

A There must have been about twenty to twenty five altogether including about five or six officers.

Q What happened after the soldiers stopped their bayonetting?

A They went away towards Padre Faura Street. I think somebody called them away.

Q Then what happened?

A Then, those who were still alive or wounded moved to get up and fled for their lives.

Q How many did you see fleeing?

A About six.

Q Do you know the names of any of those who fled or can you otherwise identify anyone who got away?

A I didn't know at the time, but since then I have learned that Delfin de la Paz, Jr. and Woo Ching Chuan were able to escape. Woo Ching Chuan is the fourth man in the second row reading from left to right in your picture marked Exhibit C. He is wearing glasses and a long tie.

Q Do you know the names of any Japanese who were at the vacant lot or at or near the corner of Padre Faura and Taft Avenue on 10 February 1945?

A No, I do not know the names, but I know there were Japanese stationed right underneath our house on the corner of Oregon and Colorado Streets. They have been there for about three or four days already and they were covering the area from Oregon southwards to Paco.

Q Did they also cover the area of Taft Avenue or near the corner of Taft Avenue and Padre Faura?

A I think they were not covering that place.

Q Do you know the names of any Japanese who were stationed in your house?

A Yes, the leader was Captain Tamaka. I do not know his first name.

Q Do you know to what organization he belonged?

A I had no way of finding out.

Q Was he in the army or navy?

A I think he was a marine.

Q Why do you think so?

A Captain Tamaka was wearing a green uniform. He had an anchor on his cap.

Q Describe his uniform?

A He was wearing a green uniform, a cap, and leggings with an insignia on his left breast.

Q Did you see any insignia on his uniform?

A Yes, there was but I could not identify it.

Q What did the insignia look like?

A I do not remember.

belligerent powers, shall be

held in respect and exempt from

capture.

(Notes)

(I) Many hospital ships were

sunk during the Great War.

Although it is ^{true} ~~real~~ that some

of them were sunk by mistake,

most of them were sunk by

design.

Both of ^{the} belligerents ~~power~~ sank

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hospital ships of the ~~party~~ ^{enemy}

but most of them were sunk

by German submarines.

(II) Gist of Explanation of German

side. (there is some discrepancy

as the case may be.)

/p.87/

(a) Sunk by mistake. (by

mistake recognized them as

transport ships.)

(b) There were many whose

identification markings

were not clear or which

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had none of ~~them~~.

(c) ^{the} British and French ~~side~~

had the plan of transport

of contraband abusing the

privilege of hospital

ships.

(d) As some hospital ships

were used as merchant

^{again} ships, it was difficult to

distinguish one from another.

(III) Gist of insistence of ^{the} British ~~side~~.

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- A I do not remember.

(a) Sinking without warning is entirely prohibited.

Warships of the party have privilege as well as duty to board and inspect the nature of the ship (Article 4 of the Treaty). So there is no reason ~~that they were~~ to ~~attack~~ ^{attack} by mistake.)

(b) Sometimes ^{identification} markings were

not ~~made~~ ^{made} clear in the

night as they were liable

to be the target of enemy

submarines, but there is no

excuse for having been
reason ~~to~~ be sunk at once.

(c) The privilege of hospital ships

was never abused.

(d) There must be no objection

in changing hospital ships to

ordinary merchant ships again.

(IV) In January, 1917, the German

Government sent a note to

SECRET

- A Jose VALLÉ, my father-in-law; Eduardo de los REYES, my brother-in-law; Venancio QUINTERO, my brother; Luisa Aquino de VALLÉ, my mother-in-law; Sofia Valle de QUINTERO, my wife; Mr. and Mrs. Alexander BACHRACH.
- Q Was there anyone else besides those you have already mentioned?
- A That time there were lots of people under the veranda. I can hardly tell their names to you.
- Q Did the BACHRACHS have a housegirl with them?
- A Yes, sir.
- Q Do you know her name?
- A I do not know her name.
- Q About how many people were taking shelter under the veranda?
- A About thirty.
- Q And you do not know the names of the persons there other than those you have already mentioned?
- A I cannot recall their names.
- Q During 12 February 1945, did the Japanese come to the A.M.D. premises?
- A Yes, sir.
- Q How many Japanese came?
- A There were five riflemen, one guard and one officer.
- Q To what branch or organization did these Japanese belong?
- A I saw anchors on their collars. I cannot say on which side these anchors were.
- Q If I showed you Japanese military and naval insignia, could you identify any of those Japanese?
- A No, I only remembered they had anchors on their collars.
- Q Do you recall anything else about the Japanese?
- A The officer was holding a saber.
- Q What color were their uniforms?
- A They had uniforms which were of the green color with rolled leggings.
- Q About what time of the day, did these Japanese come to the A.M.D. house?
- A Between three and four o'clock in the afternoon.
- Q What were the people doing when the Japanese came?
- A They were just sitting there, hiding from bursting shells. Some were just sitting down while the others were praying.
- Q When the Japanese came up, did they say anything to you?
- A They were talking in their own language. We heard them say, "kura, kura."
- Q What did they do?
- A They ordered us by means of gestures to go out of the shelter.

the British Government to the
effect that on the sea between
FLAMBOROUGH HEAD and TERSCHE-
LLING, LISHANT and LANDS END,
~~the~~ enemy hospital ships ~~shall~~ ^{would}
be sunk taking them for
combattant.

(V) The International Red Cross

Committee tendered a strong

protest ^{to} against the German

Government.

DOMINGO GIOCADO after having been duly sworn testified on 7 July 1945 as follows:

Q What is your name, age, and present address?

A Domingo Giocado, 29 years old, 426 Herran Street, Malate, Manila.

Q What is your nationality?

A Filipino.

Classification Changed to Restricted by Order of the Secretary of War

By: /s/ Angel G. Miranda

ANGEL G. MIRANDA

2nd Lt. Inf.

Q What is your occupation?

A Merchant

Date: 20 Mar. 47

Q Where did you live in February 1945?

A At 426 Herran Street, Malate, Manila, P.I.

Q Can you recall anything that happened in the first part of February, 1945?

A Yes.

Q What date?

A February 9th, 1945. Friday.

Q What happened on that date?

A About twelve o'clock noon there were Japanese on this street, Herran, and on the other side. I was sleeping then and when I woke up I saw one Japanese with fixed bayonet. Some Japanese were already around our house.

Q What did they do with you?

A The Japanese with fixed bayonet was in the backyard and the others formed a line in Herran street. I was sleeping then and my wife said "Wake up" "Plenty of Japanese around this building" I asked her "Why". She answered "I don't know". When I awoke up I saw plenty of Japanese around here. They knocked at the door. I saw three Japanese already in the backyard with fixed bayonet. Then the Japanese knocked at the

other door and said "Filipinos go to St. Paul's. Much better there at St. Paul's so that you will not be killed. The Americans and some Filipino guerillas arrived now".

Q Did you go to St. Paul's?

A Yes, sir.

