitulation, and which therefore were not contained in any protest. It was in many cases only by a miracle that any information was available as the Japanese endeavoured to eliminate the possibility of detection by attempting to destroy all evidence. One of the most important features of this part of the case is the fact that, with a few exceptions, visits by the representatives of the protecting powers and the International Red Cross to prison camps were systematically refused. In the few exceptional cases when visits to camps were permitted the conditions therein were very much better than in other camps, and in some cases the camps were specially dressed up for the occasion. Furthermore, the prisoners were forbidden under threats of punishment to say anything to the visitors except what had been previously approved by the camp commandant. Many requests were made to visit camps in Thailand; these were consistently denied. It may be deduced from the fact that visits were not allowed in most of the areas that the Japanese Government realised that the reports of any person who saw the camps would be most unfavourable.

Protests complaining of murders, starvation and ill-treatment were for the most part either not answered at all or not replied to for a long period. When any reply was made it was evasive, contained allegations that the protest was based on incorrect information or consisted of a simple denial. At no time before the capitulation was there any acknowledgment that bad conditions existed.

In view of the overwhelming evidence of widespread atrocities and breaches of the laws of war which will be presented, it is apparent that the Japanese Government, the members of which were charged with the responsibility of seeing that their forces complied with the rules of war, either knew of many of the breaches and neglected

to take any steps to prevent them, or failed to institute any proper enquiry to ascertain whether the allegations contained in the protests were founded on fact. In either case, it is submitted, the responsibility is the same.

Numerous applications were made for lists of prisoners of war and for the names of those who had died. No complete list was ever provided by the Japanese and it was not until the end of 1945 that the names of many of those who had perished in Thailand, Borneo and other areas were made known for the first time.

It will not be practicable to put before the Tribunal all the protests that were made as they are so numerous, but from those which have been selected it will immediately become apparent that the representatives of the protecting powers made every effort to carry out their tasks, but that they were frustrated at almost every turn by the policy of silence and procrastination which was adopted by the Japanese Government and other officials.

One fact which will assist the Tribunal in determining the innocence or guilt of the accused lies in a comparison between the number of persons who died in captivity in Germany and Italy and the numbers who were killed or died in captivity in Japan. In Germany and Italy 142,319 British prisoners of war were reported captured and of those 7,310 or 5.1 per cent were killed or died in captivity. 50,016 British prisoners of war were in the power of the Japanese and of these 12,433 or 24.8 per cent were killed or died in captivity.

IV. Official Reports concerning the Treatment of Prisoners of War made by the Japanese Government since 3 September, 1945.

After the Japanese capitulation a body called the Central Committee of Investigation of Matters concerning Prisoners of War was set up by the Japanese Government to investigate and report upon the allegations of mistreatment of prisoners of war contained in some of the numerous protests which had been received during the war. Two of these reports have already been put before the Tribunal. The majority of the others refer to protests and state that the subject matter is being investigated and that further reports will be made at a later date. Although most of the original reports were made over 12 months ago, no supplementary reports have since been received.

From the fact that investigations were being pursued for the first time after the conclusion of

German Lt  
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 24.8

hostilities it can be inferred that the Japanese Government and the accused took no steps at the time the protests were received to carry out any form of enquiry.

Some of these reports contain matters of considerable importance. Among these the most striking, apart from the two already before the Tribunal relating to the Burma-Thailand Railway and the massacre of Chinese at Singapore, are those relating to the treatment of Allied Air Force personnel in Japan. These contain direct admissions that Allied aviators who had bombed the territory of Japan and were later captured were executed without any form of trial.

As was the case in the two reports tendered during the evidence of Colonel Wild, most of the other reports admit certain of the matters complained of in the protests, and seek to avoid any blame or responsibility by alleging that they were the result of the stress of circumstances. The evidence of eye-witnesses and victims will be sufficient to rebut the claim that the matters complained of were inevitable and that they were not the result of the intentional and deliberate actions of the Japanese.

V. Evidence of the Acts of the Defendants and of their Subordinates which demonstrate their Responsibility for the Breaches of the Laws of War.

Under the Hague Convention No. 4. Prisoners of War are in the power of the hostile Government, and not of the individuals or corps who capture them.

