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Description of contents

(1) Box no. 3029

(2) Folder title/number: (15)
09.101: Parole

(3) Date: Feb. 1949 - Dec. 1949

(4) Subject:

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(5) Item description and comment:
Chugoku

(6) Reproduction: (Yes) No

(7) Film no. Sheet no.

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HEADQUARTERS
CHUGOKU CIVIL AFFAIRS REGION
BUCK SLIP

FEB 15 1950

FROM : [signature]

TO : (NUMERICALLY) (INITIAL THRU YOUR NUMBER)

	CHIEF		CI
	DEPUTY	/	L&G
	HQ COMD		PH
	ADM ASST		NURSE
	PERS		VET
	SR C CLK		SANIT
	SUPPLY		ECON
	IND LAB		NR
	TRANS		LABOR
	MC		C & T
	APO 248		CE
	MESS		PW
			IRD
			PROC

FOR:

ACTION	/ INFORMATION
COMMENTS	APPROVAL
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REMARKS:

CHUGOKU LIAISON AND COORDINATION OFFICE

KURE HONSHU

File under L-6
See 09,101
Parole

CHL No. 374 16 December 1949

SUBJECT: Screening of Provost Court Cases for Christmas Clemency.

TO : Chief,
Chugoku Civil Affairs Region.
(Attention: Legal and Government Section)

Submitted inclosed herein is the report on the above subject submitted by the chief of Yamaguchi prison.

for S. Shitara

O. Itagaki,
Director,
Chugoku Liaison and Coordination Office.

Inclosure: as indicated above.

MM/yt.

DECLASSIFIED E.O. 11652 SECTION 3 (E)(1) AND (2)

no 297

YAMAGUCHI PRISON
YAMAGUCHI CITY

13 December 1949

TO: Hon. Commanding General
24th Division Hqs.,
Kokura City

ATTENTION: Major E. R. Ekblad
Adjutant to the General

FROM: Yamaguchi Prison

SUBJECT: Christmas Clemency

Sir,

We are very happy indeed to reply your request relating to the Christmas Clemency. The P.C. inmates now in this Prison are only six in all. Among them three are advisable to your Christmas Clemency, due to their fine prison record and good behavior. We are happy to recommend them to your kindest considerations. Their names, ages, crimes, and terms, etc. are as follows:

1. WAKAYAMA Yoshitami

Birth:	8 January 1922
Crime:	Theft
Terms:	Four years imprisonment with hard labor
Sentenced at:	Chofu (Shimonoseki City) NZ. Provost Court
Term began:	13 August 1947

DECLASSIFIED E.O. 11652 SECTION 5 (E)(2) MAR 6 1973

Will end: 12 August 1951

To be Paroled: 12 December 1948

Been in Prison: 2 years 3 months and 20 days

Rest of the term: 1 year 8 months 10 days

Behavior in Prison: Excellent

Labor record: Excellent as a press-man

Family concern: His mother, WAKAYAMA Hatsu, 60 years old, having been living alone in this city, old and weak, depends on a small amount of help from KAWASAKI Jinsuke, banboo chopsticks' maker. However, the present difficulties in living forced her to sell every property she had left. Seeing her miserable condition, all the neighbors are longing for her son's return.

2. NAKAMURA, Yasuji

Birth: 23 March 1899

Crime: Illegal possession of a Pistol and O.F.'s goods

Sentenced at: Chofu NZ. Provost Court

Term: 5 years imprisonment with hard labor and a fine of ¥23,700

Term began: 28 March 1947

Will end: 7 April 1952

To be Paroled: 8 December 1948

Been in Prison: 2 years 7 months and 25 days

DECLASSIFIED E.O. 11652 SECTION 3 (E), NARS DATE

Rest of term: 2 yrars 4 months and 5 days.

(he had been granted temporary release twice on account of his family's circumstances.)

Behavior in Prison: Excellent

Labor record: Excellent as a washer.

Family concern: If he will have been paroled, he should go to his wife NAKAMURA Yuki, 405 Masumecho, Hikoshima Moto-mura, Shimonoseki City. She has been living in poverty with their six children since he has been sent to prison. She is waiting his return many and many a weary day. For the payment of the said fine, she sold out all properties they had and has been facing to an almost starving condition with the children.

3. OSAKI, Tsuneo

Birth: 23 October 1928

Crime: Robbery

Term: 4 years imprisonment with hard labor

Sentenced ~~at~~: Chofu NZ. Provost Court

Term began: 13 August 1947

Will end: 12 August 1951

Concurrent Crime: a Trespassing and theft which had been sentenced at the Japanese Court for three years imprisonment. On this account he should be kept in prison another term.

To be paroled: 12 December 1948

Been in Prison: 2 years 3 months and 20 days

DECLASSIFIED E.O. 11652 SECTION 3 (E)(1) AND (3)

Rest of the term: 1 year 8 months and 10 days

Behavior in Prison: Excellent

Labor record: Excellent as a nurse

Family concern: He has father, OSAKI Kaname, 48, mother, Hisako, 41, and aunt, Ryu, 85 at 4 chome, Shintaka-dori, Tanaka-machi, Shimonoseki-shi. His father got a sever shock from his son's crime and has been nervous-broken-down. He had been a fisherman, but is unable to engage this family work. As other family of inmate's, they are facing a starving conditions after selling out all properties they had. They are waiting eargerly of their son's return.

The abovementioned three are now ready to go out for parole according to the BCOF's instruction No.24 given us on 14 September 1949. If they would have been granted paroles by your Christmas Clemency, both their families and themselves would be overjoyed for your kindest regards to them. We believe of their rebirth and would start their lives all over, except OSAKI Tsuneo whose concurrent crime would keep him for another term in succession after your parole.

Thanking you for your kindest considerations to this matter in advance, we are

Respectfully yours

Matsudomi Satoshi

MATSUDOMI Satoshi, Warden,
Yamaguchi Prison

DECLASSIFIED - E.O. 11652 - SECTION 5 (E)(2) AND (3)

FOR YOUR INFORMATION

We shall also report to you about other three P.C. inmates, now in this prison, who are not suitable for your parole.

1. YAGI Hiroshi

Birth:	2 January 1929
Crime:	Theft
Term:	2 years imprisonment with hard labor
Sentenced at:	Iwakuni BCOF Provost Court
Term began:	24 February 1949
Will end:	23 February 1951
May be paroled:	23 October 1949
Finished term:	9 months and 21 days
Rest of the term:	1 year 2 months and 21 days
Remarks:	This inmate has a concurrent crime which is now pending at the Japanese Court.

2. SHIMIZU Haruo

Birth:	21 May 1927
Crime:	Theft
Term:	3 years
Sentenced at:	Iwakuni BCOF Provost Court

Term began: 24 February 1949

Will end: 23 February 1952

May be paroled: 23 February 1950

Remarks: This inmates has a concurrent crime now pending at the Japanese Court.

3. TANAKA Jitsuo

Birth: 27 May 1923

Crime: Illegal possession of a Pistol

Term: One year with hard labor

Sentenced at: Chofu NZ. Provost Court

Term began: 27 June 1949

May be paroled: 26 October 1949

Remarks: He had a previous conviction by which he had been sentenced for three years imprisonment with hard labor (Impersonated as a M.G.'s investigator).
On 26 June 1949, he was given a temporary parole on account of an excellent behavior. But his recent behavior is not good, therfore we cannot recommend him for the Christmas Clemency.

