

3

(3) Willful damages ^{shall not be inflicted} on cities, towns etc. ~~must~~
~~not be given.~~

In the case of ^{an} attack on undefended cities, towns ~~or~~ villages, the purpose of the attack lies, not in the cities, towns etc. as a whole, but in special objectives within them; therefore, damages ~~to~~ cities etc. as a whole needs ~~to~~ ^{to} be kept to ^a minimum as far as possible, and, though the ~~immediate~~ damages arising naturally from the destruction of objectives ~~is~~ ^{is} unavoidable, intentional damages must not be caused ~~to~~ other things than ~~the~~ ^{to} objectives.

III. Bombardment of Undefended Cities, Towns and Villages in Case ~~That~~ the Authorities ~~Do~~ Not Accede to Demands for Requisitions.

(a) ~~The~~ ^V Cases in which Bombardment Is Permitted. (Article III of the Convention)

When both of the following conditions exist,

- 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

bombardment of undefended places is permitted:

(1.) ^{when} The Navy ~~has~~ demands ^{of} ~~by~~ due notice, ~~of~~ requisitions of necessary food and munitions to

fill urgent needs (Cf. Article II of the Requisition

Ordinance, & Articles II & III of the Requisition Business Routine Regulations). However, the requisitions must

be proportionate to ^{the} means of ^{the} districts, and

shall be made after obtaining the permission of the navy commander.

^{when} (2) The local authorities ~~have~~ not acceded to the demand.

/p.112/ (b) Due Procedure for Opening of Bombardment.

A plain notice of impending bombardment must be sent.

(C) Bombardment of undefended places ~~is~~ may not be ~~imposed~~ ^{inflicted} for non-payment of ~~contributions~~ ^{demands} (Article IV of the Treaty).

Explanatory Note: Bombardment

is not permitted because the situation is regarded as less urgent than in the case of requisition.

IV. Things which Must Not Be ~~made~~ ^{made} Objectives of Bombardment (in Both Cases of Defended & undefended Places). (Cf. Article V of the Treaty)

The following things, save in ~~the~~ cases in which they are simultaneously being used for military purposes, must not be made, needless to say, objectives of bombardment, and shall carefully

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) SS
County of)

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(signed) Harold J. Whitcomb
1st. Lt. AAF

Subscribed and sworn to before me this 22 day of October, 1945.

(signed) not legible

Post Judge Advocate
Fletcher General Hsp.,
Cambridge, Ohio.

C E R T I F I C A T E

I, Meyer Sugarman, Special Agent, Security Intelligence Corps, Fourth Service Command, certify that Harold J. Whitcomb, 02369502, 1st. Lt., personally appeared before me on 4 October, 1945, and testified concerning War Crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Miami Beach, Florida.
Date: 11 October, 1945.

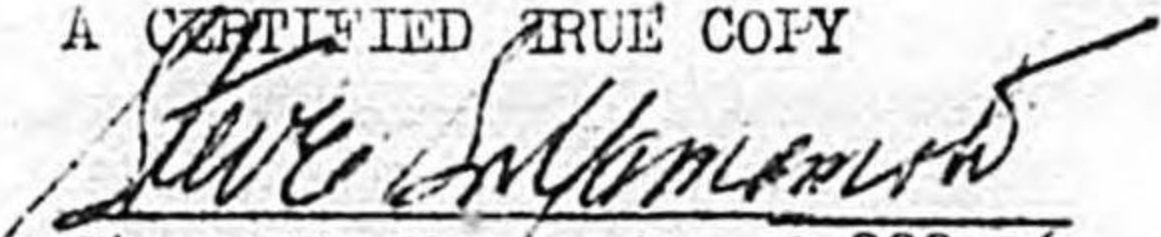
(Signed) Meyer Sugarman
Special Agent,
Security Intelligence Officer
Fourth Service Command.

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Major, Infantry.

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Steve S. Yamamoto, O-888916
Capt., Infantry

be kept undamaged as far as possible, in case of bombardment of other objectives ~~than these~~

However, the inhabitants of attacked places are bound to indicate the presence of such things by distinct signs (Explanatory Note). Accordingly, in case ~~that~~ the presence of such things is not recognized for lack of ^a ~~the~~ sign, no objection can be made against ~~a~~ probable bombardment. (But it may be a wise policy to avoid the bombardment of such things as far as possible, because the ~~signs~~

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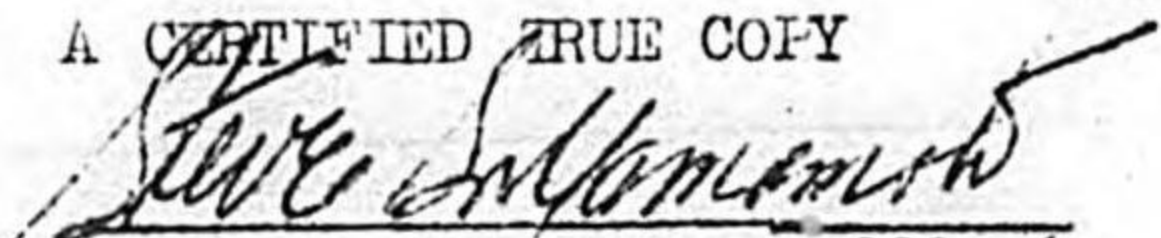
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probably
bombardment ~~will~~ stir up ~~an~~ unfavorable
public opinion.)