Apart from the responsibility which attaches to the various accused by virtue of the respective offices held by them, proof will be offered to the Tribunal that they are directly responsible for acts performed by them and their immediate subordinates contrary to the recognised rules of warfare.

With respect to Tojo, Hideki, there is at the outset an admission by him contained in his interrogation that he was personally responsible for the mistreatment of prisoners of war and civilians. In addition there will be proof of an announcement made by him that Japan would not observe the provisions of the Geneva Prisoner of War Convention of 1929. He personally gave instructions to the heads of the Prisoner of War Camps which violated the rules of war. As War Minister he had complete control of the activities of the various departments of the War Office such as Military Affairs Bureau, the Prisoner of War Information Bureau and the Prisoner of War Management Bureau. TOJO was also responsible for the policy adopted by the Japanese

*I am not ashamed to be identified w/ the Zankou  
and am subsidized =  
not connected w/ any group -*

Government towards prisoners of war and civilian internees.

KIMURA was Vice Minister of War from 1941 to 1944 and had control of the operations of the Ministry subject only to the direction of TOJO. KIMURA was responsible for the design of the Prisoner of War Punishment Act, the provisions of which were in direct contravention of the laws of war and the provisions of the Geneva Prisoner-of-War Conventions of 1929, and also for the law which prescribed the death penalty for captured members of the Allied Air Forces, under which members of that were executed without trial of any kind. KIMURA was also directly responsible for the public exhibition of prisoners of war in Korea and for sending of prisoners to work in munition factories in Manchuria and their use for "work having connection with the operations of war" in practically all areas.

MUTO and SATO in succession were chiefs of the Military Affairs Bureau which controlled the Prisoner of War Management Bureau and the Prisoner of War Information Bureau. These two bureaux administered all affairs relating to prisoners of war, subject to the approval of the Military Affairs Bureau.

Complaints of mistreatment of prisoners of war and civilian internees were forwarded by the Swiss Legation, as Protecting Power, to the Japanese Foreign Ministry, which in turn transmitted the complaints to the War Ministry, where in the usual course of procedure they passed from the Secretariat of the War Ministry through the Office of the Vice Minister of War to the Chief of the Military Affairs Bureau and then in turn to the Prisoner of War Information Bureau or the Prisoner of War Management Bureau, the office of the Chief of the last named bureau being held concurrently by the same person. The Chief of the two last named bureaux formulated a reply when considered advisable, after consultation with the Chief of the Military Affairs Bureau, after which the proposed reply was forwarded by the Vice Minister of War to the Foreign Ministry, and practically without exception, the reply prepared in the Prisoner of War Information Bureau or the Prisoner of War Management Bureau was the reply made by the Foreign Minister to the Swiss Legation.

The same course was followed in the denials of the privilege of visiting prisoner of war camps when such applications were made either by the Swiss Legation as Protecting Power, or by the representatives of the International Red Cross. Of those indicted, the following occupied the position of Foreign Minister for Japan between the years 1941 and 1945, inclusive: TOGO, Shigenori, TOJO, Hideki; and SHIGEMITSU, Mamoru.

*IKETARU HEITAI MISERY OF THE TROOPS* (Dark parts of Soldier - Good of war - Banned in Japan - 1938 - (Appeared in Chuo Kogyo) then Police report - It was taken to Chongqing)

*Changed at the end of the great spring 1939 released after a few months  
Jehik... take over - 1939 - write many things after this  
1935  
and transferred into Clinic - about March 1939 -*

Under the regulations for the employment of prisoners of war by private industry, most of which industries were engaged in "work having connection with the operations of war", applications to have such prisoners assigned went from the Prefectural Governor to the Home Ministry and thence to the War Ministry for approval, following the same course within the war Ministry as complaints in regard to the treatment of prisoners of war. The only person indicted who occupied the position of Home Minister during the war period was TOJO, Hideki, which position he occupied concurrently while Premier. TOJO also for a short time was concurrently Prime Minister and Foreign Minister during the war period.