DECLASSIFIED E.O. 12065 SECTION 3 (E)(2) MR# 97-1

(19)

HEADQUARTERS
CHUGOKU CIVIL AFFAIRS REGION
APO 248 (Kure, Honshu)

24 December 1949

CCAR 250.53 (C-Va)

SUBJECT: Request for BCOF Provost Court Record on Eiji WATASE

TO : General Officer Commanding
British Commonwealth Occupation Force
Kure, Japan
(ATTN: Legal Section, Major Small)

1. Consideration is being given to the release from the Shinko Gakuen Juvenile Reformatory, Saga-mura, Yamaguchi Prefecture, of Eiji WATASE born 7 September 1929, who is understood to have been sentenced by BCOF Provost Court No. 15, Tottori Prefecture, in July 1947.

2. In this connection, if the files of the Legal Section contain a dossier on the above person your courtesy in transmitting the documents to this Headquarters would be appreciated.

FRANK KOWALSKI Jr
Colonel, Inf
Chief

File

HEADQUARTERS
CHUGOKU CIVIL AFFAIRS REGION
APO 248 (Kure, Honshu)

24 December 1949

CCAR 250.53 (C-Va)

SUBJECT: Request for BCOF Provost Court Record on Eiji WATASE

TO : General Officer Commanding
British Commonwealth Occupation Force
Kure, Japan
(ATTN: Legal Section, Major Smail)

1. Consideration is being given to the release from the Shinko Gakuen Juvenile Reformatory, Saga-mura, Yamaguchi Prefecture, of Eiji WATASE born 7 September 1929, who is understood to have been sentenced by BCOF Provost Court No. 15, Tottori Prefecture, in July 1947.

2. In this connection, if the files of the Legal Section contain a dossier on the above person your courtesy in transmitting the documents to this Headquarters would be appreciated.

FRANK KOWALSKI Jr
Colonel, Inf
Chief

09.101

HEADQUARTERS
CHUGOKU CIVIL AFFAIRS REGION
APO 248 (Kure, Honshu)

21 December 1949

CCAR 250.4 (C-Va)

SUBJECT: Screening of Provost Court Cases for Christmas Clemency

TO : Warden of Yamaguchi Prison

1. Enclosed herewith are certified copies of action by reviewing authority, suspending sentence of accused in BCOF Case Nos. 425, 717 and 724, effective 25 December 1949.

2. Accordingly, you will release from prison the following inmates at the earliest convenient hour for them on Christmas Day, 25 December 1949:

Yasuji NAKAMURA
Toshitami WAKAYAMA
Tsuneo OSAKI

3 Incls:
1. Action, Yasuji NAKAMURA
2. Action, Toshitami WAKAYAMA
3. Action, Tsuneo OSAKI

FRANK KOWALSKI Jr
Colonel, Inf
Chief

09:101

HEADQUARTERS 24TH INFANTRY DIVISION
APO 24

15 December 1949

In the foregoing case of Yasuji Naka Mura, the unexecuted portion of the sentence imposed is suspended effective 25 December 1949.

WILLIAM F. DEAN
Major General, USA
Commanding

BCOF Case No. 425

TRUE Copy
Carl G Moore
1st Lt JAGC

HEADQUARTERS 24TH INFANTRY DIVISION
APO 24

15 December 1949

In the foregoing case of Toshitami Wakayama, the unexecuted portion of the sentence imposed is suspended effective 25 December 1949.

WILLIAM F. DEAN
Major General, USA
Commanding

BCOF Case No. 717

TRUE Copy
Carl G. Moore
Jagc 1st Lt.

HEADQUARTERS 24TH INFANTRY DIVISION
APO 24

15 December 1949

In the foregoing case of Tsuneo Ohsaki, the unexecuted portion of the sentence imposed is suspended effective 25 December 1949.

WILLIAM F. DEAN
Major General, USA
Commanding

BCOF Dase No. 724

TRUE Copy
Carl B Moore
1st Lt JAGC

HKG:ro

AGJ 250.4 Yoshitami Wakayama
Yasuji Nakamura
Tsuneo Osaki

2nd Ind

Subj: Screening of Provost Court
Cases for Christmas Clemency.

Nov 9, 1949

Headquarters, 24th Infantry Division, APO 24 [redacted] 1 7 1949

TO: Chief, Chugoku Civil Affairs Region, APO 248

Enclosed herewith for transmittal to Yamaguchi Prison Authority are certified copies of action by reviewing authority, suspending sentence of accused in BCOF Case Nos. 425, 717, and 724, effective 25 December 1949.

BY COMMAND OF MAJOR GENERAL DEAN:

E.R.EKBLAD
Major AGD
Ass't Adj Gen

3 Incls
Withdrawn 1 Incl--1
Added 3 Incl
2. Action, Yasuji Naka Mura
3. Action, Toshitami Wakayama
4. Action, Tsuneo Ohsaki

DEC 17 [redacted]
25362

FILE FOLDER
POSTED

HEADQUARTERS
CHUGOKU CIVIL AFFAIRS REGION
APO 248 (Kure, Honshu)

13 December 1949

CCAR 250.53-J (C-Ma)

SUBJECT: Screening of Provost Court Cases for Christmas Clemency

FROM : Headquarters Chugoku Civil Affairs Region, APO 248

TO : Commanding General
25th Infantry Division
APO

1. In keeping with recognized custom at Christmas this headquarters recommends that Christmas Clemency be granted to the following prisoner and that he be released:

Hamaguchi Toshiharu

2. The above inmate of the Okayama Prison was originally sentenced by a BCOF Provost Court.

3. The Legal Section, British Commonwealth Occupation Forces, in a letter dated 14 September 1949, established its policy, as concerns those persons sentenced to terms of imprisonment in a Japanese prison, to follow Articles 28 and 29 of the Japanese Criminal Code providing for parole after one-third of sentence of penal servitude. Consequently, the above prisoner is entitled to release.

4. Case history for the above named prisoner is included as an enclosure.

FRANK KOWALSKI Jr
Colonel, Inf
Chief

December 9, 1949

Okayama Prison Letter No.3436

Chief
Chugoku Civil Affairs Region

SUBJECT: Submitting Nishitani, Inao-mura, Nagaoka-gun, Kochi-ken

Domicile: 868 Shimoda Nishitani, Inao-mura, Nagaoka-gun, Kochi-ken

Date of court decision given:
August 9, 1948

Court held trial: Provost Marshal, BRINDIV.

Crime: False personation of CIC

Name and term of punishment:
2 years of imprisonment

Starting date of imprisonment:
August 9, 1948

Finishing date of imprisonment:
August 8, 1950

Name of convict:
Hamaguchi, Toshiharu
Born May 13, 1923

Concerning the above person about whom you inquired previously by telephone, I hereby submit a report on the papers attached.

Naka, Katsumi
Governor of Okayama Prison

Oka-Hatsu No. 3436

7 Dec., 1949

Warden of Okayama Prison
Katsumi Naka

TO : Chief Chugoku Civil Affairs Region

SUBJECT: The matter concerning to Petition of Parole.