Q What time did you go to St. Paul's?

A About 2:30 in the afternoon.

Q What did they do with you at St. Paul's?

A First, they placed us in the playground in front. About one hour there, I saw many people arrived -- some from Paco, Malate. Many Filipinos, some Russians, Bombays (Indians), some Spaniards and Chinese. About one hour later, it rained very hard. Inside that St. Paul's playground there were many cans of gasoline. Then the rain fell heavily and the Japanese commander told his soldiers that it would be much better for the civilians to go inside. The soldiers told us to enter the building. We entered in this room first -- very small. Many civilians cannot move there -- the children were crying. The commander told us not to be noisy.

DG (Initialled)

252

-S-E-C-R-E-T-
R E S T R I C T E D

(VI) ^{the} British and French ~~sides~~

bombed peaceful cities

of GERMANY ~~as for~~ revenge

and also took the ~~measure~~

~~of having~~ German prisoners of

war ~~aboard~~ the hospital

ships, but it is said ^{that} ~~this~~

was of no effect. Rumor

said that an agreement

was established between

GERMANY and GREAT BRITAIN

Q Do you know the name of this commander?

A I do not know the name but the sign is marine.

Q What kind of sign?

A Like marine ankla (anchor). He carried a long hunting knife.

Q Did he have any markings on his collar?

A I don't remember. There was also a sergeant?

Q Do you know his name?

A I do not know his name.

Q Where did he live?

A They both lived across Herran Street.

Q Across the street opposite St. Paul's in one of the buildings there?

A Yes, sir.

Q To what organization, company, battalion, did they belong?

A I don't remember about the company -- battalion. They were called Koreanos (Koreans) marines.

Q What did they do with you in this little room?

A We were very many there in that room and they transferred us to a bigger room.

Q How big was this bigger room?

A The length is about 50 meters and the width is also 50 meters -- square.

Q How many people did they put in that room?

A In my mind only -- I think around 600 people.

Q What happened in that room?

A He said "Be quiet -- Be silent". That Japanese could talk little English. There was also one interpreter Bombay (Indian) who knows Japanese. He interpreted what the Japanese wanted to say. He said "Be quiet -- be silent -- because the Americans arrived now". But the children cannot be silent -- they were crying. That Japanese commander told the Japanese soldiers to get some food - package of biscuits, candies. They placed the food in the middle of the room. They placed a line there and they said "One of you run here in the middle and get the food". When the people ran over there, it exploded.

Q What exploded?

A I don't know whether the lamp with blackout paper. I don't remember that.

Q Did it explode in the ceiling?

A I do not know.

Q Did the explosion hurt anybody?

A Maybe -- I cannot see because there was plenty of smoke.

Q Then what did you do?

A I looked for my two daughters and my wife because they were covered by the iron.

DG (Initialled)

and FRANCE in August, 1917,

to have observers of neutral

powers ~~board~~ hospital ships

/p. 88/

to ~~make~~ them supervise if

hospital ships will ~~be~~

abused and on the other hand

~~to~~ stop the attacks ~~on~~ hospital

ships; but it seems that

hospital ships were attacked

as before.

(2) The Duties of Hospital Ships.

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DG (Initialled)

The wounded, the sick and the
ship-wrecked of both sides of
belligerent powers shall be
rescued irrespective of nationalities.

(See No. 1 of Article 4 of the Treaty).

They shall not be used for
military purpose (See No. 2 of Article
4 of the Treaty).

The activity of combatants shall
not be prevented. (See No. 3
of Article 4 of the Treaty).

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DG (Initialled)

They shall take action at their
 own risk. (See No. 4 of Article
 4 of the Treaty).

(II) The Rights of Belligerent Powers
 over Hospital Ships.

Supervision,

boarding and searching can be

made when necessary. (See No. 5

of Article 4 of the Treaty).

Refusal of aid
 neglect of care } abandonment,

Helping off, ~~isolation~~, ordering

the course or arrest ~~can be~~

are possible.

~~made~~. (See No. 5 of Article 4 of

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DG (Initialled)

the Treaty).

But in so far as hospital ships will not open hostilities, they can not be destroyed.

(IV) Identification Markings ^{of} Hospital ships. (See Article 5 of the Treaty).

(a) Military Hospital Ships.

The outside shall be painted white and a green

horizontal band of 1.5 m in

PROSECUTION: I now offer in evidence prosecution exhibit No. 5, the chain of command of the 41st Naval Guard Unit up to the 4th Fleet. I direct the Tribunal's attention to the prosecution's Exhibit No. 2 and ask the Tribunal to note the page giving the chain of command for June 1944 in Exhibit 2. Exhibit 2 will carry the chain of command from the 4th Fleet to the Combined Fleet. Are there any objections?

DEFENSE: It seems to be properly certified. We may attack it in our evidence.

LAW MEMBER: The document will be received in evidence as prosecution Exhibit No. 5.

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PROSECUTION: Chain of Command of the 41st Naval Guard Unit to the 4th Base Force to the 4th Fleet.

(Prosecution's Exhibit No. 5 appended.)

breadth shall be made as
an identification marking.

(b) Privately Equipped Hospital
Ships.

/ p. 89 /

The outside shall be painted
white and a red horizontal
band of 1.5 m in breadth
shall be made as an
identification marking.

(c) Auxiliary Boats.

They shall be painted according

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to (a) and (b).

(d) Badge of the Flag.

Every hospital ship should

hoist a flag of red cross

on the white cloth as determined

by the GENEVA Treaty in

addition to its national flag

as an identification marking;

and those which belong to

the neutral powers should

hoist a national flag of the

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under whose command they are,
belligerent power on the

main mast in addition to

these two flags. ~~under whose~~

~~command they are.~~ Hospital

ships arrested by the enemy

should withdraw the national

flag of the belligerent power

to which they belong.

(e) Expression in the Night.

The said hospital ships and

boats which want to be held
to be sure

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in respect even in the night

should take necessary measures

in order to make the painting

of the identification marking

easy to be ^{found} upon consent

of the belligerent power to

which they belong.

(Note.) In case where hospital

ships do not have identification

marking, if it ^{may} ~~happen~~ that

they ~~will~~ ^{should} be attacked by mistake,

TOYODA-Y

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(as they may navigate near

the battle field, it cannot

be helped to be recognized

as enemy warships or

troop-ships by mistake.)

the hospital ships should

take the entire responsibility

~~for it.~~

(f) Prohibition of Abuse of

Identification Marking and

Badge of a Flag. (See Article

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(The document above referred to was marked prosecution's Exhibit No. 5 and received in evidence.)

PROSECUTION: Chain of Command of the 41st Naval Guard Unit to the 4th Base Force to the 4th Fleet.

(Prosecution's Exhibit No. 5 appended.)

6 of the Treaty.)

The special badge determined

in Article 5 cannot be used

except for the case of safeguard

or identification of ships

mentioned in the said article

both in peacetime and war-

time. Their abuse is ~~the~~

violation of International

Laws and Regulations in Time

of War. One should take caution

strictly.

