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Yorio OGIYA, after having been duly sworn, testified at the Investigation Division, Legal Section, GHQ, SCAP, Osaka Branch Office, Yasuda Building, Osaka, Japan, on the 8th day of February, 1946 as follows:-

- Q. Please state your full name, age, address and nationality?
A. My name is [Yorio OGIYA.] I am 27 years of age and reside at Yaragani, [Heijo Mura, Ikoma-gun, Nara Prefecture. I am of Japanese nationality.] (Japanese seal)
- Q. What is your occupation?
A. [I am now working for the Suni Law Office, Asahi Bldg, Osaka City as a Law Clerk.]
- Q. Do you intend to remain at your present address, and if not, how can your whereabouts in the future be ascertained?
A. I intend to remain at my present address.
- Q. Were you a member of the Japanese Army? If so, when did you become a member, the position you held and what branch of service you were assigned to?
A. [I became a member of the Japanese Army, 1st November 1943 and was discharged on 30th November, 1945. I was assigned to the Judicial Branch. I was a first lieutenant until August 20th, 1945 and was then promoted to a Captain.
- Q. When were you assigned to the Central Army Area Headquarters?
A. December 26th, 1944.
- Q. What were your duties in the Judicial Branch of the Central Army?
A. My duties were to investigate military cases to find out whether the party is guilty or not guilty either before the case is tried or after the case is tried. All military Judicial Officers do the work of both Judge and Public Procurator.
- Q. What are the duties of the Judge?
A. The judge looks over the case appealed by the Public Procurator to see whether the military personnel is guilty or not at the Military Court, and gives judgment accordingly.
- Q. Could the Military Judicial Officer act both as Public Procurator and Judge the same case?
A. In General they don't in order to give proper judgment. In war-time for example out in the front when either the Judge or the Procurator is killed or wounded then the Procurator or the Judge has to act as both Procurator and Judge.

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- Do you recall the names of captured American B-29 Fliers by the names of Lt. Robert W. Nelson and Sgt. Alvey Stanley Auganus?
- A. Yes, I remember.
- Q. When did you first hear his name and under what circumstances?
- A. I heard about Lt. Nelson and Sgt Auganus in the middle of May 1945 in the Judicial Department. I don't remember from whom I heard it, but everyone in the Judiciary Department was talking about these two fliers.
- Q. Were you ever appointed as a member of the Military Discipline Conference of the Japanese Central Area Army?
- A. Yes.
- Q. What was your duties on the Military Discipline Conference and what position did you hold?
- A. I was appointed as Witness Public Procurator and my job was to read an opinion at the Military Discipline Conference and request a death penalty.
- Q. Who were the defendants at the time you were appointed to the Military Discipline Conference?
- A. 2nd Lt. Robert W. Nelson and S/Sgt Alvey Stanley Auganus both of the United States Army.
- Q. Were Lt. Nelson and Sgt. Auganus the only two American Aviators or soldiers whose matters were brought before the Military Discipline Conference?
- A. Yes.
- Q. When were you appointed as Witness Public Procurator in the Nelson and Auganus matter and by whom?
- A. I was appointed on the 14th or 15th of July 1945 to act as Witness Public Procurator in the Nelson and Auganus matter, by Major General Kiyotomi OAHARA head of the Judicial Department of the Central and 15th Area Army Headquarters.
- Q. Who investigated the Nelson and Auganus matter?
- A. Major General Kiyotomi Otahara investigated the Nelson and Auganus matter.
- Q. Did you ever investigate the Nelson and Auganus matter?
- A. No.
(Japanese Seal)
- Q. Then how did you come to act as Witness Public Procurator if you never investigated the Nelson and Auganus matter?