Explanatory Note: This is a large, solid,
square board, divided by a diagonal
line into two triangles, ^{the} upper one
painted black and the lower white.

(a) Buildings for Religious Purposes:

/p.113/ Buildings for religious purposes are, more
clearly, the buildings dedicated to public
worship, including Shinto shrines, Buddhist
temples, Christian churches and so forth.

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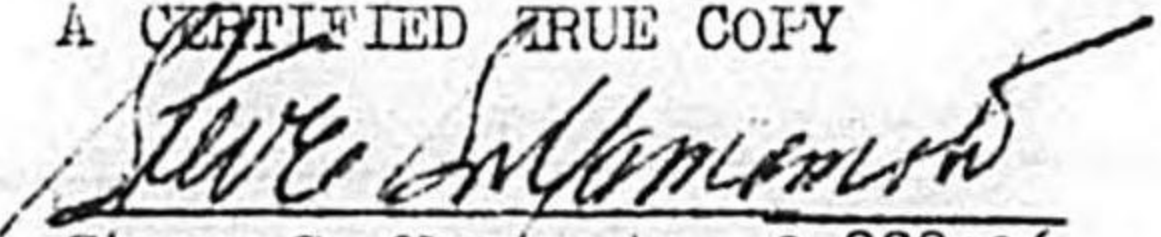
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8
(b) Buildings Dedicated to Art and Science.

e.g. schools, museums, libraries etc.

(c) Buildings Dedicated to Charity

e.g. asylums for the aged, orphan asylums

etc.

(d) Hospitals, Asylums for Sick and Wounded,

Hospital Ships.

(e) Historical Monuments & Buildings

e.g. Monuments, mausoleums, art

galleries, etc.

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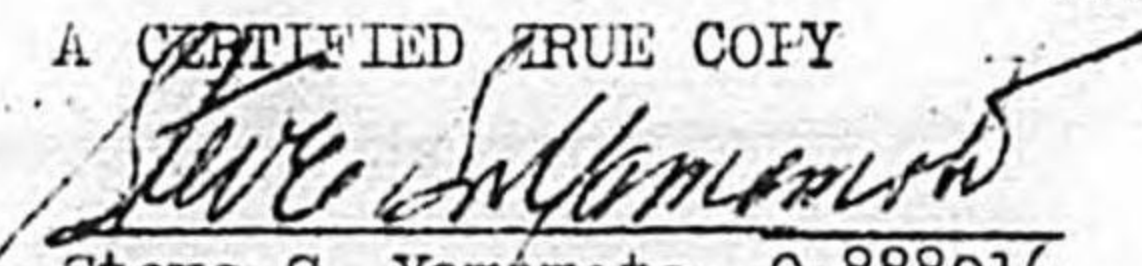
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Explanatory Notes

(1) Until the end of the Middle Age, there was no intention to protect historical monuments and works of art in the event of war, the practice being such that destroying or plundering of these things was permitted.

In 18 century, the practice grew up of protecting these things, and the old, evil practice was gotten rid of. It was deemed illegal

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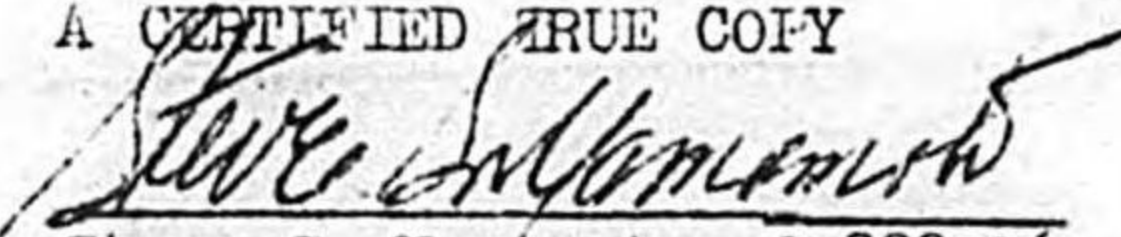
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that Napoleon ~~had~~ looted works of art from Italy and kept them in the Louvre; so that the Allied Forces, upon recapturing them when they entered ~~into~~ Paris in 1815, returned them to their lawful owners.

p. 114 / (2) Since then, there have been cases of ~~destroying~~ destroying historical monuments etc. at rare intervals. In the Crimean War, KELTSCH/phonetic/Museum was burnt down by British and French forces.

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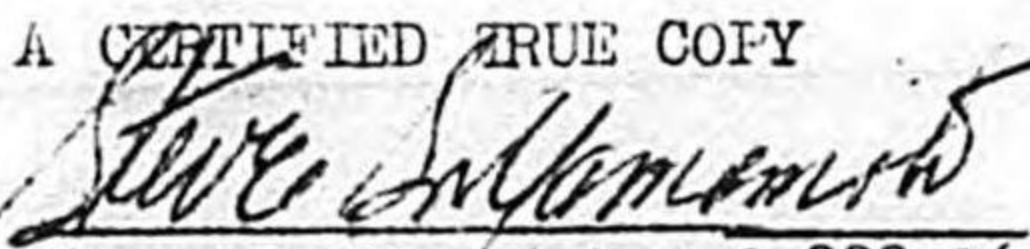
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夏宮

The Summer Palace / KAKYŪ / of China

was destroyed by British and French

forces in 1860; in the War between

France and Prussia, the library of

the Strassburg university was reduced

to ashes, with many precious books ^{being} kept

there.

(3) According to the report made public

by ^{the} French Home Minister in 1917,

the following buildings were destroyed

within France during the War.