PROSECUTION: I now offer in evidence prosecution exhibit No. 5, the chain of command of the 41st Naval Guard Unit up to the 4th Fleet. I direct the Tribunal's attention to the prosecution's Exhibit No. 2 and ask the Tribunal to note the page giving the chain of command for June 1944 in Exhibit 2. Exhibit 2 will carry the chain of command from the 4th Fleet to the Combined Fleet. Are there any objections?

DEFENSE: It seems to be properly certified. We may attack it in our evidence.

LAW MEMBER: The document will be received in evidence as prosecution Exhibit No. 5.

(The document above referred to was marked prosecution's Exhibit No. 5 and received in evidence.)

PROSECUTION: Chain of Command of the 41st Naval Guard Unit to the 4th Base Force to the 4th Fleet.

(Prosecution's Exhibit No. 5 appended.)

Mr. Ishisaka.

⑩

For full translation.

部
令

(抄. 99-102)

才99頁

(三) 人(法人) / 敵性 刊

才102頁 末尾迄。

證 明 書

余、中佐 G. I. タラネンコ / FARRNERKO G. I. / ハ社
會主義ソビエツト共和國聯邦陸軍ノ部員ニシテ、
茲ニ左記ノ如ク證明ス

記

(III) Enemy character of a person (Judicial ~~persons~~).

The ^v ~~Existence~~ of "enemy character" of persons will be determined according to their nationalities.

~~About~~ ^{For} those who have dual nationality, it should be determined according to their residences.

(Note) In principle, it is customary with

ENGLAND to determine ^{the} existence of "enemy

character" according to residence.

During the Great War, ENGLAND, interpreting

the word "enemy" in a very broad sense,

not only determined the existence of "enemy

The culpable Nipponese who could have sanctioned the patient remaining in camp and his admission to hospital was a medical orderly Private OKISAKI known appropriately as "Rat shit" by the troops. Aged probably in the 1-to twenties and undersized even for a Nipponese he had sharp features and looked like a rat.

He refused my request for many admissions to hospital at this time and he was particularly brutal and officious on work parades.

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Detail of other reprehensible crimes are vague but two Nipponese medical orderlies deserve severe punishment.

One was a solidly built very flat faced man of average Nipponese build probably less than thirty years of age and who always wore glasses. He was known as "Foureyes" or "The Four-eyed Bastard". He insisted on treating all diarrhoea cases so that he could impound their bread roll lunch ration for his own gluttony.

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/s/ C. R. Bryce
.....
Deponent

/s/ Richards J.P.
.....
A Justice of the Peace

character" in consideration of ~~the~~ both ~~of~~

nationality and residence but treated those

who had special business relations with the

enemy as having enemy character (Names

of the chief characters were ~~included in~~ a

so-called blacklist)

NO. VI Disposal of enemy ships (Refer to chapter

NO. 10 of the Articles of Naval Action)

(I) As a rule, enemy ships shall be seized (Refer to

Article NO. 24 of the Articles of Naval Action)

(a) Description of what shall be looked

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upon as enemy ships ~~has been~~ made under the heading

"enemy character."

(c) Enemy government ships.

Enemy government ships shall be seized.

Of course, enemy ships on religious, academic

and philanthropic services shall be excluded

~~as exceptions.~~

That military hospital ships shall be exempt

unless ^{they} are used for military purpose, ~~has been~~

described under the heading "military ships"

military purpose

The culpable Nipponese who could have sanctioned the patient remaining in camp and his admission to hospital was a medical orderly Private OKISAKI known appropriately as "Rat shit" by the troops. Aged probably in the late twenties and undersized even for a Nipponese he had sharp features and looked like a rat.

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(c) Enemy private ships.

War is ~~a~~ fighting between nations, and the idea that an individuals and private properties shall not be directly influenced by war has ~~been~~ widely prevailing.

The Articles of War were also laid down under the same spirit; and in the Article No. 46 of the same there are provisions prescribing that "Family honour and rights, ~~the~~ individual life, private properties, religious faith and its holy services

The culpable Nipponese who could have sanctioned the patient remaining in camp and his admission to hospital was a medical orderly Private OKISAKI known appropriately as "Rot shit" by the troops. Aged probably in the late twenties and undersized even for a Nipponese he had sharp features and looked like a rat. He refused my request for many admissions to hospital at this time and he was particularly brutal and officious on work parades.

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5

shall be held ^{inviolate} ~~in high esteem~~.

Private properties shall not be confiscated."

In case of naval action, conditions being

different from that of land combat, ~~the~~

enemy private ships can be seized or

confiscated with a few exceptions ~~and~~

Justification of the above striking exceptions

against the general rules which prescribe high

esteem of ~~the~~ individual and private

properties, ^{purely} come from ~~nothing but~~ the

necessity ~~of~~ of war.

The culpable Nipponese who could have sanctioned the patient remaining in camp and his admission to hospital was a medical orderly Private OKISUKI known appropriately as "Rat shit" by the troops. Aged probably in the late twenties and undersized even for a Nipponese he had sharp features and looked like a rat. He refused my request for many admissions to hospital at this time and he was particularly brutal and officious on work parades.

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(II) Exemption from seizure.

(a) Coastwise fishery ships and ships for

local ~~short~~ voyages (Articles No. 25 to No. 27

inclusive of the Articles of Naval Action)

(1) Enemy ships ~~to be~~ used only for

coastwise fishery or for local ~~short~~

voyages will be exempted from seizure.

(including fishing tackle, rigging and

cargoes unless the ships take part in a hostile action)

(HAGUE treaty Article No. 3 on limiting exercise of seizing rights)

The above exemption came from the

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7

desire ^{to} ~~purpose~~ of not depriving the poor of their

~~by~~ means ^{of making a living} and of not ~~causing~~ them unnecessary

anxiety.

(2). Prevention of arbitrary exemption from

seizure.

In case of need, the captain ^{can} ~~will be able to~~

give permission ~~for~~ coastwise fishing

and ~~making~~ local ~~small~~ voyages in an

enemy country (only during the daytime).

If there is fear of ~~making~~ arbitrary exemption

from seizure ^{as the result of} ~~of~~ military and naval

operations, the captain will be able to prohibit entirely the exemption without distinction of day and night.

(3) Disposal of ships in violation of rules.

Ships in violation of the prohibition or restriction^{order} stated in ~~the~~ paragraph (2), with ~~all~~^{full} knowledge of the orders, or in spite of being presumed to be familiar with the order shall be ~~disposed~~ regarded as having taken part in a hostile action.

(b.) Ships on religious, academic and philanthropic

The culpable Nipponese who could have sanctioned the patient remaining in camp and his admission to hospital was a medical orderly Private OKISAKI known appropriately as "Rat shit" by the troops. Aged probably in the late twenties and undersized even for a Nipponese he had sharp features and looked like a rat. He refused my request for many admissions to hospital at this time and he was particularly brutal and officious on work parades.