- A. Major-General Kiyotomi OTAHARA was supposed to be the real Witness Public Procurator in the Nelson and Auganus matter, but he was transferred to the head of the Judicial Branch of the Second General Army in Hiroshima and I was ordered to take his place.
- Q. When did the Nelson and Auganus matter appear before the Military Discipline Conference?
- A. July 18th, 1945 in the Court room of the 15th Area Army Headquarters in the Osaka Castle Grounds.
- Q. Name all the people that were present at the time you presented the Nelson and Auganus matter to the Military Discipline Conference?
- A. The following were present:- Chief Judge Morio YAMANAKA (Major); 1st Lt. Hideo MATSUOBE (Judge); Capt. Buichi ONO (Judge); W.O. or Sgt/Major Yasukazu SHIMAMURA (Witness Clerk); both Lt. Nelson and Sgt. Auganus and an interpreter whose name I don't know, but his rank is that of Sgt. or Sgt/Major.
- Q. Who instructed you to ask for the death penalty of Nelson and Auganus?
- A. After Maj. Gen. Otahara completed his investigation, he wrote an opinion based on his investigation and forwarded this opinion to Lt. Gen. Eitaro UCHIYAMA Commander of the Central Army Headquarters to get an approval of the death sentence. Then after obtaining (obtaining) the approval of Gen. UCHIYAMA, Maj. Gen. OTAHARA took his opinion to General HATA who was in command of the Second General Army and also got his approval of the death penalty. Lastly Maj. Gen. OTAHARA took the opinion to the War Ministry in Tokyo and the death penalty was also approved. Then on the 18th day of July, 1945, I presented this opinion with the approvals of Gen. UCHIYAMA, Gen. HATA and the War Ministry, to the Military Discipline Conference and demanded the death penalty by reading the opinion and the approvals to the Judges of the Military Discipline Conference.
- Q. Was Lt. Nelson and Sgt. Auganus permitted to say anything in their own defense at the Military Discipline Conference?
- A. I remember Nelson saying that he was only obeying the orders of his higher officers that he bomb Japan. I don't remember Sgt. Auganus saying anything. That was his defense.
- Q. Who asked Lt. Nelson and Sgt. Auganus questions at the Military Discipline Conference?
- A. Capt. Buichi ONO.

- Q. What were the questions asked and what answers were given.
- A. The questions asked were as follows:-
1. What unit they belonged and duties, name, rank, age, schooling, profession.
 2. Places they bombed:-March 9th, 1945 Tokyo-incendiary bomb from Saipan
March 14, 1945, bombed Osaka.
March 17, 1945, bombed Kobe.
 3. Radar-explanation. Nelson was asked to explain American Radar system.

Nelson said that he admitted the fact that he bombed Japan, but he only obeyed his higher officer's orders.

- Q. What was the verdict of the Military Discipline Conference?
- A. Lt. Nelson and Sgt Auganus was found guilty and sentenced to die by the firing squad.

- Q. When was Lt. Nelson and Sgt Auganus shot to death and where?
- A. Both were shot to death on July 18th 1945 the same day the decision was rendered by the Military Discipline Conference, at about 4:00 PM in the Yokoyama Military Parade Grounds, Senboku-gun, Osaka Prefecture.

- Q. Who was present at the execution of Lt. Nelson and Sgt Auganus?
- A. Capt. Kenji NAKAMECHI head of the Osaka Military Prison in Ishikiri; 1st Lt. Jisai Minami who was medical officer and witness; I was present and Judicial Officer and director of the execution; Sgt/Maj. Yasuichi SHIMAMURA who was Judicial Officer non-com witness clerk; the firing squad consisted of three non-coms whose last names are MATSUDA, MATSHI and SANTA; also present was a Japanese Buddhist Priest whose name I do not remember; and about two others from the Osaka Military Prison whose names I also do not remember.

- Q. Where and when were the bodies of Lt. Nelson and Sgt Auganus buried after they were executed and who was present?
- A. The remains of Sgt Auganus and Lt. Nelson were buried the same day on the hills of Yokoyama Military Parade Ground, Senboku-gun, Osaka Prefecture. The same people that witnessed the execution were present.

- Q. Describe the execution?
- A. Lt. Nelson and Sgt Auganus were blindfolded and placed in graves already dug on the side of a hill so that the both fliers were on an inclined position with their heads uphill. The firing squad got into a prone position about two meters away from the graves in which the fliers were placed and two of the firing squad shot at Nelson and Auganus simultaneously one round each. Both Nelson and Auganus were hit in the head

but Nelson was still alive. So a third member of the squad shot another round into Nelson's head thus completing the execution. A board was placed on the bodies of each of the fliers and their bodies including the boards were covered up with earth right then and there.