Copies of complaints lodged by the Swiss Legation as Protecting Power in behalf of the United States, Great Britain, Australia, Canada and New Zealand, were transmitted by the Foreign Ministry not only to the War Ministry, but also copies were sent, as a usual thing, to the Navy Ministry and to the Home Ministry. So, again, it appears that the responsibility for such treatment lies with the defendants SHIMADA, who was Navy Minister under TOJO, and later Chief of the Naval General Staff; with OKA, who was Chief of the General and Military Affairs Bureau of the Navy from October, 1940, to August, 1944, and NAGANO, who was Chief of the Naval General Staff from April, 1941 to February, 1944; and SUZUKI, Teiichi, who was Minister without Portfolio as well as President of the Planning Board. As such, he was a member of TOJO's cabinet and is charged with knowledge of the complaints in regard to the maltreatment of prisoners of war and violations of treaties in connection therewith.

During the time that TOJO was Premier, he was concurrently Minister of War, but was seldom in his office in the War Ministry. KIMURA, as Vice Minister of War, made many of the decisions ordinarily made by the Minister. On August, 30, 1944, KIMURA was assigned as Commander in Chief of the Japanese Armed Forces in the Burma area, and as such was directly responsible for the mistreatment of prisoners of war in that area occurring after that date.

The decision to employ prisoner of war labour on the Burma-Thailand Railroad was made in 1942 by the Imperial General Staff, which included the then Chief of Staff of the Army, SUGIYAMA (deceased), the Chief of the Naval General Staff, then the defendant NAGANO; the Navy Minister, SHIMADA, and War Minister TOJO, and the responsibility for the violations of the treaties and assurances in connection with such employment on "work having connection with the operations of war" and the ensuing maltreatment and resulting deaths of such prisoners

of war so engaged, must rest in large part with those above named. For the employment of prisoners of war in Manchukuo on "work having connection with the operations of war", in violation of treaties and assurances, and the mistreatment of the prisoners in that region, the responsibility must be placed in part upon the defendant UMEZU, who was Commander of the Kwantung Army and Ambassador to Manchukuo concurrently from 1939 to 1944.

The defendant ITAGAKI was Commander of the 7th Area Army in Singapore from April, 1945, to the end of the war, and upon him rests some responsibility for the breaches of the laws of war in and about Singapore during the period he was in command.

1498

Evidentiary Document # 5129.

Statement.

HONG SIN JOON, 716 Geylang Rd., S'pore.

(told in his own words).

I was in the SSVF under Capt. Yap Pheng Geck, until the surrender and disbandment under orders. I went to live with friends at Lavender Street Corner Bar.

On the 17th Feb 1942 at 12 o'clock we were told by the Kempei-tai (Jap Military police) that we must go to Jalan Besar to be interned and we must bring with us two or three days ration. We arrived at the place at 4 o'clock and found the place full of people, (quite a few thousands of them) we were then put into a house in Syed Alwi Rd. where they were already full. The area allotted to us was from Maude Rd. to Syed Alwi Rd. with barbed wires around, and no one should cross over these wires, if they do they will be shot. All the houses, street corners, five-foot way, and Siong Lin Saw Mills are packed like sardines, and could hardly walk freely. Cooking is very difficult, water is scarce, and these places were very dirty, still more people are coming in. All could hardly sleep when night came, because of short of space, and the only way to sleep is to sit down and crossed our legs.

We stayed there for two days, and were later told by the Japs that all the family can return to their homes on the morning of the 19th, and men and boys above sixteen years are not allowed to go; early in the morning of the 19th all of them (the families) were lined up in a long queue ready to leave the camp. The Japs came at about 8 o'clock and told them that they can go now. When my wife and children had left me that day, I went back to the house anxiously awaiting to go back home.