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A Justice of the Peace

9
services.

Ships on religious, academic and philanthropic

services will be exempted from seizure when

it ~~became~~^{is} clear that the ships are engaged only

in these ~~or~~ services. (Refer to HAGUE treaty, Article

No. 4 on limiting exercise of seizing right.)

(Note) During the Great War, when the ships

that were engaged in transporting

relief-articles to the BELGIAN poor were

attacked GERMANY was generally

criticized adversely ~~on the attack~~.

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(c) Ships in the harbour of one of the belligerent

Powers at the time of the beginning of war.

(Refer to NO. 1, (I); Refer to (a), (8).)

There was a custom that the said ships were

not confiscated; however it is doubtful whether

the custom will be ^{strictly adhered to} ~~kept well or not~~ in ~~the~~

future war.

(d). Hospital ship.

(II). Disposal of enemy ships and ~~the~~ cargoes (Refer to

Article No. 29 of the Articles of Naval Action.)

(a) Enemy ships ^{may} ~~be permitted to~~ be seized or

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Died at 0820 hours on the second day of December one thousand nine hundred and forty three from influenza pleurisy and pneumonia.
Requests for his admission to hospital were refused for five days prior to his admission with frank pneumonia by OKISAKI. He was eventually admitted on the twenty third day of November and admission on the eighteenth day of that month may have resulted in recovery. At this time there was no appropriate remedy for pneumonia available despite a severe epidemic of influenza with pneumonia in our first winter after many months in the tropics. We used a drug called CIBASOL which was a type of M & B 693 brought in earlier as loot in large quantities by the British prisoners. Most of the latter gave all they had to the hospital.

Ex11722 W.C. WILLSDON Driver 2/4 Reserve M.T.
Died also of pneumonia after being refused admission to hospital for two days. He died at 0535 hours on the tenth day of December in the same year.

Ex9226 H. TYSOE Private 2/4 Machine Gunners.
Died of acute beriberi on the twenty sixth day of November in the same year. He had chronic beriberi and with an attack of influenza he was refused admission to hospital until acute beriberi was evident and severe.

Detail of other reprehensible crimes are vague but two Nipponese medical orderlies deserve severe punishment. One was a solidly built very flat faced man of average Nipponese build probably less than thirty years of age and who always wore glasses. He was known as "Four eyes" or "The Four eyed Bastard". He insisted on creating all diarrhoea cases so that he could impound their bread roll lunch ration for his own gluttony. He would eat their bread in the hospital, sometimes sending medical orderlies down to the kitchen to toast it and sometimes sweetening it with invaluable cough linctus which we had. I reported him to the Camp Sergeant Major through the Interpreter and had the satisfaction of knowing that he received a hiding and eventually dismissal to another camp. I narrowly avoided two choice hidings from him mostly by outstaring him and making him lower his eyes to mine.

The other medical orderly was USSABA a cadaverous lean Nipponese of about twenty five years. He had a prognathous mandible and overlapping lower teeth a high voice and he was tall for a Nipponese. He made free and easy in the year one thousand nine hundred and forty four with American Red Cross Medical Relief Supplies and daily devoured ten Vitamin Compound pills when I could give only three per day to really deserving avitaminosis cases.

This is page six of my Affidavit made by me at Townsville on the ninth day of October 1946

/s/ C. R. Boyce
.....
Deponent

/s/ Richards J.P.
.....
A Justice of the Peace

confiscated. (There are exceptional cases as above described).

(b) Goods of "enemy character" in enemy ships shall be also confiscated.

Descriptions of what shall be looked upon as

goods of "enemy character" ^{has} already ^{been} made.

(c) Furthermore, as a matter of course, ^{war} contraband

~~of war~~ ^{may} be permitted to be confiscated indiscriminately

regardless of its hostile or neutral

character.

第八海軍力ヲ以テスル都市村落等ノ砲臺（海戦法規ヲニ章ノ及戰時海軍力ヲ以テスル砲臺ニ関スル條約並ニ陸戦ヲ五ノ以圍及砲臺ノ部参照）

(註)

(一) 無防守ノ沿岸ヲ海軍力ヲ以テ砲臺スルニトハ、旧時ハ通法ト認メラレタリ。

一八四四年佛國ノ「シヨアンヴィル」公ハ英佛開戦ノ際ハ英ノ無防備沿岸ヲ砲臺スルコトヲ懲通レタリ、（之ニ對シ「ウエリントン」侯ハ之明

ク非トスル所ナリト言（リ））。一八六三年佛ノ「オーブル」提督ハ敵艦ノ岸ヲ砲臺シテ破壊スルカ、取立金ヲ徴收スベトノ意見ヲ發表セタリ、一八八八年英艦隊ノ演習ニ際シテハ、英海岸カ全般ニ砲臺セシタル場合ノ想定ヲ設ケタリ、（之ニ對シ「ホルラント」教授ハ烈シク非難シタリ）。

(二) 無防守都市町村等ヲ砲臺スルハ國際法ニ違反ナリト、論漸次昂マリ、遂ニ一九〇七年海牙條約ニ依リ公然禁止ト示ス又ハ制限セラルルニ至リ。

(三) 大戰中無防守ノ都市町村等カ砲臺セラレタリトシテ、反戦國双方ヨリ抗議ヲ提出シタリ。

(一) 砲臺レ得ル目的物

(1) 防守セラレタル港、都市、町村等（條約ヲ一併参照）

防守セラレタル港、都市、町村等ハ、砲臺レテ差支ナシ。如何ナル程度ノ軍事施設又ハ軍隊ノ存スルコトヲ以テ、當該都市等カ防守セラレタルモト見ルベキカハ、事實問題トシテ決スベキモトス。中スルモ城塞ヲ圍ラレ、又ハ附近ニ砲臺ヲ設ケ、掩護セラレタル要セズ。軍隊カ所在シテ、其ノ都市等ニ敵軍ノ侵入ヲ防止セントスル場合ニハ、該都市ハ防守セラレタルモト爲スコトヲ得ベシ。

港灣ノ前面ニ自由通航水雷ヲ敷設シ、アル場合ニハ、該地域ハ防守セラレタルモト見ルコトヲ得ベシ（戰時海軍力ヲ以テスル砲臺ニ関スル條約ヲ一條ヲ二項ニ反打趣旨ヲ規定シ「レドモ我國ハ保留ス」）