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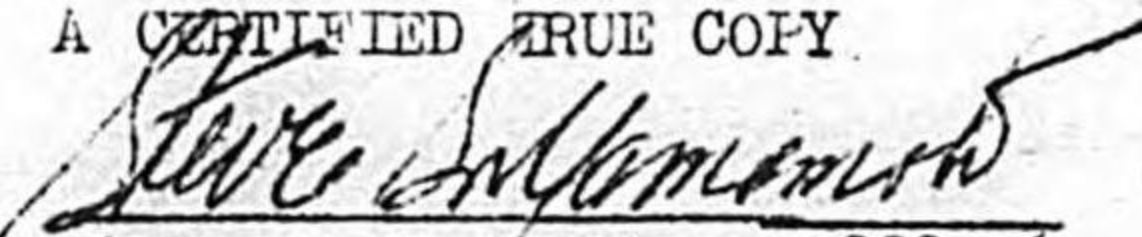
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a) Public buildings in 428 cities,

towns and villages were destroyed.

b) 221 municipal assembly halls,

379 schools, 331 churches, 306

public or semi-public

buildings including 56 historical

buildings, and 60 monuments

were destroyed or incurred damages.

(4) The cases of ^{the} Louvan/phonetic/university

and of the Church of Lans/phonetic/ gave

rise to public criticism during the

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War. Severe criticisms were heard on the part of the French and among neutral countries against the ~~acts~~ ^{acts} of German forces, condemning them as ~~an~~ unallowable barbaric conduct, whereas the German government explained that the buildings in question were destroyed on account of military necessity as they had been used ^{for observation} as ~~watching~~ place by the enemy. If the excuse offered by

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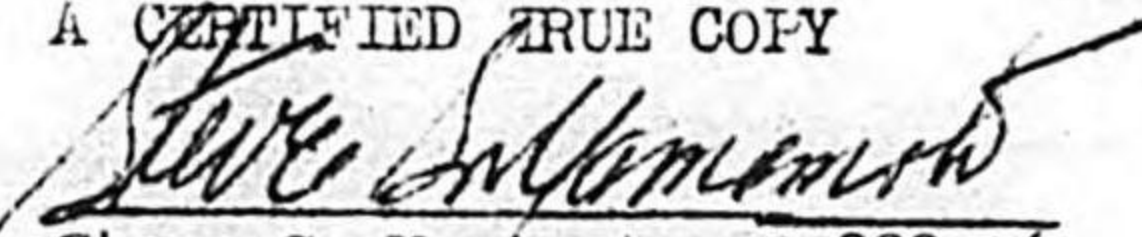
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the German government is ^{valid} ~~true~~, (The

~~truth~~ that the buildings had been

used for military purposes was

claimed by the French ~~part~~ to be

a false charge, and ~~was likely~~ was probably so interpreted

~~to be believed so~~ by the general public.)

the destruction of these buildings was

justified as ^a ~~means of~~ wartime measure.

(5) In view of the fact that historical

monuments and objects of art are the

products of human civilization and

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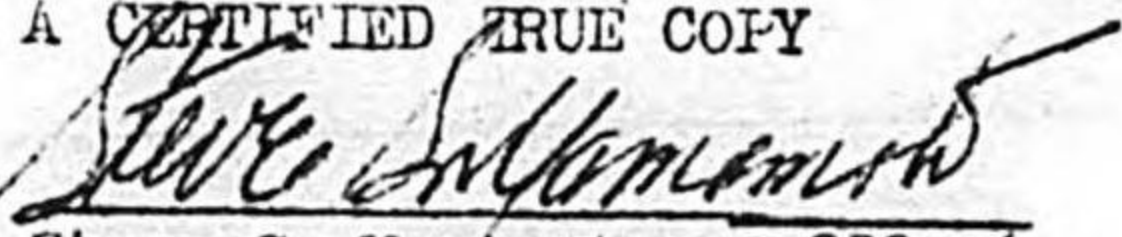
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are irrecoverable ~~after~~ destruction,

it should be a duty of belligerents

to protect them as far as possible.

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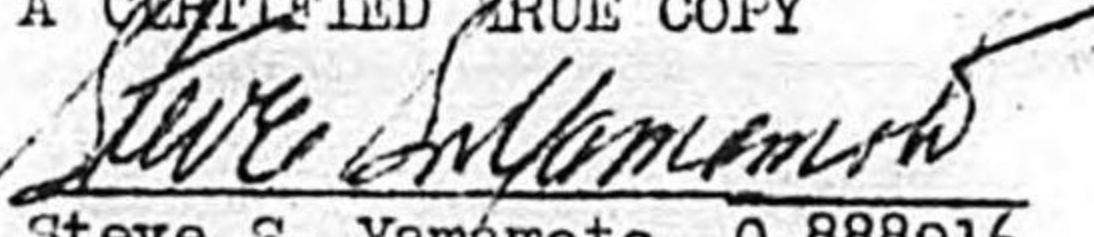
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Capt., Infantry

Mr. Yamada.