At 2 p.m. 19th Feb Koh Jiak Yong told me that the Japs have called out for 2nd Batn. Chinese volunteers to surrender. I got out and saw a crowd of Chinese around a white banner with Chinese characters on it, and a Chinese standing under this banner asking has anybody seen Mr. Tan Kah Kee; nobody answered. He then told the men that the Japanese wanted all the Chinese volunteers to surrender; if they do, they will be given a pass to go back home and a job as a policeman; if they do not surrender and if caught within three days they will be shot to death. I left the mob of listeners and went in search of my volunteer friends, and there I found Cpl. Chia Tiang Bee, Cpl. Koh Jiak Yong and few other volunteers. I asked them whether it is necessary for us to surrender; they told us not to do anything yet as they wish to find out. We then walked to the gate and there we saw a crowd of people, some are volunteers outside the gate giving their names and addresses, and the one who is taking down the records are one of our "E" Coy. man, and furthermore we saw at the gate near the exit are Lieut. Goh Siew Lee and Mr. Yap Tian Chye.

Some of the civilians let loose after being questioned, and were given an identification stamp on the palm of their hands. Our turn comes next with Cpl. Tiang Bee leading, as soon as we passed the gate I heard

somebody say, here they are. Cpl. Tiang Bee were being recognized and he was told to bring us to report to the man in charge on the left. Lieut. Goh assured us that we will be all right as he will look after us volunteers and not to worry. [We were then fall in and marched to the Victoria Bridge school and were put in the drill hall.] We were there for quite a while, and Lieut. Goh came out and told us to give our names and addresses again as he wished to have all records of us, after this he left us and we never saw him again.

When morning came about 9 or 10 o'clock three lorries and one private car came to our place, one lorry was full of Japs. They surrounded our place and came into our hall; they were armed with Bren Guns, and told us to stand up in two rows of 35 each, then simply tied our hands behind our backs and told us to go out to the empty truck. Our lorries went out with the private car leading. We passed Lavender Street, Kallang Rd., got into Groove Road and then to Changi. We were expecting the lorry to stop at the Changi jail, but to our surprise they kept on moving, then we knew of our fate, that we are going to be shot.

*Firing Squad*

After several minutes the first lorry stopped somewhere near the custom house. The prisoners were told to get down, and were taken to the house and searched and relieved of all their possessions, such as gold rings, cash, gold watches and other articles. The lorry which I was in came next; it stopped but we were not searched. The Japs told us to join the others. We were then told to go down to the beach. (Just like a flock of sheep going to the slaughter). We could hardly move when we saw the firing squad. Some of us cried, some calling for their parents. As regards to myself I cried too but could shed no tears, my limbs were as cold as ice when I looked around and saw the firing squad in their position. I noticed the machine-guns were placed on height and left of us, the Tommy-gunners in lying position. Bren-guns right in the centre and the firing squad before us. (This was on the 20th Feb, 1942)

Despite all the crying and moaning we found ourselves on the beach facing the squad with our hands tied behind our backs. We were then lined up in two rows of 35 each. As soon as we were in line the Japs caught us in a cross fire over and over again, and in a few minutes we were all down. I fell face downwards, shot, but still alive. I dare not move, just pretend to be dead. By this time the tide was coming in, and the Japs had ceased fire, and I thought the Japs had left us. I could hold out no longer. I wanted to breathe and the water got into my nose and mouth, so I took a deep breath and moved; all of a sudden I heard the rattling of the guns again, and I felt the burning pain just at my left side of my body and gave a shout, "Oh, my God." I'm finished. Though seriously wounded and I am still alive and conscious, this time I dare breathe no more, but kept very still. Once again the firing had ceased, and I only heard the beating of a drum.

I waited for a while but nothing happened so I slowly raised my head and looked around, half dazed and in terrible pain; and what a ghastly sight met my eyes. The sea water had turned red instead of green, and only a foot away were the bodies of my mates Cpl. Chia Tiang Bee and

Pte. John Peter Tan riddled with bullets. At the same time I heard a low voice calling for help just two bodies away from Cpl. Tiang Bee and John Peter Tan. I did not know what to do, I dared not get up for fear that some Japs might be around, but I just rolled over the bodies of my friends and got to the man who had called out. He told me that we had better get out of the place quick. I asked him how we could escape when our hands were tied behind our backs. He told me to put my wrists in between his teeth; I did so and he managed to release me; then he told me that he had got a pen-knife in his pocket; I took the knife out and released him, and told him to wait. I turned to my left this time and to my surprise I saw several more still alive. I wasted no time and got to them and released them. Two of them had nasty wounds in their left shoulders; they were two men from "E" Coy. One of them is named Pte. Tan Cheng Cher. Another one was shot through the thigh and he belonged to the Fort Canning Signals.