(註) 防守セラレタル都市町村等ヲ砲臺スル場合ニ、其ノ砲臺目標ハ

要塞、軍隊等防禦施設ノミニ限局スルノ要ナキモトス。（英、米等ノ陸戦法規ハ同趣旨ト規定ヲナス）

(四) 左記ノ物件ハ、非防守港、都市、町村等ニ存在スル場合ニモ砲臺シ（當該物件ノ目標トシ、都市町村等全般ヲ目標トセザルコト）差支ナシ。（條約ヲ二條ヲ参照）



CHARGE OUT CLIP

DEC 1 1947

DATE: 1947

EVIDENTIARY I.D.C. NO. _____

TRIAL BRIEF _____

EXHIBIT I.D.C. NO. 827A

BACKGROUND DOC. NO. _____

FILE NO. _____

PRESUBMIS _____

U.S.S.F.S. _____

DEFENSE DOC. NO. _____

~~Yamirida~~

~~Yamirid~~

~~Yamirille~~

~~Yamirille/planchy~~

~~One Jhuve/phi~~

Signature _____

Room # _____

要旨ハトキハ之ヲ破壊シテ差支ナカレハシ。

民間工場航渠等ト雖モ軍用ニ供セラルベキコト明ナルモハ之ヲ砲撃シ差支ナシ。尤モ部分由リ下清工場ノ如キモハ之ヲ除外スベキモトス。

(6) 敵艦隊又ハ軍隊ノ用ニ供セラルベキ工場及設備。
(5) 兵器又ハ軍用材料ノ貯藏所。
(4) 陸海軍ニ属スル建造物(軍橋、兵營、軍ノ航空機格納庫、通信装置、工廠等)ヲ謂フ。

(3) 軍事上ノ工作物
各種工事(軍用飛行場、堡壘、塹壕、防材等)ヲ謂フ。
(2) 軍隊
(兵員ガ多數駐屯シ居ルハ、右都市等ハ防守セラルベキモト爲ルベシ)

(1) 軍艦(各艦種、假裝巡洋艦ヲ含ム)
軍用運送船、軍用給油船、其ノ他軍ノ用務ニ服スル特務船艇

2

P. 107

(注)

(一) 大戦中独逸軍艦が英口沿岸ヲ砲撃スルニ方リ、少数兵員數箇
ノ兵舎、貯蔵所、野砲等ノ存在スルノ事實ヲ以テ、右町打等ガ防守セラ
レタリト爲シタルガ如キモ右ノ條約ノ趣旨ニ合セザルモト認メラル。

(二) 一般兵器ノ禁止 (General Prohibition)
軍事上ノ必要ナキニ拘ラス都府村落等ヲ其ノ廢ニ期セシムルハ適法トハ
認メ難シ。

(三) 敵地ニ入りテ家屋ヲ燬燼シテ物資ヲ掠奪取リ住民ヲ捕ムル以テ志願
ニ歸セシムルニストハ旧時行ハレタルガ、現今ニ於テハ斯ル戰爭ノ方法ハ一般ニ非
難マラル所ナリトス。

(四) 大戦中、占領軍ガ占領中特ニ其ノ撤退ニ際シ、住宅、工場ヲ全壊シ、
軍用品ト認メラレザル家具、洞窟、美術品ノ類迄破壊シ又ハ持去リ、
或ハ葡萄園、果樹園ヲ荒蕪セシムル、更ニ又住民中世ハ働ニ堪フル者ヲ
連行シタリトテ、被害國ハ於テハ素ヨリ、中立國政府國民間ニ激烈ト
シ非難物議ヲ醸セタリ。而シテ右ノ結果對テ國民ノ志氣ヲ沮喪セシメン
ト固リタル占領軍ノ意因ニ及レ却テ被害國民ノ敵愾心ヲ煽リ又中立國ノ
同情ヲ深クシ、戰爭遂行上不利ヲ招キタルカセシト謂ハル。

(五) 占領軍ハ非難ニ對シ、右ノ戰爭上ノ必要ニ基クモニシテ、家屋等ヲ破
壞シタルハ敵軍ニ利用セシムル爲ニシテ、果樹園等ヲ平潤ナラシメタルハ敵
軍ノ潛行スルヲ妨グルガ爲ナリト辨明シタリ。

(二) 適法ナリヤナリヤ。

一般兵器ハ前述ノ如ク適法ニ非ズ。(陸戰條規ニハ掠奪ヲ禁止シ、
住民ノ生命財產ヲ保護スルヲキメテヲ規定ス。)
唯許容セラレベキ範圍ハ、軍事上ノ必要ニ依リテ得ル程度ニ限ルベ
キモトス。英國陸軍戰地規ニハ「敵領土ニ對シ一般兵器ヲ爲ス
コトハ絶對ニ禁止セラル。唯軍事上ノ絶對ニ必要ナル場合ニ限り稀ニ
例外トシテ許容セラレト規定ス。米國法規モ略同條ノ規定ヲ爲
ス。

從テ敵據點トナルコト陰蔽物ヲ除去シ、其ノ利用スル處アル物
件材料ヲ徴收シ又ハ破壊スル如キコトハ許容セラレベキモトス。

故ニ軍上ヨリ見ルモ一時ノ便宜ノ爲ニ違法行爲ヲ行ヒ、大局ノ利益
ヲ喪ヒ永遠ニ國ノ名譽ヲ失墜スルニ至ル場合アルニ注意
スルベシ。

10
110

~~VIII~~ VIII Bombardment of Cities, Villages etc by Naval Forces

~~(I) Targets for Bombardment~~

~~(II) Procedures to be Taken Before Bombardment and Conditions Thereof~~

~~(a) General Rules~~

Room #

Signature

DEFENSE DOC. NO.

U.S.S.H.S.

PRESIDENT

FILE NO.

BACKGROUND DOC. NO.

EXHIBIT DOC. NO. 1205A

TRIAL BRIEF

EVIDENTIARY ID. NO.

DATE: 1947

REC 1 1947

CHANGE OUT CLIP

VIII. Bombardment of Cities, Villages etc. by

Naval Forces. (Refer to ~~the~~ Chapter II of

the Regulation of Naval Warfare, the Treaty

concerning warfare.

relating to ~~the~~ Bombardment by Naval Forces

and to No. 5 of the Regulations of War on Land ^{Land Warfare}

concerning Siege and Bombardment.)

(Note)

(1) In ^{the} old times it had been admitted as

a lawful act the bombardment of undefended

coast by naval forces was accepted as a lawful act.

In 1844 Duke Joinville ^{JOINVILLE} / Phonetic / of

^{FRANCE} suggested to bombard ^{the} ^{of the} undefended

coast of ^{BRITAIN} Britain as the case of ^{an} outbreak of war

between ^{ENGLAND} Britain and ^{FRANCE} France. (^{Objecting to} Having objected

this opinion, ^{WELLINGTON} Marquis Wellington declared

that such action was unjust for the

civilized ^{people} nation.) In 1882 Admiral

^{ORVE} Orve / Phonetic / of ^{FRANCE} France expressed his opinion

either to bombard and destroy the ^{enemy} coast of the ~~enemy~~

or to levy exactions.

^{During the maneuver.}
~~As a maneuver of~~

British Fleet in 1888, ^{an assumption that} they set a hypothesis

^{entire} as the British coast, ^{was} being bombarded ^{was laid} all along.