(13)

(pp. 134-138)

才134頁

「(四) 船舶拿捕」 列

才138頁 才九行四

「—— 連續航海主舞

才九行五 + 又加如之」 迄

(13A)

才139頁

「(五) 封鎖侵破船舶
處分」 列

才140頁

「(六) 船舶乘員」

「^終 頂迄」

證明書

「ワシントン」文書局 第

號

國際檢察部 第

號

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

トシテ、日本政府ト公的關係ニ在ル

モノナルコト、竝ニ該官吏トシテ余ガ茲ニ添附セラ

レタル、頁ヨリ成ル、千九百 年ノ昭和

年ノ 附、下記題名、即チ

ノ文書ノ

保管ニ任ジ居ルコトヲ茲ニ證明ス。

余ハ更ニ添附ノ記録及び文書ガ日本政府ノ公文書ナ

ルコト、竝ニ右ガ下記名稱ノ省又ハ部局ノ公式書類

及び綴ノ一部ナルコトヲ證明ス。(若シアラバ綴番號又

ハ引用、其ノ他公式書類又ハ綴ニ於ケル該文書ノ成規所在ノ公式名

稱ヲモ特記スベシ)

千九百四十六年ノ昭和二十一年ノ 月 日

ニ於テ署名

當該官吏署名欄

右ノ者ノ公的資格

證人

公式入手ニ關スル證明

余、ハ、余ガ聯合國最高指揮官總司令

部ニ關係アルモノナルコト、竝ニ上記題名ノ文書ハ

余ガ公務上、日本政府ノ上記署名官吏ヨリ入手シタ

ルモノナルコトヲ茲ニ證明ス。

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ニ於テ署名

氏名欄

右ノ者ノ公的資格

證人

/p. 134/

(B) Capture of Vessels

(1) Principle.

The vessels ~~which~~ ~~breaking~~ blockades

or trying to enter or clear the

area of blockades shall be captured

irrespective of their nationality.

(See Article 49 of Laws and

Regulations of Naval Warfare.)

/p. 135/

(2) Exception.

(a) Foreign Warship.

When foreign warships find
it necessary ~~require~~

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.)

to enter and then to leave,

they shall be permitted ^{to do so} ~~from~~

~~the point of view of inter-~~
as a matter of courtesy in
national manners ~~as~~ far as

circumstances permit. But

foreign warships have no right

to force ~~the~~ ^{matter}. Therefore if the

entry of foreign warships ~~may~~

brings disadvantage ^{in a} ~~to the~~ military

operations, there is no need to

give permission. (See Article 47)

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?

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of Laws and Regulations of

Naval Warfare.) During

their stay they shall be

under the directive of the

Commanding officer of the blockading

Squadron.

And ambassadors, ministers,

consuls, etc. of the neutral powers

are permitted by custom to

exchange public correspondence

with their home countries, but

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ships can be either prohibited

or restricted in case of military

need.

(b) When it is recognized that

they are really ship-wrecked

and if necessary, their entry

shall be permitted. But ~~the~~

permission must be given on

condition that said ships

cannot load or unload cargoes.

(Note).

TOYODA-Y

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5

There shall be no need for
permission for entry + clearance of
Neutral vessels ~~with the aim~~
~~on mercy missions~~
~~of charity shall be of no~~
~~need to be permitted to~~
~~enter and clear.~~

(Note)

It purports that ⁱⁿ only absolutely

necessary cases such as ~~of~~

danger on sea, ~~of~~ necessity

of immediate repair of hull,

~~of~~ want of fuel and

foodstuff etc. shall ^{this} be

permitted; and unfamiliarity

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of the course or the loss
of a compass, etc. shall
never be ~~the~~ reason ~~to be~~
for permission.
~~permitted.~~

(c) Area of Capture of Vessels.

(1) Area of Operations of the
Squadron.

The blockading Squadron can
capture vessels which break
the blockade only in a
certain area, i.e., in the area

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of operations of the competent
squadron. (See Article 50
of Laws and Regulations of
Naval Warfare.)

The area of operations means
the extent within which the
competent blockading squadron
can prove themselves really
capable and ~~which~~ cannot
be determined mechanically.

But if it ~~is~~ be too ~~small~~

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wider ~~the~~, the purports of

setting the area of operations

may be said ^{to be} reflected; so

the following standard may

be appropriate to follow

in general:-

In order to ^{find and} capture ~~the~~

vessels which ~~left~~ ^{depart} or

~~which is going to enter~~

in the night on the

following day of its ~~departure~~

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or entry, for example,

as a vessel whose speed

is 25 knots can run

300 sea miles in twelve

hours in the night and

~~that~~ whose speed is 30

knots can run 360 sea

miles, ^{in the} neighborhood of

700 sea miles can be

set as its limit taking

the said distances in

addition to those which

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it can run during day-

time of the following day

or previous day as

standard.

(2) Cases of running out of the

Area resulting from Pursuit.

The vessel may happen to

run out of the area of

operations although the pursuit

was started within the area

of operations of the squadron;

TOYODA-Y

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In such cases it can be
captured.

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(D) Cases in which capture ^{is permissible} ~~can be done~~.

(1) During continuation of pursuit.

During continuation of pursuit,

the vessel can be captured.

When the pursuit ^{is over} ~~was stopped~~

and the blockade ^{is} ~~was~~ raised,

~~the~~ capture can not be ~~made~~ ^{made}.

(See Article 51 of Laws and

Regulations of Naval Warfare.)

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The discontinuance of pursuit

is a matter ^{mainly} determined by

the intention of the pursuer;

so the escape of the vessel

into a neutral port can

not be taken for the finish

of pursuit.

(Note) Right of pursuit in

the peace time.