I hereby ask your approval of Toshiharu Hamaguchi's parole, because of his good record at the prison and he gained qualification of parole on 8th Dec. 1949.

DECLASSIFIED E.O. 12065 SECTION 3 (b), MAR 88

Petition of Parole

7th Dec., 1949

Warden of Okayama Prison
Katsumi Naka

TO : Chief, Chugoku Civil Affairs Region

Name	Toshiharu Kanaguchi (Age 27)
Permanent Address	No. 868 Nishitani Shimoda Inesho-mura, Nagaoka-gun, Kochi-ken
Present Address	c/o Futabaya Hotel Nakasuji Kamiishii, Okayama-shi, Okayama-ken
Date of Birth	13th May 1923
Occupation	Private Detective
Name of offence	False representation of C.I.C.
Term of Sentence	2 years in Hard Labor
Date of beginning of servitude	9th Aug. 1948
Date of ending of servitude	8th Aug. 1950
Date of gaining of qualification of parole	8th Dec. 1949
Days of sentence served	1 year 4 months
Days of sentence remain	8 months
The name of Court sentence was given	British Indian Provost Court BCOF
Number of previous offences	Three times

1. 25th Aug. 1942, 1 year servitude for forgery of a official document.

2. 21st May 1945, 1½ year servitude for theft, fraud and forgery of official document. However, temporary released on 13th July 1946.

(Cont'd)

Personal History	When he was 4 years old his father was dead nd when 6 years old mother was dead. Thereafter he was raised by his grandfather. After graduation of primary school worked as mechanic. Since 23rd of age he became private detective.
Type of work at Prison.	Strow craft
Class of treatment	3rd class
Number of punishment	2 times
Physical Condition	Healthy
Name of his guardian	Yasutaro Hamaguchi (Age 84) Grandfather.
Condition of family	6 member in the family, fair living condition.

Prisoner was visited by family 4 time, however, prisoner write letter to family every month, but there were only three answers prisoner received.

After parole	Prisoner will go back to grandfather's place and will do farming.

DECLASSIFIED E.O. 11652 SECTION 3 (E)(2) AND (3)

August 9, 1948
Supplementary Paper 3
Provost Court of Occupation
Forces

TO : Tanaka, Katsumi
Governor of Okayama Prison

You are ordered to excute the court decision in connection with defendant Kamaguchi, Toshiharu who was sentenced for 2 years of imprisonment by Provost Marshal, BRINDIV today.

Matsuoka, Kazuaki
Procurator
Okayama District Procurators' Office

Remarks: 2 years of imprisonment.

1. This is an instruction from Provost Marshal of the Occupation Forces
2. Starting date of imprisonment: August 9, 1948
3. Crime: False personation of CIC
4. Age: 26 years old

Behavior in the prison:

The convict did not behave well in the prison as reported on the attached inspection papers from No. 1 to No.3 which proposed disciplines, but these crimes and faults were caused by temporary psychological perplexity and he can not be considered as a bad man from the heart. This can be recognized by seeing the sledge presented by him. Since then he repented of his misdeeds and behavior well obeying order and regulation, working hard as a strow worker. However, according his development of behavior his treatment was promoted to 3rd class by Prison Official Conference.

BASIC: Ltr. Hq. 24th Infantry Division, AG 250.53-J, dtd 9 Nov., 1949, subj: Screening of Provost Court Cases for Christmas Clemency

CCAR 250.53-J (C-Va) 1st Ind

Headquarters, Chugoku Civil Affairs Region, APO 248, 9 December 1949.

TO: Commanding General, 24th Infantry Division, APO 24

1. Pursuant to Headquarters 24th Infantry Division's letter 9 November 1949, same subject, the cases of Provost Court prisoners detained in the Chugoku Region and within the zone of responsibility of the 24th Division have been reviewed.

2. It is recommended that the following prisoners be granted Christmas Clemency and released:

Yoshitami WAKAYAMA
Yasuji NAKAMURA
Tsuneo OSAKI

3. The above inmates of Yamaguchi Prison were originally sentenced by a BCOF Provost Court.

4. The Legal Section, British Commonwealth Occupation Forces, in a letter dated 14 September 1949 established its policy, as concerns those persons sentenced to terms of imprisonment in a Japanese prison, to follow Articles 28 and 29 of the Japanese Criminal Code providing for parole after one-third of sentence of penal servitude. Consequently, the above prisoners are entitled to release.

5. Additional factors to be considered are the good behavior of the prisoners while in prison and the hardship inflicted on the families.

6. Case histories of the above-named prisoners are given in Inclosure I.

1 Incl:
Recommendations for
Parole of Prisoners,
Warden of Yamaguchi
Prison, dtd 2 Dec. '49.

FRANK KOWALSKI Jr
Colonel, Inf
Chief

C O P Y

HEADQUARTERS 24TH INFANTRY DIVISION
Kokura, Kyushu, Japan

APO 24
Nov 9 1949

AG 250.53-J

SUBJECT: Screening of Provost Court Cases for Christmas Clemency.

TO : Commanding General, 24th Division Artillery, APO 24
Commanding Officer, 19th Infantry Regiment, APO 24
Commanding Officer, 21st Infantry Regiment, APO 24
Commanding Officer, 34th Infantry Regiment, APO 24
Commanding Officer, Chugoku Civil Affairs Region, APO 248

1. The Commanding General desires that you screen, or cause to be screened, all of your Provost Court cases for prospective Christmas Clemency consideration. The following SOP is recommended.

a. Cases will be screened by an Officer who is not at present a Provost Court Officer and who has not tried any of the cases which are to be screened.

b. This Officer is to be a field grade officer, preferably with considerable experience in Japan, so that he has a perspective of the Provost Court problem.

2. The purpose of the screening is to scale down the punishment formalum prohibitum cases (violation of regulations) as distinguished from the malum per to (crime wrong in themselves) cases.

3. Your recommendation is sought by the Division Commander for all cases in which your screening indicates that additional clemency may be granted for Christmas without endagering the system of Provost Court enforcement of Occupation Directives. Your recommendations for clemency will cover:

a. Cases out of line with your table of average sentences as over severe.

b. Cases of extreme hardship to families where the accused has given indication of reform.

c. Minor cases where the sentence of the accused to confinement at hard labor would expire by its terms shortly after Christmas 1949.

d. Any case which to the Area Commander appears to be the proper object of additional clemency.

4. Recommendations for such clemency consideration will be in this Headquarters by 15 December 1949 to enable the necessary consideration and processing to be completed by 25 December 1949.

BY COMMAND OF MAJOR GENERAL DEAN:

/s/ E.R. Ekblad
/t/ EUGENE R EKBLAD
Major
Acting Adjutant General

C O P Y

DECLASSIFIED E.O. 12065 SECTION 3 (E), MAR 8 1978

Kei-Hi-Hatsu No. 297

2nd December 1949

Warden of Yamaguchi Prison
Satoshi Matautomi

TO: Chief, Chugoku Civil Affairs Region

SUBJECT: Recommendation for parol of prisoners

I hereby recommend parol for following three prisoners of six prisoners of C.P. now serving their sentence at this prison, due to their good behaviour and good protective circumstance after parol. I wish your approval.