R E S T R I C T E D

C E R T I F I C A T E

We, ALFRED E. EDGAR, 2nd Lt., O-1588153, QMC, and VERNON V. HARRIS, JR., 2nd Lt., O-1785976, FA, Investigating Officers, War Crimes Investigating Detachment, certify that on 18th day of December, 1945, personally appeared before us RAMON A. HERRANDEZ, and gave the foregoing answers to the several questions set forth therein; that after his testimony had been transcribed, the said RAMON A. HERRANDEZ read the same and affixed his signature thereto in our presence.

Davao City, Davao

/s/ Alfred E. Edgar
ALFRED E. EDGAR, 2nd Lt., QMC
Investigating Officer, War Crimes
Investigating Detachment.

27 December, 1945

/s/ Vernon V. Harris Jr.
VERNON V. HARRIS JR., 2nd Lt., FA
Investigating Officer, War Crimes
Investigating Detachment.

The following witnesses have been interrogated by the Investigator-Examiners possess knowledge of the facts set forth in the above statement:

Julio ENDOZA	23 yrs.	A. Bonifacio St., Davao City, P. I.	Filipino
MAIALAG, moro	23 yrs.	Tigato, Davao City, P. I.	Filipino

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Capt. Inf.

^{HOLLAND}
(Professor ~~Holland~~ / Phonetic / denounced these

^{assumption}
|| severely at ~~this hypothesis~~.)

(2) The argument ~~having gradually aroused~~

~~which regarded~~ ^{that} the bombardment of undefended

^{Towns}
cities and villages ^{is} a violation of inter-

^{national law} gradually reached its climax and
it was ^{officially} prohibited or limited

~~officially~~ by the Hague Treaty in 1907. ~~at~~

~~best~~.

(3) During the World War I both ^{of} belligerent

^{countries} || protested each other ^{regarding} against || the bombardment

^{Towns}
of undefended cities and villages etc. ~~having~~

R E S T R I C T E D

C E R T I F I C A T E

We, ALFRED E. EDGAR, 2nd Lt., O-1588153, QMC, and VERNON V HARRIS, JR., 2nd Lt., O-185976, FA, Investigating Officers, War Crimes Investigating Detachment, certify that on 18th day of December, 1945, personally appeared before us MAXI IANO A. HERNANDEZ, and gave the foregoing answers to the several questions set forth therein; that after his testimony had been transcribed, the said MAXI IANO A. HERNANDEZ read the same and affixed his signature thereto in our presence.

Davao City, Davao

/s/ Alfred E. Edgar
ALFRED E. EDGAR, 2nd Lt., QMC
Investigating Officer, War Crimes
Investigating Detachment.

27 December, 1945

/s/ Vernon V. Harris Jr.
VERNON V. HARRIS JR., 2nd Lt., FA
Investigating Officer, War Crimes
Investigating Detachment.

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Julio ENDOZA	23 yrs.	A. Bonifacio St., Davao City, P. I.	Filipino
MAJALAG, moro	23 yrs.	Tigato, Davao City, P. I.	Filipino

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Capt. Inf.

done then,

That may

(1) Objects can be bombarded.

Towns,

(A) Defended harbours, cities, villages etc. (Refer

to the Article I of the Treaty.)

Towns,

Defended harbours, cities, villages etc may

be bombarded. As an actual problem, It is to be decided as

it is the number of military establishments. The actual problem whether the concerned cities and troops located within the ~~concerned~~ ^{cities etc} to be regarded as being defended, based on

~~is~~ ^{is} to determine whether the concerned the fact that how many military establishments cities are defended or not. It is or troops are there. ~~The cities can be~~

not necessary that the protection regarded as being defended when the troops

R E S T R I C T E D

C E R T I F I C A T E

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Davao City, Davao

/s/ Alfred E. Edgar
ALFRED E. EDGAR, 2nd Lt., QMC
Investigating Officer, War Crimes
Investigating Detachment.

27 December, 1945

/s/ Vernon V. Harris Jr.
VERNON V. HARRIS JR., 2nd Lt., FA
Investigating Officer, War Crimes
Investigating Detachment.

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MAJALAG, moro	23 yrs.	Tigato, Davao City, P. I.	Filipino

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Capt. Inf.

of a fortresses or batteries be
~~are trying to prevent the invasion of enemy~~
established. Cities are considered
into the concerned cities etc taking the

defended if military troops are
position in there, not necessarily the cities
stationed
~~located~~ within the city to prevent
to be protected either by surrounding them

The invasion of the enemy
selves with walls or by establishing the

batteries near by.

If there have been laid the automatic

~~hand laid~~
contact mines, in front of harbors, the

concerned region may be regarded as being

defended. (~~There prescribes~~ The opposite

is given
purport, in Paragraph 2, Article I of the treaty

R E S T R I C T E D

C E R T I F I C A T E

We, ALFRED E. EDGAR, 2nd Lt., O-1588153, QMC, and VERNON V. HARRIS, JR., 2nd Lt., O-1785976, FA, Investigating Officers, War Crimes Investigating Detachment, certify that on 18th day of December, 1945, personally appeared before us MAXI LANG A. HERNANDEZ, and gave the foregoing answers to the several questions set forth therein; that after his testimony had been transcribed, the said MAXI LANG A. HERNANDEZ read the same and affixed his signature thereto in our presence.

Davao City, Davao

/s/ Alfred E. Edgar
ALFRED E. EDGAR, 2nd Lt., QMC
Investigating Officer, War Crimes
Investigating Detachment.

27 December, 1945

/s/ Vernon V. Harris Jr.
VERNON V. HARRIS JR., 2nd Lt., FA
Investigating Officer, War Crimes
Investigating Detachment.

The following witnesses have been interrogated by the Investigator-Examiners possess knowledge of the facts set forth in the above statement:

Julio ENDOZA	23 yrs.	A. Bonifacio St., Davao City, P. I.	Filipino
MAIALAG, moro	23 yrs.	Tigato, Davao City, P. I.	Filipino

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Capt. Inf.

regarding
relating to the bombardment by the war-time

naval forces; but ^{JAPAN reserves this point} Japan is reserving it.)

[P. 107]

(Note) As to the bombardment of the defended

cities, villages etc, it is unnecessary to

limit the objects only to the defensive

such as
establishments like fortresses, troops etc.

(. These prescribes the same purport, in the

land warfare ^{BRITAIN} regulations of war on land of Britain, USA

etc.)

(B) The followings things may be bombarded

The objects of bombardment to be the concerned
(to be aimed at the concerned things, not

R E S T R I C T E D

C E R T I F I C A T E

We, ALFRED E. EDGAR, 2nd Lt., O-1588153, QMC, and VERNON V. HARRIS, JR., 2nd Lt., O-1785976, FA, Investigating Officers, War Crimes Investigating Detachment, certify that on 18th day of December, 1945, personally appeared before us MAXIMIANO A. HERRERA DEZ, and gave the foregoing answers to the several questions set forth therein; that after his testimony had been transcribed, the said MAXIMIANO A. HERRERA DEZ read the same and affixed his signature thereto in our presence.