When a vessel of a

coastal country begins

TOYODA-Y

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to ~~pursue~~ ^{pursue} a vessel

which committed a

crime in ~~the~~ ^{the} territorial

waters, it can continue

~~its~~ pursuit on ~~the~~

~~the open sea~~ ^{the open sea} ~~public waters~~, capture

the said vessel on the

~~open sea~~ ^{open sea} ~~public waters~~ and punish

it in the court of its

country.

~~The~~ said right of pursuit

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shall be lost when that vessel enters into the territorial waters of its own country or of ~~the~~ a third country; and ~~further~~ ~~its~~ ~~forbidden~~ ~~again~~.

(2) When a vessel enters into the area of operations and ~~operations~~ there.

A vessel acting suspiciously, irrespective of ~~whether~~ ~~whether~~ its true intention ~~may~~ be to break the

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blockade or not, and ~~also~~

irrespective of ~~the~~ destination

in its ship's papers, can ~~not~~ be

captured. (See Article 52 of

Laws and Regulations of Naval

Warfare.)

(e) When capture cannot be ~~made~~ ^{made}.

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A vessel which is navigating

for a non-blockade port cannot

be captured as a blockade-runner,

even if the vessel or its cargo

TOYODA-Y

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is destined for a blockade port.

(See Article 53 of Laws and

Regulations of Naval Warfare;

and Article 19 of the Declaration

of LONDON.)

This signifies that the principle

of so-called nonstop run is

excepted from ~~the~~ application to

the blockade. Although this

matter had been widely recognized,

GREAT BRITAIN declared during the

TOYODA-Y

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Great War that the principle

of nonstop run may be applicable

to the blockade contrary to the

custom as described above.

(Imperial Ordinance dated 7

July, 1916).

(Note) The recognition of the

principle of nonstop run

will result in the blockade

of neutral ports as a matter

of fact and consequently

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great damage to the

neutral powers; therefore

it is not right to recognize

it.

THE UNITED STATES OF

AMERICA seems to have

recognized the principle of

nonstop run during the

Civil War.

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(V) Disposal of Blockade-run Vessels.

(A) Vessels which have broken the

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blockade shall be confiscated.

Cargoes shall be confiscated too

irrespective of their nature. (See

Article 54 of Laws and Regulations

of Naval Warfare.)

(Note)

(1) The effect of blockade shall

be applicable to every article;

therefore no ordinary foodstuff

shall be excepted. When the

blockade ~~is~~ takes full

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effects, the blockaded powers ~~cannot be said to~~ shall have a ~~be driven into the condition~~ of scarcity of food.

(During the Great War, GERMANY

appealed to the world that

the British War policy was

so inhuman that German

people would be driven to

the verge of starvation.

But ~~if~~ the blockade be
in so far as

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.

qx7814 M. L. WIS Gunner 2/10 Field Regiment.
Died at 0820 hours on the second day of December one thousand nine hundred and forty three from influenza, scarlet fever 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 CIBAZOL 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.

Sx11722 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.

Wx9226 H. TYSON 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 ASSABA 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 Townsboro on the ninth day of October 1946

/s/ C. R. Bryco

Deponent

/s/ Richards J.P.

A Justice of the Peace

carried out in the proper

way, it can not be

helped that such condition

will occur ^{in accordance} with ~~according~~ to the
current usages
~~existing habits.~~

/p. 1401

(2) Neither shall
Medical supplies ~~shall not~~

be exempted ~~to~~. During the

Great War, thanks to the

good offices of The American

Red Cross Society, approval

was obtained to import to

TOYODA-Y

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GERMANY for ~~the~~ sole use

of the American Red Cross

Hospital in GERMANY.

under the condition that

such supplies should not

be used for other purposes.

But this plan ~~was~~ never

~~been~~ carried out owing to the

evacuation of the American

Red Cross Hospital in GERMANY!

(3) The surrender of METZ and

TOYODA-Y

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PARIS in 1870 was mostly

caused by the scarcity of

food rather than bombardment.

According to a rumor, BISMARCK

said that it is difficult to

decided which is better ~~the~~

bombardment or cutting off

of food from the point of

view of humanity; but at

any rate both are ~~the~~ reasonable

means of war.

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(B) (1) Exception to the above case.

When it is certified that the

loader did not know or could

not know at the time of loading

cargo that the vessel had

intention of breaking the blockade,

the cargo shall be excepted

from confiscation.

(c) Crew.

The crew shall not be treated

as criminals or prisoners of war;

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they shall only be arrested if

necessary (for the sake of

testimony etc.)

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15

No. VII. Military rights over crews of ~~the~~

Enemy and Neutral Planes. (cf. Article

36 to Article 38 of the Draft of Rules

of Aerial War.)

Generally speaking, the ~~example~~^{example} of naval

war^s shall be followed. The outline

is given as follows:

(I) Enemy Planes.

(a) Military planes.

Crews, passengers (if any) --- can

be made POW's.

(b) Non-military public planes

In support of the above charges the following specific instances were recited:

"Charges I and II. Prisoner of war and civilian internment camps in the Philippines, French Indo-China, Thailand, Manchuria, Burma, Malaya, and the Dutch East Indies, and prisoner of war camp No. 1 in Formosa have never been visited by Swiss representatives although they have repeatedly requested permission to make such visits. None of these camps except the one at Mukden are known to have been visited by International Red Cross representatives. In recent months visits have not been allowed to the prisoner of war camps near Tokyo and Yokohama, and the prisoner of war camps in and near Hong Kong, although the Swiss representatives have requested permission to make such visits.