However, there is no other C.P. prisoner in branch prisons of Yamaguchi Prison.

1. Name	Yoshitami Wakayama
Date of birth	8th Jan. 1922
Offence of crime	Larceny of Occupation Force Goods
Term of Sentence	Four (4) years of Hard Labor
Name of Court the sentence was given	Chofu (Yamaguchi) New Zealand Provost Court.
The date fo sentence was given	13th Aug. 1947
Date of beginning of servitude	13th Aug. 1947
Date of expire of servitude	12th Aug. 1951
Date of gainning of qualification of parol	12 Dec. 1948
Days of servitude expired	2 years 3 months 2 days
Days of remained servitude	1 year 8 months 10 days
Behaviour in prison	Good
Classification of treatment	2nd class
Working record at prison	He is working at printing shop and record shows as excellent worker.

The matter concerning protection	The care of him is his mother Hatsu Wakayama (60) of Higashi Shiraishi Yamaguchi-shi. However, since her son was sent to prison, lost the income in addition of this situation she is old and ill, therefore a friend of her Zinsuke Kawasaki of same district helping her giving small amount of money every month, with this help she was living barely. But present economical condition, Kawasaki is unable to continue to help her anymore, and she sold almost all her belongings for living. Therefore all neighbors too waiting Yoshitami Wakayama's return anxiously.

2. Name — Yasuji Nakamura

Date of birth	23rd Feb. 1899
Offence of crime	Illigal posession of arm and Occupation Force Goods.
Term of sentence	Five (5) years of Hard Labor and ¥23,700 of fine.
Name of Court the sentence was given	Chofu (yamaguchi) New Zealand Provost Court.
The date of sentence was given	28th March 1947
The date of beginning of servitude	28th March 1947
The date of expire of servitude	7th April 1952
The date of gainning qualification of parol	8th December 1948
Days of servitude expired	2 years 7 months 25 days
Days of remains servitude	2years 4 months 5 days

(During the servitude he was granted to visit his home twice for adjusting house hold affairs)

Behavours at prison	Good
Classification of treatment	2nd class
Working record at prison	He is working at laundry shop of prison, record shows as good and hard working.
The matter concerning protection	After his release he will stay at his wife Yuki Nakamura of #405 of Hon-mura, Hikoshima Shimonoseki-shi. However, he was sent to prison, the family lost its supporter, and wife with six children has no job and income, living condition is hard and waitinghis return desparately. The family sold almost all their belongings for paying the his fine, and if he does not return to home soon they shall be starve.

(3)	Name	Osaki Tsuneo
	Birth date	26 Oct., 1928
	Name of offence	Robbery in the camp of Military Government
	Name and term of penalty	4 years hard labor
	Name of court sentenced	New-Zealand Military Court at Chofu, Yamaguchi-ken
	Date sentence rendered	13 August 1947
	Date from which the term of penalty be counted/xx	Same as the above.
	Penalty closing date	12 August, 1951

(In succession to this penalty, the Japanese court sentenced 3 years penal servitude for trespass and larceny. Successive execution of penalty is needed).

(Cont'd) Subject: Recommendation for parol of prisoners

Date when the tempraty release be available
12 Dec., 1948

Period of completion of penal servitude so far
2 years 3 months 20 days

Period of remaining-penal servitude
1 year 8 months 10 days

Behaviour in the prison
Good.

Progressive Treatment Act.
Second grade

Result of working
During his service in the hospital as nurse, he was diligent in business by taking the initiative and was the model of others.

Relation of protection
The caretakers of the person himself are Ozaki Kaname, father, age 48, Hisako, mother, age 41, grandmother Ryu, age 85, who before the person himself entered the prison, had lived an ordinary class living.
But after his entering the prison, owing to the mental shock, father Kaname has indicated mental debility and has been subjected to be confined in bed. Therefore, he can't engage in the domestic work, fishery, in addition to which, being affected by the present economic plight, he has sold over most of furniture and clothes and barely has supported livelihood. In this connection, if the present situation continues, his family will come to wander on the verge of starbation. Therefore, father is intently and eagerly waiting for the coming back of the person himself in lonely circumstance.

The date the above three persons be allowed provisional release, is as per the attached copy. According to the instruction of BCOF HQ. Law No. 24 dated 14 Sept., 1949, each of them has qualification to be provisionally released.

Each of the above three persons is good in conducts in the Prison and diligent in working, being good in the protection by his relatives.

As we consider that allowing them provisional release be the most timely for their rehabilitation. We hereby ask you to have your urgent permission.
(However, it is necessiated that successive enforcement of three years penal servitude sentenced by the Japanese Court to Ozaki Tsuneo be initiated.)

(Cont'd) Subject: Recommendation for parol of prisoners

REMARKS:

The following mentioned 3 persons who are serving their sentences are recognized to be unfit for the provisional release.

Notes

A.	Name	Yagi Hiroshi
	Date of Birth	2nd January 1929
	Crime	Larceny of commondities of occupation forces
	Term of penal servitude	Heavy labor for 2 years
	Court	Iwakuni Military Court, BCOF
	Date of sentence	24 February 1949
	The day from which a period is reckoned	Same as above
	The last day of servitude	23 February 1951
	The day of which he is qualified for provisional release	23 October 1949
	Period of which he had served	9 months and 8 days
	Period of servitude remained	14 months and 21 days
	Classification of treatment	The 4th class

The above mentioned Yagi Hiroshi committed another crime besides the crime mentioned above and being investigated at Japanese Court. So his providional release is impossible.

B.	Name	Shimizu Haruo
	Date of Birth	21 May 1927
	Crime	Larceny of commondities of occupation forces.

Court	Iwakuni Military Court, BCOF
Term of penal servitude	Heavy labor for 3 years
Date of sentence	24 February 1949
The day from which a period is reckoned	Same as above
The last day of servitude	23 February 1952
The day of which he qualified for provisional release	23 February 1950
Classification of treatment	The 4th class

Shimizu Haruo has not reached the qualified date for released and also has committed another offence which is being investigated at the Japanese Court. So the provisional release is impossible.

C.

Name	Tanaka Jitsuo
Date of Birth	27 May 1923
Crime	Illegal possession of pistol
Term of penal servitude	Heavy labor for 1 year
Court	New Zealand Military Court a Chofu, Yamaguchi Prefecture
Date of sentence	22 July 1947
Theday from which a period is reckoned	27 June 1949
The day of which he qualified for provisional release	26 October 1949
Classification of treatment	The 2nd class

Tanaka Jitsuo has another servitude of heavy labor for a fraud which he had done, falsely stating an inspector of Military Government Team and has been under servitude since 8 July 1947.

((Cont'd) Subject: Recommendation for parol of prisoners
Notes C.

Then, as his result was good, according to the regulation at the time, he was provisionally released on 26 June 1949.

Continually, he has been serving for the term of this crime, but his recent conducts and results of work are rather bad these days. So at the moment, his provisional release are recognized unsuitable.

C O P Y

HEADQUARTERS 24TH INFANTRY DIVISION
Kokura, Kyushu, Japan

APO 24
Nov 9 1949

AG 250.53-J

SUBJECT: Screening of Provost Court Cases for Christmas Clemency.