(Japanese Seal)

- Q. Were the remains of Lt. Nelson and Sgt. Auganus ever unearthed again? If so, state what was done with the bodies?
- A. On August 24th, 1945 by order of Major General Soji YAMAGAMI, head of the Judicial Branch of the Central Army Area Hqrs, I was instructed to unearth the remains of Lt. Nelson and Sgt. Auganus and cremate the bodies and bury them at the Sanadayama Military Cemetery in Osaka. So I got a hold of Sgt. Major Yasuichi SHIMAMURA, MATSUDA, MATSUI, SANTA and two or three other from the Osaka Military Prison whose names I do not remember and cremated the remains of Lt. Nelson and Sgt. Auganus at the Yokoyama Military Parade Grounds, Senboku-gun Osaka Prefecture, and buried the ashes the next day in Sanadayama Cemetery in Osaka. (Japanese seal)
- (Japanese Seal)
- (Japanese Seal)
- Q. Describe how you cremated the bodies of Lt. Nelson and Sgt. Auganus specifically naming the materials used to cremate them?
- A. I got there a little later, but when I got there Matsuda, Matsui, Santa and others from Osaka Prison got there first and cremated the bodies of Lt. Nelson and Sgt. Auganus with wood and 18 liters of gasoline. The bodies were placed on a piece of iron that straddled Nelson's grave and we all spent a night there because it took from twelve to thirteen hours to burn the bodies.
- Q. In a previous affidavit you made under oath on the 11th Day of December, 1945, you stated that Lt. Nelson and Sgt. Auganus were killed by a bomb at the Osaka Castle and you stated that they were cremated at the Sanadayama Military Cemetery. Is that true?
- A. Yes I did say it, but the facts are not true. I told a false
(Japanese Seal)
hood.
- Q. Who instructed you to tell a falsehood that Lt. Nelson and Sgt. Auganus was killed by a bomb?
- A. Major General Soji YAMAGAMI and Capt. Buichi Ono told me to tell a lie that Lt. Nelson and Sgt. Auganus was killed by a bomb.
(Japanese Seal)

- Q. When did they tell you to say this?
 A. I don't remember the day, but it was in October, 1945 at the Osaka Military Prison in Inakiri on the 2nd floor of the prison office which was at that time the Judicial Section of the Central Army Area Hqs and 15th Army Area Hqs that I was told by the General and the Capt. to tell these falsehoods about Nelson and Auganus. (Japanese Seal)
- Q. When you buried the remains of Lt. Nelson and Sgt Auganus in the Sanadayama Military Cemetery, why did you not put a marker at their graves with the names of the fliers on the marker?
 A. A marker was not placed on the graves.
- Q. What happened to the dog-tags and personal effects of Lt. Nelson and Sgt. Auganus?
 A. I do not know what happened to the dog tags, but we cremated Nelson and Auganus with their clothes on.
- Q. Did Lt. Nelson and Sgt. Auganus have any shoes on when they were executed and/or cremated?
 A. They had their shoes on when they were executed, but I don't remember them having their shoes on when they were buried or cremated. (Japanese Seal)
- Q. Was the death of the fliers Lt. Nelson and Sgt Auganus reported to any authorities such as the International Red Cross?
 A. I do not know.
- Q. Do you have anything further to add to your statement?
 A. I have nothing further to add.

ALLIED OCCUPATION FORCES)
 : SS.:
 CITY OF OSAKA)

/s/ Yorio Ogiya (Japanese Seal)

I, Yorio OGIYA, being duly sworn on oath, state that I had read to me and understood the translation of the foregoing transcription of my interrogation and all answers contained therein, consisting of four pages, are true to the best of my knowledge and belief.

/s/ Yorio Ogiya (Japanese Seal)

Suscribed and sworn to before
 me this 8th day of February, 1946
 /s/ Murray Gray
 MURRAY GRAY, 1st Lt. Ord Dept.
 Investigating Officer, Legal Sec.
 GHQ, SCAP

ALLIED OCCUPATION FORCES)
: SS.:
CITY OF OSAKA)

I, Tanaki KAWASHIMA, residing at #45 Nara City, Nara Prefecture, being duly sworn on oath, state that I truly translated the questions and answers given from English to Japanese and from Japanese to English respectively, and that after being transcribed, I truly translated the foregoing deposition containing four pages, to the witness; that the witness thereupon in my presence affixed his signature.

/s/ Tanaki Kawashima

Subscribed and sworn to before
me this 8th day of February,
1946

/s/ Murray Gray
MURRAY GRAY, 1st Lt. Ord Dept
Investigating Officer, Legal Sec.
GHQ, SCAP

A CERTIFIED TRUE COPY:

Everett Chicket (signed)
EVERETT CHECKET
Major, Infantry