After releasing them I told them to get away quickly. I got back to the one who had released me, and I found that he was already dead with a big wound in the centre of his throat, caused by 45 bullet. I wasted no time but joined the other two and got out of the place. We could hardly stand up, but we crawled to some lallang bushes where we rested. We asked each other where to go after this, and one of them said that we must keep going to the left. We crawled some distance then had another rest and must have fallen asleep, as we were so tired and hungry due to heavy loss of blood. (This was in the evening of the 20th Feb 1942.) I woke up at the break of dawn, and got to the one nearest to me, but I could not find the other two with the broken shoulders. They had gone while I was asleep.

My friend said that we must keep on going, so we kept on crawling for about 200 yards where we found some blood stains along our paths. On and on we followed the trail of the bloodstains till we reached some Malay villages, where we saw some well-dressed Malays, but we dared not go to them for fear that we might encounter some Japs, but we called to them and they turned round and saw us, and asked us what we wanted. They refused to assist us, but eventually we got away. Later we contacted some British soldiers who took us to a Field Ambulance Unit where our wounds were treated.]

(Signed) LONG SIN JOON.

statement made to me at S'pore 12 Feb, 1946.

(Signed) W. TOTMAN, Major.

O.C. Civil Affairs War Crimes Investigation Section,  
Singapore.

examined by me with original affidavit and certified to be a true copy.

(Signed) P.S. LAMBE, Lt. Colonel.

17 April 46.

AAG War Crimes, HQ ALFSEA.

1499A

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. 1

THE UNITED STATES OF AMERICA, AND ORS

- AGAINST -

ARAKI, SADAO, AND ORS.

I, ALBERT FRANK BALL in the State of New South Wales make oath and say as follows:

1. I was NX12309 Major Albert Frank Ball, 2/15 Australian Field Regiment when I was taken prisoner by the Japanese at Singapore on 15 February 1942 and placed in Birdwood Camp.
2. Approximately one week after my arrival there I was detailed to take charge of a party to bury a number of bodies on the beach.
3. I took the party consisting of four officers and approximately 60 other ranks to the beach and after some difficulty I located the bodies to be buried.
4. There were approximately 140 dead Chinese along the water's edge over a distance of about 100 yards. They were of all ages ranging from boys to old men. Some were dressed in Chinese clothes and some in European clothes. They had been killed by small arms fire mainly about the upper part of the body and head and from behind. Capt. H. Tucker who was a medical officer and was one of the party, estimated that some had been dead for as long as 4 days, and others approximately 24 hours.
5. The bodies were tied together in batches of 6 to 8 with their hands behind their backs by means of signal wire.

taken and sworn at Sydney )  
this seventeenth day of )  
September 1946. )

(Signed) A.F. BALL.

Before me,

(Signed) ? , J.P.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

NO. 1

THE UNITED STATES OF AMERICA, AND ORS

- AGAINST -

ARAFI, SADA.O, AND ORS.

I, CAMPBELL WESTON PERRY of Sydney in the state of New South Wales, make oath and say as follows:-

1. I was NX29591 private Campbell Weston Perry, A.A.S.C. when I was taken prisoner by the Japanese at Singapore on 15 February 1942 and imprisoned at Changi.

2. While I was at Changi there was a mass execution of about 40 Malayan and Chinese civilians by the Japanese. I was making my way down to the beach looking for coconuts when I heard machine gun fire. I continued on my way when a Japanese Guard stopped me and told me to wait where I was. Shortly after a party came past on a truck and took the Japanese Guard away. I went down to the beach and saw approximately 40 Chinese and Malayan civilians lying on the beach, dead. Two others had not been killed and were crawling away up the beach; they were badly wounded and I think they would have died. I went close enough to the bodies to see that they had been shot.

Taken and sworn at SYDNEY )  
THIS FIFTH DAY OF ) (Signed) C.W. PERRY.  
SEPTEMBER 1946 )

BEFORE ME

(Signed) A.J. MANSFIELD.  
Judge of Supreme Court of Queensland.