TO : Commanding General, 24th Division Artillery, APO 24
Commanding Officer, 19th Infantry Regiment, APO 24
Commanding Officer, 21st Infantry Regiment, APO 24
Commanding Officer, 34th Infantry Regiment, APO 24
Commanding Officer, Chugoku Civil Affairs Region, APO 248

1. The Commanding General desires that you screen, or cause to be screened, all of your Provost Court cases for prospective Christmas Clemency consideration. The following SOP is recommended.

a. Cases will be screened by an Officer who is not at present a Provost Court Officer and who has not tried any of the cases which are to be screened.

b. This Officer is to be a field grade officer, preferably with considerable experience in Japan, so that he has a perspective of the Provost Court problem.

2. The purpose of the screening is to scale down the punishment formalum prohibitum cases (violation of regulations) as distinguished from the malum per to (crime wrong in themselves) cases.

3. Your recommendation is sought by the Division Commander for all cases in which your screening indicates that additional clemency may be granted for Christmas without endagering the system of Provost Court enforcement of Occupation Directives. Your recommendations for clemency will cover:

a. Cases out of line with your table of average sentences as over severe.

b. Cases of extreme hardship to families where the accused has given indication of reform.

c. Minor cases where the sentence of the accused to confinement at hard labor would expire by its terms shortly after Christmas 1949.

d. Any case which to the Area Commander appears to be the proper object of additional clemency.

4. Recommendations for such clemency consideration will be in this Headquarters by 15 December 1949 to enable the necessary consideration and processing to be completed by 25 December 1949.

BY COMMAND OF MAJOR GENERAL DEAN:

/s/ E.R. Ekblad
/t/ EUGENE R EKBLAD
Major
Acting Adjutant General

C O P Y

CCAR 250.53-J (C-Va) Ist Ind
SUBJECT: Screening of Provost Court Cases for Christmas Clemency

Headquarters Chugoku Civil Affairs Region, APO 248,

TO: Commanding General, 24th Infantry Division, APO 24

9 December 1949

1. Pursuant to Headquarters 24th Infantry Division's letter 9 November 1949, same subject, the cases of Provost Court prisoners detained in the Chugoku Region and within the zone of responsibility of the 24th Division have been reviewed.

2. It is recommended that the following prisoners be granted Christmas clemency and released:

Yoshitami WAKAYAMA
Yasuji NAKAMURA
Tsuneo OSAKI

3. The above inmates of Yamaguchi Prison were originally sentenced by a BCOF Provost Court.

4. The Legal Section, British Commonwealth Occupation Forces, in a letter dated 14 September 1949 established its policy, as concerns those persons sentenced to terms of imprisonment in a Japanese prison, to follow Articles 28 and 29 of the Japanese Criminal Code providing for parole after one-third of sentence of penal servitude. Consequently, the above prisoners are entitled to release.

5. Additional factors to be considered are the good behavior of the prisoners while in prison, and the hardship inflicted on the families.

6. Case histories of the above-named prisoners are given in Inclosure I.

KOWALSKI

1 Incl:
Recommendations for Parole of Prisoners, Warden of Yamaguchi Prison, dtd 2 Dec 49

CCAR 250.53-J (C-Va) 1st Ind
SUBJECT: Screening of Provost Court Cases for Christmas Clemency

Headquarters Chugoku Civil Affairs Region, APO 248,

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KOWALSKI

1 Incl:
Recommendations for Parole of Prisoners, Warden of Yamaguchi Prison, dtd 2 Dec 49

5 Dec 49

Subject: Provost Court Cases for Xmas Clemency

To: Mr. Van Benschoten

1. Chief of Yamaguchi Prison has recommended for your clemency consideration three under-named out of the six P.C. cases under his care. The three cases are all extreme hardships to families where the accused have given indication of reform, as in the attached report.

WAKAYAMA, Yoshitami
NAKAMURA, Yasuji
OSAKI, Tsuneo

2. Chief of Matsue Prison reports there are no prisoners of P.C. cases in Shimane.

Kazuhiko Furusawa
Chugoku Liaison
& Coordination Office

発 二九七

昭和二十四年十二月二日

山口刑務所長　松冨（セツドミ）　哲（サトシ）

中國民事部隊長　殿

重労働受刑者の假釈放上申

當所に於て服役中のPC処断受刑者六名の内行刑成績及保護関係共に良好の者は左記三名につき假釈放を御許可相成るよう左記の通り報告致します。

追って当所管下各支所にはPC処断受刑者の在所者はありません

記

刑務所用

Received by the ChugoKu Liaison and Coordination Office on 5 Dec 1949.

(一)

氏名　　ワカヤマ　ヨシタミ
生年月日　　若山良民
大正十一年一月八日生
罪名　　占領軍物資窃盗
刑名刑期　　重労働　四年
言渡法廷名　　在長府(山縣)ニユージランド軍々事裁判所
裁判言渡の日　　昭和二十二年八月十三日
刑期起算日　　同　日
刑の終了日　　昭和二十六年八月十二日
仮釈放が出来る資格の得られる日
昭和二十三年十二月十二日
服役済期間　　二年三月二十日
残刑期間　　一年八月十日
刑務所内に於ける行状　　善良

累進処遇令　第二報
作業成績　印刷工に従事の処優秀にして勉励し居れり
保護関係

本名の引受人は山口市東白石長山母若山ハツ（六十才）にして本人の入所以来は老年且病弱の身に收入の途を失い同市内居住の知己竹崎甚助なる竹箸製造を職とする者より少額の援助を受け漸やく糊口を凌ぎ来りたるも現在の経済事情下右の援助も不可能の状態となり臥具衣類等も殆んど賣り盡し殆んど一物をも残さいる現状にあり部落民共々本人の帰住を只管待ちわびつゝある状態なり

（二）
氏名　甲村安次
生年月日　明治三十二年三月二十三日生

刑務所用

DECLASSIFIED E.O. 12065 SECTION 3 (d), NAVS NO.

罪名　拳銃不法所持　占領軍物資不法所持

刑名刑期　重労働　五年　四川金　二万三千七百円

言渡法廷名　在長府(山口縣)ニユージランド軍々事裁判所

裁判言渡の日　昭和二十二年三月二十八日

刑期起算日　同　日

刑の終了日　昭和二十七年四月七日

假釈放が出来る資格の得られる日

昭和二十三年十二月八日

服役済期間　二年七月二十五日

残刑期間　二年四月五日

(家事整理のため執行停止の許可を受けて一時出所したことニ回あり)

刑務所内に於ける行状

善　良

累進如遇令　第二級

作業成績　洗濯工に於て從業中成績良好にして

默々として勤勵す

保護関係

本名出所位は下関市彦島本村舛目町四五番地の妻中村ユキの許に帰住するものでありますが本名入所後家庭の支柱を失いたる妻は無職にして之と言って別に收入の途なき上に大人の子供を抱え生活は極度に困窮し只管本人の出所を一日千秋の想いで待ち居れる状態なり

尚家族は四川金納入について四苦八苦の上家財道具を殆ど賣り盡し此のまゝにては家族全部餓死するの外道なき状態なり

刑務所用

(三)