Davao City, Davao

/s/ Alfred E. Edgar
ALFRED E. EDGAR, 2nd Lt., QMC
Investigating Officer, War Crimes
Investigating Detachment.

27 December, 1945

/s/ Vernon V. Harris Jr.
VERNON V. HARRIS JR., 2nd Lt., FA
Investigating Officer, War Crimes
Investigating Detachment.

The following witnesses have been interrogated by the Investigator-Examiners possess knowledge of the facts set forth in the above statement:

Julio BENDOZA	23 yrs.	A. Bonifacio St., Davao City, P. I.	Filipino
MAIALAG, moro	23 yrs.	Tigato, Davao City, P. I.	Filipino

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STEVE S. YAMAMOTO, O-888916
Capt. Inf.

objects, and not
of the whole cities, villages etc.) even

though located within
~~in case that they have been in the un-~~

^{Towns}
defended harbours, cities, villages etc. (Refer

to Article II of the Treaty.)

(I) War-vessels (~~including every classes of them~~ ^{war vessels}

~~including~~ ~~not~~ converted cruisers.)

Military supply ships, military oil tankers,

and other special duty ships and small craft

for military service.

(II) Troops

(The cities etc are to be regarded as

R E S T R I C T E D

C E R T I F I C A T E

We, ALFRED E. EDGAR, 2nd Lt., O-1588153, QMC, and VERNON V. HARRIS, JR., 2nd Lt., O-185976, FA, Investigating Officers, War Crimes Investigating Detachment, certify that on 18th day of December, 1945, personally appeared before us NAYI IANO A. HERNANDEZ, and gave the foregoing answers to the several questions set forth therein; that after his testimony had been transcribed, the said NAYI IANO A. HERNANDEZ read the same and affixed his signature thereto in our presence.

Davao City, Davao

/s/ Alfred E. Edgar
ALFRED E. EDGAR, 2nd Lt., QMC
Investigating Officer, War Crimes
Investigating Detachment.

27 December, 1945

/s/ Vernon V. Harris Jr.
VERNON V. HARRIS JR., 2nd Lt., FA
Investigating Officer, War Crimes
Investigating Detachment.

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MAIALAG, moro	23 yrs.	Tigato, Davao City, P. I.	Filipino

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STEVE S. YAMAMOTO, O-888916
Capt. Inf.

being defended if ^{are} ~~then~~ have stationed a

a number of soldiers in the concerned cities.)

(iii) Military structures.

~~namely~~ ^{all type} every kind of constructions

(Air-fields, fortresses, trenches, booms etc)

(iv) Army and ~~navy~~ ^{naval} establishments.

~~Establishments attached to Army & Navy~~
namely, the establishments (military

offices, barracks, hangars for military air craft,

communication equipments, arsenals etc.)

(v) Storage places of arm^{ments} or military

materials.

R E S T R I C T E D

C E R T I F I C A T E

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Davao City, Davao

/s/ Alfred E. Edgar
ALFRED E. EDGAR, 2nd Lt., QMC
Investigating Officer, War Crimes
Investigating Detachment.

27 December, 1945

/s/ Vernon V. Harris Jr.
VERNON V. HARRIS JR., 2nd Lt., FA
Investigating Officer, War Crimes
Investigating Detachment.

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MAIALAG, moro	23 yrs.	Tigato, Davao City, P. I.	Filipino

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Capt. Inf.

other facilities
(vi) Factories and constructions to be used
maintenance of enemy
for the fleets or troops of enemy.

/P. 108/

Even the civil factories, docks etc may
be bombarded if it is quite evident

that they shall ^{are} be used for military

~~service~~ ^{purpose}. However, ~~such as~~ subcontract

~~factories~~ ^{manufacturing} of parts should be excepted.

~~Such as~~ Communication equipments, air-fields

etc may be destroyed if necessary as they ^{in nature} shall

be used for military ^{purpose} ~~service~~ regarding their

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~~noted~~

(Note)

(1) During the World War I, ^{when} the

GERMAN
~~German~~ war ships, when they bombarded

the BRITISH coast, seemed to have regarded the towns

villages etc. as being defended based on just

the fact that there were few soldiers,

several barracks, storing places, field-

guns etc there. But the above mentioned

acknowledged as a disagreement with
case is ~~judged not to meet~~ the purport

of the treaty.

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In such case, Although ~~there are~~
soldiers and installations present,
~~some soldiers and things there~~, towns and

villages etc can not be regarded as

being defended if ^{it is} they ~~evidently~~ ^{thor} have

~~not~~ the capacity to ~~prevent~~ ^{defend against} the enemy

~~as locking~~
~~in fact.~~

(2) Prohibition of General Devastation.

The devastation of cities, villages

(a) It can not be admitted as being

irrespective of military necessity
lawful to make the cities, villages

cannot be acknowledged as lawful
etc devastated without any military

necessity.

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In older times it was done to make
devastation
~~the enemy's land devastated~~ by burning out
the dwellings, plundering the commodities
and by capturing the habitants, ^{was carried out} in the
after entering enemy territory
~~present~~, however, ^{at present} such way of hostilities
warfare
is generally ^{condemned} criticized severely.

(B) During the World War I, it was heard
that the occupied forces in the course of
occupation, especially at their ^{time of} evacuation, had
destroyed ^{all} out the dwellings and factories, ruined
or ^{looted} brought off even the furnitures, fixtures and

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~~the~~ fine art objects which were not regarded
as the munitions, ^{and} ~~or had~~ devastated the vineyards
and orchards; and moreover they had taken
their inhabitants who were ^{able to withhold} ~~good~~ for labour, ~~to~~
taken with them ~~this~~
their ~~country~~. ~~Then~~ ~~it~~ caused ~~the~~ violent
criticisms and discussions ~~even~~ among the
nations of neutral countries as well as
in the affected countries. And it is
^{through the above practice}
said that, the occupied forces, ^{also} contrary to
their intention, ^(discourage) ~~to~~ ~~stamp~~ the spirit of
opponent nation ~~by the devastation~~, seemed to have
caused ~~the~~

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difficulties ⁱⁿ to carry on the war, ~~by~~ ^{by awakening}

~~encouraged~~ the hostile ^{feeling} spirit of the affected

nations and ~~having made~~ the neutral

countries, ~~moved to sympathy~~ as the results

of the ~~devastation~~.

(c) The occupied forces apologized ^{for their} ~~against~~

^{action stating that} the criticisms; ~~they had done~~ the devastation was

based on the necessity of war, ^{and the} by destroying

^{was to prevent their} the dwellings etc ~~but the enemy should~~

utilization by the enemy and the ~~make use of them~~ and by making

orchards were leveled off

~~level the orchards etc~~ to prevent the

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concealment

~~smuggling~~ of the enemy.

(D) Lawful or not?

The general devastation, as above mentioned,

is not lawful. (In the regulations ^{concerning} of

war on land, ^{warfare stipulations} there ~~prohibits~~ ^{are} to prohibiting

~~the~~ looting and ~~to~~ protecting the life and

property of inhabitants.)