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

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

"Charge III. Communications addressed by the persons held to the protecting Power concerning conditions of captivity in several of the civilian camps near Shanghai, among them Ash Camp and Chapei, remain undelivered. The same situation exists with respect to the civilian internment camp in Baguio, and in most if not all the camps where American prisoners of war are held. Persons held at Baguio, Chefoo, Saigon, and at times in the Philippine prisoner of war camps were denied permission to address the camp commander.

a. Crews - - - - Same as the above.

b. Passengers } (Ordinary case - - - Same as the
above.

Case of the exclusive use
for passenger transport. - - -

- - - - - All persons, except
those who serve ^{the} enemy,

and those fitted for
military service, shall
be released.

(c) Private planes.

a. Crews } (Persons of hostile countries, persons
of neutral countries who serve

"X. Contrary to the specific undertaking of the Japanese Government; the detaining authorities have compelled civilians to perform labor other than that connected with the administration, maintenance and management of internment camps. Officer prisoners of war have been forced to labor and noncommissioned officers to do other than supervisory labor (Article 27).

"XI. Prisoners of war have been required to perform labor that has a direct relation with war operations (Article 31).

"XII. Medical care has in many instances been denied to prisoners of war and civilian internees and when given has been generally so poor as to cause unnecessary suffering and unnecessary deaths (Article 14).

"XIII. The Japanese Government has reported the names of only a part of the American prisoners of war and civilian internees in its hands (Article 77) and of American combatants found dead by Japanese forces (Article 4 of the Convention for the Amelioration of the Condition of the Sick and Wounded of Armies in the Field, to which Japan is a contracting party).

"XIV. The Japanese Government has not permitted internees and prisoners of war freely to exercise their religion (Article 16).

"XV. The Japanese Government has not posted the Convention in camps in English translation, thus depriving American prisoners of war and civilian internees of knowledge of their rights thereunder (Article 84).

"XVI. The Japanese Government has failed to provide adequate equipment and accommodations in prisoner of war and civilian internment camps and transports, but on the contrary forced them to subsist in inhumane conditions (Article 10).

"XVII. The Japanese Government has completely failed to apply the provisions of the Geneva Prisoners of War Convention (Title III, Section V, Chapter 3) with regard to trial and punishment of prisoners of war despite the fact that violations of its undertaking in this respect have repeatedly been called to its attention, but on the contrary has imposed cruel and inhuman punishments without trial.

"XVIII. The Japanese authorities have inflicted corporal punishment and torture upon American nationals (Article 46)."

^{the} enemy ----- can be made POW's

Persons of neutral countries who do not

serve ~~the~~ enemy ----- shall be released

when they sign ~~a~~ written oaths

to the effect that they will not

serve on enemy planes during

the continuation of war.

b. Passengers

{ Those who serve the enemy, and

those who are fitted to military

service ----- can be made POW's.

{ Others ----- shall be released.

(Note) 1. Release can be postponed

(Page 1262 cont'd)

The confusion inside was terrible and we were

(Page 1263)

colliding each other inside, each one trying to escape. Everybody was shouting and asking for help and we were all trying to run for liberty through the entrance. But a group of Japanese were waiting for us outside with their guns and bayonets and all those who intended to escape were at the spot fired. I myself was wounded by the hand grenades and I fell down inside the shelter and lost consciousness. After that we notice that the entrance of the shelter was being closed with some stones on the ground. They enclosed all the holes, and by that all those of us who were still living inside were buried alive.

Just as soon as I gained consciousness the first thing I did is to bandage my wounds because I was then very wounded. Then I thought of escaping from that place if it was possible. For that I approached the entrance which they have just closed, and in trying to open the entrance with my fingers and nails I was able to put a hole. Through that hole I breathed all the night. In the following morning a Japanese came to look inside and just as I notice I hide, and then he fired several shots through the hole I open and close that hole thereafter. After a moment I again approach the hole when I believe that the Japanese was no longer there for the purpose of reopening the hole, and through hard work I was able to open the hole.

(Page 1264)

Q What were the conditions of the other men in the

whenever belligerents receive ~~the~~ ^{for}

~~the~~ military ^{reasons} ~~part~~ of ~~crew~~.

2. Any crew or passenger who gives

~~or~~ special and positive aid to ^{the} enemy

during ~~the~~ ^{flight} ~~duration~~ of the time

of capture can be made ^a POW.

3. The names of those released after

taking ^{an} oath by document shall

be informed to the opponent

belligerent and the opponent

belligerent cannot use them, purposely

breaking their oath.

On April 6, 1945 a protest was made concerning the murder of Messrs. Calkins, Crinnell, Duggleby, and Johnson, who had been held at the Sarto Tomas Internment Camp.

On May 12, 1945 a protest was made against the orders issued by the Japanese 14th Army Headquarters and Kaki Forces Headquarters attached to the Ishibashi Unit, to the effect that persons captured by or surrendering to Japanese armed forces in the Philippines would be murdered in cold blood.

On May 19, 1945 a protest was made against the brutal massacre on December 14, 1944 of 150 prisoners of war at Puerto Princesa, Palawan, Philippine Islands.

On May 29, 1945 the Swiss Government was requested to make a strong protest to the Japanese Government against the forced labor of prisoners of war in the fortification of Shinagawa and on the naval docks at Tokyo Bay, and the brutal treatment of these prisoners.

On June 23, 1945 a protest was made against the location of prisoner of war camps in Japan in close proximity to piers, railroad yards, and other military objectives and the employment of prisoners of war labor on projects having a direct relation with war operations.