氏名　オヽサキ　ツネオ

生年月日　大崎恒雄

昭和三年十月二十六日生

罪名　軍政部宿舎強盗

刑名刑期　重労働四年

言渡法廷名　在長崎(山口縣)ニユージランド軍々事裁判所

裁判言渡の日　昭和二十二年八月十三日

刑期起算日　同　日

刑の終了日　昭和二十六年八月十二日

(本刑は引續き日本裁判言渡住居侵入富盗

懲役三年の刑あり、引續き刑執行の要あり)

仮釈放が出来る資格の得られる日

昭和二十三年十二月十二日

服役済期間　二年三月二十日
残刑期間　一年八月十日
刑務所内に於ける行状
善良
累進処遇令　第二級
作業成績　医務所の看病夫として従事中常に率先して業務に勉励し他の模範たる成績である。
保護関係
本名の引受人は下関市田中町新高通四丁目文大崎要(四十八才)母ヒサ子(四十一才)及祖母リウ(八十五才)の三人家族にして本名入所前までは普通の生計を営み居りたる処本名の入所以来文要は精神的打撃により神経衰弱の症状を呈し臥床勝ちにして家業たる漁業に従事し得ず加ふるに現下の

刑務所用

経済豊情により殆んど衣類家具を賣却し辛ふじて
生計を維持し居る状態にして現状の儘に於ては
遠からず一家餓死線上を彷徨するに至るべく
只管本人の帰往を待ち詫びつゝある状況なり、

右三名の者に係る仮釈放條件を得ゝる期日は別紙寫の通り
一九四九年九月十四日付法第二四號英濠軍本部指令により
何れも仮釈放が出来る資格を得て居ります。
右三名は何れも刑務所内に於て行状善良であり作業に
勉勵し又保護関係も良好であり今仮釈放してやることは
本人等の更生のためにも洵に時宜を得たものと思はれますに
つき至急御許可下さいますよう上申致します。
（但し大崎恒雄に付ては引續き日本裁判言渡刑憲役三年
の執行に着手する要あり）

備考

右三名の外に左記三名が服役中でありますが何れも仮釈放不適当と認めます。

記

(一)

氏名　八ヤ木ギ弘ヒロシ

生年月日　昭和四年一月二日生

罪名　白領軍物資寄盗

刑名刑期　重労働二年

言渡法廷名　英濠軍山名國軍事裁判所

裁判言渡の日　昭和二十四年二月二十四日

刑期起算日　同日

刑の終了日　昭和二十六年二月二十三日

仮釈放が出来る資格の得られる日　昭和二十四年十月二十三日

刑務所用

服役済期間　九月八日
残刑期間　一年二月二十一日
累進処遇令　第四級

右八木弘は本刑の外に別罪を犯し目下は本裁判所に於て審理中であるので仮釈放は出来ません

（二）

氏名　清水春雄（シミズハルオ）
生年月日　昭和二年五月二十一日生
罪名　占領軍物資窃盗
刑名刑期　重労働　三年
言渡法廷名　英濠軍岩國軍事裁判所
裁判言渡の日　昭和二十四年二月二十四日
刑期起算日　同　日
刑の終了日　昭和二十七年二月二十三日

仮釈放が出来る資格の得られる日

昭和二十五年二月二十三日

第四級

累進処遇令

右清水春雄は仮釈放の資格を得られる日が到達せず又別罪を犯し目下は本裁判所に於て審理中でもあり仮釈放は出来ません

(三)

氏名　田中實雄（タナカジツオ）

生年月日　大正十五年五月二十七日生

罪名　拳銃不法所持

刑名刑期　重労働　壹年

言渡法廷名　在長府(正)縣ニュージランド軍々事裁判所

裁判言渡の日　昭和二十二年七月二十二日

刑期起算日　昭和二十四年六月二十七日

刑務所用

6.

仮釈放の出来る資格の得られる日

昭和二十四年十月二十六日

累進処遇令　第二　改

右田中實雄は本刑の外に第一刑
軍政部調査員と称し詐欺行為重労働三年あり
昭和二十二年七月八日より執行中　行刑成績良好
に付当時の規定に従い昭和二十四年六月二十六日
仮釈放引続き本刑を執行中なるに最近
行状稍不良であり作業成績にあまり良く
ないので目下のところ仮釈放は不適当と
認めます

法　24
英濠軍本部
一九四九年九月十四日

英濠軍民事課
通　報　先　第四十五軍事裁判所第七十濠軍航空隊本部気付

首　題　軍事裁判に依つて判決された刑期の軽減に付いて

1. 日本刑法第二十八條に示されて居る所に依れば日本刑務所に於て懲役又は禁固に處せられて居る有期受刑者は其の刑期の三分の一を經過したる場合は假出獄を許される事を得。此の場合の懲役又は禁固の有期刑は一ヶ月以上十五年以下でなければならぬ。又假出獄を受け得る被告人は（受刑者）は改悛の情顯著でなければならぬ

2. 刑法第二十九條に定められたる所に次に依り記載したる場合に於ては假出獄の處分を取消す事がある即ち ———
   (a) 假出獄中更に罪を犯し刑に處せられた時
   (b) 假出獄前に犯したる罪の刑の言渡しを受けた場合
   (c) 假出獄取締規則に違背したる時

3. 上記の箇條は占領軍軍事裁判所に於て有期刑を判定され日本の刑務所に於て刑執行中の受刑者に適用する。

4. 上記の規定を廣島縣下及岩國刑務所當局者に公布される事を依頼する。

准將
行政長官

Kei-Ti Hatsu No 297 2nd Dec 1949

Warden of Yamaguchi Prison
Satoshi Matsutomi

To: Chief, Chugoku Civil Affairs Region
Subject: Recomendation for parol of prisoners

I hereby recomend parol for following three prisoners of six prisoners of C.P now serving their sentence at this prison, due to their good behaivour and good protective circumstance after parol. I wish your approval.

However, there is no other C.P. prisoner in branch prisons of Yamaguch Prison.

1. Name	Yoshitami Wakayama
Date of birth	8th. Jan. 1922
Offence of crime	Larceny of Occupation Force Goods
Term of Sentence	Four (4) years of Hard Labor
Name of Court the sentence was given	Chofu (Yamaguchi) New Zealand Provost Court
The date of sentence was given	13th Aug. 1947
Date of beginning of servitude	13th Aug 1947 ✓
Date of expire of servitude	12th Aug. 1951
Date of gainning of qualification of parol	12th. Dec. 1948

Days of servitude expired	2 years 3 months 20 days
Days of remained servitude	1 years 8 months 10 days
Behaivure in prison	good
Classfication of treatment	2nd class
Working record at prison	He is working at printing shop and record shows as excellent worker
The matter concerning protection.	The care of him is his mother Hatsu Wakayama (60) of Higashi Shiraishi Yamaguchi-shi. However, since her son was sent to prison, lost the income in addition of this situation she is old and ill. therefor a friend of her Jinsuke Kawasaki of same district helping her giving small amount of money every month, with this help she was living barely. But present economical condition, Kawasaki is unable to continue to help her anymore, and she sold almost all her belongings for living. Therfore all neighbors too waiting Yoshitami Wakayama's returen anxiously.