The limits to be admitted, however, are

restricted ^{only to} ~~in the case of being~~ unavoidable

~~in~~ ^{for} the military action. The ^{BRITAIN'S} ~~Britain's~~

regulations of ^{on land warfare stipulations} war on land prescribe that

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"It is absolutely prohibited to ~~make~~

the general devastation at ^{by} the enemy to

territory. However, it may be admitted ^{committed}

rarely as an exception ^{only when} ~~just~~ it being
absolutely
quite necessary for military action."

The regulations of USA also ^{stipulate} ~~provide~~

^{similar}
~~nearly~~ same principles.

Consequently it may be admitted

to remove the hiding places which ^{may} ~~can~~

be the position of enemy and to levy or destroy

the articles and materials which may be

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~~utilized~~
~~used~~ by enemy may be permitted

When viewed as a policy,
From the political point of view, it

precaution is necessary in order
is to be noticed that there is a case

Taking illegal actions for
in which they may lose the honor of

Temporary convenience for in
nation fear as well as the advantage

[P. 110] may mean the eternal loss of
on general situation by acting the unlawful

national honor or the loss of
deeds for the temporary convenience.

The advantages of the general

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Mr. Ebihara

For full translation.

(pp. 110-114)

才110頁 「(一)砲撃開始」

手續、條件」 三ノ

才115頁、才一行目

「...交戦者、義務知

ベキヲ」 迄

12

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部
分

證明書

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典據及び公正ニ關スル證明

余、ハ余ガ下記ノ資格ニ於テ、即チ

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p. 110

II. Procedures and Requisites for the Opening of Fire

(A) General Rules (Warning) (Article VI of the Treaty)

The commander of ~~an~~ attacking naval force, save in the case of military necessity, must take every possible means to give notice of impending bombardment to the authorities of the place which is about to be bombarded (The means of notice is left to his option).

The above-mentioned procedure should be taken with regard to cities, towns and villages which are defended; however, this is not ~~an~~ absolute prerequisite. In the case of military necessity, it is permitted to attack defended cities, towns etc. without warning; and if surrender has been urged, there is no need of warning as the invitation for surrender can be regarded as implying the notice of bombardment.

(b) The Case of Bombardment of Military Objectives within Undefended Cities, Towns

- Q From what did you deduce they must have been hit by the bullets?
A They fell down and those who were not struck fell down too, but I deduced they were struck by the bullets because of the way the barrel of the gun was faced towards the men.
- Q Was the gun pointed directly at the men?
A Yes.
- Q Will you state the names of any persons whom you saw bayoneted, cut by a sword, or hit by machine-gun bullets?
A I cannot say exactly the names of those people because in the first place, I could not exactly identify them and, secondly, there was confusion.
- Q Will you state the names of the men or boys lined up at the corner?
A I knew for certain that Mr. Jose Lazaro was lined up there with Professor de la Paz and his son, Delfin de la Paz, Jr. and later on I was able to identify one of them as being Justice Anacleto Diaz who was laid down there because he was sort of an invalid.
- Q Who else do you remember seeing lined up?
A I do not remember anyone else by name.
- Q Do you know whether all the men and boys who were at the vacant lot except those who were left behind because they were wounded proceeded to and arrived at the corner of Padre Faura and Taft Avenue?
A I have no way of determining because at that time everybody was simply confused. What I mean to say was nobody took any particular attention.
- Q Was it possible for anyone to escape from the vacant lot after the Japanese had instructed them to proceed to the corner of Padre Faura and Taft Avenue?
A I do not think anyone could escape because the way from the vacant lot up to the corner of Padre Faura and Taft Avenue was lined up with Japanese soldiers.
- Q I show you a picture marked Exhibit B. Do you recall seeing the man on that picture at the vacant lot or lined up at the corner?
A I do not recall seeing him at the vacant lot and at the corner, but it is quite possible that he was at the vacant lot and subsequently brought to the corner.
- Q I show you a picture marked Exhibit C. Do you recall if you saw any of the persons in that picture on the vacant lot or at the corner of Padre Faura and Taft Avenue?
A No, I do not recall now.
- Q I show you a picture marked Exhibit D. Do you recall whether you saw any of the persons on that picture on the vacant or at the corner of Taft Avenue and Padre Faura?
A I recall a person, presumably an invalid, who was being carried by some men. He was laid down at that corner.

etc. [Objectives enumerated in (b) of (I)]

(1.) Ordinary procedure (Cf. Article II of the Treaty)

a) Commander shall issue a warning, fixing a reasonable period of grace (the term of which shall be determined ⁱⁿ ~~with~~ each case at his option).

b) Supposing that the local authorities who received the warning ~~failed~~ to break down the objective within the grace period:—

The objective shall be destroyed ~~in~~ by bombardment if ~~any~~ ^{no} other means is ~~not~~ ^{possible}.

(2.) Emergency case (Immediate action) (Item 3, Article II, of the Treaty)

/p. 111/ a). The warning ordering local authorities to take necessary steps for ^{the} destruction of objectives need not be given.

b). Actions contrary to ^{the} interest of ~~the~~ cities, towns, etc. shall be kept to ^a minimum as far as possible.

- Q Will you describe the man's appearance?
A He must have been five feet, two inches tall, rather strongly built, about 28 years old. He was not wearing glasses.
- Q How do you describe his face?
A He had a prominent square jaws and a complete set of teeth. He was bald-headed with prominent cheeks.
- Q Do you know the names of any Japanese that you saw that day?
A No.
- Q Were the soldiers that you saw at the vacant lot army or navy?
A They were marines.
- Q How do you know they were marines?
A It is just a guess, as a matter of fact, I can not exactly tell whether they were marines or not because I was paying no particular attention.
- Q Describe the uniform they wore?
A I do not remember.
- Q Do you remember the color?
A No.
- Q What kind of weapons were they carrying?
A Rifles and bayonets. The officers were carrying broad swords and pistols.
- Q How do you know they were officers?
A You could always distinguish a Japanese officer from a soldier. Their uniforms were different. They were better looking. Their appearance was better than an ordinary soldier.
- Q Did they have any marks or insignia on their uniform or caps that distinguished them from the soldiers?
A I do not remember about those markings because I did not take particular note about them nor of any specific detail, but I know definitely they were officers.
- Q What makes you so sure they were officers?
A The general appearance of the Japanese will tell one more or less whether a soldier is an officer or not. At the corner of Padre Faura and Taft Avenue I saw the officers commanding the soldiers.
- Q Do you know whether these soldiers and officers whom you saw at the corner of Padre Faura and Taft Avenue were army or navy?
A I did not take any particular note as to what kind of uniform they were wearing.
- Q Did you notice any insignia on their uniform or caps?
A No.
- Q How do you know there were officers among them?
A Their uniform were made of better materials that were better cut. They carried sabers with chains and they