Virtually all of the protests filed with the American Government by the Japanese Government during the period herein covered related to alleged mistreatment of Japanese nationals who had been evacuated from the West Coast areas of the United States. In none of the instances covered by the Japanese Government's representations was the alleged mistreatment of Japanese nationals comparable even in a remote degree to the mistreatment of American nationals which formed the basis for the American Government's protests. In the State Department's telegram of January 27, 1944 the Japanese Government was advised as follows:

"The Government of the United States also desires to state most emphatically that, as the Japanese Government can assure itself from an objective examination of the reports submitted to it by the Spanish,

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PART VI. TABLE OF CONTENTS TO

OUTLINE RULES OF LAND WARFARE

No. 1 Outline.

(1) When carrying out military operations on land, ^{the provisions of} Treaty No. 4 of 1912,

Convention Concerning ^{the laws} and customs of

war on land: its Annex

(Land Warfare

Regulations), and Treaty No. 1 of 1908,

Convention for the Amelioration of the

Condition of the Wounded and

~~The~~ Sick in Armies in the Field

- De No 102 A
- Q. I have here a translation of an order written in Japanese. The order states that it is from the Manila Navy Defense Force and the Southwest Area Fleet Operations orders dates 23 December 1944 to 14 February 1945. Portions of the order as follows:
- "1. The First Battalion, because of enemy mortar fire, is defending Pago Station in a bitter fight to the last man.
- "4. If the enemy infiltrates, be careful not to lose the opportunity of demolishing and burning buildings.
- "5. When Philippines are to be killed, they must be gathered into one place and disposed of with a consideration that ammunition and manpower must not be used to excess. Because the disposal of dead bodies is a troublesome task, they should be gathered into houses which are scheduled to be burned or demolished. They should also be thrown into the river."

Now, Admiral, the portions I have just read are extracted from an order of the Manila Navy Defense Force of the Southwest Pacific Area Fleet, of which you were the commanding officer of both. What do you say concerning this order? I will show it to you in Japanese.

- A. I do not know whether such an order as this was put out, but if it was put out it was put out by the battalion commander, who would probably be under Iwabuchi and I do not know if Iwabuchi knew about this or not. However, it is a battalion order issued to the men of the battalion.
- Q. The order you have just read is an extract from a mimeographed and hand-written book of Southwest Pacific Fleet and Manila Defense Command orders captured in Intramuros. What do you say concerning that?
- A. There must be a mistake on that part of the heading because it is plain that this is a battalion order. It clearly states that. According to this order, it is plain that it is a battalion order issued to the subordinates.
- Q. Was the battalion a Navy battalion?
- A. Yes.
- Q. Who was the battalion commanded by, if you know?
- A. I do not know who the battalion commander was because he would be under Iwabuchi and I don't remember all those names.
- Q. How many men are there in a battalion?
- A. I don't know the organization of Iwabuchi's unit, but as I have stated previously there were over 1,000 men in a battalion. Since I did not know how his unit was organized, I could not say. There was about 20,000 men in his unit.
- Q. Do you know how many battalions Iwabuchi had?
- A. I believe there were four or five battalions, but I am not positive.
- Q. That would make about four or five thousand men in each battalion, is that right?
- A. It is not like the Army battalions and I do not know for sure, but I think there might have been some over-sized battalions.
- Q. If there were 20,000 men under Iwabuchi and he had four or five battalions, then each battalion would have four or five thousand men, is that not right?
- A. It would seem so, but I do not know about it.

("Geneva" Convention) shall be complied with.

(II) Treaty No. 4 of 1912, ^{Convention} Concerning

the laws and customs of war on land,
and its Annex,
~~and the Annex of the above Treaty.~~

(a) The purpose of the above Treaty and

its Annex is nothing but to try to

reduce the horrors of war ~~as possible~~

so far as the military necessities

permit. Although there are a few

who entertain doubts concerning

whether the detail regulations of this

treaty can be applied to ~~the~~ war of

LS Doc No 102 A

- A. Only the personnel, administration was left under my command and the rest was the Army's responsibility.
- Q. Supposing a Navy man was to be court-martialled between January 6 and the time combat began, who would do the court-martialing, the Army or the Navy?
- A. If it was possible, if the person was reported to the commander of the Army and if he was turned over to me, then I would most likely perform the court-martial.
- Q. Could the Army have court-martialled a Navy Man?
- A. I am not too familiar with such things and I have not heard of such an example before, so I do not know the regulation concerning that.
- Q. Did Vice Admiral Iwabuchi had the power to court-martial anyone under his command?
- A. Yes he had the power, because when I left Manila I left the power to each unit to form a court-martial board.
- Q. When did you last see Admiral Toyoda, Soemu, prior to going to Manila on 2 November 1944?
- A. It was either on 26 or 27 October 1944.
- Q. Where was that?
- A. In Hiyoshi of Kanagawa-ken, Japan.
- Q. What did Toyoda say to you and what did you say to him at that time?
- A. Toyoda said, "The war situation is getting worse; to have you go at this time is very difficult and I wish to have you do your utmost." And I replied, "I shall do the best I can."
- Q. At that time were you assigned to the commands of the Southwest Pacific Fleet and the Third Southern Expeditionary Force?
- A. I was not in command but was to assume command.
- Q. It was understood that you were to assume command of both the Southwest Pacific fleet and the Third Southern Expeditionary Fleet, is that correct?
- A. Yes.
- Q. Did you tell Toyoda where you were going to establish your headquarters?
- A. I did not say because he knew already.
- Q. Did he know already that your headquarters were to be established at Manila?
- A. Yes.
- Q. Did you speak of the defense of Manila, in case it was to be attacked?
- A. No, we did not speak of such.
- Q. Did Toyoda anticipate that the American forces would attempt to re-take Manila?
- A. There was no such discussion.
- Q. Where were the American forces at the time that you assumed command of the Southwest Pacific Fleet and the Third Southern Expeditionary Force?
- A. On Leyte.
- Q. Did you anticipate that if the Americans took Leyte they would next proceed to Luzon and to re-taking Manila?
- A. I would not say that I did not anticipate that.