2. Name	Yasuji Nakamura
Dates of birth	23rd Feb. 1899
Offience of Crime	Illigas possession of arm and Occupation Force Goods.
Term of Sentence	Five (5) years of Hard Labor and ¥23,700.- of fine.
Name of Court the sentence was given	Chofu (Yamaguchi) New Zealand Provost Court.
The date of sentence was given	28th march 1947
The date of beginning of servitude	28th march 1947 —
The date of expire of servitude	7th April 1952
The date of gainning qualification of parol	8th Dec. 1948
Days of servitude expired:	2 years 7 months 25th
Days of remains servitude	2 years 4 month 5 days
(During the servitude he was granted to visit his home twice for adjusting house hold affairs)	
Behavrue at prison	Good ✓
Classfication of treatment	2nd class
Working record at prison	He is working at laundry shop of prison, record shows as good and hard working.
The matter concerning protection.	After his release he will stay at his wife Yuki Nakamura of #405 of Hon-mura Hikoshima Shimonoseki-shi. However, he was sent to prison, the family lost its supporter, and wife with six children has no job and income,

Living condition is hard and
waiting his returen desparately.

The family sold almost all
their belongings for paying the
his fine, and if he does not return
to home soon they shall be starve

(3)

Name : Ōsaki Tsuneo

Birth date : 26 Oct., 1928.

Name of offence : Robbery in the camp of Military Government.

Name and term of penalty : 4 years' hard labor

Name of court sentenced : New-Zealand Military Court at Chōfu, Yamaguchi-ken.

Date sentence rendered: 13 August 1947.

Date from which the term of penalty be counted
Same as the above.

Penalty closing date : 12 August, 1951.

(In succession to this penalty, the Japanese court sentenced 3 years' penal servitude for trespass and larceny. Successive execution of penalty is needed).

Date when the temporary release be available
12 Dec., 1948.

Period of completion of penal servitude so far
2 years and 3 months and 2o day

Period of remaining-penal servitude
1 year & 8 months and 10 days.

Behavior in the Prison
Good.

Progressive Treatment Act.
Second grade.

Result of working

During his service in the hospital as nurse, he was diligent in business by taking the initiative, and was the model of others.

Relation of protection :

The caretakers of the person himself are Ōzaki Kaname, father, ages 48, Hisako mother ages 41, grandmother Ryu ages 85, who before the person himself enters the prison,

SCHEDULE B: DETAINED PERSONS UNDER INVESTIGATION OR AWAITING TRIAL:

SCHEDULE C: CONFINED PRISONERS SERVING SENTENCE

NAME	Nationality	Date of Arrest	Days of Detention	Type of Offense	Probable Date of Trial	REMARKS (If detained more than 20 days explanation required)	TOTAL CASES AWAITING TRIAL	TOTAL NUMBER CONFINED PRISONERS SERVING SENTENCE
								Place / Number
							Military Commission _____	
							General Provost Ct. _____	
							Special Provost Ct. _____	

had lived an ordinary class living, ~~but who, however, after his entering the prison,~~

But after his entering the prison, owing to the mental shock, father Kaneme has indicates mental debility and has been subjected to be confined in bed. Therefore, he can't engage in the domestic work, fishery, in addetion to which, being affected by the present economic plight, he has sold over most of furniture and clothes and barely has supported livelihood. In this connection, if the present situation continues, his family will come to wander on the verge of starbation. Therefore, father is intently & eagerly waiting for the coming back of the person himself in lonely circumstance.

The date the above three persons be allowed ~~temp~~ provisional release, is as per the attached copy. According to the instruction of BCOF 4.2. Law No. 24 dated 14 Sept., 1949, each of them has qualification to be provisionally released.

Each of the above three persons is good in conducts in the Prison and diligent in working, being good in the protection by his relatives.

As we consider that allowing them provisional release be the most timely for their rehabilitation we hereby ask you to have your urgent permission.

(However, it is necessiates that successive reinforcement of three years' penal servitude sentences by the Japanese court to Ozaki Tsunes ~~in succession~~ be initiates.)

The following mentioned 3 persons who are serving their sentences are recognized to be unfit for the provisional release

Notes

A Name : Yagi Idroshi
Date of Birth : 2nd January 1929.
Crime : Larceny of commonalties of occupation forces
Term of penal servitude : Heavy labor for 2 years
Court ; Iwakuni Military Court. BCOF
Date of sentence : 24 February 1949
The day from which a period is reckoned : Same as above.

The last day of servitude : 23 Feb. 1951
The day of which he is qualified for provisional release : 23 October 1949
Period of which he had served : 9 months and 8 days
Period of servitude remained : 14 months and 21 days
Classification of treatment : The 4th class.

The above mentioned Yagi Idroshi committed another crime besides the crime mentioned above and being investigated at Japanese Court. So his provisional release is impossible

B. Name : Shimizu Idamo.
Date of Birth : 21 May 1927
Crime : Larceny of commonalties of occupation forces.
Term of penal servitude : Heavy labor for 3 years
Court : Iwakuni Military Court, BCOF.
Date of sentence : 24 February 1949

DECLASSIFIED E.O. 11652 SECTION 5 (E)(2), MAR 8 1978

The day from which a period is reckoned :
Same as above

The last day of servitude : 23 February 1952

The day of which he qualified for provisional release : 23 February 1950

Classification of treatment : The 4th class

Shimizu Kanao has not reached the qualified date for release and also has committed another offence which is being investigated at the Japanese Court. So the provisional release is impossible.

C. Name : Tanaka Jitsuo
Date of Birth : 27 May 1923.
Crime : Illegal possession of pistol
Term of penal servitude : Heavy labor for one year
Court : New Zealand Military Court at Chofu, Yamaguchi Prefecture.
Date of sentence : 22 July 1947
The day from which a period is reckoned :
27 June 1949
The day of which he qualified for provisional release : 26 October '49.
Classification of treatment : The 2nd class.

Tanaka Jitsuo has another servitude of heavy labor for 3 years for a fraud which he had done, falsely stating an inspector of Military Government Team and has been under servitude since 8 July 1947.
Then, as his results was good, according to the regulation at the time, he was provisionally released on 26 June 1949.
Continually, he has been serving for the term of this crime, but his recent conducts and results of work are rather bad these days.

DECLASSIFIED E.O. 11652 SECTION 5 (E), MRS NO.

So at the moment, his provisional release are recognized unsuitable.

M. Meino.

File

HEADQUARTERS
OKAYAMA MILITARY GOVERNMENT TEAM
APO 248

JB/ss

FILE: 014.5

Okayama Japan
16 February 1949

SUBJECT: Release of a Prisoner

TO: Commanding Officer, Chugoku Military Government Region, APO 248

Transmitted herewith is the release of Kiyoshi Yamashita who was released 15 February 1949 from Okayama Prison.

FOR THE COMMANDING OFFICER:

John B. B. Trussell, Jr.
JOHN B. B. TRUSSELL, JR.
Major, CAC
Executive-Adjutant

1 Incl
1. Release
(dupl)

4980

09.101

Okayama Prison

15th Feb. 1949

TO : Lt Col. Francis W. Pratt, Commanding Officer,
~~Lt. Col. Karl L. Springer, Commanding Officer,~~
Okayama Military Government Team.

SUBJECT: Report concerning the Release on parol of a prisoner

Name of the Prisoner: Yamashita Kiyoshi.