to-day or not, by reason of the

changes in the ^{conception} of war, progress

of arms, adaption of new weapons,

etc. The purpose of this treaty itself

leaves no room for censure, and

also the regulations, if amended a

little, seem to have no reason

~~for~~ which makes its observance difficult.

(b) The provisions of this treaty shall

apply only when all of belligerents

are the parties thereto and only

- 1-5 Dec No 102 A
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~~only when all of belligerents~~

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15 Dec No 102 A

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Miss Furutawa.

17

P.P. 324-329

及ビ綴ノ一部ナルコトヲ證明ス。(若シアラバ綴番號又ハ引用、其ノ他公式書類又ハ綴ニ於ケル該文書ノ成規所在ノ公式名稱ヲモ特記スベシ)

千九百四十六年／昭和二十一年／ 月 日

ニ於テ署名

當該官吏署名欄

①

M. Furukawa

Part III. Prisoner of War

It is generally advocated that anybody who has a certain qualification, when he is caught by ^{the} enemy, should be treated as a POW; and undoubtedly ill-treatment should not be given to him so that he shall be treated as well as a military man under the authority of the country concerned, except for some necessary restrictions.

~~to~~ ~~him~~. This is the fundamental spirit of the Regulations of Land Warfare.

Much of our stock was taken from us and much which we know had arrived at the Camp was not issued to us and many troops direfully in need of it were caused much suffering and pain. No particular individual can be indited for the crime rather the whole Osaka organisation from Colonel Murata down.

3. CLOTHING.

Except for sex and boots this was appropriate and adequate. Three blankets were issued for summer and five for winter. Summer prisoner work and rest suits of cheap material were given out as were heavier ones for winter (coats and trousers). Underpants and undershirts light and heavy were issued in summer and winter. Several issues of American Red Cross comforts were made and they included one set of warm underwear. Each man was given a Nipponese raincoat for summer and an overcoat for winter and everyman received a Nipponese army cap. Two pairs of white cotton socks were the total issue per man in two years and the only boots given were Nipponese rubber ones.

4. Quarters.

The camp consisted of two ex-british warehouses of three stories each with attic made of brick with heavy rough wooden floors and each story connected by two fairly wide stairways and a jumble of old wooden Nipponese buildings between them the whole being bounded by three streets close to the docks and in the commercial area of the town. Furnishing were highly inflammable pine sleeping benches raised about eighteen inches from the floors.

Sleeping side by side each man had twenty seven inches lateral space with a depth of about six feet and a total air space of two hundred and ninety cubic feet.

Window space was one thirtieth of floor space all windows being barred and provided with iron shutters which had to be closed when air raid sirens sounded.

Quarters were always dirty dusty and foul smelling and material for cleansing were always denied us.

Vermis abounded. Tots always present while summer produced myriads of mosquitos and flies and winter brought forth bedbugs and body lice. Lavatories were primitive and consisted of cement pits hand or pump emptied by gangs of coolies who came at irregular periods and only when faeces and urine were overflowing on the floors. In summer one always crunched ones way over the lavatory floors the bodies of countless white maggots causing the crunching sound underfoot.

Reported requests for disinfectant were disregarded and no interest could be aroused even among the more intelligent members of the Nipponese staff in mosquito or fly prevention.

Two lavatories supplied the camp and one of them was separated from the Camp food store by a cracked flimsy pine wall. It became necessary to pile bags of rice on wooden blocks to endeavour sometimes unsuccessfully prevent contamination of our food from urine and faeces which had over flowed the cement pits.

The Camp hospital has been partially described but it may be added that the only exit from it was one narrow twisted wooden stairway which became a blaze early during the final incendiary raid by Fortresses and by Task Force 30 on the fifth day of June one thousand nine hundred and forty five. Great difficulty was experienced in evacuating the sick and stretcher cases. The hospital had no water laid on and all excrement had to be carried away by the Orderlies. The Camp was ill placed being always in the line of fire and it was finally the only camp in Kobe not evacuated when the city was taken and it was frequent.

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

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

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

(2)

(Enemy's military men also perform their duty and sacrifice their lives for their country. So, ~~inaction~~, they are to be rather respected and ^{admired} ~~loved~~ rather.)

During the Great War, treatment of POW was considerably cruel and former regulations were violated in many cases.

(Note.) It was mainly ~~about~~ Germany's treatment which gave rise to public discussion. The cause of their ill-treatment was shortage of resources ~~on~~ German ~~side~~ owing

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/s/ C. P. Boyce
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(3)

to unavoidable circumstances.

Salient cases called in question are as follows:

(1) Inspection of POW camps by representatives of neutral countries.

The British Government suggested in each country inspection of POW camps by representatives of neutral powers, and the German Government gave consent, though unwillingly, to the plan. However, especially the inspection of many camps (because working places were scattered) was very difficult.