Date of remittance: 15th. Feb. 1949

We hereby, send you a report about the treatment that we have released the above mentioned prisoner on parole, in reward for his good conduct during imprisonment.

He was sentenced to the imprisonment for the term of 24 months by Okayama Military Court on the date of 7th. Oct. 1947 and has been under the operation of sentence since then. He has served 494 days out of the term of his sentence and it is to be suspended for 226 days. We have made the remittance in compliance with the directive concerning the operation of sentence given by a Military Court, issued on the date 1st November 1946.

(Sign) K. Tanaka

Governor, Okayama Prison

Okayama Prison

15th. Feb. 1949

TO : Lt Col. Francis W. Pratt, Commanding Officer, ~~of~~ Okayama Military Government Team.

SUBJECT: Report concerning the Release on parol of a prisoner

Name of the Prisoner: Yamashita Kiyoshi.

Date of remittance: 15th. Feb, 1949.

We hereby, send you a report about the treatment that we have released the above mentioned prisoner on parole, in reward for his good conduct during imprisonment.

He was sentenced to the imprisonment for the term of 24 months by Okayama Military Court on the date of 7th. Oct. 1947 and has been under the operation of sentence since then. He has served 494 days out of the term of his sentence and it is to be suspended for 226 days. We have made the remittance in compliance with the directive concerning the operation of sentence given by a Military Court, issued on the date 1st November 1946.

(Sign) K. Tanaka

Governor, Okayama Prison

BASIC: Ltr, Hqs Okayama MG Team, APO 317, File 253.2, dtd 30 Jul 48, subj: Parole of Prisoner

CMGR 014.5 (C-Mi) 1st Ind

Headquarters, Chugoku Military Government Region, APO 317, Kure, Honshu, 3 Aug 1948

THRU: Hq., BCOF Military Government Liaison Section

TO : General Officer Commanding, British Commonwealth Occupation Forces, Eta Jima, Japan

Forwarded for your information.

FOR THE COMMANDING OFFICER:

1 Incl:
n/c

JERRY W. TOM
1st Lt, USAF
Adjutant

09.107

BASIC: Ltr, Hqs Okayama MG Team, APO 317, File 319.1, dtd 19 Jul 48, subj: Parole of Prisoner

CMGR 014.5 (C-M1) 1st Ind

Headquarters, Chugoku Military Government Region, APO 317, Kure, Honshu, 23 Jul 1948

THRU: Hq., BCOF Military Government Liaison Section

TO : General Officer Commanding
British Commonwealth Occupation Forces

Forwarded for your information.

FOR THE COMMANDING OFFICER:

1 Incl:
n/c

JERRY W. TOM
1st Lt, USAF
Adjutant

09.101

Hiroshima Regional
Correction and Rehabilitation
Office

Hino Kyo Hatsu No. 2206 5th Oct. 1949

To : Chugoku Civil Affair Region

Subject: The matter concerning parole on prisoner who was sentenced at Provost Court

We received the direction No 24, Legal Section BCOF Hq., dated on 14th Sept 1949. However, I have following questions in the direction, therefore I am asking your suggestion to clearify the question.

1. Shall I notify this direction to all prisons in Chugoku Region or only to Hiroshima Prison and Iwakuni Juvenile Prison?

2. When parole a prison (sentenced by Provost Court) the warden of prison can parole prison without any approval same as before?

ie = Ordinal prisoners (sentenced by Japanese Court) must have approval of DAOPAR Commission or DYOPAR Commission which established by Law of Crime prevention and Rehabilitation.

3. Should parole be cancelled if prisoner (sentenced at Provost Court) who was sentenced by Japanese Court for another offence while he was under parole? If so who has authority to cancel?

In case of ordinary prison above mentioned commission has authority

4. Should parole be cancelled if prison (sentenced by Japanese Court) was sentenced by Provost Court while he was under parole?

BRITISH FORCES COMMONWEALTH

Legal

HEADQUARTERS
BCOF CIVIL AFFAIRS LIAISON SECTION
GS 3.0.18 MG
20 Sep 49

To: Commanding Officer
Hiroshima Civil Affairs Team

The enclosed Legal 24 of 14 Sep 49 is forwarded for information.

Does this apply throughout Chugoku Region? Yes
If strictly applied would have to get permission from attorney Gen Office each time for parole or resassion? Implement according to law
Do have to get permission from Provost Court as well? Refer for reference only

R.H. Marson .....LT COL
GSO 1.

(COPY)

Legal 24

HEADQUARTERS
BCOF
14 Srp, '49

BCOF Civil Affairs Section

Copy to :-

HQ 77 Squadron R.A.A.F.(for 45 provost Court)

Subject: REMISSION OF SENTENCES AWARDED BY PROVOST COURTS

Article 28 of the JAPANESE CRIMINAL CODE provides that persons sentenced to a Japanese prison may by paroled after one third of a limited sentence of penal servitude or imprisonment has exired. Limited penal servitude or imprisonment isthat which extends for not less than one month or exceeding 15 years. The conditions for granting such parole are that the accused show signs of reformation.

2. Any such parole may be cancelled on the conditions set out in Article 29 of the Criminal Code, namely -

(a) Commission of a further offence by the person paroled, resulting in a sentence

(b) Sentence of the person paroled for an offence committed by him previous to his release on parole.

(c) Infringement of any of the terms or conditions relating to the control of paroled persons.

3. The above conditions apply to those persons sentenced to terms of imprisonment in a Japanese prison by Military Occupation (Provost) Courts.

4. It is requested that the above provision be promulgated to Japanese prison authorities in HIROSHIMA Prefecture and IWAKUNI Enclave.

Brigadier,
PRINCIPAL ADMINISTRATIVE OFFICER

Legal + Government
HCAT

6141

廣矯保發第二二〇六號

昭和廿四年十月五日

廣島矯正保護管區長　德永憲淳

中國民事部　御中

軍事裁判により判決せられた刑期の輕減について

首題の件について一九四九年九月十四日附英濠軍本部法第二四號で通知を受けたが左記の通り疑義があるから御指示相成たい。

記

一、本件通知先は廣島縣下竝岩國少年刑務所當局者とあることより思考して廣島刑務所管轄の各支所と岩國少年刑務所に限るものと解せられる。從つて廣島矯正保護管區の管轄する岡山、山口、鳥取

松江の各所長に通報の要なきものと解し差支ないか。

三、軍事裁判所處斷受刑者を假釋放する場合從來通り施設の長に於てせられたものと解し差支ないか。

「註」一般受刑者は犯罪更生豫防法によつて成人は地方成人委員會、少年は地方少年委員會に申請し許可を得て假釋放して居る。

若し上申許可を必要とするとその申請は何處にすればよいか。

三、軍事裁判所處斷者を假釋放した場合その期間中に他の事件が日本刑法によつて刑が確定した場合に取消し得られるや。取消し得るとせば取消の決定及許可は何處がその職權を有するや。

「註」一般受刑者の場合は前記委員會に於て行う。

四、日本刑法によつて處斷せられた受刑者が假釋放になつた場合其の假釋放期間中に他の犯罪により軍事裁判所に於て處斷せられたら假釋放は取消出來るか。